



Meeting: **Development Control and Regulatory Board**

Date/Time: **Thursday, 12 November 2020 at 2.00 pm**

Location: **Microsoft Teams Video link.**

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

Email: **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 12 November 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/UCWFpwBLs6MnUzGOWjejrQtQ>.

AGENDA

Item

1. Minutes of the meeting held on 8 October 2020. (Pages 3 - 6)
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 35.



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

7. 2020/1191/07 (2020/Reg3Ma/0111/LCC) - Leicestershire County Council - Development of a Waste Transfer Station - Part Plot 6, Interlink Way South, Bardon Industrial Estate, Bardon Hill. (Pages 7 - 28)
8. Delegated Enforcement Notices issued 1 July 2020 to 30 September 2020. (Pages 29 - 30)
9. Any other items which the Chairman has decided to take as urgent.
10. Dates of future meetings.

Future meetings are scheduled to take place at 2:00pm on the following dates:

10 December 2020;
11 February 2021;
11 March 2021;
15 April 2021;
10 June 2021;
15 July 2021;
12 August 2021;
9 September 2021;
14 October 2021;
11 November 2021;
9 December 2021.

11. Chairman's announcements.



Minutes of a meeting of the Development Control and Regulatory Board held at County Hall, Glenfield and via Microsoft Teams video link on Thursday, 8 October 2020.

PRESENT

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

Mr. M. H. Charlesworth CC

Mr. L. Phillimore CC

Mr. B. Crooks CC

Mrs. J. Richards CC

Mr. T. Gillard CC

Mr. S. D. Sheahan CC

Mr. D. Harrison CC

Mrs. M. Wright CC

Mr. J. Kaufman CC

Mr. M. B. Wyatt CC

Mr. W. Liquorish JP CC

Note: The meeting was not open to the public in line with Government advice on public gatherings however the meeting was broadcast live via YouTube.

29. Minutes of the meeting held on 10 September 2020.

The minutes of the meeting held on 10 September 2020 were taken as read, confirmed and signed.

30. Question Time.

The Chief Executive reported that no questions had been received under Standing Order 34.

31. Questions asked by Members.

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

32. Urgent items.

There were no urgent items for consideration.

33. Declarations of interest in respect of items on the agenda.

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.

34. Presentation of petitions under Standing Order 35.

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

35. 2020/0657/03 (2020/CM/0045/LCC) - Mr Brian McCabe - Change of use from Mechanical Biological Treatment (MBT) facility to a Material Recovery Facility (MRF); increase of waste throughput to 150,000 tonnes per annum; revision to operating hours and minor ancillary revisions to site infrastructure - Land And Buildings, Gibbet Lane, Shawell.

The Board considered a report of the Chief Executive, a copy of which, marked 'Agenda Item 7', is filed with these minutes.

In accordance with the procedure for making representations to the Board Edmund Hunt (Cotesbach Parish Council), Howard Jones (Shawell Parish Meeting) and Kate Baughan (Campaign Group) all spoke against the proposals, and Matthew Lawman (AA Environmental Ltd) spoke on behalf of the applicant.

The local member Mr. B. L. Pain CC raised concerns regarding environmental issues such as flies, odour and noise and stated that it was an inappropriate location for the facility and he supported the officer's recommendation.

Board members raised concerns that the odour assessment had been a desk based one using modelled projections and did not involve testing on the actual site. The Chief Executive confirmed that odour was not the reason he was recommending that the application be refused.

RESOLVED:

That the application 2020/0657/03 (2020/CM/0045/LCC) be refused.

Reason for decision

The proposed development would result in a strategic facility on a greenfield site in a remote rural location, contrary to policy W3 of the Leicestershire Minerals and Waste Local Plan. The site is poorly located in respect to waste arisings and to sustainable transport choices. The proposal lacks any demonstrable colocation benefits and involves the exportation of the vast majority of waste outputs by HGV to distant and dispersed locations. Furthermore, it has not been demonstrated as to why the facility could not be located in the urban areas. Therefore, the application, if approved would be contrary to policy W3.

36. Delegated Decisions Schedule July 2020 to September 2020.

The Board considered a report of the Chief Executive, a copy of which, marked 'Agenda item 8' is filed with these minutes.

RESOLVED:

That the contents of the report be noted.

37. Chairman's announcements.

The Chairman advised that the next meeting of the Board would take place on 12 November 2020 at 2:00pm.

2.00 - 3.00 pm
08 October 2020

CHAIRMAN

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**DEVELOPMENT CONTROL AND REGULATORY BOARD****12th NOVEMBER 2020****REPORT OF THE CHIEF EXECUTIVE****COUNTY MATTER****PART A – SUMMARY REPORT**

- APP.NO. & DATE:** 2020/1191/07 (2020/REG3/MA/0111/LCC) – 7th August 2020
- PROPOSAL:** Proposed new Waste Transfer Station including waste building, external bays with canopy, ancillary office and welfare accommodation, car parking and access, plant room and sprinkler tanks, weighbridges, photovoltaic roof panels, external lighting and CCTV, hard and soft landscaping and associated infrastructure and engineering works.
- LOCATION:** Part of Plot 6, Interlink Way South, Bardon Industrial Estate, Bardon Hill, Leicestershire. LE67 1PG.
- APPLICANT:** Leicestershire County Council
- MAIN ISSUES:** Highway impacts and landscaping.
- RECOMMENDATION:** Permit subject to the conditions outlined in Appendix A.

Circulation under Local Issues Alert Procedures

Mr. M.B. Wyatt CC & Mr. P. Bedford CC

Officer to Contact

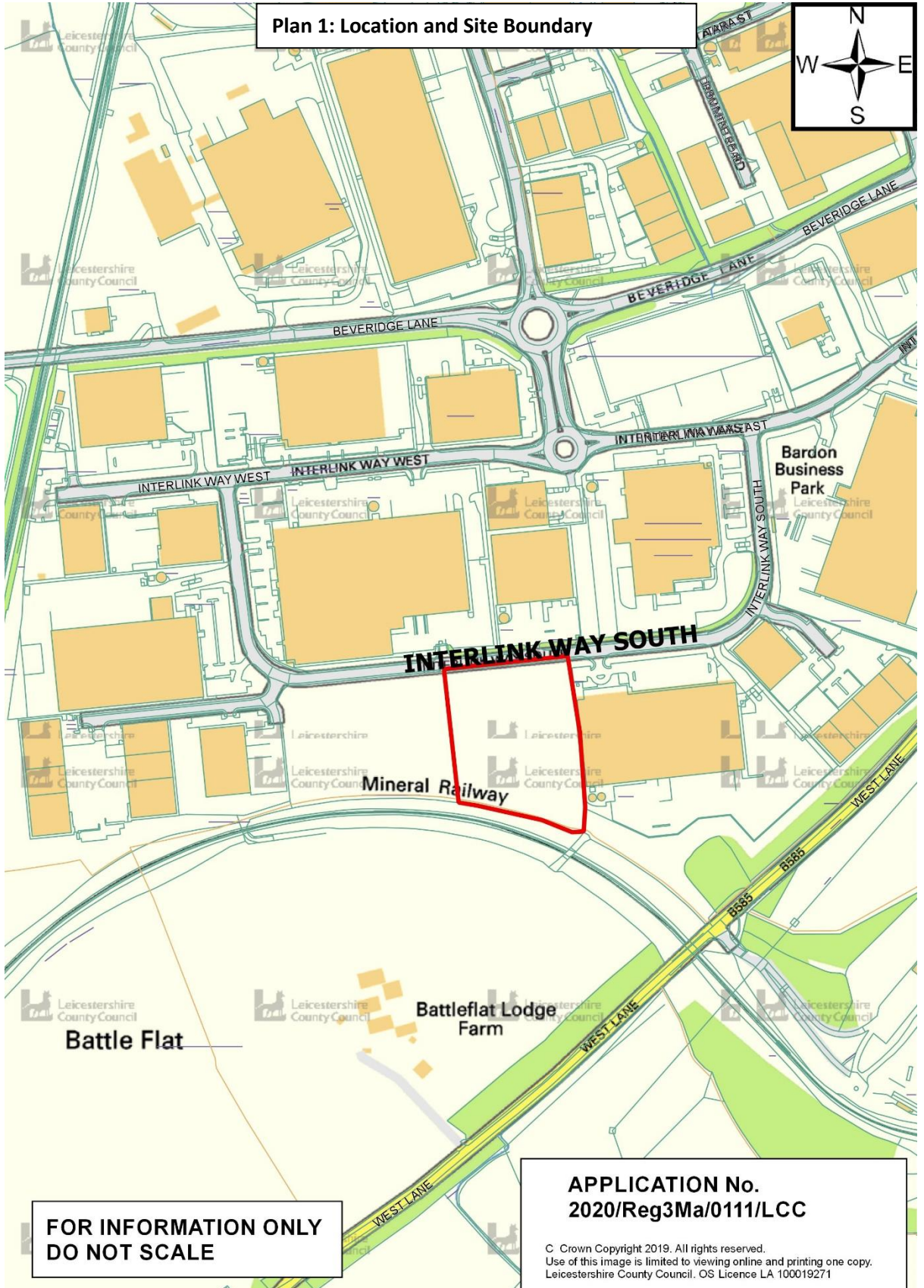
Mr. O. Meek
Email: planningcontrol@leics.gov.uk

Location of Development

1. The site is located to the south of Interlink Way South and forms the eastern part of the undeveloped Plot 6 within the Bardon industrial estate. There are large industrial buildings to the east, north (beyond Interlink Road South) and to the west, with a railway line serving Cliffe Hill Quarry forming the southern boundary of the site. The site is located approximately 1km east of Ellistown, 4km from the centre of Coalville, 4km from Ibstock and 10.0km northwest of the city of Leicester.
2. Plot 6 extends to around 3.6ha, with the application site covering around 1.8ha of the eastern half of the plot. The application site straddles the administrative boundary of North West Leicestershire District Council (NWLDC) and Hinckley & Bosworth Borough Council (H&BBC), with the majority of the site falling within H&BBC.
3. The site is currently vacant and comprised of undeveloped rough ground, with numerous trees and shrubs present. A new vehicular access is to be taken directly from Interlink Way South, which in turn is accessed from Beveridge Lane (via Interlink Way East or West) and the B585 (West Lane).
4. The closest residential properties are located around 590m to the south of the site along Stanton Lane and approximately 615m to the north east along South Lane. Public Footpath N47 runs adjacent to the site's southern boundary but will not be affected by the proposals.
5. The site, in part, was subject to an outline planning application prior to 2001 (NWLDC) planning ref: 911060 which granted permission for employment development. Subsequent applications to vary conditions to permit B1, B2 and B8 uses (NWLDC planning ref: 01/00386/VCU and 01/00485/VCI) were permitted on 18 October 2001. All land parcels within the surrounding estate have been developed, with the exception of Plot 6.

Description of Proposal

6. This planning application seeks full planning permission for the construction of a new waste transfer station for the bulking and transfer of waste for subsequent disposal or recycling off site. The development is proposed to handle up to 100,000 tonnes per annum (tpa) and will comprise:
 - A site building for the storage of non-hazardous wastes and select hazardous wastes (e.g. clinical wastes);
 - External waste storage areas for additional hazardous wastes (e.g. Waste Electrical and Electronic Equipment), as well non-hazardous wastes, for example, inert waste, wood wastes, road sweepings and gas canisters;
 - Accommodation for ancillary office, weighbridge office and welfare facilities;
 - Associated facilities;
 - Solar PV panels on roof structures; and
 - Landscaping to provide a filtered screen of the proposed buildings from the connecting road.



7. A new access for HGVs, staff and visitors to the site for both vehicles and pedestrians will be created from Interlink Way South into the site via a traditional priority junction.
8. In terms of built development, the proposals include a main waste building extending to approximately 2900 square metres and an office/welfare office of around 130 square metres. There will also be storage bays (covered and uncovered) and tanks on site.
9. The main waste transfer building would measure approximately 36.5m by 79.4m and be 14.7 metres high along the single ridge. The lower parts of the walls to the east, and part of the northern and southern elevations, would be precast concrete push walls, with light grey metal sheet cladding above and on the other facades. The roof would be made from steel profiled sheet roofing, also in light grey and would also have 26 sky lights to allow natural light to illuminate the interior. 6 No. sectional overhead doors in a mid-grey colour will allow vehicular access through the building's western façade.
10. The office/welfare building would measure 4.2m at the highest point of the solar PV panels above the roof and be 15.1m long by 8.2m wide. The walls would be made from a modular wall panel system in light grey, with aluminium windows, doors and fascia in mid grey.
11. The external storage bay structure would provide six separate bays, four of which would be covered. The structure would measure 67.6m by 10.6m and have a pitched roof 9.4m at its highest point. The walls would be concrete to around 5m in height with a steel sheet roof in mid grey.
12. There would be a variety of other structures erected on the site including two sprinkler tanks measuring 8m in diameter by 7.8m high with a galvanised steel finish; a pump house measuring 5.3m by 6.2m and 3.2m high; and a HGV jet washing area surrounded on three sides by 4m high steel sheet cladding in light grey.
13. Waste material would be brought onto the site in enclosed/sheeted/netted vehicles and refuse collection vehicles. After going over the inbound weighbridge and an initial inspection, vehicles would be directed to the relevant waste bays where it would be physically inspected. Once accepted, the loads would be moved to the relevant stockpile. There would be no more than 50 tonnes of hazardous waste stored on site at any one time.
14. An application for an Environmental Permit has been made to the Environment Agency, which includes a list of permitted wastes and details of the disposal and recovery operations to be undertaken at the site. The Permit is expected to impose day to day working conditions on the operator.

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15. The Waste Transfer Station is designed to be operational 24 hours per day, seven days per week including weekends and public holidays. The applicant has stated that this is necessary in order to maintain flexibility and responsiveness.
16. A Transport Assessment (TA) has been submitted that assesses the impacts of the proposal. The TA is based on a throughput of 100,000tpa (considered to be the 'worst case scenario'). This level of throughput is likely to generate 148 HGV movements (74 in and 74 out) each day. Additional plans including swept path analysis at the new access were also submitted in support of the application.
17. The facility would provide cycle parking, 15 standard car parking bays, two accessible spaces and two electric vehicle charging points close to the main building entrance. A further eight bays are to be provided for overnight parking of eight roll on/roll off waste vehicles.
18. A landscaping and management scheme has been submitted in support of the application. The scheme proposes a variety of wildflower grass mixes, shrub planting along with a mix of large feathered and heavy standard trees to be planted along the frontage of the site.
19. While the site is undeveloped and has a depth of around 60cm of made ground across it, it does have some ecological value in its own right. An ecological assessment has been undertaken and the value of the site's habitat that would be lost has been identified. The landscaping scheme seeks to reduce that lost ecological value while helping to screen the site.
20. Further supporting information submitted with the application includes a Flood Risk Assessment (FRA), Arboricultural Impact Assessment, lighting scheme, reptile assessment and dust, noise and odour management plans.

Planning Policy

Development Plan

21. The development plan for the application site comprises the Leicestershire Minerals and Waste Local Plan (adopted September 2019), the North West Leicestershire Local Plan 2011 to 2031 (adopted November 2017), the Hinckley & Bosworth Core Strategy (adopted December 2009) and the Hinckley & Bosworth Site Allocations & Development Management Policies DPD (adopted July 2016). The principal policy considerations of relevance to the current application are set out below.

2020-1191-07 (2020-REG3-MA-0111-LCC)

Leicestershire Minerals and Waste Local Plan (2019):

- Policy W3: Strategic Waste Facilities;
- Policy W5: Locating Waste Facilities;
- 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 DM10: Public Rights of Way; and
- Policy DM11: Cumulative Impact.

North West Leicestershire Local Plan 2011 to 2031 (2017):

- Policy S2: Settlement Hierarchy;
- Policy D1: Design of New Development;
- Policy D2: Amenity;
- Policy Ec3: Existing Employment Areas;
- Policy IF1: Development;
- Policy IF4: Transport Infrastructure and New Development;
- Policy IF7: Parking Provision and New Development;
- Policy En1: Nature Conservation;
- Policy En3: The National Forest;
- Policy En6: Land and Air Quality;
- Policy Cc2: Flood Risk; and
- Policy Cc3: Sustainable Drainage Systems.

Hinkley & Bosworth Core Strategy (2009)

- Policy 21: National Forest.

Hinkley & Bosworth Site Allocations & Development Management Policies DPD (2016)

- Site STA20;
- Policy DM1: Presumption in Favour of Sustainable Development;
- Policy DM6: Enhancement of Biodiversity and Geological Interest;
- Policy DM7: Preventing Pollution and Flooding;
- Policy DM10: Development and Design;
- Policy DM13: Preserving the Borough's Archaeology;
- Policy DM17: Highways and Transportation;
- Policy DM18: Vehicle Parking Standards; and
- Policy DM19: Existing Employment Sites.

National Policy

The National Planning Policy Framework (NPPF)

22. The 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.
23. 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.
24. Paragraph 108 states that 'in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
 - a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
25. Paragraph 109 states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'
26. 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'.
27. Section 15 of the NPPF concerns 'conserving and enhancing the natural environment'. Paragraph 170 states that planning decisions should contribute to and enhance the natural environment by (*inter alia*) minimising impacts on and providing net gains for biodiversity". Paragraph 175a states that (*inter alia*) 'planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)'

The National Planning Policy for Waste (NPPW)

28. Paragraph 1 of the NPPW explains that planning plays a pivotal role in delivering the 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'.
29. 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'.
30. Paragraph 7 also states that waste planning authorities should 'concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities'. Waste Planning Authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced'.

Consultations**North West Leicestershire District Council – Planning**

31. No objection.

North West Leicestershire District Council – Environmental Health

32. No objection.

Hinckley & Bosworth Borough Council – Planning

33. No objection.

Hinckley & Bosworth Borough Council – Environmental Health

34. No objection subject to conditions relating to ground remediation and noise control.

Ellistown & Battleflat Parish Council

35. Raises concerns regarding the number of HGV movements in cumulation with current movement numbers around this area, would like to see additional signage and weight restriction measures in place and also a wheel wash at the site exit.

Stanton under Bardon Parish Council

36. No response received

Environment Agency (EA)

37. No objection.

Local Highways Authority (LHA) – Leicestershire County Council

38. No objection.

Leicestershire County Council – Ecology

39. No objection. It is noted that there will be some net loss in biodiversity habitat on site and it is recommended that this is off-set through habitat creation or enhancement on land off-site.

Leicestershire County Council – Landscape

40. Considers the landscaping scheme proposed to be acceptable.

Lead Local Flood Authority (LLFA) – Leicestershire County Council

41. No objection subject to conditions being imposed relating to surface water drainage.

Leicestershire County Council - Archaeology

42. No comment.

National Forest Company

43. No objection subject to provision of off-site planting (or contribution to cover such works) through the imposition of a condition.

Publicity

44. The application was advertised by means of a press notice in the Coalville Times on 21st August 2020, site notices dated 17th August 2020 and 41 letters sent to nearby industrial and residential premises.

45. At the time this report was published, a total of 18 representations had been received. All the representations raise an objection to the proposal, with the following grounds being raised as reasons for the proposal to be refused:

- Current highway congestion in the local area will be exacerbated;
- Better sites are available elsewhere;
- Noise, litter, odour and vermin etc will impact on adjacent land uses;
- Nearby commercial units will suffer from devaluation;
- Currently HGVs park along the frontage of the site causing problems;
- Out of keeping with the wider industrial estate buildings and uses; and
- The site would be better used for small/medium sized industrial units.

While not relevant to the assessment of this application, it is noted that several representations raise concerns that Leicestershire County Council is both the applicant and determining authority.

Assessment of Proposals

Principle of Development

46. This application seeks planning permission for the erection of a new waste transfer station on land straddling the boundary between NWLDC and HBBC. The part of the application site within the NWLDC boundary is located within an established 'Primary Employment Area', as identified in the NWLDC Local Plan Policies Map document adopted in November 2017. The part of the application site with the boundary of HBBC is identified within the HBBC Local Plan as an 'Existing Employment' site. While a waste transfer station isn't a typical employment use, which would normally fall within class B1, B2 or B8, it is a type of use that is appropriate in an industrial area and generates both direct and indirect employment. The proposed use is considered appropriate in this location and there would be no conflict with employment policies in either the NWLDC or the HBBC Local Plan.
47. Policies W3 and W5 of the Leicestershire Minerals & Waste Local Plan (LMWLP) set the locational criteria for new waste management developments, with W3 being specific to 'strategic' waste management facilities. The LMWLP identifies that facilities accepting more than 50,000 tonnes of waste per annum to be of a strategic nature.
48. Policy W3 states (*inter alia*) that planning permission will be granted for new strategic waste facilities...provided that they are within the Broad Locations for Strategic Waste Facilities indicated on the Key Diagram, namely in or close to the urban areas of....Coalville, taking into account the principles set out in Policy W5.
49. Policy W5 states (*inter alia*) that planning permission will be granted for waste facilities in accordance with the objectives of Policies W3 and W4 upon the following land:
 - (ii) on existing or planned industrial/employment land.
50. It is considered that the proposed site is within the Broad Locations identified on the Key Diagram in the adopted LMWLP and, as stated above, is a site identified as existing employment land in the both the NWLDC Local Plan and the HBBC Local Plan. Therefore, the location of the proposed site is acceptable in principle, subject to the further policy considerations set out below.

Highway Impacts

51. The planning application was accompanied by a detailed Transport Assessment and accompanying plans and documents. The Highway Authority has assessed the TA and the likely impacts of the development and considers that the site is a sustainable location and that, subject to the imposition of

appropriate conditions, there would be no significant impacts on local highway safety and capacity, or upon the adjacent public footpath.

52. It is noted that several representations have objected to the application on the grounds that HGVs in the locality are already at an unacceptable level, with parking causing additional problems. The design of the wider industrial estate was undertaken in cognisance that this plot would at some point be developed and therefore generate a certain level of HGV movements, and parking is currently a problem along the frontage of the site largely because it remains undeveloped. A significant proportion of vehicle numbers associated with the site will be from standard bin lorries collecting kerb side waste, which cannot avoid using local smaller roads. Larger articulated bulk loaders would primarily use the major road network to access disposal/recycling facilities off site and it is considered that impacts on local villages would not be significant.
53. In the light of the above it is considered that the development can take place without generating unacceptable highway impacts and that there is no conflict with Policies DM9 and DM10 of the LMWLP, IF4 and IF7 of the NWLDC Local Plan and DM17 & DM18 of the Hinkley & Bosworth Site Allocations & Development Management Policies DPD.

Noise, Dust & Odour

54. The application is accompanied by separate Noise, Dust and Odour Management plans which assess likely impacts and set out operational measures that are proposed to minimise the risk of off-site effects. The Environmental Health departments at NWLDC and HBBC have considered these technical documents and raise no objection to the proposal subject to the imposition of standard conditions relating to ground contamination and noise.
55. It is noted that the day to day operations at the site would be controlled through an Environmental Permit, issued and regulated/monitored by the EA. Given the location of the site within an established industrial estate and the distance from the most sensitive receptors, it is considered unlikely that significant noise, dust and odour impacts will be generated off site and that there is no conflict with Policies DM2 of the LMWLP and D2 and En6 of the NWLDC Local Plan.

Environmental and Other Impacts

56. The application was accompanied by a Flood Risk Assessment which has been assessed by the LLFA and the EA. The LLFA notes that the site is in Flood Zone 1 and is at a low risk of flooding.
57. The EA raises no objection and the LLFA also considers the proposal to be acceptable subject to the imposition of conditions pertaining to surface water drainage control.

58. It is considered that the proposal accords with policies Cc2, Cc3 and DM7 and that the development would not lead to unacceptable impacts in terms of off-site flood risk and pollution.
59. An external lighting scheme has been submitted with the application and assessed by the EHO at NWLDC and HBBC. No comment has been raised on this and subject to a condition ensuring compliance with the submitted scheme it is considered that the proposal does not conflict local plan policies in this regard.

Ecology & Landscape Matters

60. The application site encompasses a plot of undeveloped land, within an established industrial estate, which has been previously prepared for development and then left unmanaged. This has allowed a typical mix of semi-natural habitats to establish over time, albeit on heavily disturbed, made ground.
61. A Preliminary Ecological Appraisal (PEA) was undertaken which was accompanied by ecology surveys including reptile surveys, and an Ecological Impact Assessment, all of which are considered to be very thorough. The habitat on site is unsuitable for amphibians, and badgers, and a reptile survey ruled out the presence of reptiles.
62. The application is accompanied by a detailed soft landscaping scheme for the site, which includes proposals for tree and native shrub planting along the frontage and wildflower seeded grassed bunds along the south, west and eastern boundaries of the site. The soft landscaping extends to around 0.5ha of the 1.8ha site.
63. While the site is undeveloped, it does have some ecological value, the loss of which is not wholly compensated for by the soft landscaping scheme proposed for the site. However, this loss will be off-set to a degree by a contribution to the National Forest Company for off-site planting as set out in paragraph 65 below. It is recommended that any remaining habitat loss is compensated for through off-site habitat creation or enhancement, and that this is secured by condition.
64. Following concerns raised by the County Landscape Officer and the National Forest Company (NFC) with regard to the landscaping scheme originally submitted, an amended scheme has been submitted that now provides the necessary planting detail and longer-term management proposals. While the planting scheme is considered to be acceptable, the site is within the National Forest and therefore there is a need to comply with policies relating to planting.
65. The applicant considers that there is no practicable opportunity to increase tree planting on the site above what is already offered up, due to operational

requirements. The NFC has not objected to the proposals on the basis that a contribution is provided for off-site tree planting, in accordance with the National Forest Planting Guidelines. The applicant has agreed to fund this planting through a scheme to the value of £12,500. The implementation of this scheme is proposed to be secured by condition. In the light of this it is considered that there is no conflict with Policies DM3 of the LMWLP, En3 of the NWLDC Local Plan and Policy 21 of the HBBC Core Strategy.

66. The application is accompanied by detailed drawings and a Design & Access Statement setting out the design principles used to produce the final design of the buildings and structures on the site. It is considered that the design is of a high quality and in keeping with this industrial location. The Landscape Officer raises no objection to the design and layout and there is no conflict with Policies DM1 of the LMWLP, D1 of the NWLDC Local Plan and DM10 of the Hinkley & Bosworth Site Allocations & Development Management Policies DPD.

Other Matters

67. Once operational the proposed development will generate around five full time equivalent jobs directly at the site and support a further eight driving positions. It will also provide an essential waste management facility that will help the County Council reduce the volume of waste sent to landfill and increase recycling rates, while at the same time reducing costs by providing important bulking up capacity. These are considered to be significant benefits arising from this proposal which carry weight in favour of granting approval.
68. Several representations make reference to 'better' sites being available and that alternative uses of the site would be more appropriate. The proposed development is considered to be compatible with the strategic and locational policies of the Development Plan and there are no other material considerations that suggest a refusal is appropriate in this instance. Therefore, whether 'better' sites are available is not considered to be relevant to this decision, nor whether a different use would be preferable.

Conclusion

69. Through the above assessment it is considered that the proposal is in accordance with the development plan policies highlighted, the NPPF and the NPPW. The proposed development would provide a significant benefit to the community through reduced waste to landfill, increased recycling rates and through the increase in bulking up capacity.
70. Subject to the conditions proposed in the Appendix to this report it is considered that the proposal will not generate any unacceptable impacts and is recommended for approval.

Recommendation

- A. Permit subject to the conditions set out in Appendix A.
- 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. The development hereby approved shall be commenced no later than three years from the date of this permission.

Reason: For the avoidance of doubt and to comply with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. Unless otherwise required by this permission the development shall be carried out in accordance with the following:

- a) planning application reference 2020/1191/07 (2020/REG3/MA/0111/LCC) and the accompanying Planning Statement dated August 2020;

- b) The following documents:

- Environmental Noise Impact Assessment dated July 2020;
- Fire Safety Strategy Report dated July 2020;
- Dust Management Plan dated July 2020;
- Noise Management Plan dated July 2020;
- Odour Management Plan dated July 2020;
- Design & Access Statement dated July 2020;
- Flood Risk Assessment and Drainage Report – Rev. 4 - August 2020;
- Preliminary Ecological Appraisal dated March 2020;
- Geo-Environmental Assessment Parts 1 – 4 dated April 2020;
- Desktop Utility Record Search – March 2020;
- Preliminary Arboricultural Assessment – March 2020;
- Arboricultural Impact Assessment – March 2020;
- Amended Ecological Impact Assessment dated 22/09/2020;
- Reptile Survey Report – July 2020;
- Transport Assessment – August 2020;
- Interim Travel Plan – August 2020;
- Maber's Response to Landscape Officer's Comments dated 21/09/2020;

- c) drawings referenced:

- Site Location Plan;
- Site Layout Plan ref. BWT-MAB-ZZ-XX-DR-A-00101 Rev P03 as revised on 21st September 2020;
- Site Sections Plan ref. BWT-MAB-ZZ-XX-DR-A-00102 Rev P04;
- Waste Transfer Station Floor Plans & Elevations ref. BWT-MAB-01-00-DR-A-00103 Rev P04;
- Office & Welfare Floor Plans & Elevations ref. BWT-MAB-01-00-DR-A-00104 Rev P04;

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- External Waste Storage Plan ref. BWT-MAB-03-00-DR-A-00105 Rev P04;
- Jet Wash, Plant and Sprinklers Plan ref. BWT-MAB-01-00-DR-A-00106 Rev P04;
- External Lighting Philosophy Layout ref. BWT-CPW-00-00-DR-E-1001 Rev 02;
- External Lighting Plan ref. D37880/AE/B dated 1st July 2020;
- External CCTV Philosophy Layout ref. BWT-CPW-00-00-DR-E-1003 Rev 02;
- Below Ground Drainage Plans ref. 28975/6001 Rev. P04 and 28975/6002 Rev. P03;
- Site Access General Arrangements Ref. 90003 Rev P01 – 16/09/2020;
- Swept Path Analysis Ref. 90005 Rev P01 – 15/09/2020;
- Landscape Section Plan - BWT-MAB-00-ZZ-DR-L-00108 Rev P03;
- Soft Landscape Scheme - BWT-MAB-00-ZZ-DR-L-00107 Rev P03; and
- Five Year Landscaping Maintenance Schedule – July 2020.

Reason: For the avoidance of doubt and to ensure that the development is carried out in a satisfactory manner in accordance with the approved documents.

Ecology and Landscape Management

3. The Soft Landscaping Scheme shall be completed during the first planting season following the first importation of waste in to the site. Following completion of the Soft Landscaping Scheme the landscaping shall be managed and maintained in accordance with the Five Year Landscaping Maintenance Schedule for a period of no less than five years.

Reason: 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, in accordance with Policy DM5 of the LMWLP.

4. Prior to the first use of the site, an off-site compensatory habitat creation and/or enhancement scheme shall be submitted to, and approved in writing by, the Waste Planning Authority. The approved scheme shall be completed within twelve months of the date of approval.

Reason: To ensure that the development minimises impacts on and provides net gains for biodiversity, in accordance with Policy DM7 of the LMWLP and Paragraph 170 d) of the NPPF.

Materials

5. The construction of the site shall be in full accordance with the schedule of external materials approved in the plans referred to in Condition 2 above. The buildings and structures shall be erected and thereafter maintained in accordance with these approved details.

Reason: In the interests of local amenity and to ensure that the development has an acceptable external appearance in accordance with Policy DM10 of the *Hinckley & Bosworth Site Allocations and Development Management DPD (2016)*.

6. Prior to the commencement of the development details of external fencing shall be submitted to, and approved in writing by, the Waste Planning Authority. All external fencing erected on the site thereafter shall be in accordance with the approved details.

Reason: In the interests of local amenity and to ensure that the development has an acceptable external appearance.

Site Access Provision and Use

7. No development shall commence on the site until such time as a construction traffic management plan, including, as a minimum, details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to, and approved in writing by, the Waste Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: In the interests of local amenity and to ensure that the development has an acceptable external appearance.

8. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Curtins drawing number 075594-CUR-00-XX-DR-C-90003 Revision P01, 'Site Access General Arrangement', have been implemented in full.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.

9. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 47 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019).

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10. No part of the development hereby permitted shall be first occupied until an amended Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to, and approved in writing by, the Waste Planning Authority. Thereafter the Travel Plan shall be implemented in accordance with the approved details.

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2019).

11. The development hereby permitted shall not be occupied until such time as off street car and HGV parking provision (with turning facilities) have been provided, hard surfaced (and demarcated) in accordance with Maber drawing number BWT-MAB-ZZ-XX-DR-A-00101-S4 Revision P03, 'Site Layout'. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2019).

12. The development hereby permitted shall not be occupied until such time as secure (and under cover) cycle parking has been provided in accordance with details first submitted to, and approved in writing by, the Waste Planning Authority. Thereafter the cycle parking shall be maintained and kept available for use.

Reason: To promote travel by sustainable modes in accordance with the National Planning Policy Framework (2019).

13. The development hereby permitted shall not be occupied until such time as secure powered two wheeler (motorcycle, scooter) parking has been provided in accordance with details first submitted to, and approved in writing by, the Waste Planning Authority. Thereafter the parking shall be maintained and kept available for use.

Reason: To promote travel choice in accordance with the National Planning Policy Framework.

Protection of the Environment

14. The development hereby permitted shall not be commenced until conditions 14a to d below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Waste Planning Authority in writing until condition 13d has been complied with in relation to that contamination:

- a. Site Characterisation - An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Waste Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Waste Planning Authority. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland,
 - service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems.
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
- b. Submission of Remediation Scheme - A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Waste Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- c. Implementation of Approved Remediation Scheme - The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Waste Planning Authority. The Waste Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that

demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Waste Planning Authority.

- d. Reporting of Unexpected Contamination - In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Waste Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 13a, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 13b, which is subject to the approval in writing of the Waste Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Waste Planning Authority in accordance with condition 13c.

Reason: To ensure that the application site is free from contamination that might be mobilised during construction and cause pollution in accordance with Policy DM2 of the LMWLP and DM7 of the Hinckley & Bosworth Site Allocations and Development Management DPD (2016).

15. 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.

Reason: To ensure a satisfactory form of development and to minimise the risk of pollution.

Drainage

16. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the Waste Planning Authority. The surface water drainage scheme must ensure that surface water from the site does not drain on to the public highway. The development shall only take place thereafter in accordance with the approved scheme.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.

17. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by, the Waste Planning Authority. The development shall only take place thereafter in accordance with the approved scheme.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase in accordance with Policy Cc2 of the NWLDC Local Plan and Policy DM7 of the Hinckley & Bosworth Site Allocations and Development Management DPD (2016).

18. No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Waste Planning Authority. The development shall only take place thereafter in accordance with the approved scheme.

Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development in accordance with Policy DM7 of the Hinckley & Bosworth Site Allocations and Development Management DPD (2016).

Noise

19. 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.

Reason: In the interests of local amenity in accordance with Policy DM2 of the LMWLP.

Lighting

20. No external lighting either fixed or mobile shall be used on the site except in accordance with the details specified on drawing ref. 'External Lighting Plan' ref. D37880/AE/B dated 1st July 2020.

Reason: In the interests of local amenity in accordance with Policy DM2 of the LMWLP.

Complaints

21. 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.

Reason: To ensure that the Waste Planning Authority is made aware of all complaints made about operations at the site and actions (if any) taken to reduce the impacts of the development.

Miscellaneous

22. Prior to the first use of the site as a waste transfer station, funding for an off-site tree planting scheme, on behalf of the National Forest Company, as set out in the applicant's letter dated 2nd November 2020, shall be implemented. Written confirmation that the funding for this scheme has been paid to the National Forest Company shall be provided to the Local Planning Authority before the waste transfer station is first brought into use.

Reason: To ensure that adequate tree planting takes place in accordance with the provisions of the National Forest Planting Guidelines and that biodiversity losses from developing the site are minimised in accordance with Policy DM3 of the LMWLP.



DEVELOPMENT CONTROL AND REGULATORY BOARD

12th NOVEMBER 2020

REPORT OF THE CHIEF EXECUTIVE

DELEGATED ENFORCEMENT NOTICES ISSUED

1st JULY 2020 – 30th SEPTEMBER 2020

| Enforcement Reference | Details of person notice was served on | Description | Delegated |
|-----------------------|--|--|---|
| 2020/BoC/0001/ENF | <u>Tarmac Trading Limited</u> Portland House Bickenhill Lane Solihull Birmingham B37 7BQ | Breach of Condition Notice (BCN) requiring a surfaced footway between Newbold Verdon and The Windmill Inn to be constructed within 4 months of the date of the notice. | <u>Served</u> 4 th August 2020 |

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