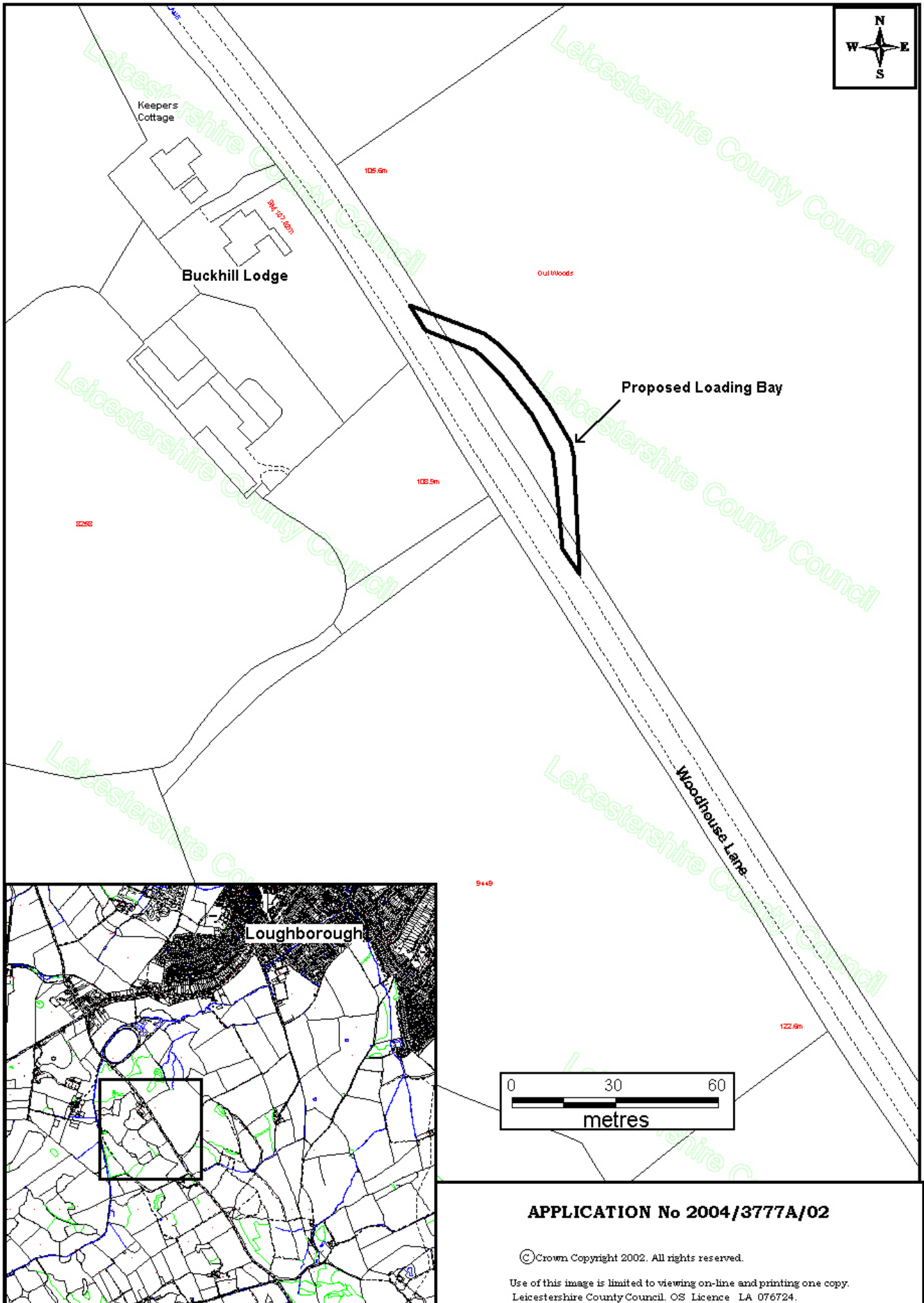


**DEVELOPMENT CONTROL AND REGULATORY BOARD****20<sup>TH</sup> JANUARY 2005****REPORT OF THE DIRECTOR OF COMMUNITY SERVICES****APPLICATION UNDER REGULATION 3 OF THE TOWN AND  
COUNTRY PLANNING GENERAL REGULATIONS****LEICESTERSHIRE COUNTY COUNCIL – CREATION OF LOADING BAY FOR  
TIMBER LORRIES AND FORMATION OF ACCESSES, JUBILEE WOOD, OFF  
WOODHOUSE LANE, NANPANTAN (CHARNWOOD BOROUGH)****2004/3777/02 – 2<sup>nd</sup> November 2004****Background**

1. Jubilee Wood forms part of the Beacon Hill, Hangingstone and Outwoods Site of Special Scientific Interest (SSSI). It has been owned by the County Council since 1977 and there is public access to this area and the adjacent Outwoods itself. Parking facilities are available in the form of roadside lay-bys surfaced with quarry waste, whilst the Outwoods has its own of-road car park. Both woodlands are situated on the east side of Woodhouse Lane, between Woodhouse Eaves and Nanpantan, in the heart of Charnwood Forest.
2. As owners of the SSSI, the County Council has agreed a woodland management scheme with English Nature, the Government's appointed 'watchdog' over such protected areas. This will involve the clearance of alien (mainly conifer) trees from the woods and a programme of replanting with native broadleaved species, especially oak. The programme will take place over a number of consecutive seasons, spread across 10-15 years and starting early 2005.
3. In preparation for this woodland clearance programme, it is intended to provide a purpose-built lay-by within the woods for the loading of logging vehicles, clear of the public highway. This lay-by would be brought into use for the parking of timber lorries during successive felling periods, over the years of the conservation project. Two new access points would be required from Woodhouse Lane, one for entrance into the lay-by and one at the other end for egress purposes.

**Description of Proposal**

4. The application site occupies a narrow slip of land on the western edge of Jubilee Wood, where it fronts onto Woodhouse Lane. This section of the highway is straight and undulating, running downhill towards the north and the brow of a



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small hill. There is a 3m wide grass verge along this side of the carriageway, including many mature roadside trees. There are no footpaths on either side of the road, but a low natural stone wall exists along the highway boundary of Jubilee Wood, much of it in disrepair.

5. The site occupies an isolated location in open countryside, with sloping open pasture land on the opposite side of Woodhouse Lane. There are two isolated detached dwellings to the north on this opposite side, set in their own extensive plots with outbuildings. Jubilee Wood forms a thick belt of mature broadleaf and conifer woodland along the east side of the road.
6. It is proposed to construct a stone-surface loading bay within the edge of the woodland, set back about 15m from the highway boundary. This would entail the clearance of a path of trees through the wood, with separate points of entrance and egress at each end. The bay would be long enough to park two articulated timber lorries within a 40m straight section, with 23m angled sections at each end for access/emergency parking. The overall distance between the access points would measure about 82m along Woodhouse Lane frontage.
7. The loading operations would be conducted in a 'one-way' system, whereby lorries enter from the north end and exit via the southern end. In both cases, the access would be designed to prevent right-turning movements. Therefore, all HGV traffic movements would approach the site from Nanpantan and depart in the direction of Woodhouse Eaves. This is considered to be the safest arrangements on this relatively fast and straight section of highway.
8. In its original submitted planning application, the proposed lay-by and accesses onto Woodhouse Lane were indicated some 100m south of the edge of the Wood. This original position gave rise to concerns from the County Highways Authority and, to some extent, the Borough Council, because of the need to provide adequate visibility splays and the likely loss of roadside trees. Therefore, an amended scheme has been submitted that indicates the layby and access points in a revised position, some 60m further north along the Lane.

**Planning Policy**

9. *Strategy Policy 4* of the approved Structure Plan relates to development in the open countryside, with particular reference to this Area of Particularly Attractive Countryside (APAC). It is intended that any new development within this area should strictly limited to that which is essential to rural activities and where it does not have any adverse impact of the character and appearance of the landscape.
10. The sentiments of this policy are re-iterated in *Strategy Policy 14* of the Replacement Structure Plan, as intended to be adopted and nearing the end of the adoption process. It is intended that development within or which affects the Charnwood Forest Policy Area will be acceptable where it can be demonstrated to conserve or enhance the character of Charnwood Forest, including its landscape, ecology, cultural heritage, built heritage and recreational value.

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11. *Strategy Policy 13* states that within the National Forest, provision will be made for the planting of woodlands with public access, subject to environmental constraints. In appropriate locations within the rural area of the National Forest, development will be acceptable which facilitates its use for agriculture or as a sustainable natural resource.
12. *Environment Policy 7* of the approved Structure Plan states that measures will be taken to protect and conserve sites of ecological significance. Development will not be permitted which could adversely affect...designated...Sites of Scientific Interest. *Environment Policy 10* provides for measures to be taken to encourage improved management of existing woodlands. Emphasis is placed on the use of appropriate broadleaved species.
13. Once again, this intention is re-iterated in *Environment Policy 3A* of the Replacement Plan, which states that (inter alia) 'development will only be acceptable where it would not adversely affect designated or proposed National Nature Reserves, or Sites of Special Scientific Interest designated because of their ecological interest'.
14. *Policy CT/1* of the Charnwood Borough Local Plan (2004) relates to development in the countryside and provides that development within these areas of generally open land will be strictly controlled. More particularly, *Policy CT/7* relates to the APAC and provides that planning permission will be granted for uses where the proposal would not detract from the essentially undeveloped rural character of the landscape, damage natural features and landform or diminish the visual amenities afforded by important viewpoints. Where development is acceptable in principle it will be expected to maintain or enhance the character and appearance of the landscape.
15. *Policy CT/20* relates to development within the National Forest and sets out the intention that planning permission will be granted for development proposals and related planting within the National Forest area, where the overall scheme does not conflict with restraint policies to safeguard the attractive rural character of the landscape. Proposals for development other than housing and employment will be permitted provided that there is a clear and direct relationship between the development proposed and the establishment and maintenance of the Forest.
16. *Policy EV/21* of the Local Plan states that 'planning permission will not be granted for development which could adversely affect...Sites of Special Scientific Interest (SSSI's) ... unless an overriding national need can be shown which exceeds the level of importance for nature conservation and there is no alternative solution or other site suitable for that particular purpose'.

### **Consultations**

#### **Charnwood Council (Planning)**

17. Concerns have been expressed about the original scheme, including the need to identify the extent of clearing operations, the time scale, re-instatement proposals and reason for the length of lay-by. These concerns have been addressed in correspondence and amended scheme, on which a response is still awaited.

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### **Director of Highways, Transportation and Waste Management**

18. Concerns were raised about the highways safety issues of the original scheme. However, following negotiations and site visits to secure amendments to the scheme, there are no highways objections to the revised scheme, subject to the imposition of appropriate conditions set out in the Appendix.

### **English Nature**

19. Agreement has been reached with the Country Parks service to carry out a scheme to clear the SSSI of alien trees and replant with native broadleaved species. The development is necessary to further the nature conservation status of the SSSI, and is authorised for that reason alone.
20. It is important that the development does not encourage use as a car park by visitors to Jubilee Wood, which would endanger the SSSI. The development should be secured to deter public use, and permitted for use in conjunction with necessary forestry operations only. Attention is drawn to the statutory duties under Section 28 of the Wildlife and Countryside Act (as amended), namely to further the conservation and enhancement of the SSSI.

### **Heritage Services (Ecology)**

21. Given the ecological significance of this woodland, it is recommended that a survey for protected species be carried out before development commences and appropriate mitigation measures put into place. A subsequent site survey by English Nature has identified the presence of potential bat roosts in the vicinity and the need to take measures to protect them during felling operations. Tree pruning and timber removal should take place outside of the bird-nesting season.

### **National Forest Company**

22. Reply not received when the report was prepared.

### **Publicity**

23. This proposal has been advertised by site notices, posted on 12<sup>h</sup> November 2004 and the amendment advertised by separate site notices on 4<sup>th</sup> January 2005.

### **Representation**

24. One letter has been received from the occupant of Keepers Lodge (opposite the application site on Woodhouse Lane. The letter expresses concern about the use of the lay-by for undesirable activities and seeks confirmation that it will be not be available for public access outside of felling operations.

### **Assessment of Proposals**

25. This development is required in connection with essential woodland management operations within Jubilee Wood (a protected nature conservation site). It is

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considered acceptable within the SSSI for this reason alone. Given the limited nature of the operations, they should not have any significant adverse impact on the particular character and ecological interests of the protected woodland. Indeed, the development will facilitate the improvement of this natural habitat.

26. Consultees have identified the need to ensure that the habitat of existing protected species is safeguarded and that they are not endangered. The survey results indicate the need to take appropriate precautionary measures during the operations. Given the fact that such species are protected by other legislation, and that no further mitigation measures have been identified, there is no requirement for specific conditions on ecological matters.
27. In view of the exceptional circumstances for allowing this proposal, it is important that the use of the development is limited to the required logging activities during tree felling operations. In the interests of highway safety, the access and egress arrangements need to be controlled strictly and the facility should be provided to the appropriate standards of the highway authority. At other times, it should be securely closed from public use.
28. In the circumstances, the proposal accords with the intentions of the relevant policies of the development plan for the locality, including those relating to the Charnwood Forest and the National forest. It is recommended for approval, subject to appropriate conditions.

### **Recommendation**

- A. Permit subject to the conditions as set out in the appendix.
- B. To endorse, as required by the Town and Country Planning (General Development Procedure) Order 1995 (as amended) a summary of the:
  - (i) Policies and proposals in the development plan which are relevant to the decision, as follows:

This application has been determined in accordance with the Town and Country Planning Acts, and in the context of the Government's current planning policy guidance and the relevant circulars, together with the relevant Development Plan policies, including the following, and those referred to under the specific conditions, as set out in the appendix:

Leicestershire Structure Plan (1994):  
Strategy Policy 4 and Environment Policy X

Charnwood Borough Local Plan (2004)  
Policies CT/1; CT/7; CT/20 and EV/21

- (ii) Reasons for the grant of planning permission as follows:

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The County Council is of the opinion that the proposed development gives rise to no material harm, is in accordance with the development plan and that there are no material considerations that indicate that the decision should be made otherwise. The County Council also considers that any impacts on the nature conservation of the area and highway safety can reasonably be mitigated by the imposition of the conditions as set out in the appendix.

**Circulation Under Sensitive Issues Procedure**

Mr. H. Barber, CC

**Officer to Contact**

Mr. C. J. Noakes (Tel. 0116 265 7053)

Email: [planningcontrol@leics.gov.uk](mailto:planningcontrol@leics.gov.uk)

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**Permit**, subject to the following conditions:

1. The development hereby permitted shall be begun within one year from the date of this permission and its use shall cease within 10 years from that date, unless otherwise agreed in writing by the County Planning Authority. At the end of the approved period, the development shall be permanently secured against any future use.
2. Unless otherwise first agreed in writing by the County Planning Authority, the use of the access/egress and lay-by facilities hereby permitted shall be limited strictly to use in conjunction with seasonal tree felling and woodland maintenance operations by, or on behalf of, the applicant. Use of the lay-by shall be limited to the period of January-March (inclusive) in any calendar year and no more than 6 loading operations during shall take place during any working day.
3. When the access and egress facilities are not required in accordance with the terms of condition no 2 above, they shall be securely fenced off at the boundary of the public highway.
4. Before any development commences on site, including site preparation works of any kind, any existing trees and vegetation to be removed shall be clearly marked and agreed on site by a representative of the County Planning Authority. Once agreed, no other vegetation shall be removed to facilitate the development, unless subject to prior written agreement.
5. The proposed access shall be hard surfaced in tarmacadam, concrete or other similar hard bound material for a minimum distance of 5 metres behind the highway boundary (back edge of verge) before being brought into use and shall thereafter be permanently so maintained.
6. The proposed egress from the site shall be hard surfaced in tarmacadam, concrete or other similar hard bound material for a minimum distance of 15 metres behind the boundary before the access is brought into use and shall thereafter be permanently so maintained.
7. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 15 metres behind the Highway boundary and shall be hung so as to open inwards only.
8. The proposed vehicular accesses shall be positively drained such that surface water does not drain into the Public Highway and thereafter shall be so maintained.
9. The gradients of the access drives shall not exceed 1:12 for the first 15 metres behind the Highway boundary.

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10. Before the development is brought into operation, provision shall be made for appropriate signage and/or traffic management measures to ensure that all goods vehicles enter the site from the north west and leave in a south easterly direction, details of which shall be first agreed in writing by the Director of Highways, Transportation and Waste Management.
11. Before development commences, visibility splays shall be provided out of the proposed site egress on to Woodhouse Lane, the extent of such visibility splays having first been agreed on site with the Highway Authority. Any vegetation that is growing within or overhanging the highway (including the verge) within the agreed splays shall be removed, unless it has a minimum clearance of 2 metres above the level of the highway, and shall thereafter be permanently so maintained.
12. This consent relates to the application as amended by revised plan nos. 2004/3777A/02, attached to and forming part of the planning permission.

**Reasons**

1. To ensure an appropriate form of development in the long-term interests of this protected woodland. This permission is granted only because of the particular requirements for beneficial woodland maintenance operations within Jubilee Wood, programmed over a limited number of years.
2. To ensure that the development does not have an adverse impact on the nature conservation interests of Jubilee Wood and to safeguard the amenities of the locality.
3. To prevent any unauthorised use of the development, in the interests of nature conservation and highway safety.
4. To ensure that the development does not have an adverse impact on the nature conservation interests of Jubilee Wood and to safeguard the amenities of the locality.
5. To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.), in the interests of highway safety.
6. To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.), in the interests of highway safety.
7. To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.
8. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.
9. To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety.

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10. In the general interests of Highway safety.
11. To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.
12. For the avoidance of doubt and to ensure a satisfactory form of development.

Note to Applicant:

- (i) Your attention is brought to the contents of the letter dated 25<sup>th</sup> November from English Nature and the need to take appropriate measures to safeguard the potential habitats of bats within the site.
  - (ii) You are reminded that nesting birds are protected by law under the Wildlife and Countryside Act 1981. Therefore, any disturbance of nesting birds occurring on planning application sites would constitute an offence under the law. The bird nesting season occurs between early February - late August.
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## **DEVELOPMENT CONTROL AND REGULATORY BOARD**

The considerations set out below apply to all preceding applications.

### **EQUAL OPPORTUNITIES IMPLICATIONS**

Unless otherwise stated in the report there are no discernible equal opportunities implications.

### **IMPLICATIONS FOR DISABLED PERSONS**

On all educational proposals the Director of Education and the Director of 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.

You are advised to contact the County Council's Assistant Personnel Officer (Disabled People) if you require further advice on this aspect of the proposal.

### **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 54A OF TOWN AND COUNTRY PLANNING ACT 1990**

Members are reminded that Section 54A of the 1990 Act requires that:

"Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise."

Any relevant provisions of the development plan (i.e. the Structure Plan or 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:

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 (the phrase occurs also in the new s. 172 which is substituted by the Planning and Compensation Act 1991, but not in the new provisions relating to planning contravention notices (new s. 171C) and breach of condition notices (new s. 187A);
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.