



Meeting: **Development Control and Regulatory Board**

Date/Time: **Wednesday, 18 December 2019 at 2.00 pm**

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

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	Mrs. J. Richards CC
Mr. B. Crooks CC	Mr. S. D. Sheahan CC
Mr. D. A. Gamble CC	Mrs. M. Wright CC
Mr. T. Gillard CC	Mr. M. B. Wyatt CC
Mr. D. Harrison CC	

Please note: this meeting will be filmed for live or subsequent broadcast via the Council's web site at www.leicestershire.gov.uk
– Notices will be on display at the meeting explaining the arrangements.

AGENDA

Item

1. Minutes of the meeting held on 14 November 2019. (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 36.



Reports of the Director of Environment and Transport on Tree Preservation Orders.

7. 2019/TPO/0100/LCC: Application to fell a sycamore tree T1, Douglas fir T2, 2 Lawson cypress trees T3, Portuguese laurel T4 and 2 yew trees T7 & T11 and raise the crown of beech T6 to 6.0m and raise the crowns of 3 yew trees T10, T13 & T14 protected by LCC Horninghold TPO 1973. (Pages 7 - 18)

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

8. 2019/CM/0066/LCC: Mr & Mrs Simon and Sally-Anne Hazard - Application for an anaerobic digestion plant with associated infrastructure and an access road - Green's Lodge Farm, Melton Mowbray, Pickwell. (Pages 19 - 36)

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

9. 2019/Reg3Ma/0192/LCC - Leicestershire County Council - Demolition of 2 No. residences, 1 No. residential home and 1 No. 6 bed residential respite care home for adults with learning disabilities and construction of the following; 14 No. flats and 1No. 3 bed house. A replacement 6 bed Short Breaks respite care facility. A community Life Choices building providing day care for adults with learning disabilities. The work to be carried out in two phases to allow continuation of the respite care provision for existing service users - Smith Crescent/Cropston Drive, Coalville. (Pages 37 - 52)
10. 2019/REG3Ma/0246/LCC - Leicestershire County Council - Application to re-locate stockpiled material and spread / level over the next phase of development land, including the construction of a new fence to secure 2 parts of the site - Airfield Business Park, Leicester Road, Market Harborough. (Pages 53 - 66)
11. Any other items which the Chairman has decided to take as urgent.
12. Chairman's announcements.



Minutes of a meeting of the Development Control and Regulatory Board held at County Hall, Glenfield on Thursday, 14 November 2019.

PRESENT

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

Mr. I. E. G. Bentley CC
Mr. M. H. Charlesworth CC
Mr. B. Crooks CC
Mr. T. Gillard CC
Mr. D. Harrison CC

Mr. W. Liquorish JP CC
Mrs. R. Page CC
Mrs. J. Richards CC
Mr. S. D. Sheahan CC

59. Minutes of the previous meeting.

The minutes of the meeting held on 10 October 2019 were taken as read, confirmed and signed.

60. Question Time.

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

61. Questions asked by Members.

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

62. Urgent items.

There were no urgent items for consideration.

63. 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 further declarations were made.

64. Presentation of petitions.

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

65. 2019/TPO/0100/LCC: Application to fell a sycamore tree T1, Douglasfir T2, 2 Lawson cypress trees T3, Portuguese laurel T4 and 2 yew trees T7 & T11 and raise the crown of beech T6 to 6.0m and raise the crowns of 3 yew trees T10, T13 & T14 protected by LCC Horninghold TPO 1973.

This item was withdrawn.

66. 2019/TPO/0214/LCC: Application to fell oak tree T1 protected by LCC Rothley TPO 1958.

The Board considered a report of the Director of Environment and Transport, a copy of which, marked 'Agenda Item 8', is filed with these minutes.

The Director of Environment and Transport clarified that whilst the tree was definitely infected it was unclear whether it was infected by the bacteria that causes Acute Oak Decline or Phytophthora Disease but in either case there would be a risk of the tree shedding branches and the adjacent oak tree becoming infected.

The Director of Environment and Transport advised that the Board did have the power to condition that a replacement tree be planted however in this particular case the garden was very small and due to the adjacent oak tree there was insufficient light for a replacement tree to grow.

RESOLVED:

That consent be granted to fell the oak tree T1.

REASON FOR DECISION:

The oak tree T1 is likely to be infected with either the bacteria that causes Acute Oak Decline or phytophthora disease and is shredding live branches that could damage property or cause injury to persons. The removal of the tree is in the interests of safety and good tree management.

67. Exclusion of the press and public.

RESOLVED:

That under Section 100A of the Local Government Act 1972, the public be excluded for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act and that, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information:-

Consideration of the action to take following the failure to comply with the terms of breach of condition notices (BCN).

68. Consideration of the action to take following the failure to comply with the terms of breach of condition notices (BCN).

The Board considered an exempt report of the Chief Executive, a copy of which is filed with these minutes. The report was not for publication by virtue of paragraphs 6b and 7 of Schedule 12(A) of the Local Government Act 1972.

RESOLVED:

That the Director of Law and Governance in consultation with the Chief Executive be authorised to take appropriate civil and/or criminal proceedings to secure compliance with the breach of planning control identified in the report should the identified breach not be remedied by 30 November 2019.

69. Chairman's announcements.

The Chairman advised that the next meeting of the Board would take place on Wednesday 18 December 2019 at 2:00pm.

2.00 - 2.25 pm
14 November 2019

CHAIRMAN

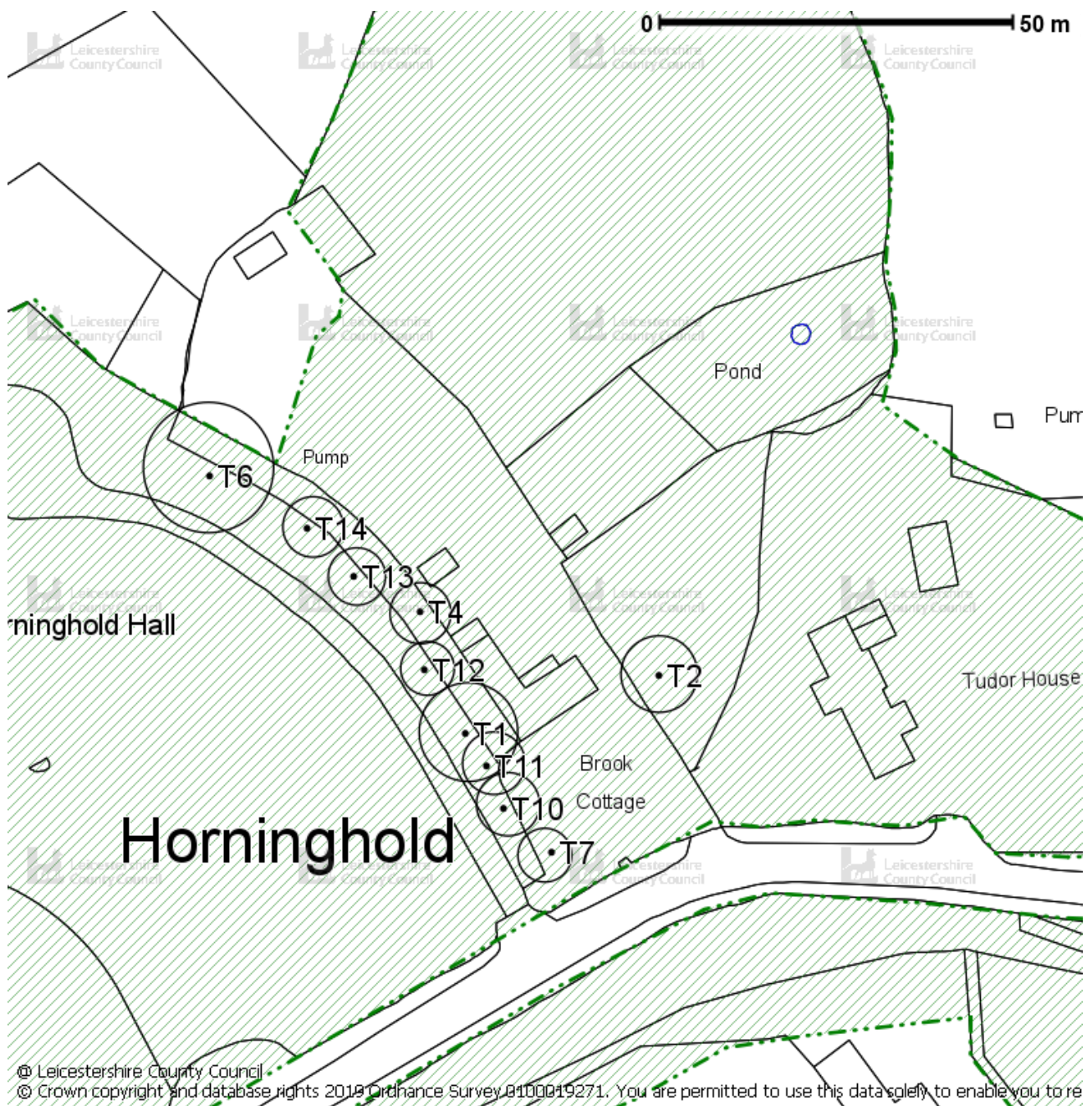
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DEVELOPMENT CONTROL AND REGULATORY BOARD

18th DECEMBER 2019

LEICESTERSHIRE COUNTY COUNCIL
HORNINGHOLD TREE PRESERVATION
ORDER 1973

REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT



Purpose of Report

1. To consider an application by Mr. Presland of Brook Cottage, Hallaton Road, Horninghold to fell a Douglas fir T2, a Portuguese laurel T4 and a yew tree T7, and crown reduce a sycamore T1 by up to 2.0m and crown raise by 3.0m and crown reduce a yew T11 by up to 2.0m and raise the crown to 3.0m and raise the crown of a beech T6 to 6.0m and raise the crowns of 3 yew trees T10, T13 & T14 and a Portuguese laurel T12 to 3.0m.

Background

2. The 9 trees are included in a 3.29ha Area Order that includes conifer and broadleaf trees located in the gardens of 5 residential properties on Hallaton Road.
3. The original proposal to fell the sycamore T1 and yew T11 has been amended to crown reduce the sycamore T1 by up to 2.0m overall and crown raise by 3.0m and crown reduce the yew T11 by up to 2.0m overall and raise the crown to 3.0m. The proposal to fell 2 Lawson cypress trees T3 has been withdrawn.
4. The property Brook Cottage is in the Horninghold Conservation Area.
5. Planning consent 17/00127/FUL was granted by Harborough District Council on the 6th July 2017 for the erection of a two-storey rear and side extension; erection of a detached garage and plant room at Brook Cottage, subject to the conditions that a scheme of hard and soft landscaping and an Arboricultural Method statement are submitted.
6. The application 19/01068/PCD to discharge the Condition 3 landscape plan and Condition 4 the Arboricultural method statement planning, was approved on the 6th November 2019 by Harborough District Council. This includes consent to fell a young juniper tree and 2 early mature Lawson cypress trees protected by the Horninghold Conservation Area located on the west boundary of Brook Cottage
7. The application was submitted by the Agent Mr. Lee Overton of Rutland Tree Care, 7, Spinney Lane, Stretton, Rutland LE15 7RB.
8. Consent was granted by the Development Control and Regulatory Board on the 13th September 2018 to fell the group of 3 Lawson cypress trees G1, the cherry plum T5 and the apple tree T7 and raise the crowns of the western red cedar T1 and Lawson cypress T2 by 4.0m, raising the crown of the Lawson cypress T4 by 5.0m and removing the basal shoots of the Cappadocian maple T8. This work has been carried out.
9. The sycamore T1, beech T6, 4 yew trees T10, T11, T13 & T14 and Portuguese laurel T12 are in the ownership of Horninghold Hall. The owners of the Hall have agreed to the proposed works.

Consultations

Borough Council

10. Harborough District Council have withdrawn their objection to the initial proposal and have discharged the landscaping scheme Condition 3 and the Arboricultural Method Statement condition 4 on the planning application 19/01068/PCD.

Parish Council

11. Horninghold Parish Council have withdrawn their objection to the proposal subject to the condition that 3 trees are planted as replacements, that the Applicant proposes no further changes to the application and that the trees are marked prior to the commencement of the work and inspected after the approved work has been completed.

Local Member

12. No comments received.

Local Residents

13. An objection to the proposal has been received from residents at Cedar Cottage, East Norton Road, Horninghold, stating that the removal of trees on the site would have a negative impact on the street view of Brook Cottage.
14. An objection to the proposal has been received from a resident at Horninghold House, Hallaton Road, Horninghold, stating that the removal of trees on the site would have a disastrous impact on the street view of Brook Cottage, reduce the impact that the trees are having offsetting carbon and that the proposal could clear the site for subsequent planning applications.
15. An objection to the proposal has been received from a resident at Spring House, East Norton Road, Horninghold, stating that the removal of trees on the site is not justified as the trees are not diseased or causing damage to the property and the planting of a boundary hedge is insufficient reason to remove trees.
16. An objection to the proposal has been received from residents at The Old Rectory, Hallaton Road, Horninghold stating that the removal of trees on the site is not justified as the trees are not diseased or causing damage to the property and the planting of a boundary hedge is insufficient reason to remove the trees.
17. An objection to the proposal has been received from a resident at Bridgeford House Hallaton Road, Horninghold stating that Horninghold is a planned village and that the trees were planted as part of the design of the village. There is no justification in felling trees that are healthy and not causing damage to buildings. The removal of mature and healthy trees is against the principles of LCC Environment Strategy 2018-2030. The removal of trees on the site would have a negative impact on the street scene in the Conservation Area.
18. An objection to the proposal has been received from a resident at Tudor Cottage Hallaton Road, Horninghold stating that the removal of trees on the site would have

a negative impact on the privacy of Tudor House. The removal of trees should be justified by the condition of the tree rather than any planning conditions.

19. An objection to the proposal has been received from a resident at Globe House, East Norton Road, Horninghold stating that there is no justification for the removal of healthy trees on the site that are not causing damage to buildings. The historic landscape features of the Conservation Area need to be protected and enhanced not destroyed.

Issues

20. The Applicant wishes to fell the Douglas fir T2 that is in poor condition with a limited life expectancy, and a Portuguese laurel T4 and a yew tree T7 that are on the western boundary of the property to improve light conditions to the property and provide sufficient space to plant a new beech boundary hedge. The applicant also wished to crown reduce a sycamore T1 by up to 2.0m and crown raise by 3.0m and crown reduce a yew T11 by up to 2.0m and raise the crown to 3.0m to provide clearance from the existing cottage and the approved extension. Raise the crown of a beech T6 to 6.0m and raise the crowns of 3 yew trees T10, T13 & T14 and a Portuguese laurel T12 to 3.0m to allow clearance for the approved extension and the planting of a beech boundary hedge that is part of the approved planning application 17/00127/FUL and the landscaping conditions set out in application 19/01068/PCD.
21. The Douglas fir T2 is located adjacent to the driveway, 10.0m to the east of Brook Cottage and 35.0m from the public highway Hallaton Road. It has a stem diameter of 72cm and a height of 20m. The main stem has broken out in the past and has formed 3 co-dominant leaders that are weakly attached to the main stem and have the potential to breakout on to the driveway. The foliage in the crown is in poor physiological condition and the tree is in decline. The tree has a safe life expectancy of 10 years. The tree can be viewed from the public highway.
22. The Portuguese laurel T4 is located on the bank on the west boundary of the property 6.0m from the rear of Brook Cottage and 48.0m from the public highway. It has a stem diameter of 50cm and a height of 10.0m. The main stem has pockets of decay at the base. The tree is not visible from the public highway.
23. The yew T7 is located on the west boundary 9.0m from the public highway and adjacent to the lawn. The tree has 4 main stems with a diameter of 25cm and a height of 4.0m. The tree is partly visible from the highway.
24. The sycamore T1 is located on a bank on the west boundary of the property 3.0m from the gable end of Brook Cottage and 30.0m from the highway. The tree has a stem diameter of 49cm, height of 17.0m and crown spread of 15.0m. The shade cast by the crown when in leaf causes the roof of the property to become damp which in turn causes moss growth on the roof. The tree is visible from the highway.
25. The yew T11 is located on a bank on the west boundary of the property 3.0m from the gable end of Brook Cottage and 25.0m from the highway, with a stem diameter of 49cm, crown spread 9.0m and height of 14.0m. The shade cast by the crown causes dense shade and the growth of moss on the roof of the property. The tree is visible from the highway.

26. The mature beech T6 and the 3 yew trees T10, T13 & T14 and the Portuguese laurel T12 are located on the west boundary of the property 80.0 to 20.0m from the highway. The crowns of the 4 trees are in good physiological condition with low branches that cast dense shade in to the property. The 4 trees are partly visible from the highway.
27. The site is stocked with over 30 protected mature and semi-mature trees, hazel and laurel shrubs. The approved landscape proposal includes planting a beech boundary hedge between Brook Cottage and Horninghold Hall and planting over 70 new trees including beech, oak, hornbeam, wild cherry and yew in the open grass area to the rear and east of the property.

Equality and Human Rights Implications

28. There are no discernible equality and human rights implications.

Conclusion

29. The Douglas fir T2 has 3 potentially weak co-dominant leaders that should they fail would breakout on to the driveway. The tree is potentially dangerous. The tree is in decline and has a limited safe life expectancy. The removal of the tree will have a negligible detrimental impact on the amenity of the area.
30. The Portuguese laurel T4 is of poor form with decay pockets in the main stem. The removal of the tree will allow the establishment of the new beech boundary hedge and have no detrimental impact on the amenity of the area.
31. The yew T7 is of poor form and has low amenity value. The removal of the tree would allow the establishment of the new beech hedge and have negligible detrimental impact on the amenity of the area.
32. The proposed crown reduction of a sycamore T1 by up to 2.0m and crown raise by 3.0m and crown reduce a yew T11 by up to 2.0m and raise the crown by 3.0m will improve light conditions to the exist cottage, the approved rear extension and the establishment of the new beech hedge. The work will have no detrimental impact on the amenity of the area.
33. The proposed crown raising work to the beech T6 and 3 yew trees T10, T13 & T14 and a Portuguese laurel T12 will provide improved light conditions to the property, allow clearance for the new rear extension and enable the establishment of the new beech hedge. This work will have no detrimental impact on the amenity of the area.
34. There is sufficient space and light on the east open area of the property to plant 3 replacement trees of suitable species as standards 2.5 to 3.0m in height and 8/10cm girth such as beech, oak, hornbeam or wild cherry.

Recommendations

35. It is recommended that consent is granted to fell the Douglas fir T2, Portuguese laurel T4 and yew T7, crown reduce a sycamore T1 by up to 2.0m and crown raise by 3.0m and crown reduce yew T11 by up to 2.0m and raise the crown by 3.0m and raise the crown of beech T6 to 6.0m and 3 yew trees T10, T13 & T14 and a

Portuguese laurel T12 by 3.0m. Prior to the commencement of the approved works the trees are marked and then inspected following the treework operations.

36. It is also recommended that there is a condition to plant 3 replacement trees of suitable species as standards 2.5 to 3.0m in height and 8/10cm girth such as beech, oak, hornbeam or wild cherry in the next planting season November 2019 to March 2020. Should a replacement tree die within 5 years a new replacement tree of the same species must be planted.

Reason for Recommendations

37. The Douglas fir T2 is potentially dangerous and has a limited life expectancy.
38. The Portuguese laurel T4 and yew T7 are of poor form and the shade cast by the trees would prevent establishment of the new beech hedge.
39. The crown reduction of the sycamore T1 by up to 2.0m and crown raise by 3.0m and crown reduction of the yew T11 by up to 2.0m and raising of the crown by 3.0m will improve light conditions to the existing cottage, the approved rear extension and allow the establishment of the new beech hedge.
40. The crown raising work to the beech T6 to 6.0m and 3 yew trees T10, T13 & T14 and a Portuguese laurel T12 by 3.0m will improve light conditions to the property, and the new extension and allow the establishment of a new beech boundary hedge.

Background Papers

The background papers used in the preparation of this report are held on Environment and Transport File No. 2019/TPO/0100/LCC.

Circulation Under the Local Issues Alert Procedure

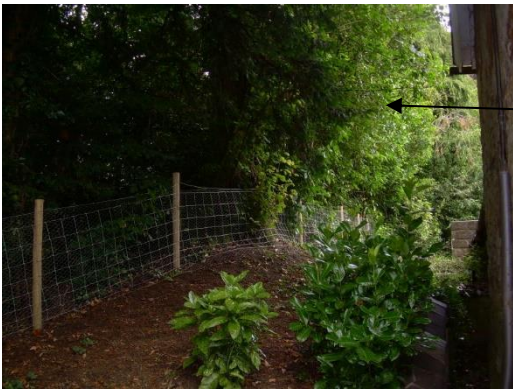
Mr. S. J. Galton CC

Officers to Contact

Mr. Andrew Shaw
Landscape Officer
Environment and Transport Dept.
Tel. 0116 305 7061
Andrew.shaw@leics.gov.uk

APPENDIX 1 PHOTOGRAPHS OF TREES

Sycamore T1 and yew T11



2 yew trees T13 & T14 shading boundary adjacent to gable end of Brook Cottage and site of proposed extension.



Yew T7 & T10 viewed from Hallaton Road



Douglas fir T2 viewed
from Hallaton Road



Douglas fir T2 showing 3
co dominant leads



Yew T7 & T10 viewed
from driveway across
front lawn



Portuguese laurel T4



View of main stem of
Portuguese laurel T4
with broken branch and
decay pockets



Portuguese laurel T4



Portuguese laurel T12 on
boundary line



2 yew trees T13 and T14
Portuguese laurel T12



Sycamore T1 and yew
T11 viewed from rear
garden

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**DEVELOPMENT CONTROL AND REGULATORY BOARD****18TH DECEMBER 2019****REPORT OF THE CHIEF EXECUTIVE****COUNTY MATTER****PART A – SUMMARY REPORT**

APP.NO. & DATE:	2019/0419/06 (2019/CM/0066/LCC) – 14 th March 2019
PROPOSAL:	The proposed development is for an anaerobic digestion plant with associated infrastructure and an access road.
LOCATION:	Land at Green's Lodge Farm, Pickwell, Melton Mowbray, LE14 2QN
APPLICANT:	Mr. Simon Hazard and Mrs. Sally-Anne Hazard
MAIN ISSUES:	Highway impacts, loss of amenity, impacts on rights of way users and heritage assets and strategic planning policy
<u>RECOMMENDATION:</u>	That the Development Control and Regulatory Board resolves to advise the Planning Inspectorate that had the application fallen to be determined by the Board that it would have been refused.

Circulation Under Local Issues Alert Procedure

Mr. J. T. Orson, CC, JP

Officer to Contact

Mr. Oliver Meek (Tel. 0116 305 7041).
Email: planningcontrol@leics.gov.uk

PART B – MAIN REPORT**Description of Site**

1. The application site is on land at Green's Lodge Farm, Stygate Lane, Pickwell, Melton Mowbray, Leicestershire. The site comprises 5.68 hectares of agricultural land and is located approximately 6.4km south-east of the edge of Melton Mowbray, 5.8km north-west of the edge of Oakham and 1.35km north-east of the village of Pickwell, which is the closest settlement to the site.
2. The application site is currently used as an arable field which the applicant states is grade three agricultural land. It is largely surrounded by mature hedgerows with occasional hedgerow trees. It is within Flood Zone 1 (land assessed as having a less than 1 in 1,000 probability of river or sea flooding).
3. The application site will be accessed from Stygate Lane approximately 300m south-west of the junction of Stygate Lane and the A606 Oakham Road. There is currently a farm track access at this point, but it is proposed to be upgraded as part of the development. The access road would run around 500m south east from Stygate Lane before turning south west and running around 850m to the application site.
4. Adjacent to the western boundary of the application site is an existing anaerobic digestion (AD) plant at the Belmont Farm piggeries. The AD plant produces renewable energy using methane produced from pig slurry arising from the Belmont Farm pig farm blended with imported maize.
5. The nearest residential property is located on Stygate Lane around 400m to the north-west of the built element of the proposed development and 350m south-west of the proposed access onto Stygate Lane. There are several isolated farm properties approximately 500m to the north and east of the site.
6. Footpath D68 runs south-west to north-east along the site's southern boundary and parallel to the 850m stretch of the proposed access road.
7. There are five Grade 1 and II* listed buildings in the surrounding landscape, including:
 - Cold Overton Hall – Grade I
 - Church of St John the Baptist, Cold Overton – Grade I
 - Church of All Saints, Pickwell – Grade I
 - Church of All Saints, Somerby – Grade I
 - Church of St James, Little Dalby – Grade II*

2019/0419/06 – continued

Background

8. A planning application for a similar development was made in 2018 (ref. 2018/0425/06), although it was subsequently withdrawn before being determined. The key difference between the withdrawn application and the



2019/0419/06 - continued

current proposal relates to the point of access off the public highway. The 2018 application sought permission for an access directly off the A606 Oakham Road, rather than Stygate Lane.

9. This planning application was validated by the County Council on 14th March 2019. Consultation responses from both Leicestershire County Highways Authority and Rutland Highways Authority sought further information and a request for this information was made to the applicant
10. In an effort to work positively and proactively with the applicant, Officers allowed substantial time for the requested information to be provided. However, the applicant (now appellant) has instead elected to submit an appeal to the Planning Inspectorate for non-determination of the application within the appropriate time periods. The appellant has made a costs application with the appeal.
11. Given that the Planning Inspectorate is now the determining authority for the proposed development, the purpose of this report is to establish what the Board's decision would have been if this application had been determined by the County Council. This decision will form the position the County Council will take in the appeal.

Description of Proposal

12. The proposed development includes the erection of an anaerobic digester, associated equipment and access track for the purpose of generating renewable energy, solid digestate for use in the mushroom growing industry, CO₂, largely for the food and beverage industry and biogas. The input material would be straw, grass, pig slurry and chicken litter. The renewable energy generating capacity is stated in the application supporting statement as being 40,000MW of biogas. This is assumed to be the total Mwh (megawatt hours) that the facility would be capable of generating in a year.

Construction Phase

13. The construction of the development includes the following structures:
 - Five digester tanks (three primary digester tanks measuring 7m diameter and 14m high and two digesters with 14m diameter and 14m high) and a small tank for removing sediment from the digesters (measuring 4m diameter, 2m high);
 - One digestate store measuring 20m in diameter, 6m high with a 2m high dome;
 - The digesters, sediment tank and digestate store would be surrounded by a 2m high, 5m wide impermeable bund with a 1m wide flat top;
 - Gas bag with dimensions 35m wide and 45m long. The overall height of the gas bag is 3.5m with 2.4m above ground. The gas bag would have 2.3m high and 3.25m wide bunding around its perimeter;
 - Weighbridge with dimensions 4m wide and 14m long and weighbridge office with dimensions 3m wide and 12m long with a height of 2.5m;
 - Gas upgrade/injection equipment with dimensions 7m wide, 21.5m long and 15.3m high, which will be treated to reduce glare;

2019/0419/06 – continued

- Compressors as part of the gas upgrade and injection equipment housed within a standard shipping container;
 - Operations building, which houses the Combined Heat and Power (CHP) unit, biofilter, separator and dryer, measuring 35m wide, 62.5m long and with a height of 7m to eaves and 10m to ridge;
 - Buffer tank measuring 14m diameter and 6.5m high, located within the operations building;
 - Gas flare measuring 4.2m high;
 - Three silage clamps each 30m long, 15m wide and 6m high;
 - A hardstanding storage area constructed from concrete;
 - Tanker filling station measuring 20m long, 2.6m high and 10m wide;
 - Car parking area;
 - Attenuation pond/detention basin; and
 - Access road into the site from Stygate Lane.
14. The proposed built structures would be olive green similar to RAL 6003 and agate grey similar to RAL 7038 in colour, where possible. The gas bag would be olive green in colour.
15. The main site would be surrounded by 1.8 high deer/livestock fencing and the entrance from Stygate Lane would have a 2m high, 10m wide gate. The gate would be set back by 20m from Stygate Lane to allow vehicles to safely pull off the highway in front of the gate. Any gaps in the hedgerow on the road side of the gate will be filled with fencing and planted with hedgerow species. The entrance to the main site from the access track would have a 2m high, 12m wide gate.
16. Low level lighting is proposed to be installed at the plant around the tanker filling station, operations building and weighbridge. The applicant proposes a concrete or tarmac finish for the access road.
17. Prior to the construction of any buildings on site, the site needs to be levelled using cut and fill. A balance of material that is cut from the site should equal material used to fill areas and to create the earth bunds referred to above. The bunds will be constructed to contain at least 110% of the contents of the largest tank and will be built in accordance with CIRIA 736 'Containment systems for the prevention of pollution' guidance.
18. In order to minimise the necessity to remove hedgerows the access road is designed to largely utilise the existing track currently used for agricultural purposes. However, some sections of hedgerow would need to be removed in order for the access track to allow vehicles to move between fields. Also, a section of hedgerow would need to be removed where the access track meets Stygate Lane to allow for adequate visibility. In total, approximately 60m of hedgerow would need to be removed. Hedgerow will only be removed outside of the bird nesting season and replacement hedgerow would be planted along the length of the access track. There will be areas of trees at Green's Lodge Farm that will act as screening for the development. No trees will need to be removed on the site or access track although one hedgerow tree may require lower limb pruning on one side where the gates into the main site would be located.

2019/0419/06 – continued

19. Footpath D68 runs along the southern boundary of the proposed development site and parallel to a section of the existing agricultural farm track. The proposed access route would then run parallel to the footpath on the other side of the existing hedgerow. The section of access route immediately leaving the main site that runs next to the existing footpath will be 5.0m wide. The rest of the access route will be 4.0m wide increasing in width at the junction with Stygate Lane. A speed limit of 15mph is proposed on the access track to ensure the safety of any walkers on the adjacent public footpath.

Operational Phase

20. Once operational the facility will be able to treat approximately 49,000 tonnes of feedstock per annum. This annual feedstock is proposed to comprise the following:
- Pig slurry – 15,000 tonnes;
 - Chicken litter – 10,000 tonnes;
 - Straw – 15,000 tonnes; and
 - Grass - 9,000 tonnes.
21. The pig slurry is proposed to be transported to the site via pipes from the adjacent pig farm. Belmont Farm has its own operational anaerobic digester using pig slurry from its farming operations as feedstock along with imported maize. The applicant states that the Belmont Farm AD plant is operating at capacity and that there is an excess of pig slurry, which is currently transported, using tractors and tankers, off the site for spreading onto local agricultural land. The applicant states that Belmont Farm is a separate company that appears to have no plans to extend its existing AD facility. The applicant states that the pipes from the slurry lagoons at Belmont Farm would be installed under permitted development rights, as according to the Town and County Planning (General Permitted Development) (England) Order 2015.
22. The chicken litter will be delivered in 28.5 tonne artic bulk lorry loads from sites located within a 20-mile radius of the proposed development. This would equate to 1.1 loads entering and leaving the site daily from Monday to Saturday. Straw would be delivered in 25 tonne loads on articulated flatbed lorries. Of the 15,000 tonnes of straw that would be used as feedstock for the digester, 2,500 tonnes would be grown by the applicant on land within 9km of the proposed site. The remaining 12,500 tonnes of straw would be supplied by a third party supplier within 20km of the site. This would result in 1.6 loads entering and leaving the site daily from Monday to Saturday. Grass would be delivered in 15 tonne tractor and trailer loads and would be sourced from the applicants' surrounding land. Half of the 9,000 tonnes of grass would be grown at Leesthorpe Farm, surrounding the site, and would be delivered directly to the AD plant without using the local road network. The remaining 4,500 tonnes would be delivered to the site from land within 9km of the site and would use the local road network. Grass would be brought to the site between May and October and would equate to 1.9 loads entering and leaving the site daily during this period.

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23. On the basis of the above, the proposed development would result in a total of 4.6 vehicle trips per day associated with the delivery of feedstock (9.2 vehicle movements per day).

Outputs

24. The resulting products from the anaerobic digestion process are digestate, heat, biogas and carbon dioxide (CO₂). Approximately 41,650 tonnes of digestate would be generated per annum, which will be separated into liquid and solid fractions. The solid fraction would be dried onsite using the heat from the AD process. This dry fibre can be used as a compost for mushroom growers, with the applicant stating that this type of material is currently imported from Holland. The applicants state that no contracts are in place for the dry fibre end product, with the closest mushroom grower approximately 18 miles from the site by road in Market Harborough. The applicants state that 10,000 tonnes of dried digestate would be sold to the mushroom growing industry annually and would be transported from the site in 28.5 tonne bulk lorries. This would result in an average of 1.1 HGV movements per day, Monday to Saturday.
25. The applicants state that they currently use synthetic fertilisers and sewage sludge on the land that they farm and the use of liquid and solid digestate from the proposed AD plant would replace this, with 6,697 tonnes of digestate to be spread to the applicants' land per annum. The digestate would be umbilically piped from the AD plant directly to these surrounding fields, thus would not require transportation via the road network.
26. The remaining 24,953 tonnes of digestate will be transported from the AD plant in 28.5 tonne loads to land that the applicants farm, within 9km of the site. This would result in an average of 2.8 HGV movements per day, Monday to Saturday. In the future the applicants state that they may look to backhaul the digestate on the transport used to bring in the feedstock, reducing the vehicular movements to and from the site. All HGVs entering and leaving the site would do so via the A606 and not through Pickwell village.
27. The heat generated in the plant would be used in the drying process and to maintain the AD operation. The CHP unit would be used to generate electricity from some of the biogas for use at the plant only. No electricity would be exported from the site. The applicant states that the remaining biogas (around 40,000MW or 4,000,000m³) would be transported by road (1.6 loads per day Monday to Saturday) for injection to the grid via SGN (Scotia Gas Networks), although it is not clear where this would take place.
28. Around 5,000 tonnes per annum of CO₂ will be produced which is proposed to be processed through liquefaction equipment contained in the operations building to enable it to be transported off-site in 25 tonnes HGVs (0.6 loads per day Monday to Saturday). It is proposed that it will be supplied to soft drinks manufacturers and, again, while no contracts are currently in place, the closest manufacturer is approximately 35 miles from the proposed site.

Operating Hours

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29. The usual operating hours for the facility would be 07.00 to 18.00 Monday to Saturday with movements to and from the site taking place during these hours. The anaerobic digester would be in operation 24 hours per day.

Employment

30. The applicants state that the development will lead to the employment of five full time equivalent staff members.

Environmental Considerations

31. The application was accompanied by the following technical assessments:
- Highway Impact Assessment;
 - Flood Risk Assessment;
 - Ecological Assessment, including great crested newt survey;
 - Heritage Assessment;
 - Landscape Assessment;
 - Odour Management Plan; and
 - Lighting, planting and site layout plans.

Planning PolicyLocal

32. The relevant local development plan policies are contained within the Leicestershire Minerals and Waste Local Plan (adopted September 2019) and the Melton Local Plan (adopted October 2018).

Leicestershire Minerals and Waste Local Plan

- 33.
- Policy W1: Waste Management Capacity;
 - Policy W4: Non-strategic Waste Facilities;
 - Policy W5: Locating Waste Facilities;
 - Policy W6: Biological Treatment of Waste Including Anaerobic Digestion and Open Air Windrow Composting;
 - Policy W7: Facilities for Energy and Value Recovery from Waste;
 - Policy DM1: Sustainable Development;
 - Policy DM2: Local Environment and Community Protection;
 - Policy DM5: Landscape Impact;
 - Policy DM6: Soils;
 - Policy DM7: Sites of Biodiversity/Geodiversity Interest;
 - Policy DM8: Historic Environment;
 - Policy DM9: Transportation by Road;
 - Policy DM10: Public Rights of Way; and
 - Policy DM11: Cumulative Impact.

Melton Local Plan

- 34.
- Policy SS1: Presumption in Favour of Sustainable Development;
 - Policy SS2: Development Strategy;
 - Policy EC2: Employment Growth in the Rural Areas (Outside Melton Mowbray);

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- Policy EN1: Landscape;
- Policy EN2: Biodiversity and Geodiversity;
- Policy EN3: The Melton Green Infrastructure Network;
- Policy EN8: Climate Change;
- Policy EN10: Energy Generation from Renewable and Low Carbon Sources; and
- Policy EN13: Heritage Assets.

NationalNational Planning Policy Framework

35. The revised National Planning Policy Framework (NPPF) was published 19th February 2019 and sets out the Government's planning policies for England. The NPPF does not contain specific policies on waste. At the heart of the NPPF is a presumption in favour of sustainable development, namely the economic, social and environmental roles, and the need to balance economic growth with the protection and enhancement of the environment (including the minimisation of waste and pollution). The NPPF sets out that decisions should provide for a net gain to biodiversity.
36. The National Planning Policy for Waste published in October 2014 and the Waste Management Plan for England published December 2013 set out the Government's ambition to work towards a more sustainable and efficient use of waste and the desire to move the management of waste up the waste hierarchy.
37. In 2011 the Government published its '*Anaerobic Digestion Strategy and Action Plan - A commitment to increasing energy from waste through Anaerobic Digestion*' document.

Material Planning Considerations

38. Somerby Parish Neighbourhood Plan (SPNP) is at the pre-submission consultation draft stage (published in June 2019). The following draft policies are relevant to this proposal, although the weight that can be afforded to them is limited due to the current stage of the SPNP:
 - Policy Cd1: Building Design Principles;
 - Policy Env 4: Local Non-Designated Heritage Assets;
 - Policy Env 7: Settlement Character;
 - Policy Env 8: Local Landscape Character Areas;
 - Policy Env 10: Biodiversity and Wildlife Corridors;
 - Policy Env 11: Trees, Hedgerows and Green Verges;
 - Policy Env 12: Dark Skies and Tranquillity;
 - Policy Env 13: Footpaths and Bridleways;
 - Policy Env 15: Renewable Energy Generation Infrastructure; and
 - Policy EE1: Business Growth; and
 - Policy EE4: Farm Diversification.

Consultations

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Melton Borough Council

39. The Council notes that this proposal involves the erection of a large number of buildings within an area of undisturbed countryside and that careful considerations need to be given to impacts on the visual amenity of the area and surrounding landscape. The Council also wishes that consideration is given to the impacts on the loss of best and most versatile agricultural land and on the natural environment and human health.

Somerby Parish Council

40. The Council considers that the policies within the Melton Local Plan are adverse to this application. While not raising an objection on highway grounds subject to all deliveries and exports being via the A606 and not Pickwell village, the Council considers that the development across five hectares will have an enormous visual impact. It also considers that the impacts of the access road need to be considered due to the use of concrete or tarmacadam for the surfacing. If approved the Council wishes to see conditions imposed that limit the throughput to that proposed in the application and also require a planting scheme and low-level lighting across the site.

Whissendine Parish Council

41. The Parish Council objects to the proposal on grounds of highway safety and is concerned about pollution risks to the local watercourses.

Rutland County Council - EHO

42. No objection.

Highway Authority (CHA) – Leicestershire County Council

43. Originally issued a holding objection requesting additional information relating to survey data from the traffic counts and speed survey so this can be verified. The CHA also asked the Applicant to clarify whether the level of trips associated with 'additional materials from other farms' relate specifically to vehicle movements on Stygate lane. The CHA also requested drawings indicating appropriate visibility splays at the site access and revised vehicle tracking should be provided for the site access and passing bays as well as using the junction of Stygate Lane/ A607.

Rutland County Highway Authority

44. Originally issued a holding objection. It has concerns regarding the accident record of the junction between Stygate Lane and the A606 and requested further information regarding vehicle movements and junction improvement works.

Environment Agency

45. No objection.

Landscape Advice (Leicestershire County Council)

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46. The Landscape Officer considers that the proposal will not have a major adverse impact on the surrounding landscape and raises no objection subject to conditions relating to the retention of vegetation where possible and a detailed planting scheme.

Ecological Advice (Leicestershire County Council)

47. No objection subject to conditions regarding a planting scheme and prior approval of external lighting, which should ensure that light spill is less than 1 lux on ecological features such as trees, hedgerows etc.

Heritage Advice (Leicestershire County Council)

48. The Heritage Officer wishes it to be noted that, when taking decisions on planning applications, there is an over-arching statutory obligation under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of listed buildings and that Section 16 of the NPPF is a material planning consideration. The officer goes on to note that recent case law makes it clear that the duty imposed in the Act requires, in considering whether to grant permission for development that may cause harm to a listed building or its setting, the decision maker should give great weight to the asset's conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. There is still a requirement for a planning balance, but it must be informed by the need to give appropriate weight to the desirability of preserving the asset and its setting.
49. The Heritage Officer has provided an assessment of the impacts of the proposal on heritage assets and concludes that the scale of harm to the local heritage assets in this case will be less than substantial. Even so, the harm that would be caused to the heritage asset needs to be weighed in the planning balance as per the requirements stated above and in accordance with the Development Plan.

Historic England

50. No comment.

Local Lead Flood Authority (LLFA) Leicestershire County Council

51. No objection.

Rights of Way - Leicestershire County Council

52. Unless the route of Footpath D68 is diverted away from the access road then the Rights of Way officer would object due to the impacts on users and the character of the footpath. The Applicant has confirmed that it is amenable to applying for a formal diversion of Footpath D68 to take it to the south of a hedge that runs immediately adjacent to the proposed new access road.

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Publicity and Representations

53. The proposal has been advertised by site notices posted on 9th April 2019 and a notice in a local newspaper published on 11th April 2019.

Representations Received

54. A total of 49 letters of representation have been received, all of which raise an objection to the current proposal. The main issues raised are:
- the impacts of the proposal on local heritage assets;
 - impacts on the local highway network and highway safety;
 - visual and landscape impacts on the local area, including its 'dark skies';
 - impacts on local amenity by way of noise, odour and artificial lighting;
 - industrialisation of the countryside;
 - lack of benefits to the local community;
 - hydrology;
 - viability; and
 - should not be using crops as a 'waste' product.

Assessment of Proposal

55. The application should be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the main issues for consideration of this application relate to impacts upon heritage assets, the local highway network, landscape, noise, public rights of way, the contribution of the proposal to the County's waste management infrastructure and the appropriateness of the location. Other considerations include benefits from employment, the moving of waste up the hierarchy and wider benefits associated with anaerobic digestion.

Policy W6 - Biological Treatment of Waste Including Anaerobic Digestion and Open Air Windrow Composting

56. Policy W6 is the key policy for this type of development and it states that planning permission will be granted for waste facilities for anaerobic digestion, outside of those areas set out in (i) - (iii) of Policy W4 where the proposal is an appropriate distance from any sensitive receptors and is located on either:
- (i) land meeting the requirements of (i)-(iv) of Policy W5, or
 - (ii) land associated with an existing agricultural, livestock, or food processing use where it is demonstrated that there are close links with that use.
57. It is considered that the proposal is outside those areas set out in (i) - (iii) of Policy W4 and therefore it is necessary to consider whether the proposal meets either subsections i or ii in Policy W6. The site does not meet the locational requirements of subsections i to iv of Policy W5 and therefore to conform to the requirements of Policy W6, the proposed site must be land associated with an existing agricultural, livestock, or food processing use where it is demonstrated that there are close links with that use. This is discussed in further detail below.

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General Location and Policy and Need

58. In terms of need for additional capacity to manage agricultural waste, Paragraph 4.10 and Table 10 of the Leicestershire Minerals and Waste Local Plan are pertinent. It is evident from Table 10 (reproduced below) that the identified shortfall for the whole plan period up to 2031 is around 650 tonnes per annum.

Year	Gross Requirement (tpa)	Capacity (tpa)	Shortfall/ Surplus (tpa)	New facilities required (no. & tpa)
2020/21	6,477	6,224	-253	1 of 300
2025/26	6,664	6,524 ¹	-140	1 of 150
2030/31	6,856	6,674 ²	-182	1 of 200
Plan Period	6,856	6,224	-632	1 of 650

¹ Assumes 300 tonnes per annum (tpa) of capacity added in response to the 2020/21 requirement.

² Assumes 150 tonnes per annum (tpa) of capacity added in response to the 2025/26 requirement.

59. A key aim of the Minerals and Waste Local Plan is to direct new waste developments to specific areas of the County and to suitable priority locations. Given the type of operations proposed the site does not meet the criteria of a 'strategic' site and, therefore, Policy W4 is the starting point for assessing its suitability in terms of location. The proposed site is a greenfield agricultural

site in the countryside. Policy W4 sets out that some types of waste management facility cannot be readily located in the priority locations; anaerobic digestion is one of these types of facilities. Therefore, there is no conflict with Policy W4.

60. Policy W5 lists those types of land to be considered for locating new waste sites. There are four land types stated as being acceptable, none of which are greenfield countryside locations. However, Policy W5 goes on to state that other land types will be considered '*where there is a clear link between the proposed location and the waste managed which would result in transport, operational and environmental benefits, and there is an overriding need for the development which cannot be met within the urban areas set out in (i)-(iii) of Policy W4.*'
61. The proposal includes 15,000 tonnes of surplus slurry from the adjacent pig farm, which the Applicant states cannot be managed at the pig farm's established AD plant due to it being at maximum capacity. This equates to around 31% of the total inputs. There is, therefore, a link between the proposed location and some of the waste to be managed, although it is necessary to consider the location of other waste streams to be processed and the location of the end products to fully understand any transport, operational and environmental benefits.
62. The bulk of the waste streams would be imported from up to 20km away, with 4,500 tonnes from adjacent grassland and the rest from up to 9km away. Therefore, while there is some material to be imported from adjacent farmland,

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the majority will not be, with a 20km zone including land on the eastern fringe of Leicester, western edge of Stamford and north of Melton Mowbray. It also includes land close to Rockingham to the south. Therefore, it is considered that it has not been demonstrated that there is a close link between the inputs and the location of the proposed site.

63. With respect to outputs, out of 41,650 tonnes per annum, it is proposed that 10,000 tonnes per annum would be exported to mushroom farms. However, no contract is in place and the closest mushroom farm is stated as being 18km to the south near Market Harborough. Around 25,000 tonnes per annum of digestate is proposed to be spread to adjacent farmland and other land within 9km of the site, which would be beneficial and replace other imports on local roads. 5,000 tonnes per annum of CO₂ would be exported off site a distance of at least 35 miles, which is a significant distance from a countryside location, with around 4 million cubic metres of biogas also being exported for injection into the main grid. The location of this is not stated, although it is likely to be at a significant distance from this rural, isolated location. It is considered that again, while a majority of output would be used within 9km of the application site, the remaining outputs would travel significant distances from the site and a close link between the outputs and the location of the proposed site has not been proven.
64. Overall, while there would be some benefits arising from the location of the site adjacent to the Belmont Pig Farm AD facility, it would be preferable in planning policy terms for that facility to be extended to manage its own waste rather than a standalone facility be built in this rural, countryside location, with only limited links to surrounding and close land.
65. In the light of the foregoing it is considered that while there may be a need to manage the 15,000 tonnes per annum of pig slurry arising from the adjacent site, there isn't a demonstrable overriding need for the remaining throughputs to be processed at this location. It is therefore considered that the proposal conflicts with Policies W5 and W6.

Highway Impacts

66. The proposed access on Stygate Lane is considered to be acceptable in principle, although the Highway Authority has requested further plans demonstrating acceptable visibility splays. Further information was requested by both Leicestershire and Rutland County Highway Authorities in terms of traffic data and junction improvement works where Stygate Lane joins the A606.
67. However, prior to this requested information being submitted by the Applicant, an appeal was lodged on the grounds of non-determination. The additional information originally requested was submitted as part of the appeal and this has been consulted upon. At the time of writing this report, formal responses have not been received from the highway authorities but these will inform the position the County Council takes in relation to highway impacts.
68. This report is seeking a resolution from the Development Control & Regulatory Board as to what decision it would have taken had the application been determined by it. At the time of writing this report it is not known whether the

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objections of both highway authorities would have been removed. Should responses be received prior to the Board meeting, Members will be provided with an update.

Heritage Impacts

69. There are several listed buildings and structures and non-designated buildings of local heritage interest within the theoretical zone of visibility of the site. The advice from the council's Heritage Officer is that there would be some harm to the setting of these heritage assets. However, the Heritage Officer concludes that the harm would be 'less than substantial', although it is noted that even in this situation, great weight should be given to the conservation of such assets and, where a development proposal will result in less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
70. Paragraph 190 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal, which includes effects on the setting of the heritage assets. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and that this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
71. Policy DM8 states (*inter alia*) that '*there will be a presumption against minerals and waste development that will be detrimental to the significance of a heritage asset. Any harm to heritage assets will require clear and convincing justification. Where a proposal would affect a non-designated heritage asset, the benefits of the proposal will be balanced against the scale of harm to or loss of the heritage asset (including archaeological features) and its significance.*' Policy EN13 is also relevant and states (*inter alia*) that '*the Council will take a positive approach to the conservation of heritage assets and the wider historic environment through:*
 - A) *seeking to ensure the protection and enhancement of Heritage Assets including non-designated heritage assets when considering proposals for development affecting their significance and setting. Proposed development should avoid harm to the significance of historic sites, buildings or areas, including their setting.*
72. While the impacts on local designated heritage assets are considered to be less than substantial, Policy DM8 has a presumption against waste development that will be detrimental to the significance of a heritage asset, as does bullet point A to Policy EN13. However, there is a clear caveat in Policy DM8 and paragraph 196 of the NPPF that a clear and convincing justification/public benefit for the development proposals would overcome the in-principle policy objection where the impacts are less than substantial.

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73. It is considered that there is a planning judgement to be made where less than substantial impacts would affect designated assets as to whether the benefits of the development proposed are such that the harm is outweighed. The benefits in this instance include employment, the moving of some waste up the hierarchy and the production of compost, digestate, CO2 and biogas. This has to be weighed against the great weight that is given to the conservation of the heritage assets and that the development would result in less than substantial harm to them.
74. Furthermore, it is considered that the benefits could reasonably be provided by a facility situated in a location much closer to the source of inputs and/or outputs, where there would be much less, if any, impacts on local designated heritage assets and the local highway network. As set out above, it is considered that there is not a reasoned justification for using such an isolated, countryside location and the public benefits do not outweigh the harm. Therefore it is considered that the development would be in conflict with Policies DM8 and EN13 and the NPPF.

Visual and Landscape Impacts

75. The Council's Landscape Officer has considered the proposals and, subject to conditions, considers that the proposal would not have a major adverse visual impact on the surrounding landscape. Notwithstanding this, the proposed development will have an urbanising effect on this rural location, particularly in cumulation with the adjacent AD facility at Belmont Farm. While the visual impact of the proposal in itself may not be so severe as to warrant a refusal on landscape grounds alone, there remains some conflict with Policies DM5 and EN1, as there will be a further urbanising effect within this rural landscape and this needs to be considered in the planning balance.

Noise, Odour and Emissions to Air

76. The site is reasonably well distanced from residential properties and there have been no concerns raised by the technical consultees in relation to noise, odour and emissions. The site will require an Environmental Permit issued and regulated by the Environment Agency prior to accepting any waste and this permit will place controls on the operator with regard to these matters. It is considered that there are no identified significant impacts arising from the proposal and no conflict with Policy DM2.

Rights of Way

77. The access road would impact upon Footpath D68 and the Rights of Way Officer has stated that unless changes are made to the scheme or a diversion of Footpath D68 is agreed by the Applicant then the Officer would object to the proposal. The Rights of Way has suggested that a minor diversion of the footpath immediately to the south of a hedgerow would overcome her objection and the Applicant has agreed to pursuing such a diversion if permission is granted. Therefore, subject to appropriate conditions/S106 agreement covering this matter there is no conflict with Policy DM10.

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78. Policy EN3 states that where new development has an adverse impact on green infrastructure corridors or assets (which includes access routes such as public rights of way), alternative sites and scheme designs that have no or little impact should be considered before mitigation is provided. The need for and the benefits of the development will be weighed against the harm caused. In this case, the development would significantly affect the characteristics of the footpath and impact on the public's use and enjoyment of it. This impact weighs against the proposed development.

Ecological Impacts

79. Two ecological appraisals have taken place in relation to land in and around the application site and these have not identified any protected species. The County Ecologist is concerned about the potential impacts of external artificial lighting although it is considered that a condition requiring prior approval for such lighting could overcome this concern. Therefore, it is considered that subject to such a condition the development does not conflict with Policies DM2 and EN2.

Other Matters

80. The site is in Flood Zone 1 and subject to an appropriate drainage scheme there would be no significant impact from the development on flood risk on and off site.
81. The use of non-waste agricultural crops such as grass and straw has been raised as a concern by several representors. The AD process often requires a blend of feedstocks to maximise the efficiency of the process and its outputs and is not in itself a reason to refuse this application.

Conditions

82. As the appeal process progresses, the Council will be requested to submit a scheme of conditions that it would wish to be imposed on any permission that may be granted by the Inspector. The submission of the scheme of conditions is without prejudice to the final decision made by the Inspector and is likely to include conditions covering the following matters:
- Highway and access improvements and routeing (some of these works may need to be included in a separate S106 obligation);
 - Footpath diversion;
 - Artificial lighting;
 - Ecological protection;
 - Landscaping;
 - Hours of operation;
 - Vehicle movements;
 - Waste types and tonnages; and
 - External colour scheme for all structures.

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Conclusions

83. The proposed development would be on a greenfield, rural location with only limited links to the site's agricultural use and limited transport, operational and environmental benefits – in fact due to the site's rural location there may be an increase in overall mileage travelled for the inputs and outputs of the AD process. It is also considered that there is no overriding demonstrable need for the AD facility or for it to be located in this location, rather it is considered that the adjacent pig farm and AD facility are being used to attempt to justify the whole development.
84. There would be less than substantial harm on several designated heritage assets in the locality that needs to be weighed in the planning balance. It is considered that notwithstanding the benefits from employment, waste management and the outputs from the facility, the lack of overriding and demonstrable need mean that the proposal conflicts with Policies W5 and W6. In addition, the development conflicts with policies DM5, DM8, DM10 and EN13 due to the location of the proposal and the impacts on heritage assets, the urbanising harm to the landscape and the impacts on users of Footpath D68.
85. Objections on highway grounds were made by both Leicestershire and Rutland Highway Authorities, and the response to these holding objections were only submitted after an appeal on non-determination grounds was lodged. This information is currently being consulted on and an update will be provided to Members at the meeting of the Development Control & Regulatory Board.

Recommendation

86. That the Planning Inspectorate be advised that had the planning application been brought before the Development Control & Regulatory Board for determination, that the Development Control & Regulatory Board would have resolved to REFUSE the application for the following reason:
 1. The proposed development is in a rural, greenfield location with only limited links to this location. It has not been demonstrated that there is an overriding need for an anaerobic digestion facility or for it to be located in this location and, taking into account the less than substantial harm on designated heritage assets in the locality, harm to users of Footpath D68 and potential impacts from artificial lighting, the proposed development conflicts with Policies W5, W6 and DM8 of the Leicestershire Minerals and Waste Local Plan (2019) and Policy EN13 of the Melton Local Plan (2018).



DEVELOPMENT CONTROL AND REGULATORY BOARD

18th DECEMBER 2019

REPORT OF THE CHIEF EXECUTIVE

**APPLICATION UNDER REGULATION 3 OF THE TOWN AND
COUNTRY PLANNING GENERAL REGULATIONS**

PART A – SUMMARY REPORT

APP.NO. & DATE:	2019/2181/07 (2019/Reg3Ma/0192/LCC) – 15 th August 2019
PROPOSAL:	Demolition of 2No. residences, 1 No. residential home and 1No. 6 bed residential respite care home for adults with learning disabilities and construction of the following; 14No. flats and 1No. 3 bed house. A replacement 6 bed Short Breaks respite care facility. A community Life Choices building providing day care for adults with learning disabilities. The work to be carried out in two phases to allow continuation of the respite care provision for existing service users.
LOCATION:	Smith Crescent/Cropston Drive, Coalville, Leicestershire, LE67 4JE (North West Leicestershire District)
APPLICANT:	Leicestershire County Council
MAIN ISSUE:	The impact of the proposed development on amenity & the local landscape, drainage and the highway.
RECOMMENDATION:	PERMIT subject to the conditions as set out in the appendix to the main report.

Circulation Under the Local Issues Alert Procedure

Mr M. Wyatt CC.

Officer to Contact

Mr. P. Larter (Tel. 0116 305 7292)
Email: planningcontrol@leics.gov.uk

PART B – MAIN REPORT

Description of site

1. The site to which this proposal relates occupies a corner plot between Smith Crescent and Cropston Drive and consists of a pair of 1930s semi-detached properties (numbers 46, 48, 50 and 98) and a single detached residence to the south on Smith Crescent (number 44). The property at 44, Smith Crescent is operated as a six bed residential care home (short breaks) for adults with learning disabilities. The properties at 46-48 Smith Crescent form Hamilton Court, a long term residential care home whereas 50, Smith Crescent and 98, Cropston Drive are managed by East Midlands Housing and occupied by adults with learning disabilities who are living independently with support. The site lies in the east of Coalville within the Greenhill area of the town and all the surrounding land uses are residential.

Description of proposal

2. The proposal is to demolish all of the existing buildings and to redevelop the entire site to provide for a six bed short break facility, day care provision for up to 20 people, and 15 residential supported living units (14 one bed flats and one three bedroom house) – all for adults with learning and physical disabilities. The development would be a combination of single and two storey buildings. Buff bricks, grey roof tiles and solar panels, and cream render dominate the external facades with aluminium framed windows and aluminium doors, both finished in grey or white.
3. The proposal includes an increase in the off-road parking spaces from eight to 23 and the provision of eight cycle parking spaces. To facilitate the development 13 trees will have to be lost but the large four oaks in the south east corner of the development will be retained (alongside some of the other smaller trees in the development). To mitigate this loss the proposal includes replacement trees, a new privet hedge along the western boundary, and new shrub planting. To improve the biodiversity of the site and its immediate environs there are plans to install bird boxes, a hedgehog box and bat bricks and to manage the grassed area on the corner of Cropston Drive and Smith Crescent so that it becomes a small wild flower area.
4. Current employee numbers are 11 full time and 33 part time whereas the proposed are 8 full time and 23 part time. The development would be phased so that 50, Smith Crescent and 98, Cropston Drive are demolished first and the short breaks and nine supported living units are provided (see Plan 1). Then, once these have been built the remainder of the site would be developed allowing for reduced disruption to the service.



Plan 1 – Site Location showing existing properties

Planning Policy

Development Plan Policies

5. The relevant development plan document is the North West Leicestershire Local Plan (adopted November 2017). The relevant policies are set out below:

- *Policy D1*: Design of new development.
- *Policy D2*: Amenity.
- *Policy IF7*: Parking provision and new development.
- *Policy En1*: Nature conservation.
- *Policy Cc1*: Renewable energy.
- *Policy Cc2*: Flood risk.

National Guidance

6. The revised NPPF (National Planning Policy Framework) was published 19 February 2019. The document offers guidance to local planning authorities determining planning applications to achieve sustainable development – good design is a key aspect of sustainable development, as set out in Chapter 12 (Achieving well-designed places) of the NPPF.

Consultations

Highway Authority – Leicestershire County Council

7. The impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. It is advised that any planning permission should be subject to six conditions concerning access arrangements, parking, cycle provision and a construction management plan.

Lead Local Flood Authority (LLFA) – Leicestershire County Council

8. No objection, subject to the addition of two conditions to any planning permission.

North West Leicestershire District Council – Planning

9. No objection.

North West Leicestershire District Council – Environmental Health

10. No objection, subject to the addition of two conditions on ground contamination.

2019/2181/07 - continued

Ecological Advice – Leicestershire County Council

11. No objection.

Landscape Advice – Leicestershire County Council

12. No objection. The proposed development is in scale and in keeping with the existing residential setting. The loss of existing trees is balanced by new planting and biodiversity enhancements. Any trees that are to be retained in close proximity to the proposed works should be protected. Details including replacement tree planting covering earthworks, size, species, including protection and aftercare should be submitted.

Publicity

13. The proposal has been advertised by site notices posted on 18th September 2019 and 21st October 2019, neighbour letters dated 10th September 2019 and a notice published in a local newspaper on 20th September 2019. Representations have been received from three neighbouring properties. One representation supports the proposal, one raises the issue of overhanging branches from existing trees and shrubs and the other representation objects to the development on the grounds of insufficient parking, dust, noise, and traffic arising from the construction of the project.

Assessment of Proposal

14. The application should be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the main issues for consideration relate to the effect of the proposal upon amenity & the local landscape, drainage and the highway.

Amenity and local landscape

15. Demand for social care in the County is increasing and the current facilities have been created through the retrofitting of former semi-detached residential properties. Though this has proved effective up to a point there is now a need for purpose built facilities that are more accessible to wheelchair users and to provide for day care facilities. The use of the facility is unlikely to cause any impact on the amenity of adjacent residences from noise; impacts on the highway and visual amenity are considered below. However, concern has been raised on the effects of the demolition and construction of the development. Noise and dust that arises from construction would be subject to controls from North West Leicestershire District Council's Environmental Health department, and they have raised no objection to the proposal. However, to assist in reducing the effects it is proposed that the hours of demolition and construction are limited to protect neighbouring land uses. Subject to this condition the proposal's effect on amenity is acceptable.

16. The proposed two storey buildings at the front of the site, i.e. that directly adjacent and facing the street would be of a design and style that would match the existing buildings in the vicinity, namely buff bricks and grey roof tiles, and is an acceptable design. The short breaks and day care building is single storey and finished in a cream render with a more contemporary appearance, although this is set back from the immediate street scene and with the muted colours chosen would also be an acceptable design. Together, the buildings within the development are of an appropriate aesthetic quality and would complement the existing residential dwellings in the local landscape. The new buildings are also of a similar mass to the existing and this, with the design would ensure that there is no loss of visual amenity to those living nearby to this development. In part, this is achieved through the existing close boarded fence along the eastern, northern and southern boundaries of the site, that which adjoins residential properties on Thornton Close, Cromore Close, Cropston Drive, and Smith Crescent. The application states that existing vertical timber boarded fences to the north, east and south boundaries will be repaired or replaced as necessary. It is considered that this would be of benefit to the area and assist in reducing the visual impact of the development on adjacent properties.
17. The loss of trees from the site is regrettable but necessary to facilitate this new development of the site. Importantly, the mature trees in the north eastern corner of the site are to be retained, alongside others throughout the site, and any planning permission should, through condition, require the retention of these trees. As part of the development new trees, hedgerows, a small wildflower meadow and ornamental shrubs are all proposed. These help both to mitigate the visual impact of the development and enhance the biodiversity of the site. The installation of bird and bat boxes to retained mature trees also provides opportunity for biodiversity increases. Conditions should be attached to any planning permission to ensure that the details of the landscaping are submitted for approval and that the landscaping and bird/bat boxes are delivered in a timely manner. Subject to these conditions the visual impact of the proposal is acceptable and meets the terms of policies D1, D2 and En1.

Drainage

18. The site lies within flood zone 1, land with the lowest probability of flooding and in which, in the first instance, new development should be directed. The proposal seeks to discharge to the combined sewer and although the LLFA has no issue with this it does require some more details. Therefore, subject to two conditions requiring this further information the proposal is acceptable and meets the terms of policy Cc2.

Highway

19. The development proposed would increase car parking provision from eight to 23 spaces of which four would be accessible for those with reduced mobility. The application requires the creation of an additional three accesses off Smith Crescent with the retention of the existing access on Smith Crescent. It is proposed that cycle parking is provided near to the entrance of the day care centre. The Highway Authority advises that the proposed development's impact on the highway is acceptable and raise no concerns with the parking and the design of the accesses. However, it is fundamental to the acceptability of the proposal that the parking (car and cycle) is provided before the buildings are occupied and that adequate pedestrian visibility splays are provided. Concern has been raised regarding the parking situation both as the site is constructed and operated. However, firstly the parking provision is considered acceptable by the Highway Authority, and secondly, the Highway Authority advises that a condition is attached to any planning permission to address construction traffic management, including parking. Therefore, subject to the addition of conditions addressing the matters above, the proposal is considered acceptable and meets the terms of policies D2 and IF7.

Sustainability

20. The benefits of purpose built accommodation and associated buildings is that they can be built to modern insulation and efficiency standards thereby benefitting from reduced energy consumption. The proposal includes new features of two double electric vehicle charging points and bike parking thereby providing for more sustainable transport options above and beyond its current proximity to the bus stops on Cropston Drive. Furthermore, the proposal would provide for the installation of photovoltaic panels on the roofs of all the blocks to help in reducing the carbon footprint of the development. To maximise the benefit of these panels they are proposed on the roofs of the two storey buildings and, thus would face those residential properties opposite. However, these panels have become a more common addition to residential roofs and are thus not out of keeping with residential areas and there is no concern that they would affect amenity. Therefore, the proposal meets the terms of policy Cc1.

Other Matters

21. The North West Leicestershire District Council Environmental Health Officer has raised the matter of contaminated land given that the proposal is for the full redevelopment of the site. Rather than deal with this by conditions the applicant has provided additional information to explain that it is unlikely that any contamination would be found but if it was how this would be dealt with. Therefore, it is considered that this satisfactorily addresses this matter.

Conclusions

22. In conclusion, subject to appropriate conditions, the proposal is considered acceptable with regard to significant adverse impacts upon the local landscape, the highway, drainage, and amenity from this proposal. There have been no objections from statutory consultees. The redevelopment of the site will enable the County Council to offer a greater and wider range of support to those that require it within the community. Consequently, it is considered that the proposal accords with the policies of the development plan and is recommended for approval.

Recommendation

- A. Permit subject to the conditions, as set out in the appendix.
- B. To endorse, as requested by The Town & Country Planning (Development Management Procedure) Order 2015 (as amended):

- (i) How we have worked with the applicant in a positive and proactive manner:

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. During the application process the applicant was provided the opportunity to provide additional information on the highway, contaminated land and drainage to make the application acceptable.

Officer to Contact

Mr. P. C. Larter (Tel: 0116 305 7292)

E-Mail planningcontrol@leics.gov.uk

Appendix**Conditions****Implementation**

1. The development hereby permitted shall commence within three years of the date of this permission.

Scope of Permission

2. The development hereby permitted shall be carried out in accordance with the submitted plans and details:
 - 1). The application form dated 12.08.2019;
 - 2). Drawing number 1110 revision B dated 29.10.19; drawing number SK210 revision B dated 11.07.19; drawing number SK211 revision B dated 11.07.19; drawing number 112 revision A dated 13.08.19; drawing number 120 revision B dated 15.07.19; drawing number 121; drawing number 122 revision A dated 13.08.19; drawing number 130 revision C dated 15.07.19; drawing number 131 revision A dated 13.08.19; drawing number 160 revision B dated 15.07.19; drawing number 161 revision A dated 13.08.19; drawing number 162 revision A dated 13.08.19; and
 - 3). Combined Phase I Desk Study and Phase II Exploratory Investigation, project number 18-0619 dated July 2019.

Layout

3. Notwithstanding the details shown on the elevation drawings set out in condition 2 (two) the car parking, bike parking, bin store and substation shall be carried out in accordance with the details shown on drawing number 1110 revision A dated 10.10.19.

Construction of Development

4. All demolition, site preparation and construction works, deliveries of and movement of materials and machinery, in connection with the approved development, shall only take place between 0730-1800 hours Monday to Friday and 0800-1300 hours on Saturdays. No such activities shall take place at any time on Sundays or Statutory Public or Bank Holidays. There shall not be any work carried out under floodlights on the construction site.
5. No trees shall be damaged, destroyed, uprooted, felled, lopped or topped as a result of the development other than those shown as to be 'removed', or to be 'protected and pruned', on drawing number 1110 revision B dated 29.10.19. Protection measures for the retained trees identified on drawing number 1110 revision B dated 29.10.19 shall be carried out in accordance with the guidance as set out in BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations, for the duration of the construction works.

2019/2181/07 - continued

Biodiversity

6. Within 12 months of the occupation of the development hereby permitted bird and bat boxes shall be installed within the site as defined by a solid red line on drawing number 100 revision A dated 17.07.19.

Highways

7. None of the blocks hereby permitted shall be occupied unless and until the access arrangements for those blocks generally in accordance with drawing number 1110 revision B dated 29.10.19 have been implemented in full in accordance with the following details:
 - the proposed access in respect of Block 1 shall have a width of a minimum of 2.75 metres, a gradient of no more than 1:20 for a distance of at least 5 metres behind the highway boundary and shall be surfaced in a bound material with a 3.7 metres dropped crossing;
 - the proposed access in respect of Block 2 shall have a width of a minimum of 4.8 metres, a gradient of no more than 1:20 for a distance of at least 5 metres behind the highway boundary and shall be surfaced in a bound material with a 7.3 metres dropped crossing;
 - the proposed access in respect of Block 3 shall have a width of a minimum of 5.5 metres, a gradient of no more than 1:20 for a distance of at least 5 metres behind the highway boundary and shall be surfaced in a bound material with a 7.3 metres dropped crossing; and
 - the proposed access in respect of Blocks 4 and 5 shall have a width of a minimum of 6 metres, a gradient of no more than 1:20 for a distance of at least 5 metres behind the highway boundary and shall be surfaced in a bound material with a minimum 6m control radii and served by a dropped crossing.

The accesses once provided shall be so maintained at all times.

8. No part of the development hereby permitted shall be occupied unless and until vehicular visibility splays of 2.4 metres by 43 metres have been provided at the site access to Blocks 2, 3, 4 and 5. 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.
9. No part of the development hereby permitted shall be occupied unless and until 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of each vehicular access serving the site with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

2019/2181/07 - continued

10. 17 off-street car parking spaces as shown on drawing number 1110 revision B dated 29.10.19 shall be surfaced and marked out prior to any part of blocks 1, 2, 4 and 6 hereby permitted being brought into use, and shall thereafter be so maintained at all times. The remainder of the car parking spaces (the six spaces immediately south east of block 3) as shown on drawing number 1110 revision B dated 29.10.19 shall be surfaced and marked out prior to any part of blocks 3 and 5 hereby permitted being brought into use, and shall thereafter be so maintained at all times.
11. The development hereby permitted shall not be occupied unless and until secure and under cover cycle parking has been provided in accordance with details first submitted to and agreed in writing by the County Planning Authority. Thereafter the cycle parking shall be maintained and kept available for use.
12. No development shall commence on the site until such time as a construction traffic management plan, including details of the routeing 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 County Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Landscaping

13. Prior to any construction taking place a Landscape Scheme shall be submitted to and agreed in writing by the County Planning Authority. The Landscape Scheme shall address all of the planting to take place within the site as defined by a solid red line on drawing number 100 revision A dated 17.07.19 and shall include details on species, sizes, density, protection, management and replacement of the planting, and timing of planting. Planting and management shall be carried out in accordance with the agreed Landscape Scheme.
14. Prior to their use the bin store and substation hereby permitted shall be screened with timber as shown on drawing number 1110 revision B dated 29.10.19.
15. Prior to occupation of any part of the development hereby permitted a 1.8 metre high wooden close boarded fence shall be provided along the northern and eastern boundaries, as shown as 'Fences to north and east boundaries to be replaced' on drawing number 1110 revision B dated 29.10.19.

Surface Water Drainage

16. No construction of the development hereby approved shall take place unless and until a surface water drainage scheme has been submitted to and approved in writing by the County Planning Authority.
17. No construction of the development hereby approved shall take place unless and until details of the management of surface water on site during construction of the development have been submitted to and approved in writing by the County Planning Authority.

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Reasons

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and to ensure that development is carried out in a satisfactory manner in the interests of the locality.
3. To protect the amenities of local residents.
4. To ensure that the construction of the development does not detrimentally affect the amenity of local residents.
5. To ensure that only the agreed vegetation is removed and that the remaining mature trees are protected to preserve the appearance of the site.
6. To increase the biodiversity potential of the site.
7. 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).
8. To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2019).
9. In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (2019).
10. 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).
11. To promote travel by sustainable modes in accordance with the National Planning Policy Framework (2019).
12. 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.
13. To limit the overall impacts of the development on the landscape, to provide the opportunity for biodiversity enhancements, and to ensure the landscaping scheme is implemented within a reasonable period and that the planting becomes established.

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14. To reduce the impact of the development on the local landscape.
15. To protect the amenities of local residents.
16. To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.
17. 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.

DEVELOPMENT CONTROL AND REGULATORY BOARD

The considerations set out below apply to all the preceding applications.

EQUALITY AND HUMAN RIGHTS IMPLICATIONS

Unless otherwise stated in the report there are no discernible equality and human rights implications.

IMPLICATIONS FOR DISABLED PERSONS

On all educational proposals the Director of Children and Family Services and the Director of Corporate Resources will be informed as follows:

Note to Applicant Department

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person's Act 1970 and the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984 and to the Equality Act 2010. You are advised to contact the Equalities function of the County Council's Policy and Partnerships Team if you require further advice on this aspect of the proposal.

COMMUNITY SAFETY IMPLICATIONS

Section 17 of the Crime and Disorder Act 1998 places a very broad duty on all local authorities 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area'. Unless otherwise stated in the report, there are no discernible implications for crime reduction or community safety.

BACKGROUND PAPERS

Unless otherwise stated in the report the background papers used in the preparation of this report are available on the relevant planning application files.

SECTION 38(6) OF PLANNING AND COMPULSORY PURCHASE ACT 2004

Members are reminded that Section 38(6) of the 2004 Act requires that:

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Any relevant provisions of the development plan (i.e. any approved Local Plans) are identified in the individual reports.

The circumstances in which the Board is required to "have regard" to the development plan are given in the Town and Country Planning Act 1990:

- | | | |
|----------------|---|--|
| Section 70(2) | : | determination of applications; |
| Section 77(4) | : | called-in applications (applying s. 70); |
| Section 79(4) | : | planning appeals (applying s. 70); |
| Section 81(3) | : | provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991); |
| Section 91(2) | : | power to vary period in statutory condition requiring development to be begun; |
| Section 92(6) | : | power to vary applicable period for outline planning permission; |
| Section 97(2) | : | revocation or modification of planning permission; |
| Section 102(1) | : | discontinuance orders; |
| Section 172(1) | : | enforcement notices; |
| Section 177(2) | : | Secretary of State's power to grant planning permission on enforcement appeal; |
| Section 226(2) | : | compulsory acquisition of land for planning purposes; |
| Section 294(3) | : | special enforcement notices in relation to Crown land; |

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Sched. 9 para (1) : minerals discontinuance orders.

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DEVELOPMENT CONTROL AND REGULATORY BOARD

Wednesday, 18 December 2019
REPORT OF THE CHIEF EXECUTIVE

Airfield Business Park 2019/1793/03

PART A – SUMMARY REPORT

APP.NO. & DATE: 2019/1793/03 (2019/REG3Ma/0246/LCC)

PROPOSAL: The proposal is to re-locate stockpiled material and spread / level over the next phase of development land, including the construction of a new fence to secure 2 parts of the site.

LOCATION: Airfield Business Park, Leicester Road, Market Harborough, LE16 7UL

APPLICANT: Leicestershire County Council

MAIN ISSUES: Visual amenity

RECOMMENDATION: Permit subject to the conditions in the Appendix

Circulation Under Local Issues Alert Procedure

Dr. P. Bremner CC

Officer to Contact

David Wallis (Tel. 0116 305 3835).
Email: planningcontrol@leics.gov.uk

PART B – MAIN REPORT

Description of Site

1. Airfield Business Park is a small business park, approximately nine hectares in area, located 1.8km north west of Market Harborough town centre (see Figure 1). The business park comprises the application site and other existing business development. Greenacres Travellers' site, made up of both temporary and permanent pitches, adjoins the business park to the south. The North West Market Harborough Strategic Development Area (NWMH SDA) (reference 11/00112/OUT) is located to the west and south west of the business park, with the B6047 (Leicester Road) to the east and agricultural land to the north.
2. Footpath A23 passes 230m south of the application site and converges with footpath A24 and A25 270m south. The Grand Union Canal (Harborough Arm) lies approximately 140m south east of the site and is accompanied by the Grand Union Canal Conservation Area.

Background

3. Development of the central-southern portion of the business park had been permitted under outline planning permission (15/01609/OUT), before Leicestershire County Council purchased the land and submitted a fresh application for planning permission for similar development. This planning permission (reference 2018/0257/03, varied by 2019/0874/03) allows three large business units (E, G & J, see Figure 2), associated off-street parking and landscaping provisions. This area is designated as Zones 1 & 2 and comprises approximately 2.4 hectares (see Figure 3).
4. The remaining areas of the business park yet to be developed are designated as Zones 3 (one hectare) & 4 (1.75 hectares) (see Figure 3).

Description of Proposal

5. The proposal consists of two parts; movement and deposition of soils, and erection of fencing.
6. Excess topsoil and clay material has arisen during the development of buildings E, G & J. This material is believed to be of good quality and sits within existing bunds and heaps within Zones 1, 2 & 3. This amounts to approximately 5825m³ of topsoil and 9660m³ of clay. It is proposed to re-locate 9660m³ of this stockpiled clay to Zone 4, to a level for 106.45m above ordnance datum (AOD). 70% (4080m³) of the topsoil will be laid on top of this clay, raising the surface level to approximately 106.90m AOD. The remaining 30% of topsoil will be used for landscaping works relating to units E, G & J. The lowest point of the current ground conditions is 105.3m AOD, giving a 1.60m maximum depth of deposited material.

7. Construction of new fencing around Zone 3 and around Zone 4 is proposed, to enable each of the two zones to be securely enclosed. The proposed fencing would consist of black paladin fencing 2.4m in height around Zone 3 and 1.8m green paladin fencing around Zone 4.

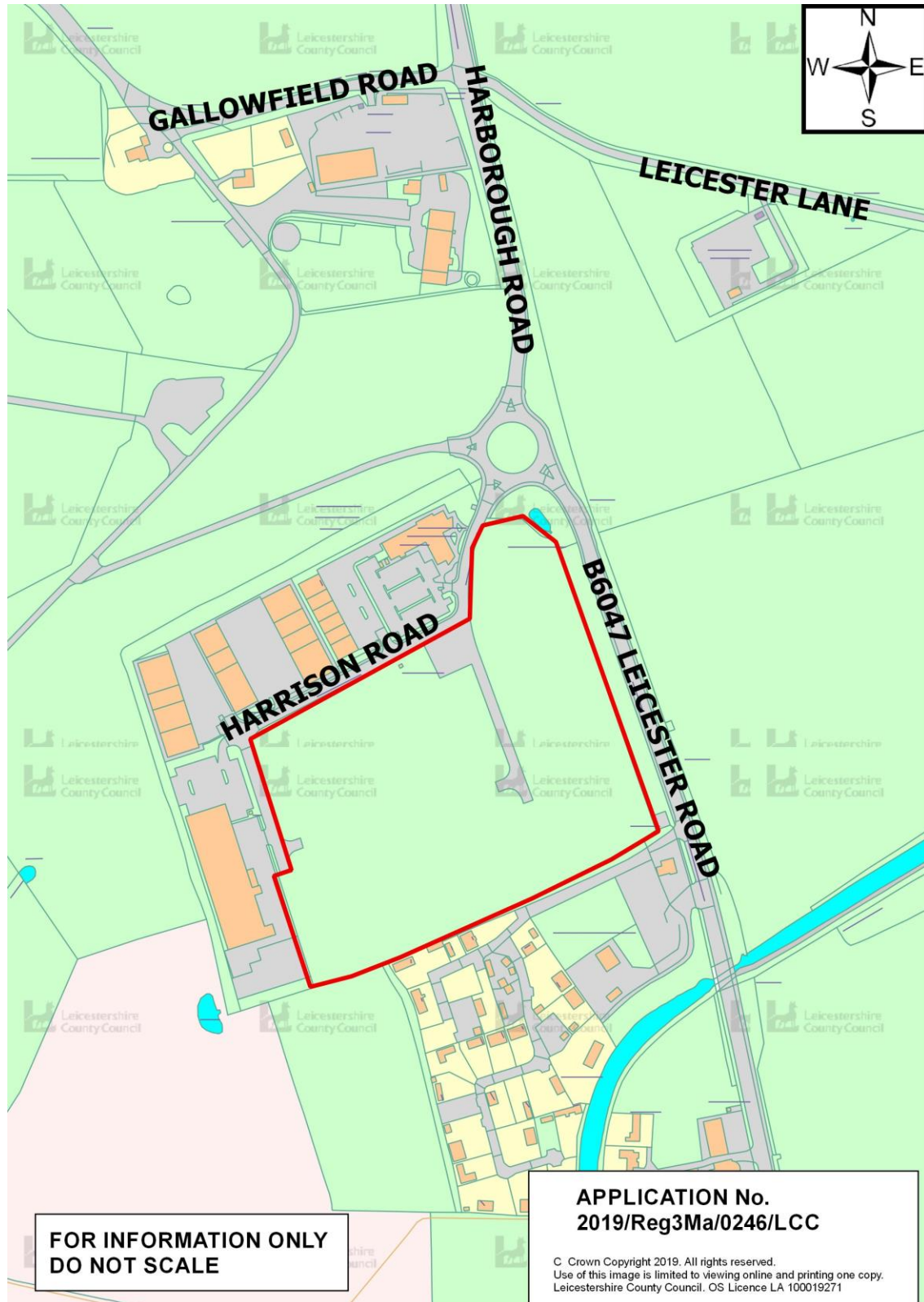


Figure 1. Airfield Business Park site location



Figure 2. Airfield Business Park units approved under 2019/0874/03

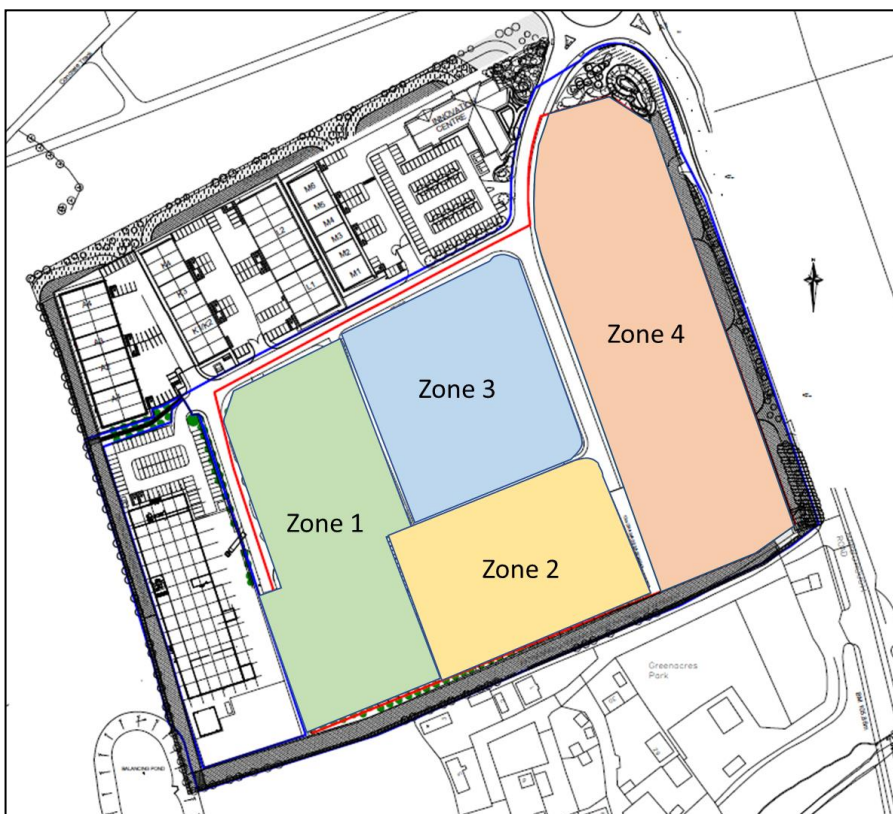


Figure 3. Airfield Business Park zoning

Planning Policy**Local**

8. The Harborough Local Plan 2011 to 2031 (adopted April 2019) is the part of the development plan relevant to this application. The policies that apply to the proposed development are:
 - BE1 Provision of new business development;
 - GD1 Achieving sustainable development;
 - MH5 Airfield Business Park;
 - SS1 The spatial strategy.
9. Lubenham Neighbourhood Plan was adopted in 2017; none of its policies are relevant to this application.

National

10. The National Planning Policy Framework (NPPF, 2019) sets out central government's planning policies in order to achieve appropriate, sustainable development. The relevant sections are:
 - Paragraph 108 – which proposed sustainable transport; safe and suitable access; and the mitigation of and significant impacts on the transport network.
 - Paragraph 109 – which states that development should only be refused on highways ground if residual cumulative impacts on the road network are severe.

Consultations

11. **Canal & River Trust:** no objection.
12. **Environment Agency:** no objection.
13. **Harborough District Council – Environmental Health:** no comments.
14. **Harborough District Council – Planning:** A 1.8m high black paladin fencing enclosing the site for the entire length adjacent to Leicester Road is not considered to be appropriate given its semi-rural location and key gateway into and out of Market Harborough.
15. **Leicestershire County Council – Archaeology:** the site was evaluated in 2005 with largely negative results. Consequently, there is no major need to request further archaeological involvement with this scheme. However, a condition could

be imposed to ensure appropriate recording/retention of any found archaeological features should any be found during the excavation of soils.

16. **Leicestershire County Council – Ecology:** no objection.
17. **Leicestershire County Council – Heritage:** given the nature of the proposals and the existing intervening development and planting it is not anticipated that the significance of the designated heritage asset will be unduly compromised.
18. **Leicestershire County Council – Landscape Architect:** no objection.
19. **Leicestershire County Council – Lead Local Flood Authority:** the proposed development does not have any impact on surface water drainage.
20. **Leicestershire County Council – Local Highway Authority:** the impacts of the development on highway safety would not be unacceptable, and the impacts on the road network would not be severe. The development therefore does not conflict with paragraph 109 of the NPPF. The Construction Method Statement is appropriate to the proposal and should be adhered to throughout the duration of the works.
21. **Lubenham Parish Council:** no comments.
22. **Market Harborough West & Foxton Member – Dr. P. Bremner CC:** no comments.

Publicity and Representations

23. The application was publicised by press notice in the Harborough Mail on 7th November and by site notice posted on 5th November. No representations have been received.

Assessment of Proposal

24. The proposed development comprises two components: the engineering operation of raising ground level, and the fencing of parts of the site. The site is designated as land for business development by the Harborough Local Plan, and as such policies BE1, MH5 and SS1 are relevant. Neither of the proposed constituent parts of this application are for business development. Further to this, the proposal does not permanently prejudice the ability for future business development of the site. Therefore, it considered that the proposals do not conflict with policies BE1, MH5 or SS1.
25. Development of the site by the applicant is ongoing; at present the first phase (units E, G & J) is nearing completion and is the first of three intended phases. Whilst the applicant does not hold planning permission for Zones 3 & 4, their

intention is to develop that land in the near future. The applicant proposes to spread soil and clay to aid potential future earth works associated with future development of the site, as this would allow easier drainage connections to the adopted drainage network designed for the site and to lessen site gradients to the carriageway.

Highways

26. The proposed internal movement of soils within the site would result in fewer vehicle movements on the highway than if material were to be taken off site for disposal. The impact of the proposed development on highway safety would not be unacceptable, and therefore does not conflict with paragraphs 108 and 109 of the NPPF. The Local Highway Authority does request that the development, if permitted, should be carried out in accordance with the submitted Construction Method Statement to reduce the possibility of unsafe impacts on the highway. This could be controlled by appropriate condition.

Surface Water Drainage

27. The development site is within Flood Zone 1. The Lead Local Flood Authority advises that the proposed development does not have any impact on surface water drainage.

Sustainability

28. The NPPF and Policy GD1 stipulate that in determining planning applications, local planning authorities should give great weight in favour of sustainable development. The internal movement of soils within the site would lead to fewer vehicle movements than if the material were to be taken off site for disposal. The applicant anticipates that if future development of the site were to come to fruition in their intended manner, there would be a need to bring similar material onto site. Internal movement of this material as proposed in this application would therefore potentially reduce the vehicle movements in future. While determination of this application does not endorse nor prejudice future development, the arrangement currently proposed could partially increase the sustainability of future operations. Therefore, the proposal does not conflict with the requirements of policy GD1, nor is it contrary to the presumption in favour of sustainable development advocated by the NPPF.

Ecology

29. No ecological issues relevant to the proposal have been raised by the County Council's Ecologist.

Archaeology

30. The County Council's Archaeologist advises that the site was evaluated in 2005, leading to largely negative results. No request for further archaeological information was issued. A condition could be imposed to ensure the adequate recording/retaining of any archaeological features if found during excavations.

Fencing

31. The proposed fencing would provide increased security for Zones 3 & 4. An increased level of security is not essential to safeguard future development of the site, and as such the proposed fencing is not required to enable nor secure potential development. The undeveloped portion of the site has been subject to informal equestrian grazing. This has led to horses finding their way into the surrounding area including the highway and this has consequently been identified by the applicant as a health and safety risk. The proposed fencing is intended to reduce this risk, improving the safety of road users and others in the vicinity.
32. Zone 3 is currently enclosed by Heras-style fencing, which is designed for temporary uses and has been found to be inadequate due to its poor ability to be secured over the long-term. Given the storage of plant and other equipment in this area, the proposed 2.4m black paladin fencing around this zone would provide additional security.
33. The 2.4m fencing around Zone 3 would be seen against the backdrop of the recent development in Zones 1 & 2 from the highway. From the Innovation Centre, this fencing would be seen against the backdrop of the recent development in Zones 1 & 2 and the existing vegetation along the southern boundary of the business park. From Greenacres, the fencing would be partially obscured by unit G and where not, would be screened by vegetation along the southern boundary (stipulated by 2019/0874/03) and would be seen against the backdrop of the Innovation Centre.
34. The use of 2.4m black paladin fencing was approved as part of planning permission 2019/0874/03 (for units E, G & J) and as such further provision of this style and type of fencing, as proposed in this application, would not be out of character for this location. The use of green paladin fencing around Zone 3 would be more sensitive to the semi-rural location of the site in the short-term. However, as this site is allocated for business use, and the applicant is currently intending to further develop the site accordingly, aesthetic uniformity across the phases of development would be important in contributing to the character of the business park. Consequently, the use of black paladin fencing would not be unacceptable.

35. Zone 4 is currently enclosed by 1.8m green paladin fencing to the north, east and south and by Heras-style fencing to the west. The existing green 1.8m fencing is sensitive to its surroundings and is partially screened from the road by existing trees and shrubs. The replacement of the existing Heras-style fencing with green paladin would be more appropriate to this location and would be in keeping with the existing paladin fencing.
36. Harborough District Council does not consider *black* 1.8m paladin fencing along the length of the site adjacent Leicester Road to be appropriate given the site's semi-rural location. The applicant has clarified that the fencing referred to in this response currently exists and is green in colour. The colour of this fence does not appear to be inappropriate as assessed above.

Conclusions

37. The proposed engineering operation would prevent double handling of material required for potential future development. If permitted, the re-use of the material on site would prevent increased vehicle movements on the highway network, preventing disruption, and is in line with future development of the site as employment land.
38. The proposed fencing is intended to reduce an identified safety risk by better securing the site and is in keeping with existing fencing provision on the site.
39. The proposals do not conflict with the requirements of the development plan.

Recommendation

1. PERMIT subject to the conditions set out in the Appendix.
2. To endorse, as required by The Town and Country Planning (Development Management Procedure) Order 2010 (as amended), a summary of:
 - a. How Leicestershire County Council 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.

APPENDIX**Conditions****Scope of Permission**

1. The development shall be begun within three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following documents:
 - i. 8012 CF20, dated September 2019;
 - ii. 8012 CF21, dated September 2019;
 - iii. 8012 CF22, dated September 2019;
 - iv. 8012 CF23, dated September 2019;
 - v. 8012 CF24, dated September 2019;
 - vi. 215060-TOPSOIL-PL01 revision C, dated 29/10/2019;
 - vii. 215060-TOPSOIL-PL02revC, dated 22/11/2019;
 - viii. Airfield Business Park, Market Harborough, Leicestershire.
Proposed plateau works to Zone 4. Highway Review / Statement, undated;
 - ix. Airfield Business Park, Market Harborough, Leicestershire.
Proposed plateau works to Zone 4. Flood Risk Review / Statement, undated;
 - x. Fill Specification for Zone 4, dated 17/09/2019.
3. The development hereby permitted shall be carried out in accordance with the Construction Method Statement, dated 08/11/2019.

Reasons

1. To ensure the development is completed in a timely manner and to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. For the avoidance of doubt; to ensure the development hereby permitted is carried out as permitted.
3. 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; in accordance with paragraphs 108 and 109 of the NPPF.

Notes to the Applicant**From the Local Highway Authority**

The applicant is advised that it is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore the applicant should take every effort to prevent this occurring.

From the Environment Agency

The applicant is advised that any development using waste or other material for engineering works may require an Environmental Permit, unless it is exempt from the need for a permit.

Waste transported to and from the development must only be carried by a registered waste carrier.

If planning permission is granted, the applicant should arrange a meeting with the Environment Agency to discuss the permitting implications. Such a meeting is unnecessary where the proposal is exempt from the need for a permit.

For information, the applicant will have to agree a waste recovery plan with the Environment Agency for any activity involving the recovery of waste on land as part of the Environmental Permit (unless the activity is exempt from the need for a permit). Please contact our National Customer Call Centre (Tel: 03708 506 506) for advice prior to commencing work or to check whether someone is a registered waste carrier on the public register.

DEVELOPMENT CONTROL AND REGULATORY BOARD

The considerations set out below apply to all the preceding applications.

EQUALITY AND HUMAN RIGHTS IMPLICATIONS

Unless otherwise stated in the report there are no discernible equality and human rights implications.

IMPLICATIONS FOR DISABLED PERSONS

No implications for disabled persons.

COMMUNITY SAFETY IMPLICATIONS

The proposed introduction of fencing is positive in relation to crime reduction and safety, as set out in the report.

BACKGROUND PAPERS

Unless otherwise stated in the report the background papers used in the preparation of this report are available on the relevant planning application files.

SECTION 38(6) OF PLANNING AND COMPULSORY PURCHASE ACT 2004

Members are reminded that Section 38(6) of the 2004 Act requires that:

“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

Any relevant provisions of the development plan (i.e. any approved Local Plans) are identified in the individual reports.

The circumstances in which the Board is required to “have regard” to the development plan are given in the Town and Country Planning Act 1990:

Section 70(2)	:	determination of applications;
Section 77(4)	:	called-in applications (applying s. 70);
Section 79(4)	:	planning appeals (applying s. 70);
Section 81(3)	:	provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991);
Section 91(2)	:	power to vary period in statutory condition requiring development to be begun;
Section 92(6)	:	power to vary applicable period for outline planning permission;
Section 97(2)	:	revocation or modification of planning permission;
Section 102(1)	:	discontinuance orders;
Section 172(1)	:	enforcement notices;
Section 177(2)	:	Secretary of State’s power to grant planning permission on enforcement appeal;
Section 226(2)	:	compulsory acquisition of land for planning purposes;
Section 294(3)	:	special enforcement notices in relation to Crown land;
Sched. 9 para (1)	:	minerals discontinuance orders.

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