

Retrospective change of use of land to industrial (Use Class B2), erection of fencing, engineering works and the installation of an extraction unit, together with the proposed erection of boundary fencing
AJ Specialist Welding Rempstone Road Coleorton Coalville
Leicestershire LE67 8HR

Report Item No
A3

Application Reference
21/00399/FUL

Grid Reference (E) 440111
Grid Reference (N) 318184

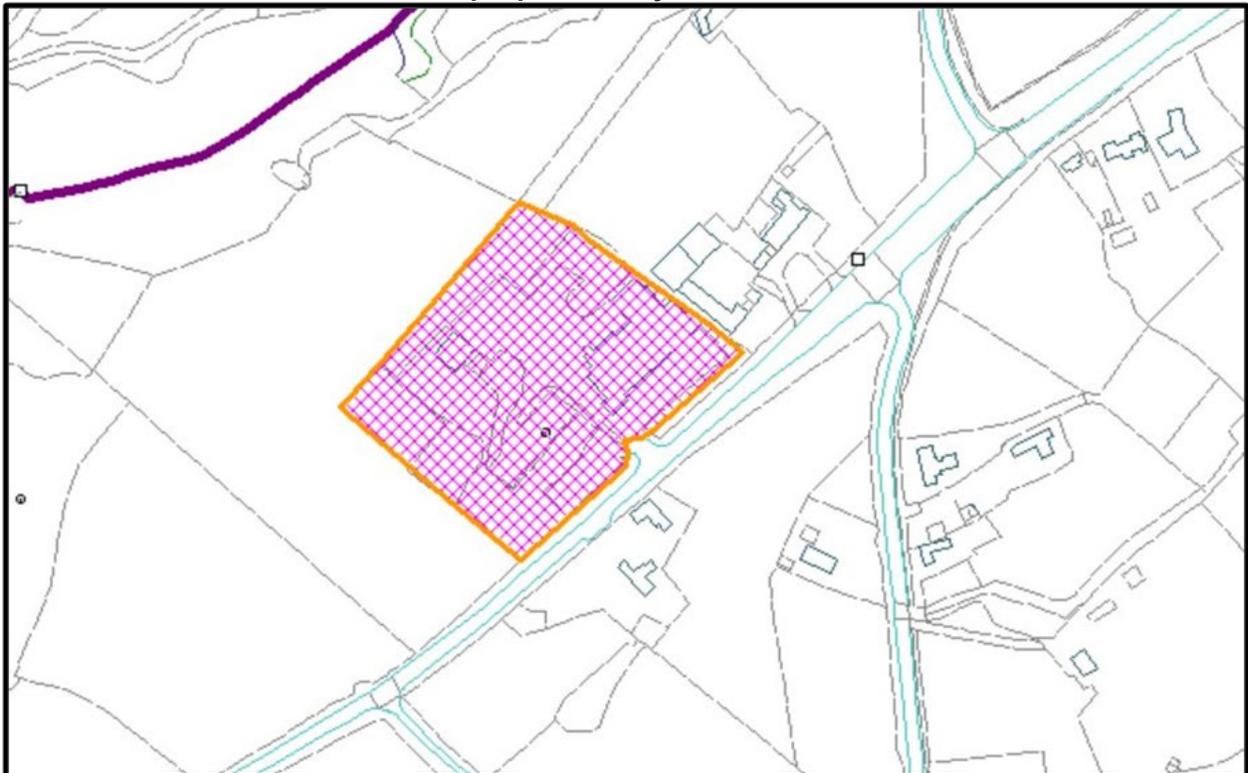
Date Registered:
5 March 2021
Consultation Expiry:
7 January 2022
8 Week Date:
30 April 2021
Extension of Time:
11 February 2022

Applicant:
A J Specialist Welding Ltd

Case Officer:
Karina Duncan

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Call In

The application is brought to the Planning Committee as the ward member has requested it be called in on grounds of public concern.

Proposal

This is a retrospective application for the change of use of land to industrial (Use Class B2), erection of fencing, engineering works and the installation of an extraction unit, together with the proposed erection of boundary fencing at AJ Specialist Welding, Rempstone Road, Coleorton.

Whilst the application documents include information relating to the proposed changes to the opening hours, the applicant has been advised that a separate application would be required to vary the opening hours on the original planning consent. This application therefore only relates to external alterations to the building to include the provision of an extraction unit, extension to the site to create a car park and alterations to the boundary treatments.

Consultations

Members will see from the main report below that 56 letters of objection have been received from third parties, in addition to objections from Coleorton and Worthington Parish Councils. 15 letters of support have been received.

No objections on technical grounds have been raised by other statutory consultees.

Planning Policy

The application site lies outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. The site is also located within the National Forest and is located to the south east of the Lount Nature Reserve. The application has been assessed against the relevant paragraphs within the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The principle of the development is considered to be acceptable and accords with Local Plan Policy S3. The impact upon the character and appearance of the area, together with the associated visual impacts arising from the proposed car park, extraction unit and boundary alterations, would be acceptable subject to the imposition of planning conditions. The application is not considered to result in any unacceptable residential amenity, highway safety, parking, ecology, National Forest, flooding or drainage impacts and on this basis the application also accords with Local Plan Policies IF4, IF7, D2, Cc2, En1 and En3.

It is therefore concluded that the proposed development would comply with the provisions of the development plan as a whole, and the advice set out within the NPPF, subject to the imposition of conditions as recommended within the below report.

The key planning issues arising from the application details are:

- Principle of Development;
- Residential Amenity and Noise Impacts;
- Visual Impacts;
- Ecology Impacts, and;
- Highway Safety Impacts.

RECOMMENDATION:- PERMIT, SUBJECT TO CONDITIONS

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the retrospective change of use of land to industrial (Use Class B2), erection of fencing, engineering works and the installation of an extraction unit, together with the proposed erection of boundary fencing at AJ Specialist Welding, Rempstone Road, Coleorton.

The site operates as a welding company, with an associated planning consent for the extension to the workshop dating back to 1982 (application reference number 82/0105/P). It is important to note that whilst the application documents set out the intention for the applicant to change the originally conditioned opening hours, the Local Planning Authority have advised the agent for the application that a separate variation of condition application would need to be submitted to vary condition 7 of the planning consent. As such, any approval of this application would not result in changes to the approved hours of operation.

The site is located outside of the defined limits to development, as defined by Policy S2 of the Local Plan, therefore the proposal is located within the countryside. The site is also located within the National Forest.

The application seeks to retain the extraction unit which has been installed to the rear of the building. Changes to the site boundaries have also taken place to include the erection of green paladin fencing. The application proposes the erection of 2 metre high acoustic fencing along the south eastern front boundary of the site as well as along a small proportion of the north eastern boundary. The fencing is proposed to sit in front of the existing paladin fencing already in situ. A further section of fencing is proposed to the north western and north eastern boundaries of the site to match the existing green paladin fencing already erected on site which the application seeks to retain. Additional acoustic fencing is also proposed to the rear of the building which would partially enclose the extraction unit which has been installed on site.

Relevant Planning History

82/0105/P- Extension to Workshop- Permitted 26th April 1982

E/20/00574/UDNDOM- Alleged unauthorised development- Case created 23rd December 2020

2. Publicity

No neighbours notified.

Site Notice displayed 19 March 2021.

3. Summary of Consultations and Representations Received

The following summary of representations is provided.

Objections received from:-

Coleorton Parish Council on the following summarised grounds:

- The impact of the proposed changes to operational hours;
- The noise levels and the way in which the occupiers are utilising the site;
- Concerns in relation to the increase in the site size and the impacts that this would have in relation to noise and vehicle movements.
- Concerns in relation to the increase in vehicular movements and that conditions should be imposed to restrict permitted levels of vehicular movements;
- Concerns in relation to the removal of trees on site and that the applicant should replace these trees;
- Concerns in relation to increased light pollution.

Worthington Parish Council on the following summarised grounds:

- The application does not accord with the Local Plan;
- Concerns in relation to the proposed changed to operational hours;
- Increase in traffic and the highway safety implications arising from the development;
- Impacts arising from the noise levels to both residential amenity and the enjoyment of the nearby nature reserve;
- Concerns in relation to light pollution.
- Impacts in relation to loss of tree coverage and a request that further areas of the site be planted in compensation for the felling which has taken place;
- Concerns that the original planning conditions are not being complied with.

No objection, subject to conditions from:-

NWLDC Environmental Protection

No objection from:-

LCC Highway Authority
LCC Ecology

Third Party Letters of Representation

A total of 56 third party letters of representation have been received objecting to the application.

A summary of the reasons for objection is provided below:

- Concerns that noise monitoring has not taken place for an appropriate amount of time to

- accurately represent the noise generated from the site;
- Noise and disturbance impacts upon surrounding neighbouring properties and the enjoyment of the nature reserve;
- Impacts of the increase in noise on the health and wellbeing of surrounding neighbouring occupiers;
- Concerns that the proposal conflicts with the planning permission directly adjacent to the site which approved a yoga studio;
- Loss of trees and other soft landscaping within the site and its visual and ecological impacts;
- The business should not be allowed to expand in a rural location and should be located on an industrial estate;
- The business is now a much larger company than the previous business which operated from the site;
- The proposed extraction unit generates an unacceptable level of noise;
- Concerns in relation to the environmental impact of the proposal;
- The nature and scale of the business is different to that of the previous business and the differences to include operations carried out at site, operational times and the types of vehicles which access and egress the site, are not comparable to those of the previous owners;
- Concerns that approving the application could facilitate future planning applications for additional buildings and further expansion;
- Requests that an independent noise survey be carried out;
- Concerns that the application submission is not adequate or sound;
- Concerns that the site is in breach of several of the original planning conditions, including those relating to the size of plant and machinery utilising the local road network;
- Impact of the illumination of the building on dark skies;
- Highway Safety risks to pedestrians;
- Lack of public transport for staff to utilise;
- Inaccuracies in submitted information in relation to the way in which the previous owners of the site operated.

Other non-material planning matters have also been raised to include;

- That the proposal will devalue properties;
- That the use of the site results in unauthorised vehicular turning on adjacent property and land;
- That there has been an increase in litter associated with the business.

A total of 15 third party letters of support have been received during the course of the application. A further 2 neutral letters of representation have also been received.

A summary of these representations is provided below:-

- There have been visual improvements made to the site;
- The business should be supported to expand due to the economic benefits it would have in relation to employment, retaining local amenities and providing services to other local businesses;
- The application should be supported as AJS Welding has supported local groups, to include the litter picking group by providing new litter bins and litter picking kits;
- The proposal would increase the security at the site in line with the advice provided by the Rural Crime Team;
- The site does not generate an unacceptable level of noise.

All responses from statutory consultees and third parties are available to view in full on the Council's website.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2021)

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.

Paragraphs 8 and 10 (Achieving sustainable development);
Paragraphs 11 and 12 (Presumption in favour of sustainable development);
Paragraph 34 (Development contributions);
Paragraphs 38, 39, 40, 41, 42, 44 and 47 (Decision-making);
Paragraphs 55, 56 and 57 (Planning conditions and obligations);
Paragraph 81, 83 and 84 (Building a strong, competitive economy);
Paragraphs 92, 93 and 100 (Promoting healthy and safe communities);
Paragraphs 105, 107, 108, 109, 110, 111, 112 and 113 (Promoting sustainable transport);
Paragraphs 119, 120 and 124 (Making effective use of land);
Paragraphs 126, 128, 130, 132 and 134 (Achieving well-designed places);
Paragraphs 152, 154, 157, 159, 161, 162, 163, 164, 165, 167 and 169 (Meeting the challenge of climate change, flooding and coastal change), and;
Paragraphs 174, 180, 183, 184, 185, 186 and 187 (Conserving and enhancing the natural environment).

Adopted North West Leicestershire Local Plan (2021)

The North West Leicestershire Local Plan forms part of the development plan and the following policies of the Local Plan are relevant to the determination of the application:

S2 - Settlement Hierarchy
S3 - Countryside
D1 - Design of new development
D2 - Amenity
IF4 - Transport Infrastructure and new development
IF7 - Parking provision and new development
En1 - Nature Conservation
En3 - The National Forest
En6 - Land and Air Quality
Cc2 - Flood Risk
Cc3 - Water - Sustainable Drainage Systems

Other Policies and Guidance

National Planning Practice Guidance.

Leicestershire Highways Design Guide (Leicestershire County Council)

Good Design for North West Leicestershire SPD - April 2017.

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System.

Natural Environment and Rural Communities Act 2006.

5. Assessment

Principle of Development

Letters of objection have been received during the course of the application objecting to the principle of the development and the expansion of the business.

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2021).

The application site is located outside of the defined limits of development where the expansion of all types of business and enterprise in rural areas is supported under criterion i of the Policy, subject to compliance with criteria i-vi of Policy S3, those being;

(i) the appearance and character of the landscape, including its historic character and features such as biodiversity, views, settlement pattern, rivers, watercourses, field patterns, industrial heritage and local distinctiveness is safeguarded and enhanced;

(ii) it does not undermine, either individually or cumulatively with existing or proposed development, the physical and perceived separation and open undeveloped character between nearby settlements either through contiguous extensions to existing settlements or through development on isolated sites on land divorced from settlement boundaries;

(iii) it does not create or exacerbate ribbon development;

(iv) built development is well integrated with existing development and existing buildings, including the re-use of existing buildings, where appropriate;

(v) the development will not seriously undermine the vitality and viability of existing town and local centres; and

(vi) The proposed development is accessible, or will be made accessible, by a range of sustainable transport.

Due to the nature of the development proposed, criterion v above is not considered to be relevant to this proposal, the application is also not considered to exacerbate ribbon development, nor would it undermine the physical and perceived separation and open undeveloped character between nearby settlements given the scope and nature of the proposal. The most relevant criteria of Policy S3 is considered to be i, iv and vi.

Paragraph 81 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. It further states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Paragraph 84 of the NPPF states that planning policies and decisions should recognise that

sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. It further states that in these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).

When having regard to criterion i, given the scale of the proposed alterations and the character of the site, together with the existing boundary tree cover which provides a level of screening, it is not considered that the scheme would result in any harm to the appearance and character of the landscape and it is considered that its historic character and features including biodiversity, views, settlement pattern, rivers, watercourses, field patterns, industrial heritage and local distinctiveness would be safeguarded.

In this particular case, it is noted that the industrial business already operates from the site and the proposal relates to site and boundary alterations which do not relate to an increase in vehicular traffic to and from the site. Whilst objections have been received relating to the increase in activity on site, the works proposed as part of this application would have no impact upon the existing vehicular movements to and from the site when compared to the current arrangement and therefore it is not considered that the application would conflict with criterion vi.

It is considered that the proposal would be well integrated with existing development and existing buildings and conditions are advised to be attached to secure a suitable colour for the proposed acoustic fencing to the front boundary of the site to ensure that the fencing would assimilate into its environment. Further to this, given the National Forest setting and the visibility of the acoustic fencing to the front boundary of the site, a condition is also advised to be attached to secure additional tree planting to increase the level of natural screening in the interests of visual amenity. With regard to the extraction unit, this is located to the rear of the building, and whilst the unit is large, it is not prominent when viewed from the surrounding streetscene or neighbouring land.

On the above basis, the proposal is considered to be a sustainable form of development which paragraph 38 of the NPPF states decision-makers should seek to approve, and it is considered that the proposal accords with paragraphs 81 and 84 of the NPPF and criteria i-vi of Policy S3.

Impact upon the Character and Appearance of the Area

Letters of objection have been received in relation to the visual impacts of the proposed scheme.

Local Plan Policy En3 states that within the National Forest new development should ensure that:

- (a) The siting and scale of the proposed development is appropriately related to its setting within the Forest; and
- (b) The proposed development respects and does not adversely affect the character and appearance of the National Forest or the wider countryside; and
- (c) The character of the National Forest is enhanced through incorporating a National Forest or locally inspired identity.

Local Plan Policy D1 also states that new non-residential developments must positively address the Council's Place Making principles:

- a) A National Forest or locally inspired identity;
- b) Streets and Spaces shaped by buildings;
- c) A greener footprint;
- d) Vibrant and Mixed communities;
- e) Responsive to their context;
- f) Connected places;
- g) Easy to get around;
- h) Well designed and well managed public spaces;
- i) Architectural quality.

The erection of paladin fencing, given its colour, is not considered to result in any unacceptable visual impacts to the character or appearance of the site or wider area to warrant a refusal of planning permission. It should also be noted that the site would benefit from permitted development rights (Class A of Part 2 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended) for the erection of boundary treatments of any design and colour of up to 2 metres in height where the boundaries are not located adjacent to a highway used by vehicular traffic.

Further timber acoustic fencing is proposed to the site, some of which, particularly that located to the front of the site, would be prominent when viewed from the streetscene. This particular issue has been discussed with the agent for the application and a specification has been submitted which details how the timber fencing is proposed to be treated. However, following a review of this specification, it is advised that a condition is attached to any planning permission granted to ensure that the fence would be painted or stained in a suitable brown/green colour and maintained as such to ensure that the fence would assimilate within the tree lined boundaries of the site. A further condition is advised to be imposed to secure additional tree planting to be planted to the front of the proposed acoustic fencing to the southern boundary of the site, to soften the visual impact of the proposed fencing.

As discussed within the principle section of the above report, the extraction unit would not be prominent from the surrounding streetscene and adjacent land and would not result in any adverse visual impacts to the character and appearance of the area and it is not considered that the design and scale of the unit would be at odds with the industrial nature and appearance of the application site.

No other part of the application is considered to result in adverse visual impacts to the site or surrounding area and therefore the application is not considered to conflict with Local Plan Policies D1 and En3.

Residential Amenities

Third party letters of objection have been received relating to the impact of the proposal on residential amenity, by way of noise, disturbance, additional comings and goings and light pollution. Further comments have been received disputing the validity of the submitted noise assessment and the impacts upon the health and wellbeing of neighbouring occupants.

Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

It further states that in doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Local Plan Policy D2 seeks to secure proposals for development which are designed to minimise their impact on the amenity and quiet enjoyment of both existing and future residents within the development and close to it.

The closest neighbouring relationships between the site and existing residential dwellings would be approximately 31 metres to the dwelling located to the north east of the site, and approximately 15 metres to the dwelling located to the south of the site.

Whilst it is noted that a number of complaints have been received from neighbouring occupants in relation to noise emitting from the site, consideration should be given to the elements of the application which would have an impact upon neighbours by way of increased noise levels and a distinction should be made between the proposed development and any outstanding enforcement related matters, to include any potential breaches of planning conditions.

The element of the application which would have the most impact in relation to residential amenities would be the extraction unit to the north of the site which is sought for retention.

It should be noted that the application does not relate to an extension to the existing operational times on site and the only element which can be controlled as part of this application is the use of the extraction unit and any mitigation measures required for its retention.

The operational hours conditioned under planning application 82/0105/P state that there shall be no business, trade, working or other operation including loading and unloading of vehicles on the premises (other than office and cleaning work) between the hours of 19:00pm and 07:00am on weekdays including Saturdays, or at any time on Sundays.

The Council's Environmental Protection team (EP team) have been consulted on the application and have assessed the impacts on neighbouring properties in relation to light pollution and noise impacts. Whilst the EP team are satisfied that the application would not result in any

unacceptable light pollution impacts, particular attention has been paid to noise impacts arising from the proposal which has led to amendments to the application.

A noise assessment (carried out by Mewies Engineering Consultants Ltd) has been submitted to support the proposal and amendments to this assessment have also been received during the course of the application. British Standard (BS) 4142, methods for rating and Assessing Industrial and Commercial Sound, has been used to assess the noise impacts of the proposal. Initial comments were received by the EP team requesting that the proposal should seek to achieve a rating level of 5dB(A) below the prevailing background noise level at the nearest noise sensitive receptor, the initial assessment detailed levels of +1 - +4dB(A) above prevailing background noise levels at the nearest noise sensitive receptors. The EP team therefore initially advised that when having regard to the noise complaints received from neighbouring occupants and the results contained within the assessment, the initial proposal was considered to have an adverse noise impact.

Following an amendments to the application and the noise assessment, the EP team reviewed the proposal and confirmed that the erection of a 2 metre high acoustic fence would result in weekday daytime noise levels ranging from -3dB(A) below to +1dB(A) above the background sound levels, and weekend daytime noise levels ranging from -3dB(A) below to +2dB(A) above the background sound levels. The EP team are satisfied that the revised scheme would achieve the requirements of the relevant British Standard (BS 4142) and indicates that the proposed development is less likely to have an adverse or significant adverse impact of nearby noise sensitive properties.

Further, the noise assessment was undertaken with the large shutter doors to the southern (front) elevation of the building open and therefore, it is possible that the resultant noise levels at the identified sensitive properties would be lower with the shutter doors closed. It is therefore advised that a planning condition be attached to any planning permission granted to ensure that all shutter doors would be kept closed except for access and egress.

Whilst the EP team initially recommended that the proposal should seek to achieve a stricter noise level standard with a rating level of at least 5dB(A) below the prevailing background noise levels, the EP team are now satisfied that the requirements of BS 4142 should be met and it is not considered reasonable to require the application to meet standards in excess of those contained within BS4142 in this case.

On the above basis, and subject to the imposition of suitably worded planning conditions to secure the erection and retention of the acoustic fencing and the closure of the shutter doors, it is not considered that the application would result in any unacceptable amenity impacts to neighbouring occupants to warrant a refusal of planning permission.

There are no other elements of the proposal which are considered to result in any unacceptable adverse amenity impacts to neighbouring occupants or their private amenity areas.

Overall, it is considered that, subject to the imposition of conditions, the application would accord with Local Plan Policy D2 and the advice contained within the NPPF.

Highway Safety

Third party letters of objection have been received to the application on the basis of highway safety, increase in vehicular movements, impact upon the highway network, pedestrian safety and changes to the types of vehicles which utilise the site access.

Paragraph 111 of the NPPF states 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.

The County Highway Authority (CHA) have been consulted on the application and have confirmed that there are no objections to the proposal given the extant use of the existing access for the industrial use and no concerns are raised in relation to the creation of the car park. The CHA have concluded that the application would have no material impact on the highway.

Overall, the application is considered to be acceptable when having regard to Local Plan Policies IF4 and IF7 as well as the guidance set out within the NPPF.

Ecology

Third party letters of objection have been received in relation to the ecology impacts of the proposal, particularly when having regard to the impact upon the Lount Nature Reserve located to the north and north west of the site.

Paragraph 174 of the NPPF states, amongst other things, that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

Paragraph 180 of the NPPF states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

The County Ecologist has been consulted on the application and has raised no objection to the proposal.

Given the proximity of the site to the Lount Nature Reserve, consideration has been given to Circular 06/2005, particularly in relation to the need to avoid pollution or deterioration of wild bird habitat as far as possible. With regard to the effect of noise on wildlife, the PPG also refers to the need for particular consideration of noisy development affecting international, national and locally designated sites of importance for biodiversity. In addition, paragraph 174 of the NPPF refers to the need to minimise impacts on biodiversity and prevent new development from contributing to unacceptable levels of noise pollution.

It is recognised that there is background noise experienced at the Nature Reserve already, as a result of vehicular traffic, and noise from the existing permitted operations on site. The scheme is not considered to result in any significant increase in noise levels emitting from the site when compared to the extant arrangement and therefore it is not considered that the application could be resisted on the basis of unacceptable noise impacts upon the adjacent Nature Reserve or unacceptable impact upon the enjoyment of its users. Further consultation has taken place between the County Ecologist and the Local Planning Authority relating to this particular issues and the County Ecologist has agreed that the proposed development would have no significant material impact upon the Nature Reserve to warrant a refusal of planning permission.

Overall, it is not considered that the proposal would result in conflict with Local Plan Policy En1 or the guidance set out within the NPPF.

Flood Risk and Drainage

The site lies within Flood Zone 1 and is therefore in an area at the lowest risk of fluvial flooding. No part of the site is within a low, medium and high risk of surface water flooding, as defined by the Environment Agency's Surface Water Flood Maps.

It is therefore considered that the car park and its tarmac surfacing would not result in an unacceptable impact when having regard to flood risk and surface water impacts.

The application is therefore considered to be compliant with Policies Cc2 and Cc3 of the adopted Local Plan and Paragraph 163 of the NPPF.

Impact upon Trees

Third party letters of objection have been received relating to the loss of trees and replacement tree planting.

Planning condition 12 of application reference 82/105/P states *'That except insofar as may be agreed with the Local Planning Authority, all trees on the land shall be preserved and properly maintained and any tree which may die or become seriously damaged be replaced in all respects to the satisfaction of the Local Planning Authority and be so maintained.'*

Whilst objections state that tree felling has taken place on the site, it should be noted that this application does not relate to or result in tree removal, and any unlawful tree felling would not be a matter to be controlled as part of this planning application.

As stated earlier within this report, a planning condition is advised to be attached to secure additional tree planting to the front boundary of the site in the interests of visual amenity and when having regard to the site's location within the National Forest. It is not considered reasonable, given the scale of the proposal, to require further tree planting within the site in this particular case.

Overall, it is considered that subject to the imposition of a planning condition, the application would accord with Local Plan Policy En1 and En3 and the guidance contained within the NPPF.

Other Matters

It is noted that several objections have raised concern relating to the impact the proposal would have upon the yoga studio which has been approved adjacent to the site at The Outwoods (planning reference 20/00629/FUL).

When having regard to the extant use of the site for industrial purposes, it is not considered that this application presents any further impacts upon the future operations of the permitted yoga studio, if the permission was to be implemented, to warrant a refusal of planning permission.

Conclusion

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2021).

In summary, the principle of the development is considered to be acceptable and accords with

Local Plan Policy S3. The scheme is considered to be acceptable in terms of the visual impact upon the character and appearance of the area, ecology, trees and highway safety impacts. Subject to the imposition of conditions, the proposal is not considered to result in any unacceptable residential amenity impacts.

It is therefore concluded that the proposed development would comply with the provisions of the development plan as a whole as well as the guidance set out within the NPPF. Overall, there are no material considerations which indicate the determination of this application other than in accordance with the development plan.

Accordingly, the application is recommended for planning permission, subject to the imposition of planning conditions.

RECOMMENDATION- PERMIT, subject to the following conditions:-

1. Time (3 years)
2. Plans
3. Acoustic fencing retention
4. Acoustic fencing finish to be agreed and retained
5. Shutters on building to remain closed at all times, except for access and egress
6. Car park to be made available for the parking of vehicles only at all times
7. No industrial process or operation to be carried out on land hatched in orange on the submitted change of use plan
8. Tree planting scheme to front boundary of the site to be submitted and agreed
9. Operational hours for extraction unit to be restricted
9. Retention of boundary vegetation to north western boundary of the site