

Planning Committee 12 August 2025
Report of the Head of Planning

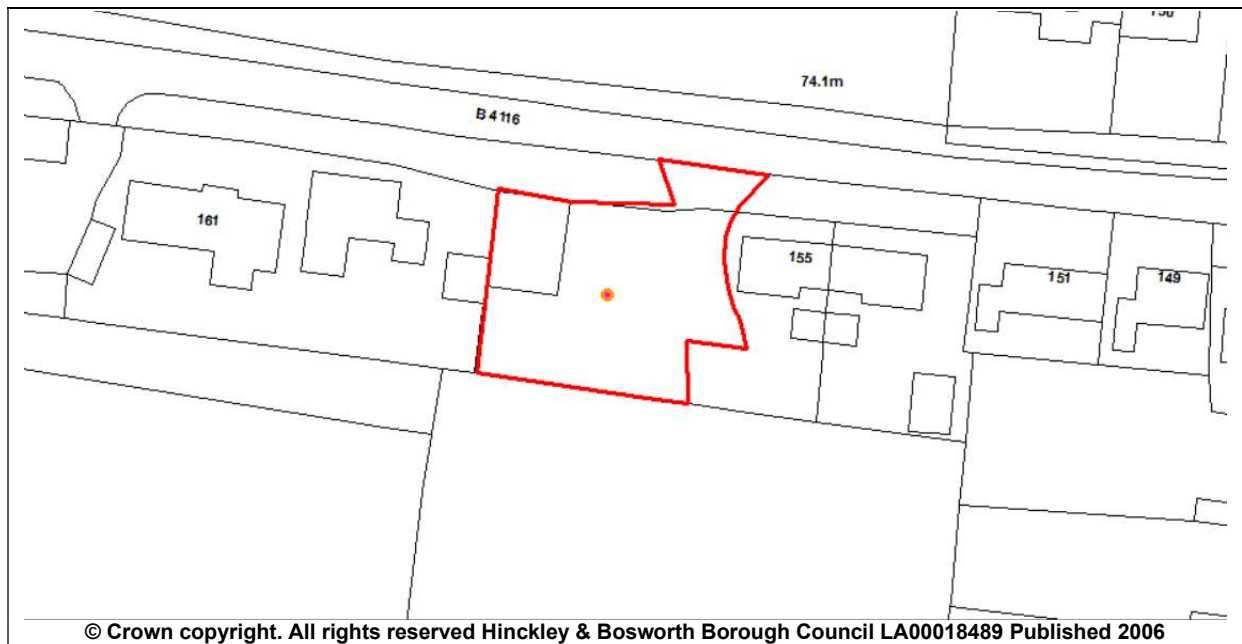
Planning Ref: 25/00476/FUL
Applicant: Spencer
Ward: Twycross Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Site: Adjacent Thompstone Cottage Main Road Sheepy Magna

Proposal: Demolition of the existing commercial workshop, removal of existing containers and erection of a replacement commercial workshop



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report
- The Head of Planning being given powers to determine the final detail of planning conditions.

2. Planning application description

- 2.1. The application seeks full planning consent for the demolition of an existing commercial workshop and removal of the existing containers to facilitate a replacement workshop associated with an existing B2 (General Industry) and B8 (Storage and Distribution) use at land adjacent to Thompstone Cottage, 155 Main Road, Sheepy Magna.
- 2.2. The proposed replacement workshop would measure 12.43 metres in depth with a width of 18.46 metres. It would have a 15 degree dual-pitched form characterised by a southern/northern side gable which would measure 5.16 metres to the eaves and 6.84 metres to the ridge. A set of two roller shutters measuring 4.60 metres for a width of 6.09 metres would sit to the workshop's eastern elevation, to the side of which would sit a personal door measuring 2.10 metres for a width of 1.00 metre. The proposed external materials would consist of a mix of juniper green box profile corrugated metal sheeting, red brick and prefabricated concrete panels to the walls,

juniper green box profile corrugated metal sheeting to the roof and grey shutters and personal doors.

- 2.3. The existing breeze block wall to the northern boundary of the site would be demolished and replaced by red brick wall of a replicating height with the retainment of the existing red metal gates. Forward of the wall is to sit a native hedgerow mix consisting of Hawthorn (50%), Holly (20%), Blackthorn (20%) and Wild Privet (10%) for a width of 17.42 metres.

3. Description of the site and surrounding area

- 3.1. The application site is located to the south of Main Road to the southwest of, but within, the identified settlement boundary of Sheepy Magna. Main Road is an adopted and classified 'B' road ('B4116') that is subject to a 40mph speed limit in the immediate vicinity of the site.
- 3.2. Main Street is characterised by a ribbon of residential development, which is seen on both sides of the road immediately to the east of the site. The site is bounded by residential properties to the east and west and to the south and the north of Main Road is open countryside. To the southeast of the site is a further line of ribbon development heading south along Ratcliffe Lane.
- 3.3. The site itself comprises an existing two-storey semi-detached residential property, Thompstone Cottage, and an existing block-built workshop with two storage containers to the west of the site.
- 3.4. The workshop and storage buildings are associated with Sheepy Farm Services, which is an existing commercial use as a lorry haulier (Use Class B8) and repair business (Use Class B2). Sheepy Farm Services employs six full-time members of staff and has operated from the site for over 50 years. The front elevation of the existing workshop faces the side elevation of Thompstone Cottage.
- 3.5. The existing workshop was extended via planning permission 15/00907/FUL and now externally measures 9.00 metres in depth by 11.50 metres in width, which results in a total footprint of 104.30sqm. The property has a ridge height of 4.50 metres and an eaves height of 3.30 metres.

4. Relevant planning history

79/1743/4

- Use of buildings and site for an agricultural repair workshop and storage
- Planning Permission
- 21.04.1980

15/00907/FUL

- Side extension to existing workshop
- Planning Permission
- 07.10.2015

25/00475/HOU

- Erection of a standalone double garage
- Pending Consideration

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. Following the publication five objections have been received which are summarised below;

Residential Amenity

- 1) The buildings scale will impact the amenity and views of the adjacent and local properties on both Main Road and Ratcliffe Lane;
- 2) The proposal will affect sunlight and daylight (in the morning specifically), and have an effect on the neighbouring habitable rooms;
- 3) The proposed development has not been prepared "in the spirit of good neighbourliness" which is considered as providing a 1-2m set back from the boundary for single story residential extensions;
- 4) The applicant and their agents have chosen not to consult with affected neighbours; **(Planning Officer Comment - It should be noted that the applicant and their agents are not required to consult with affected neighbours. The Local Planning Authority have, however undertaken a public consultation in accordance with statutory guidance.)**
- 5) The existing operation has not affected the enjoyment of the neighbouring properties;

Character and Appearance

- 6) The proposed building is not in-keeping with the character, size and scale of a rural village;
- 7) Materials are not in keeping with the village, the surroundings houses and does not improve the overall appearance of the village;
- 8) A proposed hedge is an inadequate screening response which will take years to grow. If a landscape buffer is considered necessary for the public frontage, then it should equally be the case adjoining residential uses.;
- 9) A lorry height of 4.9m cannot be used as a justification for the proposed building height of 6.84m;

Noise Pollution

- 10) Noise insulation has been suggested but no actual commitment is made;

Highway Safety

- 11) The increase in the footprint of the building will mean a smaller space for the 5 HGV's and use of the site. This will have an impact on the highways and road safety. HGV's already reverse into the site on a 40MPH section of the road with the potential to obstruct the road;
- 12) Main Road is a very busy dangerous highway where vehicles travel at speed;

Ownership

- 13) The proposed hedge is outside both the planning application red line and the applicant's ownership. This is highway land;

Other matters

- 14) At the present time there are no restrictions on the working hours of this operation and with this proposal this is something that should be considered;

- 15) If a benefit of the application is considered to be the removal of the containers, a planning condition should be added to ensure that containers are no longer permitted to be stored on site;
- 16) The application does not give any measurements as to the current height of the eaves of the building nor the pitch of the roof; **(Planning Officer Comment – As the proposal is for the demolition and re-build of an existing workshop building, existing elevations are not required.)**
- 17) The existing containers should not be included within the existing building calculations; **(Planning Officer Comment – The existing containers are associated with the sites use and operation and have therefore been included in any calculations.)**
- 18) There is a separate planning application for a double garage which should be considered at the same time as this application.

6. Consultation

6.1. Sheepy Parish Council:

'OBJECT

Please note this response is based on documents available on HBBC Planning Portal as at 16 July 2025. Sheepy Parish Council kindly request that it is notified and consulted on any later changes to this application so as to ensure full compliance with the Sheepy Parish Neighbourhood Plan made May 2022. Sheepy Parish Council notes the additional documentation with respect to this re-consultation, however with no amended/superseded 'Proposed Elevations and Floor Plans', our position remains the same.

Although Sheepy Parish Council supports the Rural Economy (Policy S17 – Sheepy Parish Neighbourhood Plan), it has reviewed the above application -25/00476/FUL - (Adjacent Thompstone Cottage, Main Road, Sheepy Magna - Demolition of the existing commercial workshop, removal of existing containers and erection of a replacement commercial workshop), and believes it is not compliant with the legally binding Sheepy Parish Neighbourhood Plan 'made' May 2022, namely Policy S8 - Design. It must be noted that all policies in the plan should be considered collectively when determining any planning application.

The Parish Council's principal concern is the close proximity of the proposed development to the neighbouring property, 159 Main Road. The proposal is for the erection of a replacement commercial workshop that is much larger (64% increase in area) and higher (more than double the current height to the eaves adjacent to the neighbouring property and a 52% increase to the apex) than the existing workshop. (Existing heights taken from HBBC Delegated Report 7 October 2015 - 15/00907/FUL). The Parish Council believes that the proposal does not show appropriate regard for the amenity of 159 Main Road (Sheepy Neighbourhood Plan Policy S8(F) and HBBC SADMP DM10). It is noted that the Pre-application Advice stated on the Application Form (HBBC – Application Form 12 May 2025) required the applicant to "demonstrate...that the scheme shall protect existing residential amenity". The applicant has failed to properly address this in the application (Design and Access statement). In particular, the concerns are over the overbearing effect (scale and mass, oppressive nature and intrusive feeling) that the proposed building will have and the adverse impact on natural light and outlook. None of these have been addressed by the applicant.

In addition to this, the Parish Council is aware that in parallel to this application, another planning application – 25/00475/HOU-Re-Consultation (15 July 2025) - has

the potential to have a detrimental impact on aspects of this proposal. In particular, the proposal for the 'Erection of a standalone double garage -25/00475/HOU - 21 May 2025' will, if approved, have a significant impact on the parking and turning space available for (up to) the five HGVs that operate from the site and other vehicles, and thereby have the potential to seriously impact highway safety on a stretch of road with a 40mph speed limit.

Sheepy Parish Council has received copies of written objections submitted by several parishioners to HBBC, which have raised concerns over the detrimental effect the proposed replacement commercial workshop will have on neighbouring properties.

With reference to the two recent amended plans submitted by the applicant, HBBC Reference 09/07/2025 - 25/00476/FUL - 25/00476/FUL -Site Location Plan and 09/07/2025 - 25/00476/FUL - 25/00476/FUL -Proposed Site Plan, Sheepy Parish Council notes that the site now extends onto the grass verge adjacent to the highway and respectfully request that HBBC establish its ownership. Furthermore, the above documents also show the site extended beyond the curtilage and access onto the highway.

Having considered the proposal and in recognition of the need to support the rural economy (Sheepy Neighbourhood Plan Policy S17), the Parish Council believes that a better considered proposal at a more modest scale might address the Parish Council's concerns and be acceptable. Further, that the applicant is strongly encouraged to discuss any revised proposal with neighbours and the Parish Council before submission.'

6.2. HBBC Environmental Services – Pollution;

'With regard to noise I would recommend that a noise impact assessment is carried out to advise of any noise mitigation/control that may be required to be incorporated into the design of the proposed building. This may be conditioned.

<i>Recommended</i>	<i>condition:</i>
<i>Noise</i>	<i>Attenuation (2)</i>
<i>a) Development shall not begin until a scheme for protecting nearby dwellings from noise from the proposed development has been submitted to and approved by the Local Planning Authority</i>	
<i>b) All works which form part of the scheme shall be completed before the permitted development first comes into use.'</i>	

6.3. LCC Highways;

'The Local Highway Authority (LHA) previously responded to the Local Planning Authority (LPA) on 12 June 2025 stating that the proposals would maintain the status quo at the site. And that as such, the LHA would not seek to resist the proposals in these site-specific circumstances.

The Applicant has now provided further drawings with a revised redline which is slightly smaller than previously submitted. It is also noted that there would be four car parking spaces compared to the previously submitted six.

However, as previously stated within the LHAs observations provided to the LPA on 12 June 2025 the existing workshop does not allow the business to work on lorries undercover, and this has to happen outside.

The existing workshop and containers have an area of around 140sqm. The proposed workshop would have a footprint of 229sqm.

Section 4 of the DAS indicates that the proposal will result in no increase in trips to the application site. The site currently benefits from an existing B2 and B8 use. As

such, the LHA still consider that the proposals would maintain the status-quo at the site and therefore the LHA would refer the LPA to the LHAs previous observations.'

The previous observations referred to within the above comments were as follows:

'The site is located on the southern extent of Main Road, which is an adopted, classified B road subject to a 40mph speed limit.

The LHA notes the Design and Access Statement (DAS) states the site currently comprises of a block-built workshop with two storage containers to the west of the site and adjoining the workshop.

The Applicant has been trading and operating from this site for circa 50 years. The Applicants are a Lorry Haulier and repair business and Agricultural and Industrial Engineers employing six full time staff.

The Applicants have an operator license for five heavy good vehicles, which has been in place for 40 years continuously.

Presently the business operates from the existing workshop, two storage containers and area of hardstanding. Specifically, the existing workshop does not allow the business to work on lorries undercover, and this has to happen outside.

The existing workshop and containers have an area of around 140sqm. The proposed workshop would have a footprint of 229sqm.

Section 4 of the DAS indicates that the proposal will result in no increase in trips to the application site. The site currently benefits from an existing B2 and B8 use.

Whilst the site accesses onto a classified B subject to a 40mph speed limit, given the small-scale nature of the proposals, and that the proposals will maintain the status quo at the site, the LHA would not seek to resist the proposals in these site-specific circumstances.'

6.4. LCC Ecology:

'No objection (for recommended conditions or informatives- see below)

REASON FOR RECOMMENDATION:

- *We have reviewed the documents supplied by the applicant.*

Protected and Priority Species

- *No ecological information relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation has been submitted.*
- *Therefore, we have conducted a desktop assessment comprising local records and aerial imagery to help assess this.*
- *We are satisfied that there is sufficient ecological information available to support determination of this application. The site consists of a hardstanding yard offering limited suitability for protected and priority species. With reference to the photo supplied in the Design and Access Statement (Andrew Large Surveyors Ltd), the brickwork of the building on site looks to be in good condition offering negligible suitability for roosting bats, whilst the corrugated metal roof prone to rapid heating and cooling is also unsuitable.*
- *However, aerial imagery shows the wider landscape south of the site consists of open fields and vegetated boundaries, which may provide suitable habitat for a range of protected and Priority species.*

- Therefore, it is recommended that an informative for general good practice mitigation is applied to minimise any residual risk during construction should mobile species enter the site from adjacent habitats.

Biodiversity Net Gain (BNG)

- Applications are required to deliver a mandatory 10% measurable biodiversity net gain, unless exempt under paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024. We have reviewed the submitted information and believe that the de-minimis exemption applies to this application.
- We note the proposed native hedgerow planting which have been detailed within the Proposed Site Plan (Henderson Planning & Design, April 2025) to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). We also recommend additional biodiversity enhancements such as bat and bird boxes are included. These could be placed in suitable locations on or integrated into the new building. The reasonable biodiversity enhancement measures can be outlined within a separate Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

ANY RECOMMENDED CONDITIONS TO BE APPLIED:

PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY;

- “Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- Purpose and conservation objectives for the proposed enhancement measures;*
- detailed designs or product descriptions to achieve stated objectives;*
- locations of proposed enhancement measures by appropriate maps and plans (where relevant);*
- persons responsible for implementing the enhancement measures; and*
- details of initial aftercare and long-term maintenance (where relevant).*

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.”

Reason: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).

ANY RECOMMENDED INFORMATIVES TO BE APPLIED:

GENERAL GOOD PRACTICE MITIGATION TO AVOID ECOLOGICAL IMPACTS DURING THE CONSTRUCTION PHASE

- To avoid killing or injuring small animals which may pass through the site during the construction phase, it is best practice to ensure the following measures are implemented:

- a) *Trenches, pits or holes dug on site should be covered over at night. Alternatively, ramps (consisting of a rough wooden plank) or sloped/stepped trenches could be provided to allow animals to climb out unharmed;*
- b) *materials brought to the site for the construction works should be kept off the ground on pallets to prevent small animals seeking refuge;*
- c) *rubbish and waste should be removed off site immediately or placed in a skip, to prevent small animals using the waste as a refuge; and should any protected species or evidence of protected species be found prior to or during the development, all works must immediately cease, and a suitably qualified ecologist must be contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.'*

6.5. LCC Minerals;

'There is no requirement to consult the County Planning Authority in this instance. Planning permission will be granted for development that is incompatible with safeguarding mineral within a Mineral Safeguarding Area if: (v) the development comprises one of the types of development listed in Table 4. (b) applications for alterations and extensions to existing buildings and for change of use of existing development, unless intensifying activity on site.'

6.6. Natural England;

- No comments have been received to date.

7. Policy

7.1. Sheepy Parish Neighbourhood Plan 2018-2036

- Policy S5: Ecology and Biodiversity
- Policy S8: Design
- Policy S18: Rural Economy

7.2. Core Strategy (2009)

- Policy 12: Rural Villages

7.3. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- 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 DM20: Provision of Employment Sites

7.4. National Planning Policies and Guidance

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

7.5. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Leicestershire Highways Design Guide (2024)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety and vehicle parking standards
- Impact upon flooding and pollution
- Impact upon ecology
- Other matters

Assessment against strategic planning policies

- 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 The current Development Plan consists of the adopted Core Strategy, the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP), and the adopted Sheepy Parish Neighbourhood Plan (SPNP).
- 8.4 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.
- 8.5 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. Ultimately, the closer the policies in the plan are to the policies in the NPPF, the greater weight they may be given.
- 8.6 Chapter 6 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand, and adapt. Paragraph 88 of the NPPF confirms that planning decisions should support the sustainable growth and expansion of all type of business in rural areas, both through conversion of existing buildings and well-designed new buildings.
- 8.7 Policy 12 of the adopted Core Strategy states that to support existing services in rural villages, such as Sheepy Magna, the Council will support development enabling home working and other small-scale employment uses within rural villages.
- 8.8 The use of the site for B2/B8 uses has been long established with the Applicants trading from the site for 50 years. The site is small scale and is not an allocated employment site for the purposes of Policy DM19 of the SADMP. Policy DM20 strictly applies to the development of new employment sites for B1 (now Class E), B2 and B8 uses. As a replacement/extended use to the existing business on site the policy is not strictly relevant as the proposal does not seek to introduce a new employment site. However, Policy DM20 does allow for the development of new employment sites where they stand within settlement boundaries or on previously developed land, the development does therefore comply with the spirit of Policy DM20 and were it a new employment site it would be acceptable in principle.
- 8.9 Policy S18 of the Sheepy Parish Neighbourhood Plan states that small-scale business and enterprise development, including live/work units, through the conversion of existing buildings and well-designed new buildings, will be supported

where it means the requirements of Policies DM5 (Enabling Rural Worker Accommodation) and DM20 (Provision of Employment Sites) of the SADMP. Policy DM5 of the Site Allocations and Development Management Plan are not applicable to either proposal. An assessment against Policy DM20 is made above, however, as set out as an existing employment use the policy is not strictly relevant.

- 8.10 Overall, the development is located within the identified settlement boundary of Sheepy Magna on an existing, albeit unallocated, employment site. The proposals seek to replace an existing building to improve efficiencies on site. As such, there is a presumption in favour of sustainable development under Policy DM1 of the SADMP, and the wider policies of the NPPF including paragraph 88 which endorses support for the sustainable growth and expansion of all types of business in rural areas including through well designed new buildings. Therefore, the development is considered to be acceptable in principle, subject to all other material planning matters being appropriately addressed.

Design and impact upon the character of the area

- 8.11 Chapter 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.
- 8.12 Paragraph 137 of the NPPF states that applicants, where applicable, should provide sufficient information to demonstrate how their proposals will meet the design expectations set out in local and national policy.
- 8.13 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 (as contained in the National Design Guide and National Model Design Code), taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.14 Pages 14 and 15 of the Good Design Guide highlights the five key components of design are: access, layout, space, appearance, and landscape. The Good Design Guide confirms that new development should look to respond appropriately to the existing layout of buildings, streets, and spaces to ensure that adjacent buildings relate to each other, streets are connected, and spaces complement one another. Ultimately, the Good Design Guide states that consideration should be given to the ongoing maintenance of the street scene from the outset.
- 8.15 Policy DM10 (b) and (c) of the Site Allocations and Development Management Policies DPD requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.16 Policy S8 of the Sheepy Neighbourhood Plan seeks to ensure that development proposals are designed with evident care so as to respond positively to the character of the area in which it is located, demonstrably respond to the features of its setting; and with the scale, form and character of the location and make a positive contribution to the street-scene.
- 8.17 The application proposes to demolish the existing commercial workshop and remove the existing containers at the site to facilitate a replacement workshop associated with the sites existing B2 (General Industry) and B8 (Storage and Distribution) use.

- 8.18 Objections have been received that the proposal is not in-keeping with the character, size, scale and materials of the area despite the proposed hedgerow screening response.
- 8.19 The proposed replacement workshop would measure 12.43 metres in depth for a width of 18.46 metres, increasing the depth of the existing structure by 3.53 metres and the width by 6.70 metres. It would have a 15 degree dual-pitched form characterised by a southern/northern side gable to reflect the form of the existing structure. The building would measure 5.16 metres to the eaves and 6.84 metres to the ridge, increasing the height and bulk of the commercial workshop by 2.50 metres.
- 8.20 Unlike the existing building, the proposed building would be set back from the front and side boundaries by approximately 1m. In addition, through discussions with the case officer the existing breeze block boundary wall is to be replaced with a new brick boundary wall to match the dwelling. A native hedge is also proposed to be planted to the front of new wall and building.
- 8.21 The proposed increase in height/mass is reasonably substantial and the building is highly visible from the road. The increase in height has been justified by the applicant within the submitted Design and Access Statement, stating that the height allowance is crucial to allow employees to work under the businesses lorry's (ranging from 3.50 – 4.10 metres in height) safely whilst ensuring practical maneuverability within the workshop.
- 8.22 The site is unique as it relates to an isolated commercial building within a linear pattern of residential properties, meaning that any commercial proposal would appear to be a distinctive addition to the street scene. Notwithstanding this, the use has been in situ at the site for approximately 50 years and so is principally acceptable. The appearance of the site at the moment is inherently commercial in nature and despite the increase in the mass of the building, this will not significantly alter the character of the site. Furthermore, beyond the commercial use of the site and surrounding residential properties the wider area is rural where it is not uncommon to see buildings of a similar scale and design to that proposed.
- 8.23 The existing workshop at present presents a poor elevation to the highway and therefore the reconstruction of the structure with materials, which are typical of commercial units used for industrial/agricultural purposes instead of the pre-existing breeze block/brick mix would positively improve its contribution to the character of the area. Further mitigation and benefits to the appearance of the site would come from the proposed, traditional red brick wall and hedgerow planting to the front of the site. Whilst the improvement would only be minimal the proposal would not detract from the street scene to a detrimental level to justify refusal of the application considering the existing building and appearance of the site.
- 8.24 By virtue of the above, the proposal is considered in accordance with Policy DM10 of the adopted Site Allocations and Development Management Plan (2016) and Policy S8 of the Sheepy Neighbourhood Plan.

Impact upon neighbouring residential amenity

- 8.25 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.
- 8.26 Policy DM10 (a) and (b) of the Site Allocations and Development Management Policies DPD states that proposals should not adversely affect the occupiers of the neighboring properties.

- 8.27 Policy S8 of the Sheepy Neighbourhood Plan seeks to ensure that development proposals are designed with evident care so as to show appropriate regard for the amenities of neighbouring properties including daylight/sunlight, privacy, air quality, noise and light pollution.
- 8.28 Objections have been received that the proposal will impact the amenity and views of the adjacent and local properties on both Main Road and Ratcliffe Lane.
- 8.29 The Councils Good Design Guide seeks to ensure that *'The 45 degree rule is applied for planning applications for new buildings and extensions to existing properties which might affect the outlook from or daylight to a neighbouring property. This rule ensures consistency and fairness between applicants and their neighbours.'*
- 8.30 The nearest residential dwelling to the west of the application site 159 Main Road, would be situated approximately 9.00 metres from the proposal. There are no windows in the side elevation of 159 Main Road which directly face the proposed building. No 159 has a detached garage sited between the dwelling and proposed building, but this is set back from the front of the dwelling. The closest element of the dwelling is an early 2000s single storey side extension which is a habitable room, this room has two Velux rooflight present one to the front and one to rear of the dual-pitched roof. There is an opening in the rear elevation which also serves this room, this is the closest opening to the proposed building. The proposed building would protrude along the shared boundary and would clearly be visible from No.159, however, by virtue of its depth and separation distance the building would not breach the 45° guideline from this window.
- 8.31 As the proposal would extend past the front and rear elevations of the existing garage at no.159, at a greater height than the existing building the owners/occupiers outlook is considered to be impacted. Despite this, given the openness of the site to the south overlooking agricultural fields along with the considerable garden that it hosts and the adherence with the 45° guideline the proposal would not significantly adversely impact the amenity of the owner/occupiers of No.159 to a detrimental level to justify refusal of the application.
- 8.32 The Councils Good Design Guide seeks to ensure that *'In the spirit of good neighbourliness, an adequate distance of 1m between the property and its boundary (giving a total distance of at least 2m between properties) should be encouraged. In assessing the merit of the planning application, consideration will be given to the impact on local character created by reducing the space between buildings.'*
- 8.33 The existing workshop abuts to the shared boundary, with the replacement workshop proposing a 1.00 metre separation distance. So, whilst the proposal does not accord with the above outlined 2.00 metre separation distance there is a betterment to the existing situation. Furthermore, there is adequate separation between the dwelling and building.
- 8.34 The nearest residential dwelling to the east of the application site 153 Main Road would be situated an approximate 29.24 metres from the proposal not resulting in any adverse impacts to this dwelling. The main elevation would be orientated directly towards no.153's rear amenity space but given the nature of the openings extending to first floor level being roller shutters the proposal is considered to retain the owners/occupiers privacy.
- 8.35 Properties on Ratcliffe Road are over 80m from the development and by virtue of the separation distance there would be no adverse impacts to these residents from the proposed built form.
- 8.36 Concerns have been raised regarding potential noise and disturbance from the development, given the proximity to residential properties this is understood, however

the potential for noise and disturbance must be assessed in the context of the existing business operation on site. The Council's Environment Team have requested that a noise impact assessment is undertaken to advise on noise mitigation/controls that may be required to be incorporated into the design of the building. This is recommended as a pre-commencement condition and is justified owing to the new build nature of the scheme. Otherwise, it has been demonstrated that the development would not significantly intensify the use of the site. Whilst the building is larger this is to accommodate more repairs to be carried out inside the building as opposed to the external yard area. There may therefore be some betterment from the proposed arrangements in that regard.

- 8.37 It is therefore considered that the proposal is in accordance with Policy DM10 of the SADMP and Policy S8 of the Sheepy Neighbourhood Plan.

Impact upon highway safety and vehicle parking standards

- 8.38 Paragraph 115 (b) of the NPPF states that planning decisions should ensure that developments provide safe and suitable access to the site for all users. In accordance with Paragraph 115(d) of the NPPF, 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 through a vision-led approach.
- 8.39 Ultimately, development should only 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, following mitigation, would be severe, taking into account all reasonable future scenarios in accordance with Paragraph 116 of the NPPF.
- 8.40 To support this, 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. 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).
- 8.41 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision. Policy S8 (g) of the SPNP confirms that development proposals should be designed with evident care as to provide a safe and suitable access with appropriate on-site parking provision.
- 8.42 An objection has been received that the proposed replacement workshop will result in insufficient space for the businesses existing 5 HGV's impacting on the highways and road safety due to the HGV's obstructing the adjacent highway when entering or exiting the site.
- 8.43 The proposed replacement workshop would utilise the sites existing access to the south of Main Road, which is an adopted, classified B road subject to a 40mph speed limit. The applicant has been trading and operating from this site for circa 50 years as a Lorry Haulier and repair business and Agricultural and Industrial Engineers employing six full time staff and have an operator license for five heavy good vehicles, which has been in place for 40 years continuously.
- 8.44 Presently the business operates from the existing workshop, two storage containers and area of hardstanding. Specifically, the existing workshop does not allow the business to work on lorries undercover, and this has to happen outside. Section 4 of the submitted Design and Access Statement indicates that the proposal will result in

no increase in trips to the application site. So, whilst the site accesses onto a classified B subject to a 40mph speed limit, given the small-scale nature of the proposals, and that the proposals will maintain the status quo at the site the replacement workshop would not significantly intensify the use of the site access and the Local Highways Authority do not wish to resist the proposal.

- 8.45 Table 29(a) of the Leicestershire Highway Design Guide provides the off-street parking requirements for non-residential parking standards with Use Class B uses. Use Class B2 uses require one standard off-street parking space per every 50sqm within the site alongside one lorry space for every 400sqm. Use Class B8 uses should provide standard off-street parking space per every 100sqm within the site alongside one lorry space for every 400sqm. Any reduction below minimum standards will require robust justification.
- 8.46 Figure 44 (Dimensions) of the LHDG requires minimum standard parking sizes to be 2.4m in width by 5.5m in depth, and an additional 0.5m in width is required the parking space is bounded by a wall, fence, hedge, line of trees or other similar obstructions on one side. This width increases to 1m if the parking space is bounded on both sides. Tandem parking spaces should be provided with a depth of 6m per space (i.e., a depth of 12m is required for two tandem parking spaces.)
- 8.47 Two lorry spaces are proposed meeting the requirements of Table 29(a). The car parking spaces would fall short of the requirements, only hosting a provision for four vehicles. Furthermore, all, but one of the spaces would meet the minimum standard parking standard sizes, being bound by a wall, however in these site specific circumstances as the existing workshop does not allow the business to work on lorries undercover, and this has to happen outside the Local Highways Authority do not wish to resist the proposal on these matters alone as such it is considered that the proposal is in accordance with Policies DM17 and DM18 of the adopted SADMP.

Impact upon flooding and pollution

- 8.48 Policy DM7 (d) of the adopted Site Allocations and Development Management Plan (2016) states that adverse impacts from pollution and flooding should be prevented by ensuring that development proposals demonstrate that they would not cause noise or vibrations of a level which would disturb areas that are valued for their tranquillity in terms of recreation or amenity.
- 8.49 An objection has been received concerning noise insulation. As set out above the HBBC Environmental Health (Pollution) Officer is satisfied that that the application is acceptable subject to a noise impact assessment being carried out prior to commencement to ensure that any noise mitigation/control is incorporated into the design of the proposed building. In light of the above, the proposal is not considered to lead to adverse impacts from pollution.
- 8.50 The site is located in Flood Zone 1 and is also at low risk from surface water flooding. The existing site is fully hard surfaced and as an existing situation the proposed development is unlikely lead to additional surface water runoff. Therefore, the proposal is at low risk from flooding and is unlikely to lead to additional flooding in accordance with Policy DM7 (d) of the adopted Site Allocations and Development Management Plan (2016).

Impact upon ecology

- 8.51 Policy DM6 of the adopted Site Allocations and Development Management Plan (2016) states that proposals must demonstrate how they conserve and enhance

features of nature conservation and geological value including proposals for their long-term future management.

On site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term. The removal or damage of such features shall only be acceptable where it can be demonstrated the proposal will result in no net loss of biodiversity and where the integrity of local ecological networks can be secured.

Proposals which are likely to result in the loss or deterioration of an irreplaceable habitat would only be acceptable where:

- e) The need and benefits of the development in that location clearly
- f) It has been adequately demonstrated that the irreplaceable habitat
- g) Appropriate compensation measures are provided on site wherever possible and off site where this not is feasible.

If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.

- 8.52 Policy S5 of the Sheepy Neighbourhood Plan seeks to ensure that development has appropriate regard for the network of local ecological features and habitats and that new development which impacts on existing ecological corridors and landscape features maintain and extend them for reasons of biodiversity thus, wherever possible, demonstrating overall net-gain.
- 8.53 In reference to Paragraph 99 of Part IV of the ODPM Circular 06/2005 *"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may have not been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances."*
- 8.54 Within the relevant Biodiversity Net Gain requirements developments are exempt if they are below the relevant threshold. The development threshold for this application relates to a development that does not impact a priority habitat and impacts less than 25 square metres (5m by 5m) of on-site habitat and/or 5 metres of on-site linear habitats such as hedgerows.
- 8.55 The application relates to the demolition and replacement of an existing workshop. The proposal is contained within the existing hardstanding. The development does not impact a priority habitat and impacts less than 25m² and as such it is exempt from mandatory BNG requirements.
- 8.56 Notwithstanding the above, the proposed development consists of the demolition of an existing workshop surrounded by good habitat connectivity. As such, this habitat could provide suitable foraging and good connectivity routes for bats and LCC Ecology have been consulted.
- 8.57 As no ecological information relating to likely impacts of the development on designated sites, protected and priority species and habitat and identification of proportionate mitigation has been submitted, LCC Ecology have assessed the application by way of a desktop assessment comprising of local records and aerial imagery.
- 8.58 The site consists of a hardstanding yard offering limited suitability for protected and priority species and the brickwork of the building on site looks to be in good condition offering negligible suitability for roosting bats, whilst the corrugated metal roof prone

to rapid heating and cooling is unsuitable. However, as aerial imagery shows the wider landscape south of the site consists of open fields and vegetated boundaries, which may provide suitable habitat for a range of protected and priority species, it is recommended by LCC Ecology that an informative for general good practice mitigation is applied to minimise any residual risk during construction should mobile species enter the site from adjacent habitats.

- 8.59 It is also recommended by LCC Ecology that additional biodiversity enhancements such as bat and bird boxes are included. A condition which has been imposed.
- 8.60 By virtue of the above, subject to condition and informative, the development would accord with Policy DM6 of the SADMP.

Other matters

- 8.61 An objection has been raised that the proposed hedgerow is outside the applicant's ownership.
- 8.62 Please note that any conflict over land ownership should be resolved between the landowners and is a legal matter and not a material planning consideration.
- 8.63 Despite this, the Local Planning Authority has queried the ownership of the land where the proposed hedgerow is to be planted and has received confirmation from the agent that the land is in fact under the applicants ownership. The agent has since submitted a revised site location and site plan showing a revised red line boundary. Furthermore, the Local Highways Authority have not raised any concerns regarding the ownership of the land.
- 8.64 Along with the above an objection has also been raised that the scheme for the erection of a standalone double garage (Reference; 25/00475/HOU) should be combined with the application in question.
- 8.65 The applications have been assessed alongside each other with clear separation of the residential and commercial boundaries being identified. The cumulative impacts have been considered; therefore, a combined application is not required.

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 in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3 There are no known equality implications arising directly from this development.

10. Conclusion

- 10.1. The proposal is considered acceptable due to the limited impacts upon the character of the area and the amenity of adjacent buildings. It is considered that the proposed development would be in accordance with Policies DM1, DM6, DM7, DM10, DM17 and DM18 of the adopted SADMP, Policies S5, S8, S17 of the Sheepy Neighbourhood Plan, the Leicestershire Highways Design Guide, the general principles of the Councils Good Design Guide and the overarching principles of the NPPF. The proposal is therefore recommended approval subject to the below conditions.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report
- The Head of Planning being given powers to determine the final detail of planning conditions.

11.2 Conditions and Reasons / 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 materials to be used on the external elevations of the proposed workshop hereby approved shall be as specified in the submitted application form as received by the Local Planning Authority on the 12th May 2025.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM1 and DM10 of the adopted SADMP, Policy S8 of the Sheepy Neighbourhood Plan, the general principles of the Councils Good Design Guide and the overarching principles of the NPPF.

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Proposed Elevations and Floor Plans as received by the Local Planning Authority on the 12th May 2025.
- Site Location Plan
- Proposed Site Plan
as received by the Local Planning Authority on the 9th July 2025.

Reason: To ensure a satisfactory form of development in accordance with Policies DM10, DM17 and DM18 of the adopted SADMP, Policies S5, S8, S17 of the Sheepy Neighbourhood Plan, the Leicestershire Highways Design Guide, the general principles of the Councils Good Design Guide and the overarching principles of the NPPF.

4. Development shall not begin until a scheme for protecting nearby dwellings from noise from the proposed development has been submitted to and approved by the Local Planning Authority.

All works which form part of the scheme shall be completed before the permitted development first comes into use.

Reason: To ensure a satisfactory form of development in accordance with Policies DM7 and DM10 of the SADMP.

5. **The** approved hedgerow consisting of established Hawthorn (50%), Holly (20%), Blackthorn (20%) and Wild Privet (10%) shall be planted in accordance with the Proposed Site Plan as received by the Local Planning Authority on the 9th July 2025, no later than in the first planting season following the first use of the building hereby approved.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy DM10 of the SADMP, Policy S8 of the Sheepy Neighbourhood Plan, the general principles of the Councils Good Design Guide and the overarching principles of the NPPF.

6. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- Purpose and conservation objectives for the proposed enhancement measures;
- detailed designs or product descriptions to achieve stated objectives;
- locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- persons responsible for implementing the enhancement measures; and
- details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

Reason: To enhance protected, priority and threatened species in accordance with Policy DM6 of the SADMP.

11.3 Notes to applicant

- a) 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.
- b) To avoid killing or injuring small animals which may pass through the site during the construction phase, it is best practice to ensure the following measures are implemented:
- Trenches, pits or holes dug on site should be covered over at night. Alternatively, ramps (consisting of a rough wooden plank) or sloped/stepped trenches could be provided to allow animals to climb out unharmed;

- materials brought to the site for the construction works should be kept off the ground on pallets to prevent small animals seeking refuge;
- rubbish and waste should be removed off site immediately or placed in a skip, to prevent small animals using the waste as a refuge; and should any protected species or evidence of protected species be found prior to or during the development, all works must immediately cease, and a suitably qualified ecologist must be contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.