

Delegated Report

Planning Ref: 23/00646/FUL

Applicant: Mrs Sarah Gregory

Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Site: JJ Churchill Ltd Station Road Market Bosworth

Proposal: Proposed industrial building (B2) with offices and associated car parking, cycle facilities and landscaping

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 provision of a new Use Class B2 (General Industrial) building, which incorporates new ancillary offices, and provides new car parking, cycle facilities, and landscaping at J. J. Churchill Ltd., Station Road, Market Bosworth.
- 2.2. The development is located towards the south of the site and is accessed via an existing access onto Station Road.
- 2.3. The structure externally measures 26.7m in width x 64.1m in depth, with a total footprint of 1,708.2sqm. The scheme features a pitched roof with a ridge height of 8.6m, and an eaves height of 6.9m, which is constructed with vertically profiled built-up cladding with a colour coat Prisma finish in Goosewing Grey (Ral 7038). On its external elevations, the scheme primarily utilises vertical profiled built-up metal cladding, which has a colour coat Prisma finish in Alaska Grey (RAL 7000). However, the scheme also utilises horizontally profiled micro-rib metal composite cladding panels with a colour coat Prisma finish in Silver (RAL 9006) on its front elevation.
- 2.4. The cycle shelter accommodates up to ten bicycles and externally measures 4.4m in width x 2.6m in depth, with a total height of 2.8m. The shelter is constructed with galvanised steel in a Nimbus Grey finish.
- 2.5. The Applicant has stated that the new building facilitates HGV loading and unloading, as well as acting as an operational warehouse to meet the needs of the existing business within the application site, J. J. Churchill Ltd.
- ### **3. Description of the Site and the Surrounding Area**
- 3.1. The 7,527.15sqm application site currently comprises several industrial buildings and offices serving Use Class B2 (General Industrial) and Use Class B8 Uses (Storage or Distribution). The development is to the south of these buildings beyond the external storage and HGV parking area, which currently comprises a hard surfaced track through the centre of a dense selection of vegetation.
- 3.2. The application site is located within the identified settlement boundary of Market Bosworth to the south side of Station Road. Market Bosworth is identified as a Key Rural Centre Stand Alone within the adopted Core Strategy (2009), and Station Road is an adopted, and classified 'C' road that is subject to a 30mph speed limit.

- 3.3. Within the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016) the existing industrial and commercial uses are identified as being located within an existing employment site, whereas the location of the proposed development is within an area designated for a mixed-use allocation.
- 3.4. To the north of the application site, beyond Station Road are agricultural fields. Adjacent to the northeast of the site is further commercial units within the existing employment site. To the east is open agricultural fields, which are proposed for a mixed-use allocation within the SADMP, and beyond these fields are residential dwellings within Market Bosworth.
- 3.5. Adjacent to the western boundary of the application site is Market Bosworth Railway, which is highlighted as a Cultural and Tourism Facility Boundary. Beyond the railway is a residential site that is currently under construction (which was approved via planning permission 21/00379/FUL for 73 dwellings with associated access and public open space), Ashby de la Zouch Canal and Market Bosworth Sports Club. To the northwest of the site is an existing residential estate that is adjacent to, and to the east of, Ashby de la Zouch Canal and Bosworth Marina. To the south of the application site is a Severn Trent Water pumping station and further agricultural fields.

4. Relevant Planning History

4.1 17/00632/FUL

- Extension to side of factory to provide a cooling plant
- Permitted
- 21.08.2017

4.2 12/00229/FUL

- Erection of portal framed unit
- Permitted
- 17.07.2012

4.3 07/00561/FUL

- Erection of perimeter security fence
- Permitted
- 26.07.2007

4.4 04/00491/FUL

- Extension to form additional storage
- Permitted
- 09.07.2004

4.5 97/00802/FUL

- Demolition of part of existing and the erection of a replacement factory and offices
- Permitted
- 12.11.1997

4.6 82/00018/4

- Main factory extension
- Permitted
- 23.02.1982

4.7 **82/00017/4**

- Extensions and modifications to offices
- Permitted
- 23.02.1982

4.8 **76/00579/4**

- Use of premises for manufacture storage packing of agricultural and industrial chemical emulsions
- Permitted
- 29.06.1976

5. Publicity

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

5.2 One member of the public has objected to the scheme on the following grounds:

- The building is too high.
- Harm to the character of the surrounding area.

5.3 A further member of the public has not objected, nor supported the development, but has raised concerns regarding highway safety, and the impact on their right of way through the application site. Despite requests from the Planning Officer, this member of the public has not provided any supporting documents that suggest this. Nevertheless, legal covenants relating to permissive rights of way are controlled and regulated outside of the planning process, and therefore this is considered to have little weight within the determination of this application.

5.4 No further responses have been received.

6. Consultation

6.1 Hinckley & Bosworth Borough Council (HBBC)'s Regeneration Officer and the Market Bosworth Society support this application and welcome the expansion of a key local business in the Borough and the increase in employment opportunities respectively.

6.2 There have been no objections from the following consultants:

- Hinckley & Bosworth Borough Council (HBBC)'s Drainage Officer (subject to conditions)
- HBBC's Environmental Services' Pollution Officer (subject to conditions)
- HBBC's Section 106 Officer
- HBBC's Waste Management Officer
- Local Highway Authority (LHA) (subject to conditions)
- Market Bosworth Parish Council

6.3 Leicestershire County Council (LCC)'s Ecology Department did not comment on the application.

HBBC Drainage

6.4 On 27 July 2023, the Council's Drainage Officer requested flood risk and drainage information, which was provided by the Applicant on 04 August 2023. On 04 August 2023, the Council's Drainage Officer considered the submitted Flood Risk Assessment and Drainage Strategy to be satisfactory and recommended three pre-commencement drainage planning conditions.

- 6.5 These planning conditions included: a scheme for a sustainable surface water drainage system; details regarding the management of surface water on-site during the construction of the development; and details in relation to the long-term maintenance of the sustainable surface water drainage system. These conditions were agreed by the Applicant on 01 September 2023.

HBBC Pollution

- 6.6 On 17 July 2023, the Council's Pollution Officer requested assessments for air quality, land contamination and noise impact. The Applicant provided these on 04 August 2023.
- 6.7 On 15 August 2023, the Council's Pollution Officer requested planning conditions regarding a construction environment management plan (CEMP), external lighting, land contamination, the monitoring of landfill gas, restrictions on the noise emitted from the proposed fixed plant, and restrictions to the hours of site preparation and construction. These conditions were agreed by the Applicant on 01 September 2023.

Local Highway Authority (LHA)

- 6.8 Based on the Highway Requirements for Development, within Part 4 of the Leicestershire Highway Design Guide (LHDG), a Use Class B2 industrial building requires a minimum of 36 vehicle parking spaces, which is equivalent to one vehicle parking space per 50sqm), and a minimum of nine HGV spaces, which is equivalent to one space per 200sqm). On 11 July 2023, the Local Highway Authority requested for justification for the shortfall in parking provision within the application site, and clarity on whether the development results in an increase in employees working on the site.
- 6.9 The Applicant provided a revised Transport Statement on 25 September 2023. On 29 September 2023, the LHA advised that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe, subject to three planning conditions. These conditions were agreed by the Applicant on 03 October 2023.

Market Bosworth Parish Council

- 6.10 Market Bosworth Parish Council have no objections to the planning application, but they have requested that any potential noise issues are dealt through planning conditions.

Severn Trent Water

- 6.11 Severn Trent Water did not make any comments in support or objection to the scheme. However, Severn Trent Water's Asset Protection Department confirmed that they benefit from a right of way through the application site to the pumping station to the south. This right of way has been secured via Conveyances in 1931, 1946, and 1999. As a result, Severn Trent Water have confirmed that the proposed development is going to impact their access to the pumping station in its current form.
- 6.12 No further responses have been received.

7. Policy

- 7.1 Core Strategy (2009):
- Policy 7: Key Rural Centres
 - Policy 11: Key Rural Centres Stand Alone

- 7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
 - Policy DM19: Existing Employment Sites
 - Policy DM20: Provision of Employment Sites
- 7.3 Market Bosworth Neighbourhood Plan 2014 – 2026 (MBNP) (2015):
- Policy CE1: Character and Environment
 - Policy CE4: Trees
 - Policy BD2: Site Allocation South of Station Road and Heath Road
 - Policy BD3: Design Guidelines for Site Allocation South of Station Road and Heath Road
- 7.4 National Planning Policies and Guidance:
- National Planning Policy Framework (NPPF) (2023)
 - Planning Practice Guidance (PPG)
 - National Design Guide (2019)
- 7.5 Other Relevant Guidance:
- Good Design Guide (2020)
 - Leicestershire Highway Design Guide (LHDG) (2022)
 - Station Road Development Brief (March 2021)

8. Appraisal

- 8.1. The key issues in respect of this application are therefore:
- Principle of development
 - Design and impact upon the character of the area
 - Impact upon residential amenity
 - Impact upon parking provision and highway safety

Principle of Development

- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise, and that the NPPF is a material planning consideration in planning decisions.
- 8.3 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the adopted SADMP set out a presumption in favour of sustainable development, and state that development proposals that accord with the Development Plan should be approved unless other material considerations indicate otherwise.
- 8.4 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, 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 (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016). 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 adopted Core Strategy and the SADMP are over 5 years old, and 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. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.7 Section 6 of the NPPF states that planning policies and decisions should help to create conditions in which businesses can invest, expand, and adapt. Paragraph 81 of the NPPF requires significant weight to be placed on the need to support economic growth and productivity, whilst taking into account both local business needs and wider opportunities for development.
- 8.8 To support Key Rural Centres, the Council focus is on improvements to employment, services, facilities, and public transport provision. Policy 7 of the adopted Core Strategy states that the Council will ensure that there is a range of employment opportunities within the Key Rural Centres, which will be supported through the enhancement of allocated employment sites in the Key Rural Centres. In accordance with Policy 11 of the adopted Core Strategy, the Council will support additional employment provision to meet local needs.
- 8.9 Policy DM20 of the SADMP states that the provision of new employment development which cannot be accommodated within allocated employment areas will be supported where they are located within settlement boundaries or on suitable previously developed land.
- 8.10 The SADMP identifies the application site within the Land South of Station Road and Heath Road mixed-use allocation site. Paragraph 7.13 of the SADMP stated that this mixed-use allocation site includes a community facility, B1, B2, and B8 employment provision, open space, and a minimum of 100 dwellings. Specifically, SA5 of the SADMP states that the mixed-use allocation site should provide between 0.5ha to 1 hectare of additional B1, B2, or B8 employment land. This is supported by Policy BD2 of the MBNP.
- 8.11 The development provides additional employment provision for Use Class B2 uses within the identified settlement boundary of Market Bosworth, in an area that is allocated for a mixed-use development within the SADMP. Therefore, the development is considered to be acceptable in principle, and compliant with Policy DM20 of the SADMP, Policies 7 and 11 of the adopted Core Strategy, Policy BD2 of the MBNP and Section 6 of the NPPF, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Design and Impact upon the Character of the Area

- 8.12 Paragraph 134 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.

- 8.13 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.14 Policy CE1 of the MBNP states that all new development within Market Bosworth should be in keeping with its Character Area with regards to scale, layout, and materials to retain local distinctiveness and create a sense of place.
- 8.15 The application site is not within a Character Area, but it is adjacent to, and associated with, employment uses within Character Area B. Character Area B consists of a 20th century industrial estate for light and heavy industrial uses, which features a range of single and two-storey buildings with a range of styles and building quality that have an industrial character.
- 8.16 Policy BD2 of the MBNP states that development should incorporate and enhance existing landscape features such as broadleaf tree cover, the creation of green space within the new development, and on boundaries, to provide a buffer against surrounding areas. Specifically, a landscape buffer should be provided between the employment land (existing and proposed), and the proposed residential use.
- 8.17 Policy C4 of the MBNP states that mature trees and woodland should be protected wherever possible. Development that results in the loss of, or damage to, protected trees and woodlands will not be permitted unless a satisfactory scheme for the replacement of lost trees or mitigation of any damage to the landscape is agreed.
- 8.18 By virtue of its design, scale, and use of materials, the development appears industrial in character, which is in keeping with Character Area B that is adjacent to the site.
- 8.19 The structure is 282.5m from Station Road and it is adjacent to an existing employment site within an industrial character area. Given the distance from the public highway, it is considered that the scheme has a limited impact on character of Station Road. Whilst views of the development may be visible from the Market Bosworth Railway Line and the residential properties under construction to the west, and the residential properties to the east, the proposal is experienced within the context of an existing industrial estate and employment site. Therefore, the development is not considered to result in significant harm to the character of the area.
- 8.20 However, the scheme does result in the loss of 11 trees and existing vegetation to the south of the site. Whilst this appears to be contrary to Policy C4 of the MBNP, the application site does not feature any protected trees or woodlands. In addition, Character Area B is defined by having minimal planting. Nevertheless, the development proposes new landscaping features to the west of the site, which are secured via planning condition. Although no landscaping is proposed to the eastern boundary of the site, given the ambitions of the Development Plan to provide up to 1 hectare of employment land within the site and the adjacent eastern land, this is likely to provide an opportunity to integrate the development into the mixed-use allocation site. The Station Road Development Brief also indicates that further employment buildings will be developed to the east of the site.

- 8.21 By virtue of the distance from the highway, the design, the proposed use of matching materials, the scale, the proposal respects the character of the surrounding area and is in accordance with Policy CE1 of the MBNP, Policy DM10 of the SADMP, and the Good Design Guide.

Impact upon Residential Amenity

- 8.22 Paragraph 130(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users.
- 8.23 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.
- 8.24 The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.
- 8.25 The development is 232.6m from the closest neighbouring residents on Heath Road. Although the scheme is closer to the residential dwellings currently in construction to the west of the site, given the existing B2, and B8 uses to the north of the development, this scheme is not considered to result in a significant adverse impact upon neighbouring residential amenity in comparison to the existing situation. Nevertheless, planning conditions are utilised to secure a Construction Environmental Management Plan, details of any external lighting, and a noise restriction on any fixed plants to ensure that the residential amenity of neighbouring dwellings are protected from air, light, and noise pollution.
- 8.26 No planning applications have yet been submitted for the land within the mixed-use allocation, and therefore the scheme cannot be assessed against any other development proposals for this site. The Station Road Development Brief indicates though that there will be further employment development east of the site and that residential development will be located further to the east.
- 8.27 By virtue of these factors, the proposal does not result in any significant adverse impacts to the residential amenity of neighbouring properties, subject to conditions, and therefore is considered to be in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.28 Paragraph 110 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 111 of the NPPF outlines that 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 would be severe.
- 8.29 Policy 14 of the adopted Core Strategy requires developments to support accessibility within rural areas by:

- Supporting the delivery of a viable, high quality public transport network between the Key Rural Centres and their nearest urban centre and between the Rural Villages and their nearest Key Rural Centre or urban centre.
 - Supporting the provision of accessible transport services for mobility impaired and rurally isolated residents.
 - Delivering safe cycle paths as detailed in the Hinckley & Bosworth Council's Rural Parishes Cycling Network Plan. This will deliver safe routes to school, to residential and employment areas, Key Rural Centres/urban areas, community, and leisure facilities and into the countryside.
- 8.30 Developers will be required to contribute towards these initiatives through developer contributions and/or land where they meet the tests set out in National Guidance. New development that would prejudice their implementation will not be permitted.
- 8.31 Section 9 of the NPPF promotes sustainable transport. Paragraph 124(c) of the NPPF states that planning decisions should support development that makes efficient use of land, when taking into account, "The availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use."
- 8.32 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)).
- 8.33 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.34 The development utilises an existing established access on to Station Road, and no amendments are proposed to this access. The Local Highway Authority (LHA) have visited the site and confirmed that the site access measures at least 11m wide for the first 17m back from the edge of the carriageway. At this point the access road branches off to the southwest as a single-track road. The LHA consider that there is sufficient space for arriving vehicles to wait off the highway in the event of an approaching vehicle intending to egress the site.
- 8.35 The LHA note that there is an existing 7.5 tonne (except for loading) weight restriction enforced by a Traffic Regulation Order situated to the immediate east of the site access, which prohibits any HGV's intending to access the site through travelling through the centre of Market Bosworth and past the schools on Station Road. A black HGV sign is also present at the site directing all HGVs to the west. HGVs therefore access the site from the A444 via Bosworth Road, Wellsborough Road, and Station Road.
- 8.36 Based on records available to the LHA, there has been one recorded Personal Injury Collision (PIC) within 500m either side of the site access in the last five years. This PIC involved a single vehicle at the Station Road/Pipistrelle Drive/Wellsborough Road roundabout and was recorded as slight. Therefore, the LHA consider that there is no clear pattern of PICs within the vicinity of the access and that the development is unlikely to exacerbate the current situation.

- 8.37 Based on the scale of the proposed development, and the guidance contained in Table PDP1 of Part 2 of the LHDG, a detailed assessment of the level of vehicular trips that are generated by the development are not required.
- 8.38 Based on the Highway Requirements for Development Part 4 document available within the LHDG, a Use Class B2 industrial building requires a minimum 36 car parking spaces, (one car space per 50 sqm) and a minimum of nine HGV spaces (one space per 200 sqm).
- 8.39 The Applicant has advised within their revised Transport Statement that the end user operates with approximately 12 members of staff on-site at any one time, across the whole site. Consequently, the quantum of parking provided is in line with the operational requirements of the site. It has also been advised that the majority of deliveries are undertaken by light goods vehicles such as transit vans or similar. The Applicant continues that given the bespoke nature of the development designed specifically to the end user, it is not anticipated full size HGVs would require access to the site and consequently HGV parking is not required. An area to the north of the site also provides overspill parking and turning for larger vehicles in the event that access is required. The LHA notes from the submitted Design & Access Statement that the end user would be JJ Churchill, who are already established at the site.
- 8.40 The development also provides a cycle parking shelter that is suitable for up to 10 bicycles, which is welcomed by the LHA, and promotes active transport to the site in accordance with Policy DM17 of the SADMP.
- 8.41 Overall, given the above, the LHA does not consider it possible to demonstrate that the proposals are likely to result in indiscriminate parking occurring within the highway, notably Station Road, as a result of the proposals. As a result, it is considered that the proposal does not create an unacceptable impact on highway safety or the road network. 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 The proposed development is considered to be compliant with the relevant national and local policy as it:

- Is an appropriate scale and design.
- Does not have an adverse impact upon the character and appearance of the area.
- Does not have a significant adverse impact upon residential amenity.
- Does not have a significant adverse impact upon highway safety.
- Provides sufficient vehicle parking spaces for off-street parking.

10.2 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:

- Proposed Cycle Shelter Details – Drg No. 050001 (submitted: 30.06.2023)
- Proposed Elevations – Drg No. 050301 (submitted: 30.06.2023)
- Proposed External Finishes Plan – Drg No. 050104 (submitted: 30.06.2023)
- Proposed First Floor Plan – Drg No. 050202 (submitted: 30.06.2023)
- Proposed Ground Floor Plan – Drg No. 050201 (submitted: 30.06.2023)
- Proposed Parking Plan – Drg No. 050103 (submitted: 30.06.2023)
- Proposed Roof Plan – Drg No. 050203 (submitted: 30.06.2023)
- Proposed Sections – Drg No. 050401 (submitted: 30.06.2023)
- Proposed Site Plan P03 (submitted: 30.08.2023)
- Site Location Plan – Drg No. 050101 (submitted: 30.06.2023)

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. Site preparation and construction shall be limited to the following hours:

Monday – Friday 07:30 – 18:00

Saturday 08:00 – 13:00

No working on Sundays and Bank Holidays

Reason: To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The rating level of the noise emitted from fixed plant located at the site shall not exceed 32 dB LAeq, T at the western boundary of the Site when assessed in accordance with BS 4142:2014+A1(2019).

Reason: To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. Prior to commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored.

The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the development being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7

of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. Prior to commencement of development a scheme for the monitoring of landfill gas on the site shall be submitted to and in writing by the Local Planning Authority which shall include details of how any landfill gas shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: As the site lies within 250 metres of a known landfill/made up ground site and in the absence of detailed information which demonstrates that the site does not have ground gas egress, in order to safeguard human health and to ensure that the necessary measures are taken to avoid any risk to public safety, in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. Development shall not begin until a scheme to provide a sustainable surface water drainage system in accordance with the Flood Risk Assessment dated March 2023 has been submitted to and approved by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. Prior to the commencement of the development hereby permitted, details in relation to the management of surface water on site during construction of the development shall be submitted to, and approved in writing by, the Local Planning Authority. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance, and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. Prior to the commencement of the development hereby permitted, details in relation to the long-term maintenance of the sustainable surface water drainage system on the development shall be submitted to and approved in writing by the Local Planning Authority. Details of the SuDS Maintenance Plan should include responsibilities and schedules for routine maintenance, remedial actions and monitoring of the separate elements of the system and should also include procedures that must be implemented in the event of pollution incidents within the development site.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. No development shall commence on the site until such time as a construction traffic management plan, including, as a minimum, details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.

13. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with IMA Architects drawing number 223008 - IMA - ST - XX - DR - A - 050102 Rev P02. Thereafter the onsite parking and turning provision shall be kept available for such uses in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2023).

14. The development hereby permitted shall not be occupied until such time as secure cycle parking shall be provided in accordance with details first submitted to and agreed in writing by the Local Planning Authority. Thereafter the onsite cycle parking provision shall be kept available for such use(s) in perpetuity.

Reason: To promote travel by sustainable modes in accordance with the National Planning Policy Framework (2023).

15. Prior to the occupation of the development hereby permitted, a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping 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, 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: 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).

16. No external lighting of the site shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area, the environment and local residents from nuisance from artificial light in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

17. The development shall be carried out in full accordance with the Arboricultural Method Statement within Section 7 and the Tree Protection Plan (RSE_6779_TP V1) within Appendix D of the Arboricultural Impact Assessment, Method Statement and Tree Protection Plan (submitted: 04.08.2023).

Reason: To ensure that the existing trees on the site are retained and protected in accordance with Policies BD2 and C4 of the Market Bosworth Neighbourhood Plan (2015), Policies DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 170 of the National Planning Policy Framework (2021).

18. The development shall be carried out in full accordance with the recommendations within Section 5 (Opportunities for Enhancements) and Table 5 (Summary of Recommendations) within the Preliminary Ecological Appraisal (submitted: 04.08.2023).

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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. In relation to Conditions 06 and 07, advice from Environmental Health should be sought via esadmin@hinckley-bosworth.gov.uk to ensure that any investigation of land contamination is in accordance with their policy.
3. All businesses have a duty of care to ensure that any waste produced is handled safely and within the law. All waste produced by a business including (but not limited to) paper, cardboard, cans, retail packaging, and food wrappers/waste, is commercial waste. For this reason, it legally has to be discarded in a certain way via a trade waste service or transfer station and cannot be disposed of through the residential service. Storing waste Business operators should take steps to avoid their waste causing problems with rats, mice, insects and birds:

- Bins should be maintained and stored so that they don't cause problems to neighbouring premises due to smells.
 - Waste should be stored correctly in a suitable container which needs to be closed or lidded Waste collection.
 - Operators should arrange their own business/trade waste collection service. If you give your waste to someone else you must be sure that they are authorised to take it and can transport, recycle or dispose of it safely.
 - Waste should not be deposited in or on any land (fly-tipping) unless a permit from the environment agency has been granted.
 - Your waste contractor will provide you with a waste transfer note or agreement.
 - If you generate waste oil, you will need to appoint a specialist contractor to ensure it is collected and disposed of correctly to avoid contamination of surface water and land.
4. To erect temporary directional signage, you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).