

Delegated Report

Planning Ref: 23/01172/FUL

Applicant: Mr B Williams

Ward: Twycross Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Site: Hill Farm Fenn Lanes Fenny Drayton

Proposal: Change of use of agricultural buildings and associated hardstanding to flexible commercial/business use (Use Class E(g) and storage and distribution (Use Class B8), including diversion of access road, ancillary car parking, landscaping, and other works.

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

2. Planning Application Description

2.1. This planning application seeks full planning permission for the change of use of two agricultural buildings to a flexible commercial use (Use Classes E(g) and B8) at Hill Farm, Fenn Lanes, Fenny Drayton. This development creates 1,070sqm of internal floorspace for flexible commercial uses but no external alterations are made to the two agricultural structures within this application. An additional open area to the south of the larger barn is also proposed to be used for open storage for the Use Class B8 use to the south of Barn 1.

2.2. To facilitate this development, the development creates a new vehicular parking area to the south of both barns that accommodates 41 parking spaces, five additional accessible parking spaces, and two HGV vehicle parking spaces. The scheme also diverts the main access road as it approaches the application site to separate the barns from the main farm use, but the development makes no alterations to the main existing access into the site via Fenn Lanes.

2.3. New native hedge planting is proposed to the western and southern boundaries of the application site, which consists of 70% hawthorn, 15% hazel, and 5% dog rose species that are planted in a double staggered row with 500mm between plants and 500mm between rows.

3. Description of the Site and the Surrounding Area

3.1. The 0.8ha application site is located outside of, and approximately 1.1km north of the identified settlement boundary of Fenny Drayton in the designated open countryside. Fenny Drayton is classified as a rural hamlet within the adopted Core Strategy (2009).

3.2. The application site is wholly surrounded by open agricultural fields but there are some agricultural complexes to the east of the application site. Fenny Drayton is separated from the application by open agricultural fields and Atherstone Road, which is an adopted and classified 'A' road (A444) that is subject to a 50mph speed limit. The Hill Farm complex features an agricultural access onto the A444.

3.3. The application site itself is located within an existing operational agricultural farm complex, Hill Farm, which features several agricultural buildings, a bungalow, and a Grade II Listed farmhouse.

- 3.4. Hill Farm Farmhouse is a three-storey Grade II Listed dwelling that was constructed in C18 with red brick and a slate roof. Both agricultural barns subject to this application are adjacent to, but to the south of, the main Hill Farm complex, and north of the existing bungalow.
- 3.5. Barn 1 within this development externally measures 36.7m in width by 24.5m in depth, which creates a total footprint of 899.2sqm. The structure utilises a pitched roof that has a ridge height of 7m, and an eaves height of 3.7m. Barn 1 is constructed with cementitious roof sheeting, and a partial brown brick finish and cementitious sheet cladding finish above on its western elevation, but the brown brick finish is replaced by grey blockwork.
- 3.6. Barn 2 is to the west of Barn 1 and externally measures 18.5m in width by 9.5m in depth, which creates a total footprint of 175.75sqm. The structure features a mono-pitch roof that has a maximum height of 5.6m and is constructed with dark brown metal sheet cladding.
- 3.7. The application site is accessed via a 350m single-track road from Fenn Lanes. Fenn Lanes is an adopted and classified 'C' road that is subject to a 50mph speed limit. Public Right of Way (PRoW), Footpath T41A runs east-to-west approximately 90m north of the Hill Farm complex. Public Footpath T41 also runs from Hill Farm in a north-westerly direction towards Atterton.
- 3.8. The application site is identified as within the impact zone of a Site of Special Scientific Interest (SSSI) and it is within 500m of the Bowl Barrow at Fenny Drayton, which is a Scheduled Monument. The Barrow is roughly round and measures 25m in diameter at the base and is approximately 2.5m high with a flat top measuring 8m in width.

4. Relevant Planning History

4.1 21/00245/AGDO

- The proposed building is to be a steel portal framed structure for agricultural use.
- Permitted
- 22.03.2021

4.2 07/00543/GDO

- Extension to agricultural building.
- Permitted
- 14.06.2007

4.3 95/00208/FUL

- Agricultural building
- Permitted
- 16.05.1995

4.4 94/00042/GDO

- Agricultural building
- Permitted
- 03.02.1995

4.5 **92/01105/4**

- Erection of agricultural workers dwelling
- Permitted
- 27.01.1993

5. Publicity

5.1 The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.

5.2 No responses have been received.

6. Consultation

6.1 There have been no objections from the following consultants:

- Hinckley & Bosworth Borough Council (HBBC)'s Conservation Officer
- HBBC's Environmental Services' Pollution Officer
- HBBC's Waste Management Officer
- Leicestershire County Council (LCC)'s Archaeology Department (subject to conditions)
- LCC's Ecology Department (subject to conditions)
- Local Highway Authority (LHA) (subject to conditions)
- Witherley Parish Council

Archaeology

6.2 The Leicestershire and Rutland Historic Environment Record (HER) noted that the site lies within a wider landscape where prehistoric and Roman remains are common, which suggested that there is a potential for archaeological remains from these periods to be present within the site. As a result, the County Council's Archaeological Department requested an appropriate programme of archaeological mitigation, including an initial phase of exploratory trial trenching, followed, as necessary, by intrusive and non-intrusive instigation and recording to be secured via planning condition.

6.3 Given the scale of the development, the Applicant queried the requirement for a programme of archaeological mitigation. Following this, the Archaeology Department confirmed that they would not be recommending any archaeological work within the footprints of the existing buildings, but the proposed parking and diverted access have the potential to disturb any archaeological buried remains present. Therefore, the Archaeology Department welcomed any further details that clarified the exact nature of the proposed works and particularly its proposed formation depth.

6.4 The Applicant confirmed that the depth of the proposed parking and diverted access would not exceed a depth of one metre.

6.5 On 03 April 2024, the Archaeology Department stated that in most cases where a site has been cultivated the archaeological horizon is unlikely to be 1m deep, and it is typically around 300 to 500mm in depth. As a result, the proposed works still have the potential to disturb any buried remains present at a depth within 1m. However, the Archaeology Department agreed that the planning condition for the programme of archaeological work could be linked to the commencement of the development of the affected areas.

6.6 This planning condition was agreed by the Applicant on the same day.

Drainage

- 6.7 The Environment Agency also confirmed that they are not making formal comments because the application site falls within Flood Zone 1, and therefore they have no fluvial flood risk concerns associated with the site.
- 6.8 The Council's Drainage Officer did not respond to this planning application.

Ecology

- 6.9 The County Council's Ecology Department confirmed that, from aerial imagery, the area of works is unlikely to support protected species or notable habitats, and consequently ecology surveys are not required. However, it appears that a few sections of hedgerow are likely to be removed to facilitate the car park access. Therefore, LCC Ecology recommended that species-rich native hedgerow should be provided as compensation. As a result, LCC Ecology requested a planning condition that secures the details of the species-rich native hedgerow planting.
- 6.10 Following this, the Applicant submitted a revised landscaping scheme, which the Ecology Department considered to be acceptable.

Heritage

- 6.11 Historic England did not make any formal comments on this application.
- 6.12 The Council's Conservation Officer confirmed that whilst the proposal is likely to result in some changes to the wider setting of the Grade II Listed farmhouse, the development was considered to have no discernible impact upon the significance of the heritage asset, nor was it likely to reduce the ability to appreciate its significance from the associated farmyard. Therefore, the Conservation Officer considered that the proposal was likely to be compatible with the significance of the Grade II Listed Building and its setting.

Highways

- 6.13 On 11 January 2024, the Local Highway Authority (LHA) confirmed that there have been no Personal Injury Collisions (PICs) recorded within 500m in either direction of the site access within the last five years. In addition, whilst there are three trees within the site access' visibility splays, given that it is an established access that is likely to have well in excess of the required vehicular visibility splays, the removal of these trees is not required in these site-specific circumstances.
- 6.14 Nevertheless, the LHA did not consider the application as submitted to fully assess the highway impact of the proposed development. As a result, the LHA requested the provision of further information including but not limited to:
- Detail access drawings.
 - Existing and expected trips to the site.
 - Vehicle visibility splays demonstrated over the Applicant's or highway land.
 - Revised scaled drawings demonstrating appropriate quantum of HGV and off-street vehicle parking for Phases 1 and 2.
 - Parking spaces in accordance with the Leicestershire Highway Design Guide (LHDG), and Highway Requirements for Development Part 4 (HRfD4).
 - On-site turning in accordance with Figure DG13 of Part 3 of the LHDG.
- 6.15 Following this, the Applicant provided a Highway Statement and revised Proposed Site Plans and Proposed Access Arrangements.

- 6.16 As a result, the Local Highway Authority confirmed that the impacts of the development were not considered to be unacceptable, and, when considered cumulatively with other developments, its impacts on the road network were not likely to be severe.

Witherley Parish Council

- 6.17 Witherley Parish Council had no objections to the development, but they expressed concerns regarding the increased vehicle movements on to Fenny Lanes via an access which is likely to be affected by the bend in the road and the 50mph speed limit. The concerns of the Parish Council were supported by an Accident Log that highlighted recent traffic incidents in Fenny Drayton, Witherley, and Ratcliffe Culey. The Parish Council also noted that this proposal would mean that there are storage facilities on three sides of Fenny Drayton.

- 6.18 No further responses have been received.

7. Policy

- 7.1 Core Strategy (2009):

- Policy 13: Rural Hamlets
- Policy 14: Rural Areas: Transport

- 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 DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM15: Redundant Rural Buildings
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

- 7.3 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (December 2023)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

- 7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- Hinckley and Bosworth Borough Council's Employment Land and Premises Study (2020)
- Leicestershire Highway Design Guide (LHDG) (2022)

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 and the historic environment
- 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. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.5 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.6 Both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF. Paragraph 33 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.
- 8.7 Nevertheless, in accordance with Paragraph 225 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. Ultimately, the closer the policies in the plan are to the policies in the NPPF, the greater weight they may be given. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.8 To justify their development, the Applicant has referred to the Council's Employment Land and Premises Review (2020), which states that demand remains strong for small-to-mid-sized industrial properties of up to 1000sqm to meet local business needs, and units of up to 500sqm for new businesses. Ultimately Paragraph 10.24 of this Review highlights that there is a shortage of units of all sizes to meet local needs, with development focusing on strategic options.
- 8.9 In accordance with Section 6 of the NPPF, planning decisions should help create the conditions in which businesses can invest, expand, and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

- 8.10 Paragraph 88 of the NPPF requires planning decisions to enable:
- (a) The sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed new buildings.
 - (b) The development and diversification of agricultural and other land-based rural businesses.
 - (c) Sustainable rural tourism and leisure developments which respect the character of the countryside.
 - (d) The retention of accessible local services and community facilities such as local shops, meeting places, sports venues, open space, cultural buildings, public houses, and places of worship.
- 8.11 The scheme supports the development and diversification of agricultural and land-based businesses through the conversion of existing buildings within an agricultural complex. Therefore, the scheme is considered to be in accordance with Paragraph 88 of the NPPF, and significant weight should be given to the need to create conditions in which businesses can invest, expand, and adapt.
- 8.12 Notwithstanding this, outside the defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. Section 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 180(b) specifically highlights that this should be achieved by, *“Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.”*
- 8.13 This is supported by 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. Policy DM4 of the SADMP only considers residential 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”.
- 8.14 Importantly, Policy DM4 also requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail further in the report.
- 8.15 The scheme involves the change of use of existing buildings, which is in accordance with Policy DM4(b) of the SADMP. The assessment of the whether the scheme results in an enhancement to the immediate setting is discussed further later within this report.
- 8.16 Given the above, the Council considers that the proposal is compliant with Policy DM4(b) of the SADMP and Paragraph 88 of the NPPF, and is therefore 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 and the Historic Environment

- 8.17 Section 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.
- 8.18 Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.19 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the Local Planning Authority when determining applications for development which affects a Listed Building or its setting to have special regard to the desirability of preserving the Listed Building or its setting or any features of special architectural and historic interest which it possesses.
- 8.20 Section 16 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. Heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 8.21 Policy DM4 of the SADMP states that development in the countryside will be considered sustainable where:
- i.) It does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside; and
 - ii.) It does not undermine the physical and perceived separation and open character between settlements; and
 - iii.) It does not create or exacerbate ribbon development.
 - iv.) If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9; and
 - v.) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21.
- 8.22 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.
- 8.23 The development proposal does not involve any external alterations to the existing converted structures and the outdoor parking and storage areas do not extend into the open countryside further than the existing built form of the Hill Farm complex.
- 8.24 As the views of the new parking and storage areas are obscured by the existing agricultural buildings, the development is not considered to have any intervisibility between the structures and the Listed Building. Therefore, whilst there is some visual change along the approach to the Listed Building along the access track, it is considered that the proposal ensures that the site remains predominantly rural. IN addition, once past the proposed converted buildings, there is no changed to the immediate farmyard fronting the farmhouse. Given the above, the development is considered to compatible with the significance of the Listed Building within the site.

- 8.25 Furthermore, by virtue of the separation distances, the application site currently makes not contribution to the heritage significance of the Bowl Barrow Scheduled Monument. Given the scale and size of the parking and storage areas, and their distances from the Bowl Barrow, the scheme is unlikely to result in any detrimental effects to the significance of the nearby Scheduled Monument.
- 8.26 Although the application site is clearly visible from Fenn Lanes, and views of the site are visible from the A444, the scheme is over 350m north of Fenn Lanes and 440m east of the A444, which is considered to significantly reduce its visual impact from these public routes. In addition, views of the site from these public highways are experienced at speeds of 50mph, which is considered to further reduce the visual impact of the development.
- 8.27 In light of the above, whilst the scheme is utilised for flexible commercial uses rather than the existing agricultural use of the site, the scheme and its associated outdoor parking and storage area is experienced from public footpaths and public highways from long distances in the context of the existing operational agricultural farm. Whilst the details of the landscaping within the site have not been confirmed, this can be secured via condition to further reduce the visual impact of the development on the character of the wider landscape.
- 8.28 By virtue of the distance from the highway, and the scale of the development, the proposal respects the character of the application site, and the surrounding area, and the significance of the Grade II Listed Building and the Scheduled Monument in accordance with Policies DM4, DM10, DM11, and DM12 of the SADMP, and the Good Design Guide.

Impact upon Residential Amenity

- 8.29 Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and a high standard of amenity for existing and future users.
- 8.30 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.
- 8.31 The Good Design Guide requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.
- 8.32 The proposal makes no external alterations to the two barns and therefore the scheme does not exacerbate any loss of light or overbearing impacts to neighbouring residential amenity.
- 8.33 Notwithstanding this, there are no residential properties in close proximity to the application site outside of the Hill Farm complex. Therefore, the development is unlikely to result in any significant adverse effects to neighbouring residential amenity.

- 8.34 Whilst there are two existing residential dwellings within the Hill Farm complex, the Applicant states within their Design and Access Statement that they own both properties. Moreover, Condition 05 of planning permission 92/1105/4, which was for the construction of the bungalow, limits the use of the bungalow to a person solely or mainly working, or last working, in the locality in agricultural or in forest, or a widow or widower of such a person, and to any resident dependent.
- 8.35 In light of the above, it is considered that both dwellings are related to the commercial agricultural uses within the site and the conversion of the two barns is unlikely to significantly and detrimentally impact the properties in comparison to the existing use of the wider complex.
- 8.36 The Council's Pollution Officer has no objections to the scheme and therefore it is considered that the scheme does not result in any significant adverse impacts to the residential amenity of the occupants of Hill Farmhouse or the bungalow to the south of the bungalows within the application site. As a result, the application is considered to be in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.37 Section 9 of the NPPF promotes sustainable transport. Paragraph 114 of the NPPF states that planning decisions should ensure that developments provide appropriate opportunities to promote sustainable transport modes, given the type of development and its location and a safe and suitable access to the site for all users. Any proposal should ensure that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 8.38 Ultimately, development should not be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, in accordance with Paragraph 115 of the NPPF.
- 8.39 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. 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)).
- 8.40 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.41 There have been no Personal Injury Collisions (PICs) recorded within 500m in either direction of the site access within the last five years.
- 8.42 The Local Highway Authority (LHA) have confirmed that the site access complies with Figure DG20 of Part 3 of the LHDG in terms of effective access of 6m for a minimum distance of 15m behind the highway, and control radii.
- 8.43 The LHA also noted that the proposed site access arrangements provide 2.4m by 160m vehicular visibility splays in either direction of the site access that are only over the Applicant's land and highway land in accordance with Table DG4 of the Part 3 of the LHDG.

- 8.44 The LHA also clarified that the proposals accord with Paragraphs 3.151 (Parking Quantum), 3.165 (Parking Dimensions), and Figure DG13 (On-Site Turning) of Part 3 of the LHDG and the Highway Requirements for Development Part 4 (HRfD4).
- 8.45 Section 3 of the Applicant's submitted Highway Statement shows the TRICS data for the proposals, which demonstrates that the scheme creates a total of 51 trips for Phase 1 (5 and 6 trips in the AM/PM peaks respectively) and 106 total trips for Phase 2 (11 trips in the AM/PM peaks respectively). The LHA have assessed this data and did not dispute its findings.
- 8.46 In light of the extant use of the site, and in accordance with the expert advice of the Local Highway Authority, the impacts of the development are not considered to be unacceptable, and, when considered cumulatively with other developments, its impacts on the road network are not likely to be severe. Therefore, the scheme is regarded as 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 outlined 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:
 - Barn 1 – Elevations as Existing – Drg No. 22 108 S0012 P1 (submitted: 05.12.2023)
 - Barn 1 Plans As Existing – Drg No. 22 108 S0011 P1 (submitted: 05.12.2023)
 - Barn 1 – Plans as Proposed – Drg No. 22 108 K0011 P1(submitted: 05.12.2023)
 - Barn 2 – Plans and Elevations as Existing – Drg No. 22 108 S0021 P1 (submitted: 05.12.2023)
 - Barn 2 – Plans as Proposed – Drg No. 22 108 K0021 P1 (submitted: 05.2023)
 - Location Plan – Drg No. 22 108 L0101 P1 (submitted: 05.12.2023)
 - Site Plan As Existing – Drg No. 22 108 S0001 P1 (submitted: 05.12.2023)
 - Proposed Site Access Arrangements K0007 P1 (submitted: 15.03.2024)
 - Proposed Site Access Arrangements K0008 P1 (submitted: 15.03.2024)
 - Proposed Site Plan (Phase 1) K0002 P2 (submitted: 15.03.2024)
 - Proposed Site Plan (Phase 2a) K0004 P2 (submitted: 15.03.2024)
 - Proposed Site Plan (Phase 2b) K0006 P2 (submitted: 15.03.2024)

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4, and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. No development shall take place until a Written Scheme of Investigation (WSI) has been submitted in writing to and approved in writing by the Local Planning Authority. For the land and structures that are included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:
 - The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
 - The programme for post-investigation assessment and subsequent analysis, publication & dissemination, and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure satisfactory archaeological investigation and recording in accordance with Policies DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Section 16 of the National Planning Policy Framework (December 2023).

4. The hard landscaping works identified within the Proposed Site Plan (Phase 1) K0002 P2 (submitted: 15.03.2024) shall be undertaken prior to the vehicle parking hereby approved being brought into use. The soft landscaping identified within the Proposed Site Plan (Phase 1) K0002 P2 (submitted: 15.03.2024) shall be implemented in full in the first planting season following any use of either building hereby approved commencing. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period, any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

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).

5. No part of the development hereby permitted shall be occupied until such time as the access arrangements and vehicular visibility splays of 2.4 metres by 160 metres have been provided as shown on Proposed Site Access Arrangements K0008 P1 (submitted: 15.03.2024) have been implemented in full. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, and to afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety and in accordance with the National Planning Policy Framework (December 2023).

6. No part of the development hereby permitted that falls within Use Class B8 (General Industrial) as defined within the Town and Country Planning (Use Classes) Order 1987 (as amended) shall be brought into use unless the parking arrangements as set out within the Proposed Site Access Arrangements K0008 P1 (submitted: 15.03.2024) have been provided in full. Once provided, these should be maintained and available for use 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 (December 2023).

7. No part of the development hereby permitted that falls within Use Class E(g) (Commercial, Business and Service) Research and Development, as defined within the Town and Country Planning (Use Classes) Order 1987 (as amended) shall be brought into use unless the parking arrangements as set out within the Proposed Site Plan (Phase 2a) K0004 P2 (submitted: 15.03.2024) have been provided in full. Once provided, these should be maintained and available for use 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 (December 2023).

8. No part of the development hereby permitted that falls within Use Class E(g) (Commercial, Business and Service) Light Industry, as defined within the Town and Country Planning (Use Classes) Order 1987 (as amended) shall be brought into use unless the parking arrangements as set out within the Proposed Site Plan (Phase 2b) K0006 P2 (submitted: 15.03.2024) have been provided in full. Once provided, these should be maintained and available for use 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 (December 2023).

a. **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 buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. The proposals may require that the Applicant removes a section of grassed highway verge to facilitate the access widening. Whilst this may be acceptable there may be statutory undertaker apparatus located within the verge fronting the site; the Applicant will need to undertake surveys and potentially works to relocate these services. Any additional cost that arises as a result of this would be entirely at the Applicant's expense.
3. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. 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 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.
5. 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).

6. The Written Scheme of Investigation must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.
7. The Historic and Natural Environment Team, as advisors to the Planning Authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the Planning Authority.
8. Nesting birds are protected under the Wildlife & Countryside Act 1981) as amended); therefore, all removal of trees, shrubs, and hedges should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.