



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

*Date/Time:* **Thursday, 9 September 2021 at 2.00 pm**

*Location:* **Council Chamber, County Hall, Glenfield**

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

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

### **Membership**

Mr. J. G. Coxon CC (Chairman)

Mr. R. G. Allen CC    Mr. L. Hadji-Nikolaou CC  
Mr. N. D. Bannister CC    Mr. P. King CC  
Mr. M. H. Charlesworth CC    Mr. B. Lovegrove CC  
Dr. R. K. A. Feltham CC    Mr. L. Phillimore CC  
Mr. D. A. Gamble CC    Mrs. A. Wright CC

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– Notices will be on display at the meeting explaining the arrangements.**

### **AGENDA**

#### **Item**

1. Minutes of the meeting held on 15 July 2021. (Pages 3 - 4)
2. Question Time.
3. Questions asked by Members under Standing Order 7(3) and 7(5).
4. To advise of any other items which the Chairman has decided to take as urgent elsewhere on the agenda.
5. Declarations of interest in respect of items on the agenda.
6. Presentation of petitions under Standing Order 35.



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

7. 2020/1154/06 (2020/CM/0044/LCC): Mr Shane Clarke - Proposed inert-waste recycling facility with associated works, alongside existing operations Plot B, Old Dalby Business Park, Station Road, Old Dalby. (Pages 5 - 20)

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

8. 2021/0600/04 (2021/Reg3Mi/0055/LCC): Leicestershire County Council - Change of use from a dwelling house (C3) to a children's home for over 16-year-olds (C2) 72 Southfield Road, Hinckley. (Pages 21 - 36)

Other items.

9. 2020/1073/02 )2020/CM/0042/LCC) - AH Pick & Son -Proposed Erection of Poultry Units and an Anaerobic Digestion Facility Manor Farm, Hungarton Lane, Beeby.

*The Chief Executive will provide a verbal update regarding this planning application which was considered by the Board on 11 February 2021.*

10. Any other items which the Chairman has decided to take as urgent.
11. Chairman's announcements.



Minutes of a meeting of the Development Control and Regulatory Board held at County Hall, Glenfield on Thursday, 15 July 2021.

PRESENT

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

Mr. R. G. Allen CC  
Mr. N. D. Bannister CC  
Mr. M. H. Charlesworth CC  
Dr. R. K. A. Feltham CC  
Mr. D. A. Gamble CC

Mr. L. Hadji-Nikolaou CC  
Mr. P. King CC  
Mr. B. Lovegrove CC  
Mr. L. Phillimore CC

15. Minutes of the previous meeting.

The minutes of the meeting held on 10 June 2021 were taken as read, confirmed and signed.

16. Question Time.

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

17. Questions asked by Members.

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

18. Urgent Items.

There were no urgent items for consideration.

19. Declarations of interest.

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

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

No declarations were made.

20. Presentation of petitions.

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

21. Delegated Tree Preservation Order Decisions 1 January 2021 to 30 June 2021.

The Board considered a report of the Director of Environment and Transport which set out the delegated Tree Preservation Order decisions taken between 1 January 2021 and 30 June 2021. A copy of the report, marked 'Agenda Item 7', is filed with these minutes.

RESOLVED:

That the contents of the report be noted.

22. 2021/0653/07 (2021/VOCM/0031/LCC - Forterra Building Products Ltd - Section 73 Application to vary Condition 2 of Planning Permission 2006/1543/07 to allow for the export of up to 30,000 tonnes per annum (tpa) of clay from the Duckery Quarry at the Measham Brickworks - Land at Measham Brickworks, Atherstone Road, Measham.

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

The Chief Executive reported that the local member Mr. R. Ashman CC supported the comments of Measham Parish Council regarding the observation of the current weight restrictions and the importance of HGVs following the correct routes.

RESOLVED:

That the application be permitted subject to the conditions nos. 1-65 as set out in Appendix B to the report and the prior completion of a S106 legal agreement covering Permissive Footpaths and Jubilee Pit Conservation Area.

23. Delegated Decisions Schedule April 2021 to June 2021.

The Board considered a report of the Chief Executive which set out the delegated decisions made between April 2021 and June 2021. A copy of the report, marked 'Agenda Item 9', is filed with these minutes.

RESOLVED:

That the contents of the report be noted.

24. Chairman's announcements.

The Chairman announced that there had been no enforcement notices issued between April and June 2021.

**DEVELOPMENT CONTROL AND REGULATORY BOARD****9 SEPTEMBER 2021****REPORT OF THE CHIEF EXECUTIVE****COUNTY MATTER****PART A – SUMMARY REPORT**

- APP.NO. & DATE:** 2020/1154/06 (2020/CM/0044/LCC) 15 September 2020
- PROPOSAL:** Inert-waste recycling facility with associated works, alongside existing operations
- LOCATION:** Plot B, Old Dalby Business Park, Station Road, Old Dalby, Melton Mowbray, LE14 3NJ
- APPLICANT:** Mr Shane Clarke
- MAIN ISSUES:** Principle of development  
Location of development/sustainability  
Noise, dust and other amenity considerations  
Transport and access
- RECOMMENDATION:** Refuse permission

**Circulation Under Local Issues Alert Procedure**

Mr. J.T. Orson CC

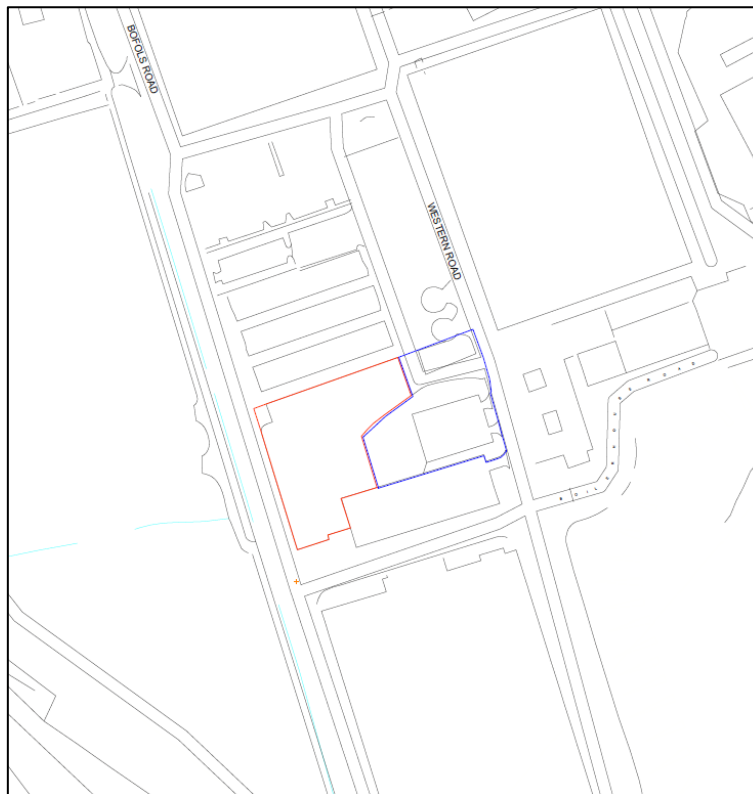
**Officer to Contact**

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E-Mail: [planningcontrol@leics.gov.uk](mailto:planningcontrol@leics.gov.uk)

## **PART B – MAIN REPORT**

### **The Site and Surroundings**

1. The application site is located within the Old Dalby Business Park. This comprises a mixture of industrial and commercial uses on a mix of open storage sites, older industrial, brick built warehouses and more modern concrete and steel structures. Uses on the business park include industrial uses (Use Class B2), warehousing (B8), motor vehicle related, and other sui generis uses. The industrial estate is set to the east of Old Dalby village itself on the opposing side of the railway line. The site is irregularly shaped with an area of 0.24 hectares.
2. There are no existing residential properties in close proximity to the application site, with the nearest being slightly over 200 metres to the north. An extant, but unimplemented, outline planning permission exists for the development of 72 houses which approaches the north east corner of the application site.
3. The site itself is largely open and laid to hardstanding and ruderal vegetation. It has limited features of note and is bounded by a mix of concrete block walling, metal fencing with low grade vegetation growing amidst this. The site is presently in use as a concrete road block storage and hire facility. This is a sui generis use with similar characteristics to B8 storage and distribution.
4. The site is allocated as a Key Employment Site under the Melton Local Plan. An ancient woodland exists some 600 metres to the south west and local wildlife site approximately 1Km to the south. The site is located within the Flood Zone 1.



## **Planning History**

5. There is no recent planning history pertaining to the application site. The wider commercial/industrial park was established in the 1980s and has a determination under S302 of the Act which provides immunity from enforcement in respect of war-time breaches of planning control by the Crown.
6. A recent planning permission for 72 houses exists towards the north and west of the application site. This was granted permission in 2018 following an allocation made in the Old Dalby Neighbourhood Plan.

## **Description of Proposal**

7. The application proposes the change of use of part of the site used for concrete barrier storage and hire facility to a 25,000 tonnes per annum inert waste recycling facility for construction, demolition and excavation (CD&E) waste.
8. The application would effectively divide the two uses on the overall site (illustrated by the red and blue lines) although would allow for an element of mixed use as access would be required to the concrete barrier storage business via the waste recycling station. Conversely the waste recycling station would rely on parking and welfare facilities from the concrete barrier site.
9. Within the site, operational works would comprise the formation of two concrete walled bays (14 by 6 metres and 3 metres high) to store inert and processed waste, improvement of site surface (where required) to provide a concrete base and installation of wheel wash and truck wash.
10. Access is taken from Western Road (west side) via an existing access and leads to the waste recycling yard with concrete barrier use beyond. The use is expected to generate four HGV movements per day (two in, two out) in 30-32 tonne six wheel rigid body trucks delivering, on average, around 96 tonnes per day to/from the site. These would be routed east/north-bound upon exit from the Business Park towards the A606.
11. The hours of use for the premises would be 8am to 6pm Monday to Friday and 8am to midday Saturday.
12. The applicant's supporting statement includes an assessment of available CD&E waste recycling stations in the local area in addition to an assessment of alternative sites for a use such as this. It is also supported by noise assessment, dust assessment and procedure notes on how to deal with differing types of waste.

## **Planning Policy**

### **The Development Plan**

*Leicestershire Minerals and Waste Local Plan (adopted September 2019)*

- Policy W1: Waste Management Capacity
- Policy W4: Non-strategic Waste Facilities
- Policy W5: Locating Waste Facilities
- Policy DM1: Sustainable development
- Policy DM2: Local Environment and Community Protection
- Policy DM9: Transportation by Road

*Melton Local Plan (adopted October 2018)*

- Policy D1 – Raising the Standard of Design
- Policy EC2 – Employment Growth in the Rural Area (Outside Melton Mowbray)
- Policy EC3 – Existing Employment Sites

*Old Dalby Neighbourhood Plan (adopted 2018)*

- Policy BE1: Business Development

National Policy

*National Planning Policy Framework (NPPF)*

13. The revised National Planning Policy Framework (NPPF) was published 20 July 2021 and sets out the Government's planning policies for England. 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.
14. Paragraph 2 states that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
15. Paragraph 174 advises that planning decisions should contribute to and enhance the natural and local environment by, among other criteria, e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality.
16. Paragraph 188 states that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.

*National Planning Policy for Waste (NPPW)*

17. The National Planning Policy for Waste 2014 (NPPW) document sets out detailed waste planning policies relating to the provision of waste local plans and



for the determination of planning applications. In determining planning applications, waste planning authorities should only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need.

### **Consultations**

18. **Melton Borough Council** – No objections.
19. **Nether Broughton and Old Dalby Parish Council** – Object.
20. The site is currently used for storage and distribution (class B8) and proposes a change of use to waste management, a sui generis use and hence the application has been submitted to Leicestershire County Council (LCC) rather than Melton Borough Council. The recently adopted Melton Local Plan supports the industrial park at Old Dalby (on which the application site is located) but policy EC3 of the Melton Local Plan seeks to protect the use of the industrial park for classes B1 (now class E), B2 and B8 and outlines clear criteria for any change of use. No clear case to satisfy these conditions is presented by the applicant.
21. The Parish Council maintains that the proximity of the proposed waste management site to the already approved housing development is totally unacceptable and in itself a sufficient reason why the application cannot be supported.
22. Waste management facilities quite correctly are considered separately from other industrial activities in planning due to their potential for unique impacts on the environment and local communities.
23. The Neighbourhood Plan also seeks to protect important views and again, waste management policies seek to do the same (policy DM5). The original plans clearly show that 4m high block walls were proposed and the addendum statement suggests that lowering the wall height to 3 metres will be sufficient mitigation.
24. The extremely close proximity to an approved housing site is in itself sufficient for refusal of planning permission. Furthermore, the absence of another site locally which can accommodate both the storage and distribution activities of APC Civils Ltd alongside the proposed waste management activities is not in itself an overriding reason why planning policies governing activities on the Old Dalby Business Park can be set aside. Planning policies are in place to guide developers on what is acceptable for a location and to protect the wider community from inappropriate activities and environmental harm.
25. **Environment Agency** – No objection.

26. Note, the applicant will need to apply for environmental permits.
27. **Lead Local Flood Authority** – No objection.
28. The application site is greenfield totalling 0.2ha in size. The site is within Flood Zone 1 (low risk of fluvial flooding) and at low risk of surface water flooding. The site is existing hardstanding with an existing surface water drainage system. As such the current proposals are unlikely to have any impact on the surface water flood risk. Leicestershire County Council as the LLFA advises the LPA that the proposed development does not have any impact on surface water drainage.
29. **Highways Authority** – No objection, subject to conditions.
30. The Local Highway Authority Advice (LHA) is that 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.
31. There is no new or amended site access proposed as part of this development. The LHA considers the existing access arrangements off Old Dalby Lane which serve Old Dalby Business Park suitable to accommodate the increase in anticipated traffic movements.
32. The LHA has reviewed the trip generation information which is contained within the submitted AC Environmental Waste Development document dated March 2020. It is understood the daily traffic movements directly associated with the waste recycling facility will be 2 six wheel HIAB vehicles (Lorry with mounted crane) and the average daily two way daily movements will result in a total of 4 movements.
33. A wheeled loader and crusher will be brought onto site once per month in order to carry out the process of crushing the inert material. The anticipated movements associated with the proposed development will not lead to a material impact on the public highway, therefore the LHA is satisfied there is no further trip generation assessment required.
34. **Natural England** – No objection.
35. **LCC Ecology** – No objection.
36. The development is on existing hardstanding which has low ecological value and is not suitable habitat for protected species.
37. **LCC Landscape** – No comments to make.
38. **Network Rail** – No objection.
39. Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and

delay to rail users and operators. In this instance, the site is near to the railway bridge on Station Road which has a height restriction of 13' 9" which may be a problem if large haulage vehicles associated with site operations are to be routed under this structure. Consultation with the Asset Protection Project Manager is necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developer's expense.

### **Publicity and Representations**

40. The application has been publicised by means of two site notices, press notice and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement.
41. One letter of objection was received following the second round of consultation. The letter comments on the following issues:
  - a. Concern regarding the proximity of the site to a site with an extant planning permission for residential use;
  - b. Impact upon these new residents from dust, noise and disturbance;
  - c. The existing site does not appear to have been authorised;
  - d. Not satisfied with applicant's consideration of alternative sites.
42. The issues raised are considered below.

### **Assessment of Proposal**

#### **Planning Policy Assessment**

43. The application site is located on a Key Employment Site as defined under the Melton Local Plan. This allocation allows for uses within classes B1 (now class E), B2 and B8. It states that proposals for non B-class employment uses on employment sites will be allowed where they would support the effective operation of the site. The development would enable the more efficient use of under-utilised existing brownfield land. Furthermore, it is a form of development that is typically seen in an industrial context where the adverse impacts are often easier to absorb.
44. The existing use of the site is as a storage and hire facility (where items from the site are stored and distributed from the site before the same items are returned; thus distinguishing it from B8 storage and distribution). The current use therefore does not fall neatly into any particular use class. The proposed use of the premises for waste transfer purposes also doesn't fall within any particular use class and is therefore a different type of non-classified use (typically described as sui generis). Employment policies of the Melton Local Plan identify the site as being acceptable for commercial use and therefore whilst neither the existing or proposed uses fall within the identified use classes, they remain closely similar in nature and function.

45. The development does not accord with the provisions of policy W4 of the LMWLP as it is not in a broad location for a waste facility, nor is it within close proximity of Melton Mowbray (the closest urban area) or within a major growth area. The application seeks to demonstrate an exception to policy W4 under criterion (d) of that policy insofar as “facilities that require a more dispersed location to provide a clear link between the proposed location and the waste managed which would result in transport, operational and environmental benefits subject to the principles set out in Policy W5. Such a proposal must demonstrate there is an overriding need for the development and that this cannot be met within the urban areas.”
46. There is no conflict with policy W5 in that it is on previously developed, existing or planned industrial/employment land.

#### Location and demonstrated need

47. As mentioned above, the site does not accord with the provision of policy W4. This policy requires new waste transfer facilities to be located in either:
- (i) the Broad Locations for Strategic Waste Facilities, that is, in or close to the urban areas of Loughborough/Shepshed, Hinckley/Burbage and Coalville and close to the urban area of Leicester;
  - (ii) in or close to the main urban areas of Melton Mowbray and Market Harborough; and
  - (iii) within major growth areas.
48. The site is not in a broad location for waste facilities, nor within a major growth area.
49. The nearest defined urban area to the site is Melton Mowbray. Melton Mowbray is approximately 5 miles as the crow flies, or 7 miles driving distance from the application site. “Close to the main urban areas” is not defined in the LMWLP, however having regard to the general distance for the loosely mapped broad location for waste facilities, this is generally around 1-4 miles around the boundaries of larger urban areas. In this context, the site cannot be regarded as being close to Melton Mowbray.
50. The applicant has submitted a supporting statement which assess:
- a. The availability of other CD&E waste recycling stations in the area
  - b. The availability of other suitable sites in the area which do comply with policy W4 (i.e. within close proximity of Melton Mowbray)
51. The area of search selected by the applicant, being confined to Melton Mowbray, is considered appropriate in this context as it is the closest urban area to the site in this instance.
52. The applicant’s assessment of other waste facilities in the area includes a total of four premises. Two of these are located in Melton Mowbray and neither deal with CD&E waste. Two are located further afield (9+ miles). Of these, one deals with

mine waste on an active mineral extraction site. The other is located in very close proximity to the application site. This operation is similar to the applicant's proposal insofar as it deals with a type of CD&E waste but only operates with soils. The applicant's proposal is for the processing of aggregate.

53. On this basis it can be concluded that there are no other CD&E and waste recycling facilities in existence at present in the general Melton Mowbray area and none in closer proximity to Melton Mowbray.
54. In terms of the location of this proposed waste recycling facility, the applicant has identified a total of 12 available commercial/industrial sites within Melton Mowbray that would likely accord with the provisions of policy W4. Each of the sites have been assessed by the applicant and rejected for various reasons. All the sites have warehouse buildings on them and whilst this does not preclude this type of waste recycling operation, they need to be of sufficient size in terms of height of ceiling and entrance doors and of adequate internal floorspace. This is to accommodate 30-32 tonne trucks when tipping and other machinery including loaders, crushers and screeners plus manoeuvring space, together with a reasonably sized external yard.
55. Other reasons have been provided why alternative sites are not suitable, including:
  - a. Units still under construction;
  - b. Other use class planning restrictions;
  - c. Premises too large and uneconomic.
56. This however does not overcome the issue of the location of the site which remains fundamentally outside the broad location for waste facilities. It remains in a remote location and will inevitably require longer journeys in order to ensure a supply and distribution network for waste and recycled products.
57. The applicant's supporting statement identifies that waste will be sourced from multiple locations across a wider area including Loughborough, Leicester and Nottingham with these urban areas being located 11.4, 15.9 and 15.7 miles respectively (distances provided by applicant). Round trips to these locations may therefore be on or around 30 miles, generating a noteworthy carbon impact if replicated over the 25,000 tonnes per annum envisioned for this site. This is of particular note given that transportation of material accounts for a significant proportion of the carbon impact from waste operations.
58. The objective of policies W4 and W5 is to ensure that new waste transfer facilities are located within urban areas on recycled (brownfield) land in order to ensure a sustainable pattern of development and avoiding dispersed locations.
59. Therefore, notwithstanding the limited availability of suitable waste transfer location presently available in Melton Mowbray, the remote location of this site is not considered to justify its dispersed location away from major population centres and the principal sources of CD&E waste material. This is of particular note given that the applicant has identified more distant towns and cities as

being the source of waste material and destination for processed material. These other urban locations could be better served by existing or potential waste processing facilities within those areas and the manifestation of a dispersed waste transfer facility in this location would undermine the proximity benefits of keeping such facilities within, or near to, the sources of wastes. Accordingly, it is not considered that a satisfactory case has been made to justify this clear policy breach.

#### Supply of CD&E aggregates

60. The supporting text to policy W1 identifies that Leicestershire has sufficient capacity to deal with its CD&E wastes over the plan period. Recent and pending approvals by the County Council would further suggest that there is an increased capacity for CD&E waste recovery within the County beyond that identified in the LMWLP. On this basis, there is therefore no justification for this development. Indeed, the availability of sufficient sites to accommodate CD&E recovery within Leicestershire means that the waste planning authority does not need to consider less desirable sites in order to fulfil its requirements to accommodate this type of waste.

#### Design, character and appearance

61. No new buildings are proposed in connection with the use which largely re-uses an existing area of open hardstanding. The site is set amidst existing employment of varying nature. As an operational employment area, the local character is not of a high visual amenity value but nevertheless undertakes an important economic function. The proposed development would not fundamentally alter this character. The overall allocated employment site is fairly well screened by existing trees and hedge along the boundaries in this general area and would not be readily visible in the wider context.

#### Ecology and Biodiversity

62. The site is located on an area which is already laid to hardstanding with only minimal ruderal vegetation growth around the site edges and through cracks in broken concrete. The proposed development would therefore have negligible ecological implications, as noted by the Council's ecologist.
63. There are no trees or any other vegetation of note on the application site, nor it is in close proximity to any areas of high ecological value with the nearest being in excess of 500 metres away.

#### Traffic, Access and Parking

64. The site is located on an existing and well-established Business Park which is allocated as a key employment site in the Melton Local Plan. As noted by the Highway Authority, the main access from the Business Park to the public highway is of a good standard and can accommodate additional movements. The access from the site itself to the internal road network is existing and sufficient for the traffic generated.
65. The proposed scheme would result in an increase of four HGV movements per day (two in, two out). Estimated to be approximately 22 per week (assuming 50% movements on Saturday). This can be accommodated on the local road network as observed by the Highway Authority.
66. The observations of Network Rail are noted with regard to the proximity of the site to a low bridge on Station Road when proceeding in a westbound direction towards Old Dalby. In practice this will be self-enforcing as larger vehicles would not be able to proceed via this route. A condition could be imposed to ensure vehicles only turn right when exiting the Business Park (see also, amenity grounds for this condition discussed below).
67. Parking provision is not available within the application site, however six spaces are available within the 'blue edge' of the site, i.e. on land within the control of the applicant. This notwithstanding, ample space exists within the site for additional parking provision. Were permission to be granted, details of parking provision within the application site could be provided.

#### Noise/Air Quality/Dust

68. The application is submitted with a noise assessment which indicates the maximum noise output from activities on the site will be from the pressure washer and trommel screen and loading by excavator at 81.9dB and 87dB respectively, rising to 87.3dB cumulatively.
69. It is referenced in the planning application, that there will be acoustic screening however no details have been supplied of this. In any case, some of the acoustic screening suggested would require planning permission in its own right and therefore cannot be taken into consideration.
70. There remains an extant planning permission for new homes immediately adjacent to the application site. The rear gardens of these homes are located in close proximity to the site and would be impacted by noise from site operations. The site is also allocated for housing in the neighbourhood plan. Notwithstanding the merits of this allocation and planning permission in close proximity to a commercial site; there are clearly greater mitigations needed to avoid noise and disturbance from activities on the site. In this instance, these controls and mitigations have not been fully explored and the proximity of the site to the neighbouring residential properties is a significant cause for concern through noise impacts from site operations.
71. The noise assessment indicates that noise at existing houses (along Station Road – approximately 200 metres away) will be between 33 and 54 dB

depending on operations on site and the level of on-site noise mitigation. However, as has been mentioned, limited detail is provided of this noise mitigation. The noise assessment also makes reference to the new dwellings which have not been built but have an extant planning permission. These new homes have not been mapped correctly in the noise assessment and therefore the noise exposure to the new dwellings is likely to be considerably higher.

72. This is compounded by the main access to the site being taken from the road along this boundary. Increased vehicle movements are likely to compound the noise and activity disturbance created by activities on site. Overall, the noise assessment and on site noise mitigation is unclear as to the amount of noise exposure that nearby houses would be subject to. In the absence of this detail, concerns are expressed that insufficient information is available to fully assess the noise impact on neighbouring homes (existing and permitted).
73. The applicant's noise report identifies that the noise from operations on site would reach 87.3dB. This is considered an unacceptable level of noise and disturbance in such close proximity to the site of new residential properties. It would not be mitigated by intervening screening or other controls. The level of noise generated could not reasonably be controlled by way of condition. In this regard, the amenity of future occupiers of residential properties could be adversely affected by the development.
74. The application has been supported by an air quality and dust assessment. The prevailing wind direction indicates that any dust generated from the site will primarily be directed towards the north east, from the south west, which is broadly away from existing and proposed residential uses. However the wind direction would occasionally blow towards the site of the new homes (referenced above). Without adequate screening on the boundary and full consideration of the permitted but unbuilt homes, there is therefore a significant chance that fugitive dust would be spread in and around the homes of the new housing estate, especially during higher wind events.
75. For the reasons listed above, the development does not comply with policy DM2 of the LMWLP.

#### Odour

76. The processing inert waste is unlikely to raise odour concerns to occupiers of residential properties. There are therefore no material concerns regarding odour from this type of waste.

#### Other amenity issues

77. The application site is contained entirely within an allocated key employment site. The existence of an extant planning permission for housing on nearby land is of concern, as noted, due to its proximity to this site and other existing commercial/industrial uses within the overall employment site.



78. HGVs are proposed to be routed to the east of the Business Park in order to mitigate disturbance due to HGV traffic. This is assisted by the presence of a low bridge of the railway which is likely to prevent most HGVs from taking this route in any case. If the application were otherwise acceptable, a condition would be required to prohibit left turns out the Business Park.

#### Flood Risk

79. The Lead Local Flood Authority has no objections to the scheme as the site is presently laid to hardstanding, has an existing drainage system and would not result in additional surface water discharge.

#### Contamination

80. The land is not known to be contaminated, however given the site's history, this remains a possibility. Nevertheless, in this instance, the application is not seeking to undertake any works which could affect made ground.

#### Socio-Economic Impact

81. The proposal would provide two additional full time equivalent jobs. Whilst this is not a high number, it does offer the opportunity for additional local employment which is to be welcomed.

#### Conclusion

82. The application seeks permission for the establishment of a waste recycling transfer station on land at Old Dalby Business Park. The existing and proposed uses, while contrary to the employment policy allocation, are broadly similar and compatible with the nature and prevailing activities within the Business Park. The type of development proposed is regarded as being within an unsuitable location having regard to the provisions of policies W4 and W5 due to its distance from the sources of CD&E waste.
83. The proximity to a nearby extant planning permission for residential properties raises significant concerns due to the proximity of this bad neighbour use with insufficient mitigation being in place to control adverse effects (noise and dust).
84. As such the application is considered unacceptable for the above discussed reasons and is recommended for refusal.

#### Statement of Positive and Proactive Engagement

85. In determining this application, the Waste Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and any valid representations that may have been received. Issues of

concern have been raised and the applicant has been given the opportunity to provide further submissions to support their application. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

### **Recommendation**

REFUSE permission for reasons set out in Appendix A.

**Reasons for refusal**

1. The application site is located on a Key Employment Site as defined by policy EC2 of the Melton Local Plan however is located outside of the broad areas for waste facilities as set out in the policies W4 and W5 of the Leicestershire Minerals and Waste Local Plan. Permitting this development in this location would result in a waste facility in an unsustainable location which is distant from the main areas of waste arisings. This would give rise to unacceptably long transport distances which could otherwise be located more sustainably in urban areas and broad locations which are identified for waste facilities. As such the proposed development fails to comply with the provisions of policies W4 and W5 of the Leicestershire Minerals and Waste Local Plan (2019).
2. The proposed development is located in close proximity to an area with an extant planning permission for residential development, which is also allocated for residential development in the Old Dalby Neighbourhood Plan (adopted 2018). Insufficient information has been provided to demonstrate that the new homes in close proximity to the site would not result in intrusion, disturbance and environmental impacts through noise and dust emissions from the site to the detriment of the amenity of future occupants of these residential properties. The proposal therefore fails to comply with policy DM2 of the Leicestershire Minerals and Waste Local Plan (2019), policy DM1 of the Melton Local Plan (adopted October 2018) and the provisions of paragraph 185 of the National Planning Policy Framework

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**DEVELOPMENT CONTROL AND REGULATORY BOARD****9<sup>th</sup> SEPTEMBER 2021****REPORT OF THE CHIEF EXECUTIVE****COUNTY COUNCIL APPLICATION****PART A – SUMMARY REPORT**

<b>APP.NO. &amp; DATE:</b>	2020/0600/04 (2021/Reg3Mi/0055/LCC) 14 <sup>th</sup> April 2021
<b>PROPOSAL:</b>	Change of use from a dwellinghouse (C3) to a children's home for over 16-year-olds (C2).
<b>LOCATION:</b>	72 Southfield Road, Hinckley, LE10 1UB
<b>APPLICANT:</b>	Children & Family Services, Leicestershire County Council
<b>MAIN ISSUES:</b>	Principle of development Parking and highways Activity and disturbance Fear of crime.
<b>RECOMMENDATION:</b>	Permit subject to conditions.

**Circulation Under Local Issues Alert Procedure**

Mr. S. Bray CC

**Officer to Contact**

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

## **PART B – MAIN REPORT**

### **The Site and Surroundings**

1. Southfield Road connects Hawley Road to the West and Park Road to the East, on the edge of Hinckley. The road runs adjacent to the Leicester-Birmingham railway (approximately 50m to the South). The application site lies to the North of Southfield Road and outside Hinckley Town Centre as defined by Hinckley Town Centre Area Action Plan.
2. Southfield Road is made up of residential properties with commercial premises found towards Hawley Road and Park Road. The residential dwellings comprise a mix of detached and semi-detached properties with some spaces for off-street parking between the house frontages and the highway. Parking also occurs on both sides of the highway. There are no single or double yellow lines within the immediate vicinity.
3. The infrastructure / services listed below can be found close to the application site:
  - a. Station View Health Centre: 350m
  - b. Station Road bus stop: 460m
  - c. Hinckley railway station: 500m
  - d. Nearest supermarket: 520m
  - e. Hinckley town centre: 800m
  - f. Hastings High School: 1.1km
4. 72 Southfield Road is a detached dwellinghouse, sharing a driveway with the neighbouring 74 Southfield Road to the West. This provides access to garages at the rear of both properties. The garage at No.72 is 8.3m in length and 3.4m in width. Approximately 30 square metres of usable off-street parking space exists in front of the house within the application site, providing space for one vehicle. The property immediately adjacent to the east, 70 Southfield Road, is also residential.
5. The dwelling has four bedrooms over three floors with three reception rooms on the ground floor with a total Gross Internal Area (GIA) of 142 square metres.
6. The application site is within Flood Zone 1 (less than 1:1,000 annual probability of flooding). It is not within a conservation area, SSSI nor any other relevant international, national or local designated area.



### **Planning History**

7. The property has been extended under two planning permissions (ref. 02/01056/FUL and 03/00737/FUL), which were granted by Hinckley and Bosworth Borough Council in 2002 and 2003 respectively.

### **Description of Proposal**

8. The application seeks to change the use of the property (currently class C3) to a residential care home (class C2), which the applicant has stated will accommodate three people over the age of 16. The applicant indicates that two care-giving staff would be on-site at any given time, working to a 24-hour shift pattern and be responsible for the running of the home on a day-to-day basis.
9. No external alterations are proposed. Some internal alterations would be required to ensure the property meets specific safety requirements, however as

the building is neither within a Conservation Area nor a Listed Building, these do not require planning permission and therefore do not form part of the application.

10. The applicant has stated that the home would help to provide a safe and structured group living environment, capable of enhancing young people's development in preparation for adulthood.
11. The applicant has stated that most residential homes of this type are provided outside the county, which can cause trauma for young people moving away from familiar surroundings and existing support networks. For this reason, the applicant has identified a need to provide placements within Leicestershire.

## **Planning Policy**

### **The Development Plan**

12. *Hinckley and Bosworth Local Development Framework Core Strategy* (adopted December 2009). The relevant policy is Policy 1: Development in Hinckley. Relevant Spatial Objectives are:
  - a. 1: Strong and Diverse Economy
  - b. 5: Housing for Everyone
  - c. 8: Stronger Safer Communities
  - d. 11: Built Environment and Townscape Character
  - e. 13: Transportation and Need to Travel
13. *Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document* (adopted July 2016). The relevant policies are:
  - a. DM1: Presumption in Favour of Sustainable Development
  - b. DM7: Preventing Pollution and Flooding
  - c. DM10: Development and Design
  - d. DM17: Highways and Transport
  - e. DM18: Vehicle Parking Standards

### **National Policy**

#### *National Planning Policy Framework (NPPF)*

14. In summary, the relevant paragraphs are:
  - a. 8 b) Social objective to provide strong, vibrant and healthy communities through a well-designed and safe built environment, with accessible services that reflect current and future needs and support communities' health, social and cultural well-being.
  - b. 92 a) Decisions should promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other through mixed use development (among other things).



- c. 92 b) Decisions should aim to achieve safe and accessible places so that crime and the fear of crime do not undermine quality of life or social cohesion.
- d. 93 e) Decisions should ensure an integrated approach to considering the location of community services (among other things).
- e. 119 Decisions should promote effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- f. 130 a) Development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- g. 130 c) Development should be sympathetic to the local character and history whilst not preventing appropriate innovation or change.
- h. 130 f) Decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion.

### **Consultations**

- 15. **Hinckley and Bosworth Borough Council (Planning)** – No objection.
- 16. **Hinckley and Bosworth Borough Council (Environmental Health)** – No objection.
- 17. **Highways Authority** – No objection subject to existing parking provision being maintained by condition.
- 18. One space is identified to the front of the property where the available dimensions of the parking area are 7.1m x 4.5m, a second space is identified within the garage to rear of the property that provides a parking area of 8.3m x 3.4m. While the space to the front of the property runs parallel with the highway and the property also lacks turning provision, the parking available at the site is an existing situation.
- 19. As a four-bedroom dwelling, three parking spaces would be required for the property as per the guidance within Part 3, Paragraph 3.173 of the Leicestershire Highway Design Guide. The property therefore currently lacks one parking space which is also the case for the existing dwelling. Should the owners of the property in its current residential use own three cars or have a visitor, they would have to park elsewhere.

20. At staff changeover times, the LHA consider there could be a situation where two members off staff are already parked within the site and two new members of staff arrive and have to park elsewhere. While the LHA would usually have concerns with proposals that could generate an increase in on-street parking on a B classified road, there is a level of on-street parking which already occurs along Southfield Road. If visitors were not present at the site during staff changeover times for example, the proposals could represent an increase in a single vehicle needing to park off-site in comparison to use of the property as a dwelling.
21. Given this, and the fact there do not appear to have been any Personal Injury Collisions within the vicinity of the site within the last five years that involve parked vehicles, and the site being near to Hinckley town centre, the railway station and bus stops, the LHA consider it would be difficult to defend a reason for refusal. The LHA therefore have no objection to the proposed parking arrangements.
22. **Leicestershire Police (Designing Out Crime Team)** – No comment received.

### **Publicity and Representations**

23. The application has been publicised by means of site notice and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement.
24. Several letters of representation were received, comprising 13 objections within the statutory period in addition to other objections outside this period, raising objections on the following grounds:
  - a. inappropriate location of the proposed development;
  - b. parking and highways issues;
  - c. activity and disturbance;
  - d. fear of crime;
  - e. housing supply.
25. It should be noted that several representations include reference to negative impact on property value and re-saleability, however these are not material planning considerations and therefore cannot be considered in this determination.
26. The LHA requested further details regarding the demarcation of parking spaces and measurements of area available to park an appropriate vehicle. The applicant's response to this request was made publicly available online via LCC's Planning Record.
27. The material planning issues raised are considered in the Assessment of Proposal section of this report.

## **Assessment of Proposal**

### **Principle of Development**

28. 72 Southfield Road has the existing lawful use as a dwellinghouse which falls within the C3 Use Class.
29. The C2 Use Class is currently a distinct and separate use class from the C2a Use Class. C2a comprises secure residential institutions, such as prisons, young offenders' institutions and secure hospitals. As such, if the proposed application is permitted, a separate express grant of planning permission from the planning authority would be required to convert the premises to C2a use.
30. The proposal of a C2 facility, as opposed to a C2a facility, is identified by the applicant to meet the needs of Leicestershire County Council (LCC) as the relevant care provider. The application seeks approval for a residential institution rather than a secure institution.
31. The application proposes to use the premises as a residential institution. The premises is located in a residential setting, which is the type of context that is appropriate for a use of this type.
32. Whilst the principle of a residential institution use within a residential area is accepted, it is necessary to consider the aspects of the proposed use which could function differently to a dwellinghouse and may have the potential to adversely affect the amenity of the area.

### **Planning Policy Assessment**

33. The NPPF requires LPA decisions ensure sustainable development. The proposal would provide a facility for the people of Leicestershire, reflecting current and future social needs. It would therefore support the local community's health, social and cultural well-being. In this regard, the proposal adheres to Paragraph 8b of the NPPF.
34. NPPF Paragraph 92a requires that development should promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other through mixed use development (among other things). The proposed change of use would enable opportunities for children in care to integrate with their community in line with Paragraph 92a. This integration would also be supported by Paragraph 93e by ensuring an integrated approach to the location of community services.
35. Paragraph 93b requires that planning decisions take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community. In this regard, the Borough Council's Young People's Strategy 2018 to 2022 is relevant as this seeks to enable young people to:

- a. Gain employment and be ready for work
- b. Empower young people to make informed choices and shape their future
- c. Enjoy life
- d. Be healthy
- e. Be safe and feel safe.

Leicestershire County Council's Children and Family Services Departmental Plan (2020 – 2023) seeks to help every child to get the best possible start in life. The provision of high-quality placements for children in Leicestershire therefore would align with HBBC's Young People's Strategy, LCC's Children and Family Services Departmental Plan and therefore accord with Paragraph 93b of the NPPF.

36. Policy DM10 of the Site Allocations and Development Management Policies DPD allows development to be permitted where it meets nine criteria (points a-i). Point a) stipulates that development should not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality (including odour), noise, vibration and visual intrusion. DM10 a) is addressed further in specific sections of this report below.
37. Policy DM10 b) concerns the protection of amenity of occupiers of proposed development. With regard to this application the residential nature of the local area and the residential nature of the proposed development, the amenity of occupiers under the proposed use would not be affected.
38. Policy DM10 c) stipulates that development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. The external appearance of the site would not be affected if planning permission were granted. As such the proposed development does not conflict with DM10 c). Furthermore, DM10 points d) to i) relate to new-built development, which the application would not conflict with.
39. The proposed development therefore accords with the relevant requirements of DM10.

#### Housing Supply

40. The proposal, if permitted, would result in the loss of a single dwellinghouse. However, it would be replaced by an alternative form of residential facility. Overall, this is not considered significant in the context of local housing supply. Hinckley and Bosworth Borough Council has raised no concerns to the loss of one dwelling.

#### Traffic, Access and Parking

41. The proposal would be of a relatively small scale in nature, housing a maximum of three children, which is unlikely to result in comings and goings in excess of those which could reasonably be expected in a residential area.

42. The application initially stated that two parking spaces are available at the front of No.72. The LHA requested information regarding the demarcation of existing parking spaces on-site. This clarification is provided, as detailed:
- a. One space is identified to the front of the property where the available dimensions of the parking area is 7.1m x 4.5m.
  - b. A second space is identified within the garage to rear of the property that provides a parking area of 8.3m x 3.4m.

The space to the front of the property runs parallel with the highway and the property also lacks turning provision. These two indicated spaces are shown as per the existing situation.

43. In the context of the existing use as a four-bedroom dwelling, as per the guidance within Part 3, Paragraph 3.173 of the Leicestershire Highway Design Guide, three parking spaces would normally be required for the property. The property therefore lacks one parking space but given that the proposed use is not likely to lead to a material increase in parking demand, a refusal on this basis could not be sustained.
44. Given the existing use and existing parking provision of the property, as well as the anticipated levels in comings and goings associated with a residential area, the LHA have advised that the two existing on-site spaces are acceptable for the proposed development. The highway authority has asked for these spaces to be retained in perpetuity, secured by condition. However, given that there are no controls over car parking for the existing residential use, this requirement is not considered reasonable.
45. The proposed development is therefore deemed to accord with policies DM17 and DM18.

### Transport

46. The application site approximately 460m from the nearest bus stop and 500m from Hinckley railway station. The site is in a highly sustainable location and could be accessed by members of staff and visitors via a choice of sustainable transport.

### Activity and Disturbance

47. Concerns about noise have been raised by local residents.
48. The proposed use has the potential to create activity and low-level noise typically associated with a normal residential use. It cannot be assumed that residents living at this property would generate any more noise than if the property were occupied as a dwelling. The planning system cannot control the noise that may be created by specific residents who may live at the property. A refusal on this basis could therefore not be justified. Any noise problems would be dealt with

under Environmental Health legislation in the same way as if any noise issues arose in a residential area.

49. Hinckley and Bosworth Borough Council's Environmental Health Officer has raised no objections to the proposed development. As such, the proposal does not conflict with Policy DM10 a) on disturbance grounds.

#### Crime and Fear of Crime

50. The Core Strategy notes that crime reduction and stronger communities is an issue facing Hinckley and Bosworth Borough.
51. A number of objections raised concern around the potential for increased public nuisance and crime. In assessing this, the existing use must be considered.
52. The fear of crime should only be considered a material planning consideration in cases where evidence exists that the associated development would likely increase crime. No evidence submitted as part of this application indicates that crime might increase if the application were permitted.
53. It cannot be assumed that children living in care would be more likely to behave antisocially or create levels of noise over and above children living in a 'traditional' family unit.
54. Leicestershire Police's Designing Out Crime Team have been consulted, but no response had been received at the time of writing.
55. For the reasons detailed above the proposal is considered not to conflict with the requirements of the NPPF with regard to safe places, especially Paragraphs 8b, 92b and 119 and therefore would not be unacceptable on fear of crime grounds.
56. It is important to note that if matters of poor management or behaviour were to occur as a result of the home these would be a matter for the relevant regulatory bodies.

#### Residential Amenity

57. As the proposed development would not result in the adding of any external windows there would not be any additional overlooking or loss of privacy as a result of the proposal. As such the proposal would align with DM10 a) on visual intrusion grounds.

#### Socio-Economic Impact

58. There would be two staff onsite at all times. This is expected to generate 6-8 full time jobs, depending on shift pattern. The creation of local jobs, both directly in care provision and also through other support staff would contribute to Policy 1 of the HBBC Core Strategy in ensuring that there is a range of employment opportunities within Hinckley.

### Sustainability

59. To achieve sustainable development, the planning process has three overarching objectives, namely Economic, Social and Environmental. In seeking to provide C2 use, the proposal would meet the Social Objective (paragraph 8b) of the NPPF in that such use would enhance LCC's ability to provide such a service for the people and communities of Leicestershire. Furthermore, the proposed use would facilitate the personal development of young people in a safe and structured environment, supporting those in need of care to live independently. This would directly contribute to the wider community's health, social and cultural well-being.
60. Whilst this justifies the need for such development, the siting of the development must also be considered. It is believed that the provision of an environment to support young people to live more independently should provide the conditions to enable those individuals to successfully integrate with their local community. As such the setting of a children's home on Southfield Road offers a socially sustainable location for the potential residents of the home. In this regard, the proposed development would meet paragraph 92 a) of the NPPF by promoting social interaction especially by providing opportunities for meetings between people who might not otherwise come into contact with each other.
61. For these reasons the application is considered to accord with the sustainability requirements of the NPPF and policy DM1 of the Site Allocations and Development Management Policies DPD.

### Conclusion

62. A children's care home is a type of residential use, which is appropriate in a residential area. As such there is no concern with the principle of the proposed development in this location.
63. The proposed children's home would be of a relatively small scale, housing a maximum of three children, which is unlikely to result in an amenity or highway impact above and beyond those potentially occurring from both the existing use of the site and surrounding area.

### Statement of Positive and Proactive Engagement

64. In determining this application, the County Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and any valid representations that may have been received. Issues of concern have been raised with the applicant and addressed through the submission of further information. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

**Recommendation**

1. PERMIT subject to the conditions set out in Appendix A.

**Officer to Contact**

David Wallis (Tel: 0116 305 3835)  
E-Mail [planningcontrol@leics.gov.uk](mailto:planningcontrol@leics.gov.uk)



**Conditions**

1. The development hereby permitted shall be begun within 3 years from the date of this permission.

*Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.*

2. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the submitted application, documents and recommendations of reports.

*Reason: For the avoidance of doubt as to the development that is permitted.*

3. No more than three 16+ year olds shall be resident at the site at any time.

*Reason: For the avoidance of doubt as to the development that is permitted.*

## **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 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;
Sched. 9 para (1)	:	minerals discontinuance orders.

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