

Delegated Report

Planning Ref: 24/00809/FUL

Applicant: R DOHERTY

Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Fenn Lanes Farm, Upton, Nuneaton

Proposal: Change of use of an agricultural building to aircraft maintenance and associated intensification of use of adjacent private airstrip (Sui Generis)

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 application proposes the change of use of an agricultural barn to aircraft maintenance and associated intensification of use of adjacent private airstrip.
- 2.2. The use of the proposed development is to provide a workshop facility for light aircraft maintenance. The aircraft maintenance activities are akin to those of a typical car garage, using standard workshop equipment such as compressors and small power tools. The business services 80 light aircraft per annum. Light aircraft will be delivered to the site for service and maintenance utilising the existing private airstrip and on average there will be 4-5 Aerotech related take-offs / landings per week from the airstrip.
- 2.3. The proposal relates to the change of use of an agricultural building which extends to 36.7m x 24.2m, together alterations to the south elevation of the building through the installation of a large roller shutter door to allow for aircraft access. A grass strip will be constructed between rear of the building to link to the existing air strip.

3. Description of the site and surrounding area

- 3.1. The application site is set south of Fenn Lanes, approximately equidistant between Sutton Cheney and Fenny Drayton. The wider site comprises of a dwelling, several buildings relating to agriculture, various buildings used commercial purposes, with a private grass airstrip to the south. Footpath T24A runs to the east of the site from north to south, dissecting the airstrip. The application is distanced significantly from neighbouring properties.

4. Relevant planning history

14/00221/COU

- Change of use from storage of drainage equipment to B1 (a) B1 (c) and B8 respectively (retrospective)
- Planning permission granted
- 02.06.2014

13/00748/COU

- Change of use from agricultural storage area to a car storage area (retrospective)
- Planning permission granted
- 28.11.2013

5. Publicity

- 5.1. The application has been publicised by posting a site notice within the vicinity of the site.
- 5.2. No comments have been received.

6. Consultation

- 6.1. LCC Highways: No objections to proposal subject to conditions and notes to applicant provided.
- 6.2. HBBC Drainage: No objections.
- 6.3. HBBC Environmental Health – Pollution: No objections subject to hours of operation condition.
- 6.4. LCC Ecology: No objection subject to conditions
- 6.5. LCC Archaeology: No objection.
- 6.6. Natural England: No objection.
- 6.7. Sheepy Parish Council: Neutral:

Sheepy Parish Council has reviewed the above application, and it appears to be in line with the policies, which should be considered collectively, in the Sheepy Parish Neighbourhood Plan made May 2024 and notably Policy S17- Rural Economy. Sheepy Parish Council supports local businesses through its Neighbourhood Plan policies, and development and diversification of agricultural and other land based rural businesses, which accords with the NPPF.

However, Sheepy Parish Council notes that a Public Right of Way (T24a) crosses the landing strip, which, with an increase in take offs and landings, presents a potential Health & Safety hazard, an issue 'dismissed' on the Application Form and not addressed in the Design and Access Statement.

Sheepy Parish Council therefore requests that HBBC use its wider planning regulation knowledge, with regards to Health & Safety of Public Rights of Way, not necessarily known by Sheepy Parish Council, when determining the outcome of this application.

Furthermore, if permission is granted, Sheepy Parish Council request that Hinckley & Bosworth Borough Council include the following as conditions of the approval:

1) No more than a maximum of 5 Aerotech related take off/landings, per week from the airstrip as predicted in the Design & Access Statement.

2) Hours of operation are strictly adhered to.

3) The Grass Runway not to be extended from its present dimensions.

4) The status not to be upgraded to an aerodrome.

5) The above conditions applying to the site, and use of it, Aerotech, any subsidiary of Aerotech, or change of business ownership/name.

7. Policy

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.2. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)

7.3. Sheepy Neighbourhood Plan (2021)

- Policy S1: Countryside
- Policy S2: Public Rights of Way Network
- Policy S5: Ecology and Biodiversity
- Policy S8: Design
- Policy S18: Rural Economy

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)

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
- Ecology and biodiversity
- 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. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. Paragraph 12 of the NPPF states 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, permission should not usually be granted unless other material considerations indicate otherwise.

8.3. The development plan in this instance consists of the Core Strategy (2009), and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).

8.4. The application site is located outside any defined settlement boundary and is therefore sited within open countryside. Policy DM4 states that to protect its intrinsic

value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development.

- 8.5. According to Policy DM4 of the SADMP, development in the countryside will be considered 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 diversification of rural businesses; or
 - c) It significantly contributes to economic growth, job creation and/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.
- 8.6. Policy S1 of the Sheepy Neighbourhood Plan supports the re-use and adaptation of buildings in accordance with DM14 and DM15 of the SADMP. Furthermore, Policy S18 of the Neighbourhood Plan supports small-scale business and enterprise development through the conversion of existing buildings and well-designed new buildings will be supported where it meets the requirements of Site Allocations and Development Management Policies DPD Policies DM5 and DM20 and the other policies of the Neighbourhood Plan.
- 8.7. The relevant policies of the SADMP above are either not applicable to the application or are suitably adhered to, therefore the proposal complies with the Sheepy Neighbourhood Plan. Policy DM4 supports the re-use of buildings which lead to the enhancement of the immediate setting; or diversification of rural businesses, and therefore the proposal is considered acceptable.

Design and impact upon the character of the area

- 8.8. Policy DM4 of the SADMP seek to protect the intrinsic value, beauty, open character and landscape character of the countryside.
- 8.9. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.10. Policy S8 of the Neighbourhood Plan states that development should respond positively to the character of the area.
- 8.11. The proposal seeks to convert an existing agricultural barn for the purposes of aircraft maintenance. The building in question is set within a cluster of buildings, which consist of agricultural barns and previously converted barns for the purpose of storage and distribution.
- 8.12. It is considered that the amendments to the barn would have limited impacts on the character of the area, given its distance from publicly viewable areas and its relationship with the existing buildings on the site. As such it is considered that the proposal would have limited detrimental impacts on the character of the area and is acceptable in terms of its overall design. The proposal is considered to be in accordance with Policies DM4 and DM10 of the SADMP and Policy S8 of the Neighbourhood Plan.

Impact upon neighbouring residential amenity

- 8.13. Policy DM10 of the adopted SADMP and Policy S8 of the Neighbourhood Plan requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.14. The proposed development is well contained within the site and is located sufficiently away from any neighbouring properties. Due to the location of the proposed development, the relationship between the proposed building and the activities occurring at the other barns on site, and its siting, it is considered that there will be no detriment to neighbouring amenity.
- 8.15. Overall, the proposed development would not cause detrimental impacts to neighbouring residential amenity and as such is in accordance with Policy DM10 of the SADMP and Policy S8 of the Neighbourhood Plan.

Impact upon highway safety

- 8.19. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate/justified level of parking provision.
- 8.20. The access is situated on the southern extent of Fenn Lanes. Fenn Lanes at the location of the site access is an adopted, classified C road subject to a 50mph speed limit. Whilst the Applicant has not provided a detailed access drawing, the access is a well-established access serving numerous existing businesses within the site.
- 8.21. Drawing 'Proposed Site Plan A1', drawing number IP/AT/03 demonstrates an effective access width of approximately 8m for at least 40m into the site. Whilst no detailed vehicular visibility splay drawing has been provided, the LHA have undertaken their own assessment. The LHA found vehicular visibility splays in excess of 2.4m by 215m in either direction of the access. As such, the LHA are satisfied that vehicular visibility splays for the posted 85th percentile speed of the road can be achieved. Given the above, the LHA are satisfied the access is acceptable for the proposed quantum of development.
- 8.22. The Applicant has indicated that the business would employ 12 people at the site, generating 24 x two-way trips. A further six two-way trips would be generated by up to three deliveries a day by van. Aircraft would be flown in and out of the site and generate four to five take offs / landings a week. Given the above, the LHA could not demonstrate the proposals would lead to a severe increase in trips to the site, and therefore complies with Paragraph 115 of the National Planning Policy Framework (December 2023).
- 8.23. Whilst the LHA do not have any specific parking standards for Sui Generis, the Applicant has demonstrated on drawing 'Proposed Site Plan A1', drawing number IP/AT/03, 12 off-street car parking spaces. As this is one space per proposed employee, the LHA finds this acceptable. The LHA can also confirm the off-street car parking spaces comply with Paragraph 3.165 (Carparking space dimensions) and Figure DG13 (On-site turning and aisle width) of Part 3 of the Leicestershire Highway Design Guide (LHDG), a copy of which can be found at <https://resources.leicestershire.gov.uk/lhdg>.
- 8.24. The LHA are concerned with the public's safety when using and enjoying Public Footpath T24a which crosses the airstrip, given the associated intensification of use of flights via the private airstrip. However, given the intensification would be on

average one flight a day, the LHA consider adequate warning signage at both field accesses should mitigate the LHA's concerns. This is dealt with via condition.

- 8.25. Overall, the proposal would not result in adverse impacts upon highways safety and would be on in accordance with Policies DM17 and DM18 of the adopted SADMP subject to conditions.

Ecology and Biodiversity

- 8.26. Policy DM6 of the SADMP states that developments must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services.
- 8.27. LCC Ecology have been consulted and state that the proposed development involves the removal of a section of mature hedgerow and ruderal/ephemeral vegetated soil bund. The existing modified grass airstrip will be retained. The accompanying BNG assessment has followed CIEEM good practice guidance and has found the proposed plans achieve a net loss due to lack of compensation for the removed hedgerow and ephemeral/ruderal vegetation. A CEMP, HMMP and Biodiversity Plan is therefore conditioned prior to the commencement of works.
- 8.28. LCC Ecology also requested for an ecological baseline survey to be undertaken on site (and at the proposed off-site location) to determine the site's suitability for other protected and priority species including badgers, great crested newts and reptiles.
- 8.29. The applicant provided an update note confirming that no badger setts are present within 30m of the site, and that pre-works checks will be undertaken within 48 hours of works commencing. There are no ponds or watercourses within 250m of the vegetation clearance works, and no GCN Licence returns within 500m of the site. Lastly, the habitats onsite are considered to be suboptimal to support common reptiles, particularly with the nearby disturbance from the existing business and current use of the airstrip
- 8.30. Overall, it is considered that the proposal would cause no harm to protected species and therefore complies with policy DM6 of the SADMP and S5 of the Neighbourhood Plan.

Other matters

- 8.31. In terms of potential noise and disturbance impacts from the intensification of the airstrip, whilst there are no significant concerns from HBBC Environmental Health, it is recommended that both a working hours and number of trips per week a restriction are included as conditions. The suggested hours are 0900 – 1700 Monday to Friday which are the stated operational hours by the applicant, and up to 10 movements per day, which again is stated in the submitted DAS. Whilst the operational hours condition is included, the number of movements condition is considered to be inexpedient and difficult to enforce accurately, and is therefore not included.

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. The proposal would not have any significant adverse impacts upon residential amenity, the character of the area and subject to conditions would not have an unacceptable impact on vehicular or pedestrian safety or ecology. It is considered that the proposed development would be in accordance with Policies DM4, DM6, DM10, DM17 and DM18 of the SADMP and Policies S1, S5, S8 and S15 of the Neighbourhood Plan. Therefore, the proposal is recommended for approval subject to 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, as follows:

Site Location Plan Drg No. IP/AT/02

Proposed Site Plan Drg No. IP/AT/03

Existing and Proposed Floor Plans and Elevations Drg No. IP/AT/04

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

3. The materials to be used on the external elevations of the proposed dwelling shall accord with the approved Proposed Plans and Elevations Drg No. IP/AT/04

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Hours of Operation for the maintenance building and airstrip shall be limited to the following hours:

09:00-17:00 Mon-Fri, No working Saturday and Sunday.

Reason: To ensure that the development does not cause unacceptable levels of noise and disturbance to neighbouring dwellings in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

5. The development hereby permitted shall not be brought into use until such time as the parking and turning facilities have been implemented in accordance with 'Proposed Site Plan A1', drawing number IP/AT/03. Thereafter the onsite parking and turning provision shall be kept available for such 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 Policy DM18 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2023).

6. Prior to the completion of the development, a signing scheme in respect of the Public Right of Way, should be submitted and approved by the Local Planning Authority and then implemented by the Applicant. Signage should be in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.

Reason: To ensure the path is safe to follow through the development in the interests of protecting and enhancing Public Rights of Way and access in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 104 of the National Planning Policy Framework (December) 2023.

7. No development shall take place (including ground works or vegetation clearance) until a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the LPA. The CEMP shall include the following details:

- o Identification of potentially damaging construction activities;

- o identification of biodiversity protection zones around adjacent retained habitat (retained hedgerow and retained grassland);

- o practical measures and sensitive working practices to avoid or reduce impacts during construction;

- o responsible persons for overseeing sensitive works such as the need for Ecological Clerk of Works (ECow) when dismantling the bund;

- o timing of works to avoid impacts on breeding birds;

- o use of protective fencing where required; The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the LPA.

Reason: To ensure the enhancement of biodiversity potential and the protection of species in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies DPD (2016) and Policy S5 of the Sheepy Neighbourhood Plan.

8. No development shall take place (including ground works or vegetation clearance) until a landscape plan covering 30 years has been submitted to and approved in writing by the LPA. This can take the form of a Habitat Management and Monitoring Plan (HMMP). This should include the following details:

- o description and evaluation of the features to be created/managed, including the off Site component when this is acquired;

- o aims and objectives of management;

- o appropriate management options for achieving aims and objectives;

- o prescriptions for management actions;

- o work schedule;

- o species/seed mixes to be planted/sown;

- o ongoing monitoring and remedial measures; The approved plan will be implemented in accordance with the approved details.

Reason: To ensure the enhancement of biodiversity potential and the protection of species in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies DPD (2016) and Policy S5 of the Sheepy Neighbourhood Plan.

11.3 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. Prior to construction, measures should be taken to ensure that users of the Public Right of Way are not exposed to any elements of danger associated with construction works.
3. Public Rights of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.