



*Meeting:* **Development Control and Regulatory Board**

*Date/Time:* **Thursday, 21 May 2020 at 2.00 pm**

*Location:* **Skype/Sparkenhoe Committee Room, County Hall, Glenfield**

*Contact:* **Mr E. Walters (Tel: 0116 3052583)**

*Email:* **[euan.walters@leics.gov.uk](mailto:euan.walters@leics.gov.uk)**

### **Membership**

Mr. J. G. Coxon CC (Chairman)

Mr. I. E. G. Bentley CC	Mr. W. Liquorish JP CC
Mr. M. H. Charlesworth CC	Mr. L. Phillimore CC
Mr. B. Crooks CC	Mrs. J. Richards CC
Mr. D. A. Gamble CC	Mr. S. D. Sheahan CC
Mr. T. Gillard CC	Mrs. M. Wright CC
Mr. D. Harrison CC	Mr. M. B. Wyatt CC

**Please note: The Development Control and Regulatory Board meeting on Thursday 21 May 2020 at 2:00pm will not be open to the public in line with Government advice on public gatherings.**

**This meeting will be filmed for live or subsequent broadcast via YouTube:**  
<https://www.youtube.com/channel/UCWFpwBLs6MnUzG0WjejrQtQ>.

### **AGENDA**

#### **Item**

1. Minutes of the meeting held on 12 March 2020. (Pages 3 - 8)
2. Question Time.
3. Questions asked by Members under Standing Order 7(3) and 7(5).
4. To advise of any other items which the Chairman has decided to take as urgent elsewhere on the agenda.
5. Declarations of interest in respect of items on the agenda.



6. Presentation of petitions under Standing Order 36.

Reports of the Chief Executive on Planning Applications - County Matter Applications.

7. 2020/0072/02/ (2019/VOCEIA/0292/LCC - Biffa - To accommodate proposed changes to the design of the plant including materials used in the construction and the external appearance of the plant; the removal of the IBA maturation area and relocation of the car park into the IBA area; rearrangement of external ancillary equipment and internal site roadways - Newhurst Quarry, Ashby Road East, Shepshed. (Pages 9 - 26)
8. Delegated Reports Schedule January 2020 - March 2020. (Pages 27 - 28)
9. Any other items which the Chairman has decided to take as urgent.
10. Chairman's announcements.



Minutes of a meeting of the Development Control and Regulatory Board held at County Hall, Glenfield on Thursday, 12 March 2020.

PRESENT

Mr. J. G. Coxon CC (in the Chair)

Mr. M. H. Charlesworth CC  
Mr. B. Crooks CC  
Mrs. H. J. Fryer CC  
Mr. T. Gillard CC  
Mr. D. Harrison CC

Mr. W. Liquorish JP CC  
Mr. L. Phillimore CC  
Mr. T. J. Richardson CC  
Mr. S. D. Sheahan CC  
Mrs. M. Wright CC

90. Minutes of the previous meeting.

The minutes of the meeting held on 13 February 2020 were taken as read, confirmed and signed.

91. Question Time.

The Chief Executive reported that no questions had been received under Standing Order 35.

92. Questions asked by Members.

The Chief Executive reported that no questions had been received under Standing Order 7(3) and 7(5).

93. Urgent items.

There were no urgent items for consideration.

94. Declarations of interest.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

It was noted that all members who were members of a Parish, Town or District Council, or Liaison Committee would have personal interests in applications which related to areas covered by those authorities.

No declarations were made.

95. Presentation of petitions.

The Chief Executive reported that no petitions had been received under Standing Order 36.

96. 2019/TPO/0221/LCC: Application to reduce crown of red horse chestnut T1 by 50% and reduce the height of 18 mixed conifers by 50% at the Firs, Stamford Road, Kirby Muxloe.

The Board considered a report of the Director of Environment and Transport, a copy of which, marked 'Agenda Item 7', is filed with these minutes.

RESOLVED:

That consent be refused to crown reduce the red horse chestnut T1 by 5.0m and reduce the height of the group of 18 conifer trees G1 by 50%.

REASON FOR DECISION:

The proposed crown reduction of the red horse chestnut T1 by 5.0m and the reduction in height of the 18 conifer trees G1 by 50% would have a moderate detrimental impact on the amenity value of the area.

97. Delegated Tree Preservation Order decisions from July 2019 to December 2019.

The Board considered a report of the Director of Environment and Transport which set out the Delegated Tree Preservation Order Decisions issued in the period 1 July 2019 to 31 December 2019, a copy of which, marked 'Agenda Item 8' is filed with these minutes.

RESOLVED:

That the report be noted.

98. 2019/1418/04 (2019/VOCM/0265/LCC): Tarmac Trading Limited - Variation of Condition 7 of Planning Permission 2017/0902/04 to allow continuity of production at an important mineral extraction site within the County. Cadeby Quarry, Naneby Hall Farm, Brascote Lane, Cadeby.

The Board considered a report of the Chief Executive, a copy of which marked 'Agenda Item 9', is filed with these minutes.

Mr. B. Crooks CC speaking as a local member stated that given the record of Tarmac Trading Limited with regard to fulfilling their promises, he had concerns that they would not carry out the phasing of the restoration proposals within the required time period.

RESOLVED:

- (a) That the application be permitted subject to the conditions nos. 1-38 as set out in the appendix to the report;
- (b) That the Board confirms (as required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) that in dealing with the application the County Council worked in a positive and proactive manner, taking account of paragraph 38 of the National Planning Policy Framework.

(Mr. B. Crooks CC voted against the motion.)

99. 2019/2291/07 (2019/VOCM/0241/LCC): Tarmac Aggregates Limited - Variation of Conditions 5 & 57 of Planning Permission No. 2007/1361/07 - Variation of the approved restoration scheme to provide an improved layout of agricultural and nature conservation areas; to reflect the updated position in terms of public rights of way; to incorporate existing crossing points over drainage ditches at the application site; and to take account of the East Midlands Gateway development which extends into the application site and supersedes the approved restoration in those areas - Lockington Quarry, Warren Lane, Lockington.

The Board considered a report of the Chief Executive, a copy of which marked 'Agenda Item 10', is filed with these minutes.

RESOLVED:

- (a) That the application be permitted subject to the conditions nos. 1-68 as set out in the appendix to the report;
  - (b) That the Board confirms (as required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) that in dealing with the application the County Council worked in a positive and proactive manner, taking account of paragraph 38 of the National Planning Policy Framework.
100. Application to vary conditions attached to planning permission 2013/0986/07 and the associated S106 Agreement at the former Minorca Surface Mine, Bosworth Road, Swebstone

The Board considered a report of the Chief Executive, a copy of which marked 'Agenda Item 11', is filed with these minutes, as is a supplementary report which proposed amendments to the conditions set out in the main report.

The local members Mr. D. Harrison CC and Mr. S. Sheahan CC both supported the officer's recommendation.

RESOLVED:

- (a) That the application be permitted subject to:
  - (i) the conditions nos. 1-14 as set out in Appendix B to the report, subject to the amendments as set out in the supplementary report;
  - (ii) the prior completion of a S106 agreement covering aftercare and management responsibilities on the site and an amended arrangement for the retention of the restoration bond.
- (b) That the Board confirms (as required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) that in dealing with the application the County Council worked in a positive and proactive manner, taking account of paragraph 38 of the National Planning Policy Framework.

101. 2020/0127/07 (2020/Reg3Mi/0005/LCC): Leicestershire County Council - Proposed Foundation block extension and increase in car parking- Orchard Primary School, 1 Grange Drive, Castle Donington.

The Board considered a report of the Chief Executive, a copy of which marked 'Agenda Item 12', is filed with these minutes.

RESOLVED:

- (a) That the application be permitted subject to the conditions nos. 1-11 as set out in the appendix to the report;
- (b) That the Board confirms (as required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) that in dealing with the application the County Council worked in a positive and proactive manner, taking account of paragraph 38 of the National Planning Policy Framework.

102. Review of Delegated Powers to Heads of Departments.

The Board considered a report of the Director of Law and Governance, a copy of which, marked 'Agenda Item 13', is filed with these minutes.

The Director gave reassurance that planning applications were widely advertised to encourage the public to view the applications and submit any comments. For minor applications this included site notices and letters were sent to neighbouring properties. For major applications notices would also be placed in newspapers. It was clarified that officers use discretion and typically publicise planning applications beyond that required by law.

In response to concerns that contributions under Section 106 of the Town and Country Planning Act 1990 were not being requested and managed efficiently, reassurance was given that the County Council was strengthening resources in this area, creating additional posts and introducing new processes to ensure better engagement with district councils and to ensure more effective monitoring and enforcement.

Members welcomed that the term 'local member' would be interpreted broadly so that members representing surrounding divisions would also be able to request that the Board determine an application.

In response to a query the Director reassured Members that reference to 'objections' in the Scheme of Delegations included petitions and that each signature on the petition would count as one objection. It was proposed and seconded that the Scheme of Delegations be amended to make this clear.

RESOLVED:

That the revised delegations as set out in the appendix to the report be approved, subject to amendment of Clause F(iii) so that it reads:

- “(iii) more than four objections (either individually or via a petition) from local residents and/or businesses, raising material planning considerations, have been received during the statutory consultation period. In the event of an

objection being received which appears not to relate to a material planning consideration, the Director of Law and Governance after consultation with the Chairman and Spokespersons of the Development Control and Regulatory Board shall determine its relevance and whether it would be appropriate to refer the matter for determination by the Board;”

2.00 - 3.20 pm  
12 March 2020

CHAIRMAN

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**DEVELOPMENT CONTROL AND REGULATORY BOARD**

**21<sup>st</sup> May 2020**

**REPORT OF THE CHIEF EXECUTIVE**

**COUNTY MATTER**

**PART A – SUMMARY REPORT**

- APP.NO. & DATE:** 2020/0072/02 (2019/VOCEIA/0292/LCC) – 8<sup>th</sup> January 2020
- PROPOSAL:** S73 planning application to vary condition 2 of planning permission no. 2014/1440/02 to accommodate proposed changes to the design of the plant including materials used in the construction and the external appearance of the plant; the removal of the IBA maturation area and relocation of the car park into the IBA area; rearrangement of external ancillary equipment and internal site roadways.
- LOCATION:** Newhurst Quarry, Ashby Road East, Shepshed, LE12 9BU
- APPLICANT:** Biffa
- MAIN ISSUES:** Landscape and amenity.
- RECOMMENDATION:** Permit subject to the conditions outlined in Appendix A and updating of s.106 agreement.

**Local Issues Alert Procedure**

Mrs. C.M. Radford CC

**Officer to Contact**

Mr. D.C. Galpin  
Email: [planningcontrol@leics.gov.uk](mailto:planningcontrol@leics.gov.uk)

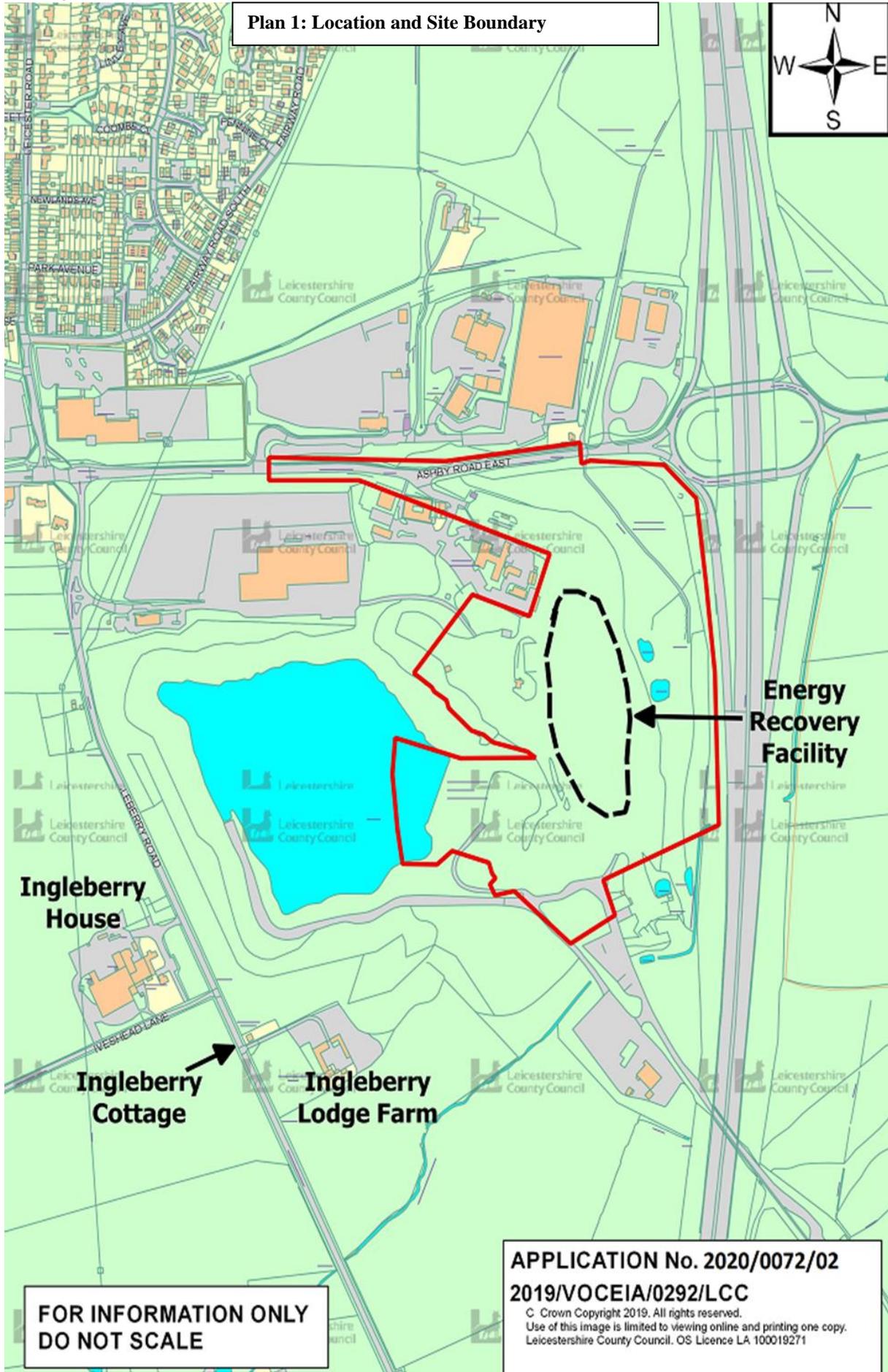
## **Location of Development**

1. The former Newhurst Quarry site lies to the west of the M1 Motorway at junction 23, on the south eastern edge of Shepshed. The A512 runs along the northern boundary where the site access is located, and the B591, Ingleberry Road bounds its western side running in a north west to south east direction. The offices of Hanson UK adjoin the northern site boundary, and there are industrial units situated on the north side of the A512 and off Ingleberry Road in close proximity to Newhurst Quarry. The site connects to Longcliffe Quarry on the eastern side of the M1 via an underpass at the southern end of the site.
2. The closest residential property is located on the northern side of the A512, adjacent to a Highways England depot, approximately 100m north of the proposed internal access roadway and 230m from the northern façade of the Energy Recovery Facility (ERF) building. Ingleberry Lodge located to the southwest of the facility is approximately 430m from the southern building façade. Other properties, including the closest residential area in Shepshed, are located in excess of 500m from the building.
3. The application boundary comprises part of the former Newhurst Quarry site and is located to the east of the quarry void. The application site extends to approximately 15.5ha.

## **Planning History**

4. Quarrying operations were undertaken at Newhurst Quarry since the 19th Century, although no extraction operations have taken place since around 2000. All stockpiles, processing equipment, a stand-alone concrete batching plant and all other buildings having now been removed from the site.
5. Planning permission for the landfilling of Newhurst Quarry and an associated front-end recycling facility was granted in February 2009 (ref. 2007/1987/02).
6. Planning permission 2009/2497/02 (Appeal ref. APP/M2460/A/11/2150748) was granted on 28 June 2012 by the Secretary of State for the construction and operation of an Energy Recovery Facility (ERF) and ancillary facilities (see plan 1 for location map). Under this permission, Biffa entered into a Unilateral Undertaking (UU) with the land owner of the Garendon Estate which principally covered the restoration of the estate, the setting up of a liaison committee and included a restricted for HGV route. This was amended in 2014 with Leicestershire County Council (LCC) as a signatory.
7. The original ERF planning permission was amended on 26th March 2015 to make changes to the design of the ERF to provide optimal efficiencies both operationally and in terms of power output (Ref: 2014/1440/02). These changes fundamentally related to the combustion process technology, replacing the two process lines with a single process line capable of processing up to 350,000tpa and a reduction to just one flue stack alongside other minor changes. Following

the approval of pre-commencement conditions this consent has been implemented.



8. The proposed new layout shows the recently amended provisions (approved through Non-Material Amendment ref. 2019/0240/02) for access to the remainder of the landholding at Newhurst and Longcliffe Quarries, which are included for completeness.

### **Description of Proposal**

9. This planning application is seeking modifications to the layout of the ERF by way of a variation of the approved ERF drawings under condition no.2 of planning permission 2014/1440/02. The application is proposing these changes as a result of refining the design.
10. The main change relates to the Incinerator Bottom Ash (IBA) maturation area which is no longer required as there are now several alternative, suitable off-site facilities that can process the ash. Under the original scheme, the IBA would have been processed within a covered area to the north of, and contiguous with, the ERF building. As a consequence of the removal of the IBA maturation area, it is proposed to relocate the car park to this area, remove a peripheral wall and provide additional landscaping. This would remove the need for the car park to the west of the ERF building, and a connecting footbridge from the car park into the offices within the ERF building.
11. The proposed new layout shows the recently amended provisions (approved through Non-Material Amendment ref. 2019/0240/02) for access to the remainder of the landholding at Newhurst and Longcliffe Quarries, which are included for completeness.
12. Other minor changes to the design include: changes in both the size and locations of the louvres and doors as a result of changes to the internal arrangements, also resulting in some changes to access points off the service roads; the detailed design also shows more detail in relation to the roof vents; a slight reconfiguration of the coolers (which are located on the eastern façade of the building); provision of diesel generator sets adjacent to the western façade of the ERF building (required to shut the plant down in the event of an emergency if the import power is lost or unavailable; and the start-up of the plant in the event that the import power supply is unavailable); and an additional in-bound weighbridge.
13. The further revisions to the design also result in improved efficiency with an increase in generation capacity. The applicant anticipates that the plant will generate approximately 43MW, with approximately 39.6MW available for export. This represents an increase from 37MW and 33MW respectively on the revised 2014 scheme and 25MW and 21MW respectively based on the original 2012 scheme. There are no proposed changes to the quantity of waste to be imported to the plant.
14. Part of the management in and around the Newhurst site involves changes to the planning obligations in relation to the local Garendon Estate. Under the Unilateral Undertaking (UU), a Landscape and Ecological Management Plan (LEMP) will be implemented on the Garendon Estate. A large housing development was

approved by Charnwood Borough Council on July 20th, 2018 (P/14/1833/2) which effects Biffa's original LEMP. Once the housing developer has acted on the above planning consent, the developer's planting scheme will be delivered with financial contributions from Biffa.

15. The applicant will implement the approved planting scheme in the season 2024/2025 if planning permission P/14/1833/2 is not implemented and no application to extend the date for implementation has been received.

## **Planning Policy**

### **Development Plan**

16. The development plan for the application site comprises the Leicestershire Minerals and Waste Local Plan (adopted September 2019) and the Charnwood Local Plan 2011 to 2028 Core Strategy (adopted November 2015).

17. The principal policy considerations of relevance to the current application are set out below.

### **Leicestershire Minerals and Waste Local Plan (2019):**

- Policy W1 Waste Management Capacity;
- Policy W7 Facilities for Energy and Value Recovery from Waste;
- Policy DM1 Sustainable Development;
- Policy DM2 Local Environment and Community Protection;
- Policy DM3 Strategic Green Infrastructure;
- Policy DM5 Landscape Impact;
- Policy DM7 Sites of Biodiversity/Geodiversity Interest;
- Policy DM9 Transportation by Road;
- Policy DM12 Restoration, Aftercare and After-use.

### **Charnwood Local Plan 2011 to 2028 Core Strategy:**

- Policy CS 2 High Quality Design;
- Policy CS 13 Biodiversity and Geodiversity;
- Policy CS 16 Sustainable Construction and Energy;
- Policy CS 17 Sustainable Travel;
- Policy CS 25 Presumption in Favour of Sustainable Development.

### **National Policy**

18. The *National Planning Policy Framework* (NPPF) sets out the Government's planning policies for England and is a material consideration for determining planning applications. Paragraph 7 of the NPPF states that 'the purpose of the planning system is to contribute to the achievement of sustainable development' and paragraph 8 outlines economic, social and environmental objectives.

19. Paragraph 11 states that 'plans and decisions should apply a presumption in favour of sustainable development'. For decision taking this means approving

development proposals that accord with an up-to-date development plan without delay.

20. Section 12 of the NPPF relates to the need to achieve well designed places, and paragraph 124 states that ‘Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’.
21. Section 15 of the NPPF concerns ‘conserving and enhancing the natural environment’ and paragraph 175b provides advice in relation to the protection of Sites of Special Scientific Interest.
22. Paragraph 1 of the *National Planning Policy for Waste* (NPPW) explains that planning plays a pivotal role in delivering this country’s waste ambitions through ‘delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy’.
23. Paragraph 7 of the NPPW states that when determining planning applications planning authorities should ‘ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located’.

### **Consultations**

#### **Charnwood Borough Council – Planning**

24. No objection. There was initially some confusion around a previous objection to a Non-Material Amendment (NMA) that was determined in 2019. This has now been resolved as two previous NMA applications have been incorporated into this application.

#### **Charnwood Borough Council – Environmental Health**

25. No objection. It is considered that the development was not found to give rise to any significant effects on the local environment or amenity subject to compliance with noise levels set out in condition 26 of the previous permission and in chapter 9 of the 2014 Environmental Statement.

#### **Environment Agency (EA)**

26. No objections to make to the proposal. The EA are satisfied with the conclusions made in the Environmental Impact Assessment (EIA). It is noted that the removal of the of the external IBA maturation area essentially eliminates the impacts relating to external ash storages and treatment. The EA also agree with the conclusion contained in the environmental statement (ES) that the operational noise levels will be unlikely to generate complaints or have any impacts on the ambient noise levels.

#### **Local Highways Authority (LHA) – Leicestershire County Council**

27. No comments or objections.

**Leicestershire County Council – Ecology**

28. No comments or objections.

**Leicestershire County Council – Landscape**

29. The revised scheme is satisfactory subject to a requirement for a landscape scheme covering the area to the west of the ERF building and the new car park area to the north.

**National Planning Casework Unit (Secretary of State)**

30. No comments.

**Natural England**

31. No comment.

**Shepshed Town Council**

32. No reply received.

**Publicity**

33. The application was advertised by press notice in the Loughborough Echo on 15 January 2020 and site notice dated 16 January 2020. No representations have been received.

**Assessment of Proposals****Principle of Development**

34. This application seeks to vary Condition No. 2 of Planning Permission 2014/1440/02, which is the extant planning permission for the ERF. The applicant together with their project partners and the technology provider propose amendments to the design of the ERF in the light of technology and operational advances that are now available since the previous ERF design was approved. The proposed changes require amendments to the approved ERF drawings which are set out in Condition 2 of the extant planning permission. The application is accompanied by an Environmental Statement (ES) in the form of an addendum to the previous ES, for completeness and to update the previously submitted information. Notwithstanding this, the changes proposed are not considered to be significant and are of a relatively minor nature.

35. The main change relates to the removal of the external Incinerator Bottom Ash (IBA) maturation area, which is shown on the approved drawings at the northern end of the ERF building. This is no longer required as there are alternative off-site facilities that can now process the ash. This would remove the main outdoor activity that would potentially have been a source of noise and dust generation and is therefore a benefit to the overall operation of the ERF. There would not be

any increase in HGV movements as a result of this proposed change, and the IBA would be exported from site directly from the internal storage area within the ERF building. As a consequence of this, it is proposed to relocate the car park to this area and remove a concrete peripheral wall, which was needed for IBA storage purposes. This would remove the need for the car park to the west of the ERF building, and the connecting footbridge into the offices within the ERF building and provide additional landscaping in and around these areas

36. Whilst the overall principle of the development is secured by existing approvals, it is worth reiterating that the ERF development is supported by adopted local and national policy as outlined above. Most notably, in its management of waste with a demonstrable energy recovery benefit, and in terms of its contribution towards Government's climate change agenda. In respect of the Leicestershire Minerals and Waste local Plan 2019, the ERF is recognised as playing a key role in providing sufficient capacity to meet an identified shortfall (paragraph 4.11). This ERF is therefore important to the success of the overall current strategy and approach to dealing with the residual non-inert non-hazardous wastes generated over the plan period to 2031 (paragraph 4.5 and Table 6). The implementation of the ERF therefore accords with the objectives and policies of W1, W7 and DM1 of the Leicestershire Minerals and Waste Local Plan 2019.

## Environmental and Other Effects

### Landscape and Visual Amenity

37. The changes proposed would take place at ground level and in close proximity to the facades of the ERF building and, although of a minor nature, would be screened by the established vegetation around the site boundary. The addendum to the ES has assessed the potential landscape and visual implications of the proposed changes and predicts that there would be no significant effects, being almost indistinguishable from the surrounding area. The relocation of the car park would allow for additional grassland/heathland mosaic to the west of the ERF building which would be a recognisable benefit to the overall landscape structure of the site. The detail of this could be incorporated within a landscape scheme requirement as advised by the Authority's landscape officer, and also include the planting details to enhance the new car parking area on the northern end of the ERF building.
38. Subject to the control of a landscaping scheme for the affected areas, it is considered that the landscape and visual amenity impacts of the proposed design changes are satisfactory and meet the requirements of policies DM5 and DM12 of the Leicestershire Minerals and Waste Local Plan 2019.
39. The impacts of the design changes on the wider environment are considered to be low if not negligible. There are very limited changes to the overall appearance of the ERF which will maintain its rolling hill form, stepped roof plains and a tall, vertical stack. Furthermore, there are no material changes to the overall landscape masterplan. The removal of the external IBA maturation area is also

considered beneficial for overall site amenity and this proposal is therefore in accordance with Charnwood's design policy CS2.

### Noise and Dust

40. The design changes, specifically the removal of the exterior IBA storage area would produce a benefit to the overall operation of the ERF, as this activity would potentially be the noisiest and dustiest associated with the operation of the ERF. The storage and loading of the IBA would now be undertaken inside the ERF building thereby significantly reducing the potential for dust and noise emissions. The ES confirms that the previously approved noise limits for daytime and night-time periods for all receptor locations would be complied as set out under condition 26 of permission 2014/1440/02. For the vast majority of operational time, the noise levels would lower than what was previously assessed (planning condition 42 LAeq,T vs a predicted noise level of 36 LAeq,T).
41. It is considered that the existing noise and dust conditions should be carried forward in their present form to any new planning permission and are satisfactory in meeting the requirements of policy DM2 of the Leicestershire Minerals and Waste Local Plan 2019.

### Highways

42. There would be no increase in HGV movements associated with the proposed design changes. The exportation of the IBA would remain at the current expected levels and within the extant approved limits. The changes to the car parking would not result in any reduction of spaces, as the currently approved 48 spaces would be replicated in the new area proposed together with parking for motorcycles, bicycles and disabled drivers. The site access arrangements at the junction with the A512 have recently been approved, and these are fully incorporated into the County Council's designed scheme for the M1Jnc.23 and A512 improvement works that are currently being built. There are therefore no highway/transportation implications associated with the proposed design changes, and the extant approved controls are considered satisfactory having regard to the requirements of policy DM9 of the Leicestershire Minerals and Waste Local Plan 2019.

### Other Matters

43. There are no implications with regard to air quality, archaeology and cultural heritage, ecology or socio-economic matters, which were all topics scoped out of the ES.
44. The application presents an opportunity to review and update the existing conditions attached to the current planning permission (2014/1440/02). The proposed revised s.106 agreement will make provision for all existing obligations to be carried forward in relation to this planning application. In addition, the requirement for the off-site planting on the Garendon Estate will also be updated.

### Conclusion

45. The proposal is in accordance with the development plan policies highlighted, the NPPF and the NPPW. The proposed changes, particularly the removal of the IBA maturation area, and the additional landscaping works, would provide a benefit to the overall ERF development.

### Recommendation

- A. Permit subject to the conditions set out in Appendix A and the updating of the current s.106 agreement.
- B. To endorse, as required by The Town and Country Planning (Development Management Procedure) Order 2015 (as amended), a summary of;
  - a. How Leicestershire County Council has worked with the applicant in a positive and proactive manner:
  - b. In dealing with the application and reaching a decision account has been taken of paragraph 38 of the National Planning Policy Framework, which advises that planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area, by seeking to approve applications for sustainable development where possible.

**Appendix****Conditions****Scope of Development**

1. Unless otherwise required by this permission the development shall be carried out in accordance with the following:
  - a) planning application reference 2020/0072/02 (2019/VOCEIA/0292/LCC) and the accompanying Environmental Statement Addendum dated December 2019;
  - b) The Environmental Statement dated July 2014 and the Environmental Statement Addendum dated December 2019.
  - c) drawings referenced:
    - NH 2/1 Rev. 2 June 2014 Site location Plan;
    - NH 2/2 Rev. 2 June 2014 Application and Ownership Boundaries;
    - VAA-WA-50080005\_1.0 Layout Plan GA;
    - VAA-WA-50080010\_1.0 Ground Floor GA;
    - VAA-WA-50080015\_1.0 Fifth Floor Plan GA;
    - VAA-WA-50080030\_1.0 Section A-A (Longitudinal Section) General Arrangement;
    - VAA-WA-50080031\_1.0 Section B-B (Cross Section) General Arrangement;
    - VAA-WA-50080040\_1.0 South Elevation;
    - VAA-WA-50080041\_1.0 North Elevation;
    - VAA-WA-50080042\_1.0 West Elevation;
    - VAA-WA-50080043\_1.0 East Elevation;
    - NH 3/12 Rev.4 January 2020 Landscape Master Plan;NH 3/14 Rev.2 June 2014 Gatehouse Detail.

**Ecology and Landscape Management**

2. The Ecological and Landscape Management and Mitigation Plan strategy for the application site shall be undertaken in accordance with the details approved by the Waste Planning Authority on 2nd June 2015. The Management Plan and strategy shall be implemented in full in accordance with the agreed program.
3. A detailed landscape scheme shall be submitted to the Waste Planning Authority by 31st December 2020 in respect of the area of the former car park to the west of the ERF Building and the new car park area to the north of the ERF Building. The scheme should provide a schedule of species, nursery stock specification, plant distribution and grass seed mix/specification and

include native species, a net gain for biodiversity, species rich grassland, and plant protection and aftercare. The scheme should have regard to and complement the approved Ecological and Landscape Management and Mitigation Plan for the site.

### Materials

4. The construction of the ERF building shall be in full accordance with the schedule of external materials approved by the Waste Planning Authority on 11th November 2019. The ERF building shall be erected and thereafter maintained in accordance with the approved details.

### Site Access Provision and Use

5. The development shall not be brought into use unless and until the site access and Ashby Road (A512) has been upgraded in full accordance with the details shown on drawing ref. MTP0037.000\_J23W\_H3\_1\_3 GA & Loops as approved by the Waste Planning Authority on 6th January 2020. Following its construction, the access shall thereafter be maintained in accordance with the approved details.
6. The development shall not be brought into use unless and until the existing bus stop within Ashby Road adjacent to the site entrance has been relocated in full accordance with the details shown on drawing ref. MTP0037.000\_J23W\_H3\_1\_3 GA & Loops as approved by the Waste Planning Authority on 6th January 2020. Following its relocation, the bus stop shall thereafter be maintained in accordance with the approved details.
7. The routing of construction traffic shall be in full accordance with the details approved by the Waste Planning Authority on 12th April 2015. During the period of construction all traffic to and from the site shall use the approved route at all times.
8. For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.
9. Travel to and from the site shall be in full accordance with the Green Travel Plan approved by the Waste Planning Authority on 8th June 2015. The Green Travel Plan shall be implemented throughout the course of the construction phase of the development.
10. The development shall not be brought into use unless and until details of a Green Commuter Plan containing a travel-to-work, car use and car parking management strategy for the site as a whole has been approved by the Waste Planning Authority. The Plan shall comprise proposals to reduce car dependence and vehicle emissions and to establish and encourage the use of alternative transport modes for journeys to and from work and during working hours. Details of the proposals shall include measures to secure increases in car sharing, public transport use, cycling and walking, proposals for car

parking restrictions and controls and details of on-site facilities to promote alternative modes of travel to the site. The plan shall make provision for relevant surveys, review and monitoring mechanisms, targets, timescales, phasing programs and on-site management responsibilities. It shall be implemented and subject to regular review in accordance with the above approved details.

11. The total number of Heavy Goods Vehicle (HGV) movements associated with the development shall not exceed a daily maximum of 242 (a vehicle entering and subsequently leaving the site equates to two movements). Records of such movements shall be maintained daily and shall be made available to the Waste Planning Authority within five working days of such a request being made. All records shall be kept on site for at least 12 months.
12. The development shall not be brought into use unless and until the car parking shown on drawing reference NH 3/12 Rev.4 January 2020 Landscape Master Plan has been constructed in full accordance with the approved details. Thereafter the car park shall be kept free of obstruction and available for the parking of vehicles associated with the development.

#### Protection of Trees, Shrubs and Hedgerows & Protected Species

13. All hedgerows and trees to be retained and near to the construction works shall be protected in accordance with BS5837:2005. Once installed the means of protection shall be maintained in situ until the nearby construction works are completed.
14. No works that involve the removal of trees, shrubs, hedgerows, scrub and other vegetation including habitats used by ground nesting birds shall be undertaken during the months of March to August inclusive unless the area has first been checked by a qualified ecologist and an action plan agreed in writing with the Waste Planning Authority.

#### Protection of the Environment

15. The risks associated with contamination of the site shall be managed in full accordance with the details approved by the Waste Planning Authority on 2nd June 2015, 17th September 2019 and 17th January 2020.
16. The construction of all foundations for the development shall be in full accordance with the design criteria approved by the Waste Planning Authority on 17th January 2020.
17. The surface water drainage limitation measures for the site shall be undertaken in full accordance with the details approved by the Waste Planning Authority on 12th April 2015. The scheme shall be implemented in accordance with the approved details before the development is completed.
18. The measures to ensure that the site is not at flood risk from Shortcliffe Brook shall be undertaken in full accordance with the details approved by the Waste

Planning Authority on 12th April 2015. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme.

19. The disposal of foul and surface waters shall be undertaken in full accordance with details approved by the Waste Planning Authority on 12th April 2015. The approved scheme shall be implemented and thereafter maintained for the life of the development in accordance with the approved details.
20. Any facilities for the storage of oils, fuel or liquid chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound shall be at least equivalent to the capacity of the tanks plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank plus 10%. All filling points, vents and sight glasses must be located within the bund. There must be no drain through the bund floor or walls.
21. The Construction Management Plan for the development shall be undertaken in full accordance with the details approved by the Waste Planning Authority on 12th April 2015.
22. The air quality monitoring regime to track any changes in local nitrogen dioxide levels from the construction phase through to six-month full operational status of the facility shall be undertaken in full accordance with the details approved by the Waste Planning Authority on 12th April 2015.

### Noise

23. The noise levels arising from the development when measured at any noise sensitive property shall not exceed 55dB(A)L<sub>Aeq</sub> over any one-hour (free field) during the hours of 07:00 – 23:00 and 42dB(A)L<sub>Aeq</sub> 1 hour (free field) during the hours of 23:00 – 07:00.
24. Measures shall be taken to ensure that the operations carried out on the site do not give rise to noise nuisance or disturbance in the locality. Such measures shall include:
  - a) the effective silencing and maintenance of all engines, exhausts, machinery, plant and equipment, whether fixed or mobile;
  - b) the location and organisation of on-site operations to minimise any noise impact on nearby properties;
  - c) the minimisation so far as is practicably and legally possible, of the level and penetration of noise emissions from reversing warnings fitted to vehicles.

### Lighting

25. Measures to minimise the potential nuisance of light spillage from the development to the locality shall be implemented in full accordance with the details approved by the Waste Planning Authority on 12th April 2015.

26. Notwithstanding condition No. 25, no lighting source shall be directly visible (or visible by reflection) to trunk road users.

#### Hours of operation

27. No HGV shall enter or exit the site except between the hours of 06:00 to 22:00 Mondays to Fridays inclusive and between the hours of 07:30 and 16:00 on Saturdays. No HGV shall enter or leave the site on any Sunday or Public/Bank holiday.

#### Complaints

28. Following the receipt of any complaint about operations on site affecting neighbouring land users or the environment, the operator shall, within 24 hours, notify the Waste Planning Authority of the complaint, details of the investigation and if relevant, any mitigation measures taken.

#### Miscellaneous

29. The development shall not begin operating unless and until a route to the boundary of the site capable of accommodating pipework for heat off-take purposes has been identified and has been approved in writing by the Waste Planning Authority. The route shall thereafter be reserved for this purpose.

#### Reclamation

30. The reclamation of the parts of the site outside the red line but within the blue line on plan No. NH2/2 Rev. 2 shall be undertaken in full accordance with the details approved by the Waste Planning Authority on 22nd March 2016 as amended by Non-Material Amendment reference 2017/NMA/0011/LCC on 26th January 2017. The reclamation scheme shall be carried out in its entirety by 31st March 2025.

#### Aftercare

31. Following the reclamation of any part of the site in accordance with the approved reclamation scheme the reclaimed land shall be treated and managed over a period of five years in accordance with an aftercare scheme which shall be submitted to the Waste Planning Authority by 31st December 2024. The scheme shall provide a strategy for the five-year aftercare period and shall specify the steps that are to be taken to bring the newly restored land to the required standard for the approved biodiversity-led after-use.

## REASONS

1. For the avoidance of doubt and to ensure that the development is carried out in a satisfactory manner in accordance with the approved documents.
2. To minimise the impacts of the development on local amenity and ecological interests and to ensure that the development maximises the biodiversity potential of the site.
3. To ensure that the area of the former car park to the west of the ERF building and the area of the new car park to the north of the ERF building are adequately landscaped.
4. In the interests of local amenity and to ensure that the development has an acceptable external appearance.
5. In the interests of highway safety.
6. In the interests of highway safety and to provide adequate facilities for a new public bus stop.
7. In the interests of highway safety.
8. In the general interests of highway safety and to ensure that adequate off-street parking facilities are available within the curtilage of the development.
9. In the interests of highway safety.
10. To ensure that adequate steps are taken to provide a transport choice including a choice in mode of travel to and from the site.
11. In the interests of highway safety.
12. In the interests of highway safety.
13. To ensure there is adequate protection for existing trees and hedges and their roots within the site in the interests of the landscape and visual amenities of the area.
14. To ensure that nesting birds are not unacceptably disturbed.
15. To ensure a satisfactory form of development and to minimise the risk of pollution on of local watercourses and aquifers.
16. To ensure a satisfactory form of development and to minimise potential impacts on local ground water interests.

17. To ensure adequate drainage of the scheme and minimise associated flood risk beyond the site boundary.
18. To ensure that the development is not at risk from flooding.
19. To prevent pollution of the local water environment.
20. To minimise the risk of pollution on of local watercourses and aquifers.
21. To minimise the impacts upon local communities and in the interests of highway safety.
22. To enable the County Planning Authority the opportunity to monitor the impacts of the development on local air quality.
23. To minimise the adverse impact of noise generated by the operations on the local community and environment.
24. To ensure best practices are undertaken on the site to minimise the adverse impact of noise generated by the operations on the local community and environment.
25. To minimise the adverse impact of light generated by the operations on the local community and environment.
26. In the interests of local amenity and highway safety
27. In the interests of local amenity and to ensure that the development is carried out as per the submitted details.
28. To ensure that the Waste Planning Authority is informed of all complaints relating to site operations.
29. To ensure that the development is as sustainable as practicable.
30. To ensure acceptable restoration of the peripheral areas of the site and the Newhurst Quarry void takes place, in the interests of local amenity and to improve local ecological and biodiversity interests.
31. To ensure that the restored areas of the site are brought into a suitable condition for long term ecological and biodiversity improvements to be made.

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## DEVELOPMENT CONTROL AND REGULATORY BOARD

21 May 2020

### REPORT OF THE CHIEF EXECUTIVE

#### DELEGATED DECISIONS ISSUED 1<sup>st</sup> JANUARY 2020 – 31<sup>st</sup> MARCH 2020

<b>Application</b>	<b>Applicant and Location</b>	<b>Description</b>	<b>Delegated</b>
2020/0182/07	<u>Hugglescote Primary School</u> Hugglescote County Primary School Ashburton Road Hugglescote LE67 2HA	Provision of a hard surfaced running track to the perimeter of the field.	<u>Received:</u> 16/01/2020 <u>Resolution:</u> 20/03/2020 <u>Decision Date:</u> 20/03/2020 <u>Decision:</u> Approved <u>Total weeks</u> <u>For Determination:</u> 9
2019/2176/07	<u>Aggregate Industries (Bardon Quarry)</u> Aggregate Industries Uk Limited Bardon Road Coalville LE67 1TL	Amendment of condition 4 of planning permission no. 2017/0753/07 to extend the duration of use of the Bardon Hall Drive widened carriageway by a year to 31/08/2021 due to delay in quarry construction period.	<u>Received:</u> 01/11/2020 <u>Resolution:</u> 07/01/2020 <u>Decision Date:</u> 07/01/2020 <u>Decision:</u> Approved <u>Total weeks</u> <u>For Determination:</u> 10
2020/0387/07	<u>Fortem</u> Education Building Former Snibston Colliery Ashby Road Coalville	Re-construction of new Education Building. The proposal is based on the fact that the existing education building has been removed as the temporary planning approval for this has now expired.	<u>Received:</u> 23/12/2019 <u>Resolution:</u> 03/03/2020 <u>Decision Date:</u> 03/03/2020 <u>Decision:</u> Approved <u>Total weeks</u> <u>For Determination:</u> 10
2020/0011/04	<u>Congerstone Primary School</u> Congerstone School Shackerstone Road Congerstone CV13 6NH	Construction of a single storey standalone classroom	<u>Received:</u> 07/01/2020 <u>Resolution:</u> 03/03/2020 <u>Decision Date:</u> 03/03/2020 <u>Decision:</u> Approved <u>Total weeks</u> <u>For Determination:</u> 8
2019/1801/03	<u>Leicestershire County Council</u> Fernvale County Primary School Somerby Road Thurnby LE7 9PR	Reconfiguration of, and extension to the existing car park.	<u>Received:</u> 11/11/2019 <u>Resolution:</u> 20/02/2020 <u>Decision Date:</u> 20/02/2020 <u>Decision:</u> Approved <u>Total weeks</u> <u>For Determination:</u> 14

Application	Applicant and Location	Description	Delegated
2019/1382/01	<u>Leicestershire County Council</u> Thistly Meadow Primary School Hospital Lane Blaby LE8 4FE	There are two main elements to the proposed development, a two storey new-build classroom block and two single storey extensions to the existing building.	<u>Received:</u> 16/10/2019 <u>Resolution:</u> 21/02/2020 <u>Decision Date:</u> 21/02/2020 <u>Decision:</u> Approved <u>Total weeks For Determination:</u> 18
2019/2187/07	<u>Leicestershire County Council</u> Kegworth County Primary School High Street Kegworth DE74 2DA	Proposed classroom extension to rear of foundation block. Refurbishment of internal spaces to form 2 new classrooms in main school.	<u>Received:</u> 11/10/2019 <u>Resolution:</u> 04/02/2020 <u>Decision Date:</u> 04/02/2020 <u>Decision:</u> Approved <u>Total weeks For Determination:</u> 17
2019/2068/02	<u>Leicestershire County Council</u> Charnwood College Thorpe Hill Loughborough LE11 4SQ	Addition of a large freestanding canopy to the south of the existing college block k. Change in landscaping around the building to facilitate better access to and from block k, which is to be refurbished and turned into an SEN block. Sprinkler tank added to the south of the building, bin store added to the north. new fencing to be constructed, and car parking arrangements to be reconfigured accordingly. An external door will be added to the north elevation, and one of the windows on the east elevation will be replaced with a louvred ventilation grille (in a colour to match the window frames).	<u>Received:</u> 04/10/2020 <u>Resolution:</u> 07/01/2020 <u>Decision Date:</u> 07/01/2020 <u>Decision:</u> Approved <u>Total weeks For Determination:</u> 14