

Delegated Report

Planning Reference: 25/00078/FUL
Applicant(s): Mr Ryan Phillips
Ward: Newbold Verdon with Desford & Peckleton



Hinckley & Bosworth
Borough Council

Application Site: Island Lane Farm, Ashby Road, Stapleton

Proposal: New showroom facility with office space

Case Officer: Sullivan Archer (Senior Planning Officer)

Date: 17/04/2025

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions detailed at the end of this report.

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the provision of a new commercial structure for a showroom facility with office space (Use Class B8) at Island Lane Farm, Ashby Road, Stapleton. Within this application, the existing iron entrance gates are repositioned adjacent to the northern elevation of the building.
- 2.2. The structure is adjoined to, and to the north of the largest existing portal framed building within the site and the proposal externally measures 8.7m in width by 12.5m in depth, which creates a total footprint of 108.8sqm.
- 2.3. The proposal includes a mezzanine floor on either side of the structure, which is used for office space. The scheme utilises a pitched roof that has a ridge height of 5.7m and an eaves height of 4.5m. The Application Form states that the proposal shall be constructed with profiled metal cladding.

3. Description of the Site and the Surrounding Area

- 3.1. The 0.36ha application site is beyond any identified settlement boundary in the designated open countryside opposite Bosworth Road's confluence with Ashby Road. The application site is within the Risk Impact Zone of Kendall's Meadow, which is a Site of Special Scientific Interest (SSSI), a Gas Transmission Buffer Zone, and a Mineral Safeguarding Area.
- 3.2. The application site comprises two steel portal framed units to the north of the site and two further brick buildings to the south of the site. These structures have all been converted into storage workshops and offices (Use Class B8) via planning

applications 02/01015/COU, 05/00029/CONDIT, and 11/0006/CONDIT. The site is now identified within Appendix 2 of the Council's Employment Land Review (2024) as a Category 'C' Employment Site that is associated with Eurospark Ltd.

- 3.3. Eurospark Ltd, is a commercial company that supplies electrical discharge machines (EDM) associated with metal fabrication. Eurospark Ltd employ five full time members of staff and work 8 AM to 5:30 PM on weekdays and 8:30 AM to 1 PM on Saturdays.
- 3.4. Within the wider blue line boundary of the application site to the south is a residential dwelling and its associated outbuildings. The commercial use and the residential use are accessed by two separate gated vehicular accesses to the north and south of the site respectively onto Ashby Road. Public Right of Way T67 runs along the application site's access track before continuing on to Sutton Cheney to the west. There is a further vehicular access that runs parallel to the commercial vehicular access track, which provides access for the adjacent residential property, Beechwood Farm, which is outside of the application site. Ashby Road is an adopted and classified 'A' road (A447) that is subject to a 50mph speed limit.
- 3.5. The site is wholly surrounded by agricultural fields and is separated from the public highway by 150m of open fields. However, there are notable commercial and residential within the wider area. To the north of the site by approximately 260m is five dwellings, a garden centre and a coffee shop, a service station, and a furniture outlet. To the east of the site on the opposite side of Ashby Road is a further residential property. To the south of the site by approximately 287m is a farm, an equestrian centre, and a commercial estate.
- 3.6. Public Footpath S73 runs 251m to the south of the site, which also travels from Ashby Road towards Sutton Cheney to the west. In the wider area, Cadeby is 2km to the north, Kirkby Mallory is 3km to the east, Stapleton is 2.3km to the south, and Sutton Cheney is 1.2km to the west.

4. Relevant Planning History

4.1 11/00006/CONDIT

- Removal of Condition No.1 of Planning Permission 05/00029/CONDIT
- Permitted
- 11.04.2011

4.2 05/00029/CONDIT

- Variation of Planning Condition 1 of Application 02/01015/COU to allow continued use of outbuildings for storage workshop and office and improvements to farm access
- Permitted
- 09.03.2005

4.3 02/01015/COU

- Change of use of outbuildings to storage workshop and office and improvements to farm access
- Permitted
- 11.11.2002

5. Publicity

- 5.1 The application has been publicised by sending out letters to one local resident, and a site notice was also posted within the vicinity of the site. No responses have been received.

6. Consultation

- 6.1 There have been no objections from the following consultants:

- Hinckley & Bosworth Borough Council (HBBC)'s Drainage Officer
- HBBC's Environmental Services' Pollution Officer
- Kirkby Mallory, Peckleton, and Stapleton Parish Council
- Leicestershire County Council (LCC)'s Ecology Department (subject to conditions)
- LCC's Minerals Department
- Local Highway Authority (LHA) (subject to conditions)
- National Gas Transmissions

Ecology

- 6.2 Leicestershire County Council's Ecology Department confirmed that the Biodiversity Net Gain Statement provides a satisfactory evaluation of baseline habitats and demonstrates a 10% net gain biodiversity is achievable on site in accordance with the statutory duty of Schedule 7A of the Town and Country Planning Act 1990. Degradation has been noted including particular hedgerow removal and accounted for within the metric.
- 6.3 The Ecology Department confirmed that the grassland on site is of low value to ecology given its setting, condition, and management. However, the native hedgerow and trees within the site form part of a potential Local Wildlife Site and these should be protected from the proposed development and enhanced.
- 6.4 Given the above, the Ecology Department requested a Landscape and Ecological Management Plan (LEMP) to be secured via planning condition. The LEMP should ensure that a 10% biodiversity net gain is achievable on site. The County Council also requested a Habitat Management and Monitoring Plan (HMMP) for the proposal, but they have not requested this as a planning condition to be attached to this planning application.

- 6.5 In this instance, the Local Planning Authority consider that the Ecology Department's requirements can be addressed via an amendment to the statutory biodiversity net gain pre-commencement condition detailed at Schedule 7A of the Town and Country Planning Act 1990. The Applicant agreed to the Council's wording of a pre-commencement condition on 14 April 2025.

Kirkby Mallory, Peckleton, and Stapleton Parish Council

- 6.6 Kirkby Mallory, Peckleton, and Stapleton Parish Council did not object to the development but raised concerns in relation to the highways implication of the existing access being located opposite a busy junction.

Highways

- 6.7 Leicestershire County Council, in its view as the Local Highway Authority, considered that the impacts of the development on highway safety would not be unacceptable and when considered cumulatively with other developments would not have a severe impact on the road network, subject to one planning condition securing parking and turning facilities.

National Gas

- 6.8 National Gas Transmissions confirmed that there are no National Gas assets affected within the application site.
- 6.9 No further responses have been received.

7. Policy

- 7.1 Core Strategy (2009):

- N/A

- 7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM19: Existing Employment Sites

7.3 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- National Design Guide (2019)
- Planning Practice Guidance (PPG)

7.4 Other Relevant Guidance:

- Employment Land Review (2024)
- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2024)

8. Appraisal

8.1. The key issues in respect of this application are therefore:

- Principle of development
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety

Principle of Development

8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material planning consideration in planning decisions.

8.3 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 8 of the NPPF. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development.

8.4 However, Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP).

8.5 Both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF. Paragraph 34 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary.

- 8.6 Nevertheless, in accordance with Paragraph 232 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF.
- 8.7 Policy DM4 of the SADMP, which states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. To ensure this, Policy DM4 of the SADMP only considers development in the countryside sustainable where:
- (a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - (b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - (c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - (d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
 - (e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation.
- 8.8 The Applicant has not demonstrated that the proposal complies with any of the criteria in Policy DM4 of the SADMP, but this does not mean that the development is not sustainable.
- 8.9 For example, Policy DM19 of the SADMP confirms that proposals for the development of Use Class B uses (including ancillary areas) within designated employment sites will be supported where they accord with other policies in the plan.
- 8.10 Importantly, Policy DM4 of the SADMP also requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail further in the report.
- 8.11 In summary, the application site is within an existing designated employment site and therefore the principle of development is acceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Design and Impact upon the Character of the Area

- 8.12 Policy DM4(i) of the SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside.
- 8.13 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.14 The development is considered to be visually prominent from Ashby Road and Public Footpath T67. However, the set back of the development from the public highway is considered to reduce the visual impact of the development.
- 8.15 Given the presence of the existing buildings within the site to the south of the scheme, the visual impact of the proposal from users of Ashby Road heading northbound is considered to be significantly reduced.
- 8.16 When experiencing the development from the north-eastern elevation that fronts the public highway, the proposal is 10m shorter in width and 1.7m smaller in height in comparison to the attached existing portal framed structure. The scheme is also 1.6m shorter in width and 0.1m smaller in height than the smaller existing portal frame structure that is in the foreground of this elevation.
- 8.17 Whilst the bulk of the proposed building is slightly larger than the two main existing portal framed structures from views along the Public Right of Way, the built form of the site extends 12.3m further to the north and 23m to the south of the proposed development.
- 8.18 Ultimately, the new commercial building is within a designated employment site and adjoined to an existing commercial structure. Therefore, the visual experience of the development shall be within this context. The materials utilised in the construction of the development can be secured via planning condition to match those used in the existing adjacent portal framed structures.
- 8.19 By virtue of the scheme's distance from the public highway, its location adjacent to existing commercial structures within a designated employment site, and the development's size, scale, layout, siting, and massing, the proposal is not considered to result in any significant adverse impacts to the character of the area in accordance with Policies DM4 and DM10 of the SADMP.

Impact upon Residential Amenity

- 8.20 Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.21 The closest residential dwelling to the application site is Beechwood Farm, which is approximately 106m northwest of the development. By virtue of this distance, the

development is not considered to result in any significant adverse impacts to the residential amenity of this property due to any loss of light or overbearing impacts.

- 8.22 It is noted that the site is an existing designated employment site within the Borough. Whilst the proposal increases the extent of development associated with employment uses within the site, the size and scale of the proposal is not considered to significantly intensify the use of the site to the extent that it may result in any significant adverse impacts upon neighbouring residential amenity. This is supported by the fact that no concerns have been raised by the Council's Environmental Services Department to the proposal.
- 8.23 By virtue of these factors, the proposal does not result in any significant adverse impacts to neighbouring residential amenity in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.24 Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe.
- 8.25 All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)) (2024).
- 8.26 Based on available records to the Local Highway Authority (LHA), there have been six Personal Injury Collision (PICs) within 500m of either side of the site access during the last five years.
- 8.27 Of these, three occurred at the junction of Ashby Road and Bosworth and all involved right turning vehicles. Leicestershire County Council has installed a road safety scheme within the last two years at this junction due to an identified pattern of right turning PICs. The current site access is almost opposite this junction and is less than 20m from the centre line of Bosworth Road.
- 8.28 The remaining three PICs occurred within the vicinity of the petrol filling station and dwellings to the north of Ashby Road, and two of these involved turning or slowing vehicles.
- 8.29 Highways Development Management (HDM) Policy 2 of the LHDG confirms that:
- "The [LHA] will apply a risk-based assessment of proposals for new accesses onto the existing highway network and alterations to and / or intensification of existing accesses so they do not result in unacceptable road safety and operational concerns."*

HDM Policy 2 of the LHDG then states:

“To ensure the provision of safe and suitable accesses for all users, the [LHA] will employ a risk-based approach to assessing the impact of proposals on new connections or alterations to the existing road network.

- 8.30 The proposal utilises an existing and unamended vehicular access onto Ashby Road, which is separate to the existing access for the residential use in the wider site.
- 8.31 The LHA highlighted that, given the location of the site access, concerns may have been raised in relation to the scheme's compliance with HDM Policy 2 if the proposal had been of a larger scale or generated an increase in trips to and from the site.
- 8.32 On the basis, that the Applicant states that the development is to increase the efficiency of the site and would not intensify trips to and from the site, alongside the small scale nature of the proposal, the LHA accept that no improvements are required to the site access and the scheme is unlikely to generate a material increase in trips to and from the site compared to the extant position.
- 8.33 The LHA are satisfied that the proposal does not have an impact on Public Bridleway T67/3 or Public Footpath T67/2.
- 8.34 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.35 The proposal provides three additional off-street parking spaces. The LHA are satisfied that the proposed parking is acceptable for the overall scale of development. Whilst there does not appear to be any dedicated HGV parking within the site, the LHA accept that this is an existing situation and therefore the LHA cannot justify the provision of any dedicated space given the small scale of additional floorspace proposed.
- 8.36 Given the above, the proposal is not considered to create an unacceptable impact on highway safety or the road network in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

9. Equality Implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3 There are no known equality implications arising directly from this development.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

10.1 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

11. Recommendation

11.1 **Grant planning permission** subject to:

- Planning conditions detailed at the end of this report.

11.2 Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details received by the Local Planning Authority as follows:

- Location & Block Plans 23-389 PL01 Rev B (submitted: 31.01.2025)
- Proposed Elevations 24-412-P01 A (submitted: 07.02.2025)

- Proposed Plan & Streetscene Elevations Dwg No 24-412 P02 Rev A (submitted: 31.01.2025)

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. Prior to the commencement of development, a biodiversity gain plan must be submitted to, and approved in writing by, the Local Planning Authority. The biodiversity gain plan should include, but is not limited to:
 - (a) information about the steps taken, or to be taken, to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat; and
 - (b) the pre-development biodiversity value of the onsite habitat; and
 - (c) the post-development biodiversity value of the onsite habitat; and
 - (d) any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development where necessary; and
 - (e) any biodiversity credits purchased for the development where necessary, and
 - (f) a Habitat Management and Monitoring Plan (HMMP) detailing how net gain will be achieved and secured for a period of 30 year, including details relating to appropriate management actions, works schedules, species/seed mixes to be planted/sown, and ongoing remedial measures.

The development shall then be implemented in full accordance with the approved details.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and to comply with the statutory biodiversity net gain requirements of Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021.)

4. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with RM James drawing number P02 Rev. A. Thereafter the onsite parking (and turning) provision shall be kept available for such uses in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street

parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2024).

5. The materials to be used on the external elevations of the proposed structure shall match the corresponding materials of the existing steel portal structures within the application site.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.
2. Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore, vegetation removal should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.
3. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
4. The Public Right(s) of Way must not be re-routed, encroached upon, or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
5. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaways will be subject to the approval of the Building Control Surveyor.
6. Any access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).

7. All businesses have a duty of care to ensure that any waste is handled safely and within the law. Please ensure that there is adequate space on the property to store the waste containers for the business.

All waste produced by a business including (but not limited to) paper, cardboard, cans, retail packaging, and food wrappers/ waste is commercial waste. For this reason, it has to be legally discarded in a certain way via a trade waste service or transfer service and cannot be disposed of through the residential service. Bins should be maintained and stored so that they don't cause problems to neighbouring premises due to smells and should be stored correctly in a suitable container which needs to be closed or lidded.

Businesses should arrange their own business/ trade waste collection service. If you give your waste to someone else, you must be sure that they are authorised to take it, transport it, and recycle or dispose of it safely.