

SECTION A- PLANNING APPLICATIONS

Partial conversion of part of agricultural building to a mixed use for the purpose of a wedding venue and other functions and the erection of 10 holiday units
Hill Farm, Willesley Wood Side, Ashby De La Zouch
Leicestershire LE65 2UP

Report Item No
A1

Application Reference
24/00240/FULM

Grid Reference (E) 433158
Grid Reference (N) 314795

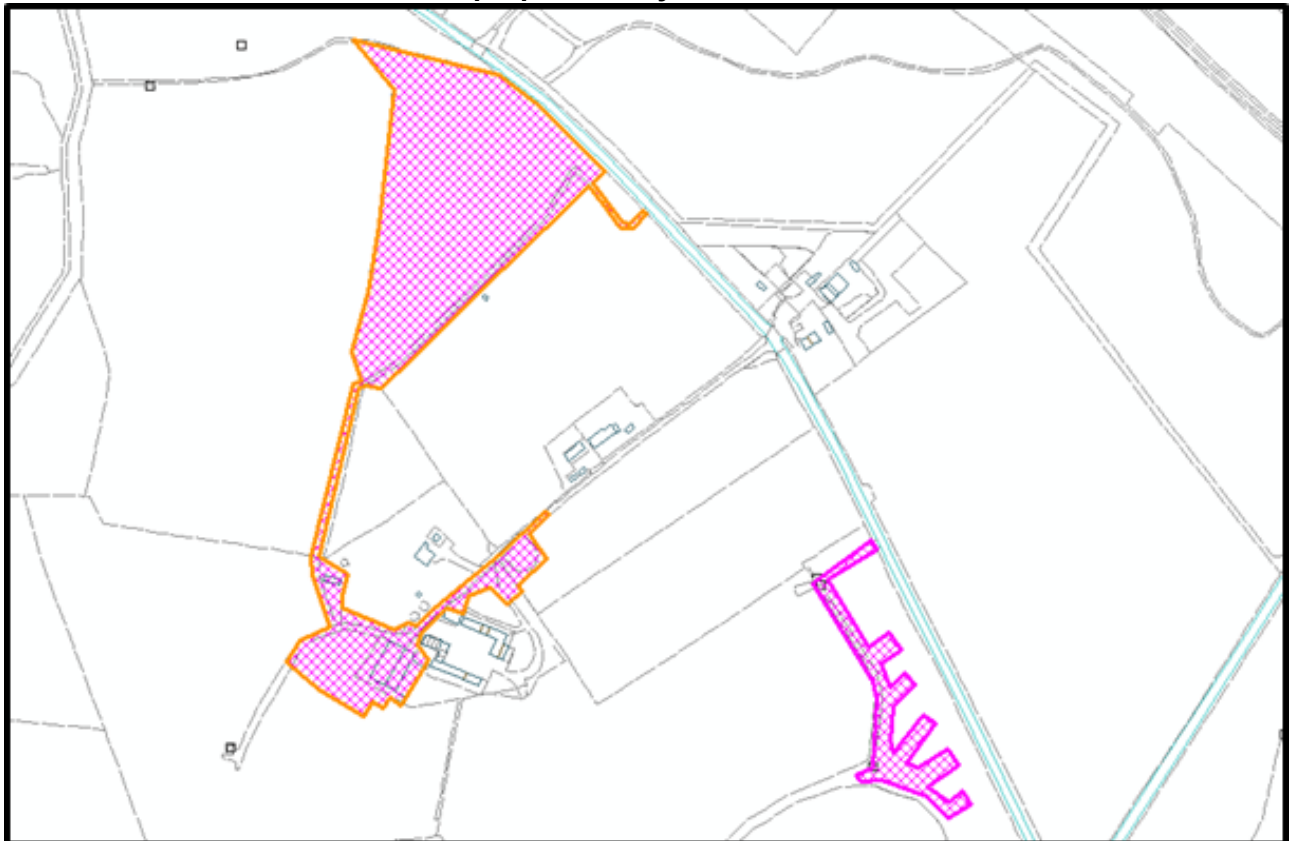
Date Registered:
4 March 2024
Consultation Expiry:
2 August 2024
8 Week Date:
4 September 2024

Applicant:
Mr And Mrs Jacques

Case Officer:
Adam Mellor

Recommendation: Approval subject to the completion of a S106 agreement and conditions

Site Location - Plan for indicative purposes only



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Reasons the case is called to the Planning Committee

This application is brought to the Planning Committee at the request of both Councillor Ball and Councillor Bigby.

Councillor Ball is the neighbouring ward councillor, and he has called in the application as it is his opinion that whilst the proposed holiday units would be acceptable the location of the wedding venue is unsuitable, given the number of vehicular movements connected with such a use and the inadequacy of the highway network to accommodate further vehicular movements. The noise generated by the wedding venue would also result in detriment to residential amenity in his ward given the hours of use, the location of the building on a hill, and that there is no limitation on the number of events which could be held.

Councillor Bigby is the ward councillor for the area and he has called in the application as it is his opinion that the proposal will result in an unacceptable increase in traffic on the narrow roads around the site (Willesley Lane and Willesley Wood Side), with Willesley Lane being a dangerous and winding road and the main route to the site from the A42, there being no pedestrian or safe cycle provision on either highway despite them being the main route to Hicks Lodge Cycle Centre, and vehicles travelling in excess of the speed limit which would be exacerbated by the proposal. It is also outlined that the proposal would result in unacceptable noise and disturbance to residential properties given the tranquil and quiet setting of the site within the National Forest, and that planning conditions would be unlikely to restrict the noise from events which are scheduled to occur until the early hours. There is also the possible contamination of a natural water supply to Wood Farm which is sourced close to, and piped across, the application site.

RECOMMENDATION – PERMIT, subject to the following conditions and the securing of a Section 106 Agreement to deliver the following;

(a) Monitoring of on-site Biodiversity Net Gain (BNG) scheme.

1. Standard time limit (3 years).
2. Approved plans.
3. Biodiversity Net Gain (BNG) mandatory condition.
4. A Biodiversity Construction Management Plan (BCMP) prior to commencement to be submitted, approved and implemented.
5. No more than 52 functions (being a combination of weddings and other functions) in a calendar year.
6. No wedding or other function to commence before 12:00 and to cease by 01:00.
7. No wedding or other function to continue (including the playing of live or amplified music and the serving of food and drink) after 01:00 with all guests and staff to be either off-site or within an on-site holiday unit by 02:00.
8. During a wedding or other function within the partially converted agricultural building all doors and windows are to remain closed shut after 23:00 hours and only used for access and egress.
9. Noise Management Plan (NMP) prior to the development being first brought into use to be submitted, approved, and implemented.
10. Functions Management Plan (FMP) prior to the development being first brought into use to be submitted, approved, and implemented.
11. Details of a noise limiter to be installed within the building and decibel threshold to be adhered to during a wedding or other function prior to the partially converted agricultural building being first brought into use to be submitted, approved, and implemented.

12. Live or amplified music played externally to be restricted to the decking area identified on the approved plans and to cease by 19:00.
13. No fireworks or light shows shall take place on the site during any wedding or other function.
14. Any food and drink vending to be restricted to the decking area identified on the approved plans and to cease by 21:30.
15. No more than 150 people to attend a wedding or other function.
16. Use of the partially converted agricultural building to be tied to the occupation of the applicant's property (The Granary, Hill Farm).
17. No generators to be used in connection with a wedding or other function.
18. Restriction on the overall time of occupancy of the holiday units.
19. No amplified music to take place in connection with the holiday units between the hours of 23:00 and 09:00.
20. Removal of permitted development rights under Classes B and BC of Part 4 of the Town and Country (General Permitted Development) (England) Order 2015 (as amended).
21. Scheme of signage to advise of correct access to be used in connection with the partially converted agricultural building and / or holiday units prior to the first use of the site to be submitted, approved, and implemented.
22. Details of finished floor and ground levels prior to commencement to be submitted, approved, and implemented.
23. Scheme of external materials to be used in the partial conversion of the agricultural building and holiday units prior to commencement to be submitted, approved and implemented.
24. No external lighting to be installed unless precise details of such external lighting (which shall include a lighting strategy for bats and nocturnal wildlife) is first submitted, approved, and implemented.
25. An Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) prior to commencement to be submitted, approved and implemented.
26. Detailed soft landscaping scheme (including timetable for implementation and precise details of the location of the 0.52 hectares of National Forest Planting to be delivered on site) prior to the development being first brought into use to be submitted, approved, and implemented and requirement for replacement of failed soft landscaping.
27. A Woodland Management Plan (WMP) prior to the development being first brought into use to be submitted, approved, and implemented.
28. Detailed hard landscaping scheme (including timetable for implementation) prior to the development being first brought into use to be submitted, approved, and implemented.
29. Details of gates within zones 1 and 3 (including timetable for implementation) prior to gates being installed to be submitted, approved, and implemented and gates not to open outwards.
30. No boundary treatments to be erected unless precise details of such boundary treatments are first submitted, approved, and implemented.
31. No retaining walls to be constructed above 0.2 metres in height unless details (including elevation details) are first submitted and approved.
32. Surface water drainage scheme during the construction phase prior to commencement to be submitted, approved, and implemented.
33. Surface water drainage scheme prior to commencement to be submitted, approved, and implemented.
34. Surface water drainage maintenance scheme prior to the development being first brought into use to be submitted, approved, and implemented.
35. Details and specification of package treatment plants (PTPs) to be installed, along with the means of connecting them to the proposed holiday units prior to commencement to be submitted, approved, and implemented.
36. PTP system (including willow and reed beds) management and maintenance scheme prior to the development being first brought into use to be submitted, approved and implemented.
37. Only a PTP system to be used as the means of foul drainage discharge from the site.

38. Removal of existing septic tank within one month of PTP system becoming operational.
39. Risk based land contamination assessment prior to commencement to be submitted, approved, and implemented.
40. A verification investigation prior to the first use of the development to be submitted, approved, and implemented.
41. Travel plan prior to the first use of the development to be submitted, approved and implemented.
42. Access improvement works in accordance with the submitted plans prior to the first use of the development.
43. Provision of vehicular visibility splays for accesses A and C prior to the first use of the development.
44. Implementation of off-street parking and turning facilities in accordance with approved plans prior to the first use of the development.

The mandatory requirement for 10% Biodiversity Net Gain (BNG) for major applications as required by the Environment Act has come into force on the 12th of February 2024 and this application was submitted to the Council after that date. The proposals are therefore required to demonstrate compliance in this regard.

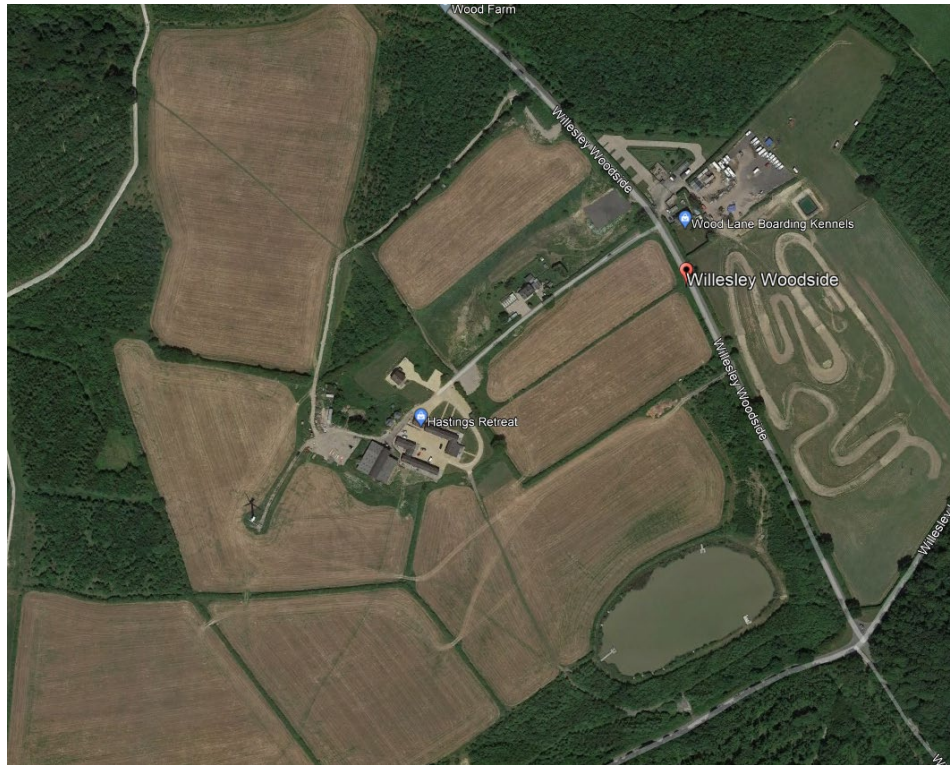
1. Proposals and Background

Planning permission is sought for the partial conversion of part of an agricultural building to a mixed use for the purpose of a wedding venue and other functions and the erection of 10 holiday units at Hill Farm, Willesley Wood Side, Ashby De La Zouch. The 2.58 hectare site (as identified in the image below) is situated on the south-western side of Willesley Wood Side and is outside of the defined Limits to Development.

Site Location Plan



Aerial Image of the Site Location



Hill Farm already operates an existing holiday business, referred to as Hastings Retreat, with planning permission being granted under application reference 12/00897/FUL, on the 13th of February 2013, for the change of use to form three holiday units, one residential dwelling and one annexe and conference facilities, laundry, gym, office and reception area for use in connection with the holiday lets.

The submitted site plan (as identified in the image below) splits the proposed development into three separate zones.

Site Plan



The development proposed within each zone would comprise the following:

Zone 1 (Western Part of the Site)

- (a) Partial conversion of existing agricultural building for use as a wedding venue and for other functions;
- (b) Allocation and creation of off-street parking, including coach parking;
- (c) Installation of a passing bay;
- (d) Creation of a footpath from off-street parking to the main access to the venue; and
- (e) Erection of gates.

The layout of development within zone 1 is shown in the image below.

Zone 1 Layout



Zone 2 (North-Eastern Part of the Site)

- (a) Erection of five holiday units with individual floor areas of 61.1 square metres and use of dual pitched roofs with eaves heights of 3.1 metres and ridge heights of 6.1 metres along with external decking;
- (b) Upgrading of vehicular access, including works to boundary hedgerows to facilitate visibility splays;
- (c) Installation of access tracks and off-street parking within woodland;
- (d) Installation of passing bays;
- (e) Installation of underground package treatment plant (PTP) with associated reed bed filtration system.

The layout of development within zone 2 is shown in the image below.

Zone 2 Layout



Zone 3 (South-Eastern Part of the Site)

- (a) Erection of five holiday units with individual floor areas of 36 square metres and use of dual pitched roofs with ridge heights of 3.8 metres along with external decking;
- (b) Upgrading of vehicular access, including works to boundary hedgerows to facilitate visibility splays;
- (c) Installation of access tracks and off-street parking;
- (d) Installation of a passing bay;
- (e) Erection of gates for security;
- (f) Provision of a road sign to identify the site.
- (g) Installation of underground PTP with associated reed bed filtration system.

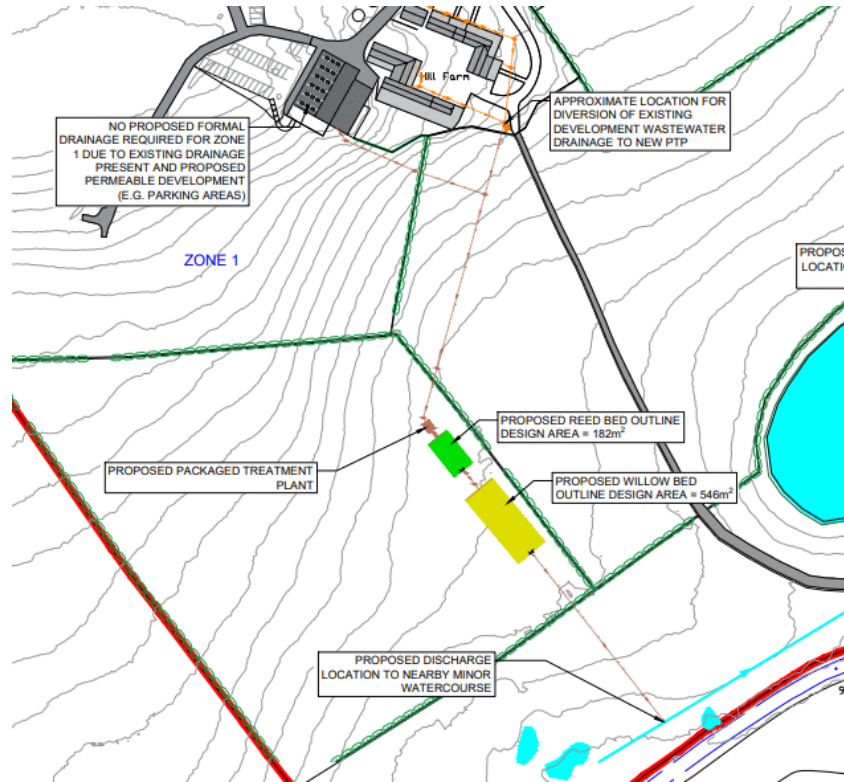
The layout of development within zone 3 is shown in the image below.

Zone 3 Layout



In addition to the above the existing septic tank within zone 1 would be replaced with a PTP and associated reed bed and willow bed filtration systems which is as shown in the image below:

Package Treatment Plan with Associated Reed Bed and Willow Bed Filtration Systems



As is outlined above, within zones 2 and 3 existing agricultural accesses onto Willesley Wood Side would be upgraded to accommodate vehicular movements in connection with the proposed development. Access A, as identified in the site plan image above, would be the primary access for users of the ‘venue’ building as well as the five holiday units proposed within zone 2 and would be upgraded to a standard which would enable a coach to access and exit the site. Access C would be utilised by users of the five holiday units within zone 3.

The Design and Access Statement (DAS) submitted in support of the application specifies that there is no intensification in the use of access B which would only be utilised in connection with the existing holiday units, farm and residential traffic of Hill Farm, and traffic associated with Hill Farm Cottage which is also served by the access track. The only exception to this would be if all of the holiday units (existing and proposed) were booked out as part of a function and in this circumstance, traffic would use accesses A and C. Within the DAS it is stated that signage would be displayed so as to inform guests of the correct access to use depending on their booking, with the gate being installed in zone 1 so as to prevent the use of the track associated with access B should it be the case that such access is not to be used (i.e. in the circumstances where a function has booked out all of the holiday units). Such a gate would not be positioned to prevent access to Hill Farm Cottage which lies outside of the application site.

Further information in respect of the application, including the supporting documentation and relevant plans, can be found on the District Council’s website.

Relevant Planning History

- 12/00297/FUL – Erection of 1 no. 250kw wind turbine and associated infrastructure – Approved 9th August 2012.

- 12/00897/FUL – Change of use to form three holiday units, one residential dwelling and one annexe and conference facilities, laundry, gym, office and reception area for use in connection with the holiday lets – Approved 13th February 2013.

2. Publicity

21 neighbours notified on the 7th of March 2024.

A site notice was displayed on the 8th of March 2024.

A press notice was published in the Leicester Mercury on the 13th of March 2024.

3. Summary of Consultations and Representations Received

The following summary of representations is provided. All responses from statutory consultees and third parties are available to view in full on the Council's website.

Objections from:

Ashby De La Zouch Town Council objects on the following summarised grounds:

- 1) *Highway Safety* – The application will impact on the surrounding roads resulting in potential road traffic accidents as there are many walkers and cyclists that use Hicks Lodge and the surrounding area. This area is already very popular with visitors to Hicks Lodge and Willesley Lake, and parking at Hicks Lodge is already very restricted meaning cars often park along Willesley Woodside.
- 2) *Environmental Health* – The comments from the Environmental Health Team at the District Council are noted and the potential risk to public health from the discharge of waste water into the ground or in any water course.
- 3) *Noise Pollution* – There is concern about potential noise pollution from the proposed wedding venue.

Ashby De La Zouch Town Council has also requested the following conditions/mitigations if planning permission was to be granted:

- a) There shall be no playing of music and other amplified sounds within the site other than from within the building proposed for the holding of weddings and other events;
- b) The building shall be kept closed whilst playing of music and other amplified sounds takes place, other than for the purpose of entry and exit;
- c) The building shall be constructed so that noise transmission to the outside shall be minimised;
- d) The venue, and any function for which it may be used, shall only operate between the hours of 12:00 noon and 11:00 pm; and
- e) The number of events throughout the year should be limited.

Oakthorpe and Donisthorpe Parish Council objects on the following summarised grounds:

Noise – Concerns over noise late at night as sound travels far in the open countryside, which will be exacerbated as the proposed venue is on a hill. Action will need to be proposed to mitigate this issue for the surrounding villages.

Highway Safety – Concerns over a single track access road which should be amended.

Oakthorpe and Donisthorpe Parish Council has also requested the following conditions/mitigations if planning permission was to be granted:

- (a) Limit the number of noisy events; and
- (b) Request a reasonable curfew.

No Objections from:

Ashby Woulds Town Council.
 Environment Agency.
 Leicestershire County Council – Minerals and Waste Planning Authority.

No Objections, subject to conditions and/or informatives, from:

Coal Authority.
 Leicestershire County Council – Ecology.
 Leicestershire County Council – Highways Authority.
 Leicestershire County Council – Lead Local Flood Authority.
 National Forest Company.
 Natural England.
 NWLDC – Environmental Health.
 NWLDC – Environmental Protection.
 Police Architectural Liaison Officer.

Third Party Representations

11 representations have been received objecting to the proposed development. The objections raised are summarised as follows:

Grounds of Objections	Description of Impact
<p>Principle of Development</p>	<p>The proposed development is in direct conflict with the Government’s aims to preserve green spaces and protect the environment given the impacts to ecology and the integrity of the National Forest.</p>
	<p>The location of the application site is unsustainable.</p>
<p>Highway Impacts</p>	<p>The proposal will result in a significant increase in traffic to the application site, thereby increasing congestion, with the highways being in a state of disrepair and</p>

	<p>not able to accommodate further vehicular movements.</p>
	<p>There have been several accidents on the highways within the last 6 months and the proposed development will increase the risk of accidents occurring particularly when accounting for cyclists utilising Hicks Lodge Cycle Centre and walkers having to use the highway given the presence of parked vehicles on the grass verges along Willesley Wood Side.</p>
	<p>The proposal does not provide adequate access arrangements thereby leading to the potential for accidents to occur.</p>
<p>Residential Amenity</p>	<p>The proposal will result in a significant increase in noise as a result of the use of the agricultural building for weddings and other functions thereby impacting adversely on the amenities enjoyed by local residents as well as users of the cycling trails and open access areas of the National Forest.</p>
	<p>The noise generated would also combine with the noise generated by other developments in the area including pubs, dog kennels, wind turbine and organised motorcycle venue.</p>
	<p>Strict noise limits should be placed on the proposed use of the site with a curfew for noise from the both the function venue and the cabins.</p>
	<p>Lighting infrastructure associated with the development will impact adversely on amenities.</p>

	<p>The development is in an area which has the highest value in terms of environmental value and tranquillity given that it is situated in the heart of the National Forest and the development would heavily impact on the local recreational and amenity value.</p>
	<p>The elevated nature of the site will increase the noise effects with noise impacts already being experienced from music played at Conkers.</p>
	<p>The movement of vehicles following a wedding, or other function ending, will also create noise impacts to residential receptors.</p>
<p>Landscaping</p>	<p>The proposed development will cause irreversible damage to a newly planted area which would impact on the integrity of the National Forest in which the development is set.</p>
<p>Ecology</p>	<p>The proposed development will result in disruption to habitats for local wildlife.</p>
	<p>Ecological species would be adversely impacted by lighting proposals associated with the development as well as the noise generated.</p>
	<p>Increased traffic flows will also be of detriment to wildlife, including badgers, foxes and Muntjac deer.</p>
<p>Drainage</p>	<p>There are concerns associated with foul drainage discharge potentially reaching local water courses as surrounding</p>

	houses are served by a natural spring.
Other Matters	The consultation process with neighbours has not been undertaken properly.

Two representations have also been received from the Willesley Environment Protection Association (WEPA) who object to the application for the following reasons:

Grounds of Objections	Description of Impact
Noise and disturbance resulting from use, including proposed hours of operation	The development would impact on the natural environment and its recreational and amenity value, tranquillity and diversity, supporting the health, social and cultural well-being of the local and wider community.
	Any reduction in air quality and increase in noise as a regular feature of the operation of the facility will have a detrimental impact on users of the adjacent cycling trails and open access areas, the Woodland Trust's Willesley Wood open access site and the residents of the nearby White Lodge, Wood Farm, Wood Farm Cottages and the houses along Ashby Road.
	The site is in an area which has the highest value in terms of environmental value and tranquillity and is closely linked to the adjacent open access areas in the very 'Heart of the Forest'.
	Music during the afternoon as well as in the evening would adversely impact on the quiet countryside used for recreational use at the adjacent Hicks Lodge site and Willesley Wood open access area.

	<p>With the site being on an elevated position, the noise emanating from this will be much closer to the built-up Willesley area of Ashby than the music played at the Conkers site, some considerable distance away, which is already intrusive, especially on still summer evenings.</p>
	<p>There would be significant traffic and consequential noise in the early hours after 01:00am, with much of the traffic likely to use Willesley Lane and Willesley Road, causing disturbance to properties along these roads.</p>
	<p>It is common for venues operating for the purpose of weddings and similar functions to have firework displays, light displays and the like to take place. This would have a significant impact on the natural environment and its recreational and amenity value, tranquillity and diversity of the area.</p>
<p>Highway issues, traffic generation and highway safety</p>	<p>Increased late night traffic on the quiet country roads of Ashby Road, Willesley Wood Side, Willesley Lane and Willesley Road would be extensive.</p>
	<p>Willesley Lane and Willesley Wood Side are both tortuous roads without street lighting, footways and, in some places, verges, with subsequent increased dangers for pedestrians and cyclists using these roads to access the adjacent Hicks Lodge site.</p>
	<p>The dangers of vehicle access to the site must be considered, as Willesley Wood Side is already a high risk accident route.</p>
	<p></p>

	<p>The adjacent Hicks Lodge cycling centre attracts very high numbers of cyclists and walkers. The existing car parking at Hicks Lodge is often inadequate to cater for all wishing to visit the site and there are plans to provide additional car parking. This presently leads to unsafe parking on nearby verges and people walking to the site.</p>
<p>Adverse impact on nature conservation</p>	<p>Daytime and night time noise and lighting will have a major visual impact and significantly detrimental effect on wildlife.</p>
	<p>The area supports many species of flora and fauna and has significant bird and deer populations. The construction and operation of the facility would have a significant effect on these and likely cause them to move from the area.</p>
	<p>Wildlife would also be at risk from the increased traffic flow, as badgers, foxes and Muntjac deer are often seen on these roads late at night.</p>
	<p>In responding the public consultation on the draft Local Plan, Ashby Town Council's Planning and Transportation Committee agreed to make reference to the need to protect the countryside around Willesley and other such areas around Ashby, lying at the very Heart of the National Forest, against inappropriate development in order to protect and allow enhancement of biodiversity and the many recreational opportunities that exist for people's health and wellbeing and the promotion of the town and tourism.</p>
	<p>It is common for venues operating for the purpose of weddings and similar functions</p>

	to have firework displays, light displays and the like to take place. This would have a significant detrimental effect on the area's wildlife. The National Forest was created 'for life' including for wildlife.
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If planning permission was to be granted, WEPA have advised that the following conditions should be imposed:

- (a) There shall be no playing of music and other amplified sounds within the site other than from within the building proposed for the holding of weddings and other events;
- (b) The building shall be kept closed whilst playing of music and other amplified sounds takes place, other than for the purpose of entry and exit;
- (c) The building shall be constructed such that noise transmission to the outside shall be minimised;
- (d) The venue, and any function for which it may be used, shall only operate between the hours of 12:00 noon and 11:00 pm;
- (e) The number of events throughout the year should be limited; and
- (f) There shall be no open air firework displays, light displays and the like held within the site.

One representation has been received neither objecting to nor supporting the proposed development with the comments raised being as follows:

"I maintain the Private Willesley Water Supply. There are tanks and pipework on the Hill Farm property, which I will need to access and maintain as the spring water supply is also sourced to Hill Farm and the dog kennels. Also any pollution to the River Mease has to be looked into. Entrances need to be well lit and shown on booking forms as all the area is the same post code LE65 2UP. All week we have cars coming on our drive for Hicks Lodge cycle centre, Hill Farm, Wood Farm, the dog kennels and Willesley Scouts site. We do not need anymore traffic churning up the driveway. The road is a fast road, with all the extra traffic, pedestrians, horses, dog walkers, and joggers, it may need to be looked at having speed limit reduced, with two more exits and entrances."

Six representations have been received which support the proposed development with the comments raised summarised as follows:

Grounds of Support	Reason for Support
Respecting the Countryside and Environment	The applicants have proven with their existing business at Hill Farm that they put a lot of consideration into the area by turning a derelict piece of land and buildings into a sustainable business and by providing a high standard of accommodation and services to their guests. The business is also supplied with electricity created by a wind turbine, thereby reducing the pollution.

	<p>The applicants have renovated and kept the charm of the old buildings and their new plans continue with the preservation of the rural look and atmosphere. This is another example of the applicant's long-term commitment to the area, to the surrounding forest and wildlife. Their plans are in keeping with the area.</p>
<p>Employment/Business Promotion</p>	<p>The applicants have already created jobs for local people through their existing business and based on the proposal, additional jobs will be created which would not otherwise exist.</p>
	<p>The applicants recommend other businesses to their guests staying at the site (known as Hastings Retreat) with direct links to restaurants, cafes and take-aways. All these local businesses benefit directly from the business at Hastings Retreat. The proposal would further support local businesses including local caterers and wedding suppliers thereby allowing such businesses to grow.</p>
<p>Accessibility to Other Tourism Facilities</p>	<p>The application site is in close vicinity to Hicks Lodge which is an educational centre for everyone, and users of Hastings Retreat would likely frequent Hicks Lodge and other tourist attractions such as Conkers, Twycross Zoo, Ashby Town Centre and the National Forest.</p>
<p>Uniqueness of Proposal</p>	<p>There is no other venue of this kind within the immediate area and therefore it would meet a required market particularly when accounting for the increase in population attracted to housing developments within the area.</p>

<p>Control of Noise</p>	<p>A curfew will be imposed in relation to noise/music, and this will consequently reduce the impact to residential receptors. There have been no issues with the use of Hastings Retreat previously. Not all events will attract a maximum of 150 guests with limited accommodation being available on site to accommodate several guests.</p>
<p>Highway Impacts</p>	<p>The limitation of accommodation for guests on the site will lead to minibuses and/or coaches being hired to bring guests in and out of the site. This will reduce vehicular movements and increase revenue for local businesses offering such services.</p> <p>I believe the number of visitors at Hicks Lodge in any given day is far higher than 150 (the maximum number of the proposed wedding venue) with the car park always full and events being on each week. All these visitors use cars to access the area and therefore I believe that the traffic from the future wedding venue would have less impact on the roads than existing traffic at Hicks Lodge.</p>

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2023)

The following sections of the NPPF are considered relevant to the determination of this application:

- 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, 43, 44, and 47 (Decision-making);
- Paragraphs 55, 56, 57, and 58 (Planning conditions and obligations);

Paragraphs 88 and 89 (Building a strong, competitive economy);
Paragraph 104 (Promoting healthy and safe communities);
Paragraphs 108, 111, 112, 114, 115, 116, and 117 (Promoting sustainable transport);
Paragraphs 123, 124, and 128 (Making effective use of land);
Paragraphs 131, 133, 134, 135, and 139 (Achieving well-designed places);
Paragraph 151 (Protecting Green Belt land – The National Forest);
Paragraphs 157, 159, 165, 168, 173, and 175 (Meeting the challenge of climate change, flooding and coastal change);
Paragraphs 180, 186, 188, 189, 190, 191, 193, and 194 (Conserving and enhancing the natural environment);
Paragraphs 195, 200, 201, 203, 205, 206, 208, 209, and 211 (Conserving and enhancing the historic environment); and
Paragraphs 215, 216, and 218 (Facilitating the sustainable use of minerals).

Local Policies

Adopted North West Leicestershire Local Plan (2021)

The following policies of the adopted local plan are consistent with the policies of the NPPF and should be afforded full weight in the determination of this application:

Policy S1 – Future Housing and Economic Development Needs;
Policy S2 – Settlement Hierarchy;
Policy S3 – Countryside;
Policy D1 – Design of New Development;
Policy D2 – Amenity;
Policy Ec8 – Town and Local Centres: Hierarchy and Management of Development;
Policy Ec13 – Tourism Development;
Policy IF1 – Development and Infrastructure;
Policy IF4 – Transport Infrastructure and New Development;
Policy IF7 – Parking Provision and New Development;
Policy En1 – Nature Conservation;
Policy En2 – River Mease Special Area of Conservation;
Policy En3 – The National Forest;
Policy En6 – Land and Air Quality;
Policy He1 – Conservation and Enhancement of North West Leicestershire’s Historic Environment;
Policy Cc2 – Water – Flood Risk; and
Policy Cc3 – Water – Sustainable Drainage Systems.

Made Ashby De La Zouch Neighbourhood Plan (2018)

The Ashby Neighbourhood Plan forms part of the development plan and the following policies of the Neighbourhood Plan are relevant to the determination of the application:

Policy S1 – Presumption in Favour of Sustainable Development;
Policy S3 – Development Proposals Outside of the Limits to Development;
Policy S4 – Design;
Policy T1 – Traffic Management;
Policy T2 – Travel Plans;
Policy T4 – Walking and Cycling;

Policy NE4 – Nature Conservation; and
Policy NE 5 – Trees and Hedgerows.

Leicestershire Minerals and Waste Local Plan (2019)

This plan was adopted on the 25th of September 2019 and as such the following policies would be considered relevant to this application:

Providing for Minerals:

Policy M11: Safeguarding of Mineral Resources.

Other Policies

National Planning Practice Guidance.

Good Design for North West Leicestershire Supplementary Planning Document – April 2017.

Leicestershire Highways Design Guide (Leicestershire County Council).

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

National Forest Guide for Developers and Planners.

River Mease Water Quality Management Plan – August 2011.

The River Mease Developer Contributions Scheme (DCS).

5. Assessment

Principle of Development

In accordance with the provision 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, comprises the adopted North West Leicestershire Local Plan (2021) and made Ashby De La Zouch Neighbourhood Plan (ADLZNP) (2018).

Paragraph 180 of the NPPF (2023) highlights the need to recognise the intrinsic character and beauty of the countryside but does not specifically preclude development within the countryside.

The application site lies outside of the defined Limits to Development, and therefore the proposal would be subject to Policy S3 (Countryside) of the adopted Local Plan as well as Policy S3 (Development Proposals Outside of the Limits to Development) of the made ADLZNP.

Policy S3 of the adopted Local Plan outlines, under criterion (i), that the expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings will be supported and criterion (n) supports recreation and tourism. Any development supported under Policy S3 of the adopted Local Plan would also need to adhere to criteria (i) to (vi) of the second part of this policy.

Policy S3 of the made ADLZNP states that:

“Land outside the defined Limits to Development will be treated as countryside, where development will be carefully controlled in line with local and national strategic planning policies.

In all cases, where development is considered acceptable, it will be required to respect the form, scale, character and amenity of the landscape and the surrounding area through careful siting,

design and use of materials.”

In terms of an assessment against criteria (i) to (vi) of Policy S3 of the adopted Local Plan, this would be as follows:

- (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.*

It is considered that the partial conversion of the existing agricultural building to enable its use as a wedding venue and for other functions would not impact adversely on the character and appearance of the rural landscape given that the alterations proposed to its appearance would be sensitive to its overall agricultural appearance. This is as discussed further in the ‘*Partial Conversion of Existing Agricultural Building*’ sub-section of the ‘*Design*’ section of this report below.

In terms of the proposed holiday units, it is considered that they have been sensitively designed to utilise materials which would reflect the setting of the site within the National Forest. The overall scale of the proposed holiday units is also relatively modest and their incorporation within existing areas of woodland would minimise their impact on the character and appearance of the rural landscape. Conditions can be imposed on any permission granted to ensure that the materials utilised reflect those envisaged by the submitted plans (images being as shown in the ‘*Holiday Units*’ sub-section of the ‘*Design*’ section of this report below).

Predominately the associated works would relate to the creation of hardstanding for access tracks (both pedestrian and vehicular) and off-street parking areas. Such works, however, would be at ground level and subject to the imposition of a condition requiring a suitable surfacing material to be agreed, would not impact adversely on the character and appearance of the rural landscape. The proposed package treatment plants (PTPs) would be installed below ground with only the associated reed bed and willow bed filtration systems above ground but as these comprise soft landscaping they would not impact adversely on the appearance and character of the landscape.

Additional soft landscaping to be provided on the site, including the provision of 0.52 hectares of woodland planting to accord with the provisions of Policy En3 of the adopted Local Plan, would also be of benefit to the visual amenities of the rural landscape and the site’s setting in the National Forest.

Overall, when accounting for the overall scale and design of the proposed development, it is considered that, as a minimum, the character and appearance of the landscape would be safeguarded. Although in many respects the provision of further soft landscaping infrastructure (including woodland planting) would likely enhance the visual amenities of the landscape given the limited impact of the proposed development.

On this basis the proposal would be compliant with criterion (i).

- (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; and*
- (iii) *It does not create or exacerbate ribbon development.*

When considering the location of the proposed development, and its associated scale and 'spread', it is considered that it would not undermine the physical or perceived separation and open undeveloped character between nearby settlements.

It is also considered that the proposed development would not create or exacerbate ribbon development.

On this basis the proposal would be compliant with criteria (ii) and (iii).

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

The development proposed within each zone is as outlined in the 'Proposals and Background' section of this report above and which largely relates to the partial conversion of an existing agricultural building to create a venue for weddings and other functions, the erection of 10 holiday units, and associated works such as hardstanding for car parking and access tracks.

There are existing buildings on the site which were converted as part of the planning permission granted under application reference 12/00897/FUL, along with Hill Farm Cottage, boarding kennels (associated with Hill Farm Cottage) and a lake. A wind turbine was also approved under planning permission reference 12/00297/FUL.

It is considered that the existence of such development, along with the highway infrastructure of Willesley Wood Side, would ensure that the proposed development would be well integrated with existing development and existing buildings, whilst also re-using an existing building.

On this basis the proposal would be compliant with criterion (iv).

- (v) *The development will not seriously undermine the vitality and viability of existing town and local centres.*

Policy Ec8 of the adopted Local Plan identifies 'tourism' development as a town centre use which is consistent with the definition within the NPPF. It does, however, indicate that such 'tourism' development includes theatres, museums, galleries and concert halls, hotels and conference facilities.

The planning permission granted under application reference 12/00897/FUL allowed for the creation of conference facilities, gym, and offices in connection with the holiday units. In this respect both a gym and conference facilities would be considered a town centre use given that conference facilities are specifically referenced within the 'tourism' definition above, and a gym falls within use class E(d) (formerly use class D2) of the Town and Country Planning (Use Classes) Order 1987 (as amended). A condition was, however, imposed on the permission granted under 12/00897/FUL to restrict the use of the gym and conference facilities to those persons occupying the accommodation on the site, albeit the reasoning for such a condition was specific to the countryside location and potential impacts to the highways rather than any impact to town/local centres.

The proposed development would seek to expand the tourism offer by providing 10 additional holiday units, along with the partial conversion of an existing agricultural building for use as a wedding venue and for other functions.

It is considered that the operation of the site because of the provision of the 10 holiday units would

not fundamentally change from that associated with its current tourism use. The nature of the use of the proposed 'venue' (i.e. for weddings and other functions) is also not specifically mentioned in the definition referred to in Policy Ec8 of the adopted Local Plan, nor the NPPF.

The 'tourism' development referred to within Policy Ec8 of the adopted Local Plan, as well as the definition within the NPPF, is consistent with that which you would associate with a town centre (i.e. it would not be common for a theatre, museum or concert hall to be constructed in the countryside), whereas a 'venue' to be utilised for weddings and other functions could readily be associated with a rural environment.

In such circumstances it is considered that the 'tourism' use to be expanded and introduced on the site would not be considered a town centre use, when accounting for the above definition, and therefore would not undermine the vitality and viability of Ashby De La Zouch town centre (being the closest town/local centre to the application site – as defined by Policy Ec8 of the adopted Local Plan). In many respects the proposed development would contribute positively to the vitality and viability of Ashby De La Zouch town centre given the potential for those attending weddings utilising accommodation within the town centre, should that at the application site be fully booked out, and subsequently utilising the services and facilities available.

Due regard is also given to the fact that the existing agricultural building could be converted under Class R (Agricultural buildings to a flexible commercial use) of Part 3 (Changes of use) of the Town and County Planning (General Permitted Development) (England) Order 2015 (as amended) to uses such as a hotel, retail premises, restaurant/café, or for indoor sport and recreation (all considered to be town centre uses), under a simplified prior notification application and whereby the impact to the vitality and viability of a town centre would not be a material planning consideration.

When accounting for the above there is no conflict with criterion (v) of Policy S3 or the intentions of Policy Ec8 of the adopted Local Plan.

Policy Tc1 of the made Ashby De La Zouch Neighbourhood Plan (ADLZNP) outlines how development for town centres uses within the Ashby De La Zouch town centre and primary shopping area will be supported so is not relevant to the assessment of this application. Criterion (f) associated with section 4.4 (*Ashby De La Zouch Town Centre*) of the made ADLZNP also outlines how tourism will be promoted in the town centre and across the neighbourhood plan area but does not have a specific policy to which applications would be assessed against.

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

Under Policy S2 (Settlement Hierarchy) of the adopted Local Plan Ashby De La Zouch is identified as a 'Key Service Centre' which is defined as a settlement which is "*smaller than the Principal Town [Coalville] in terms of population and also the range of services and facilities they provide, they play an important role providing services and facilities to the surrounding area and are accessible by some sustainable transport. A significant amount of development will take place in these settlements but less than that in the Principal Town.*"

Whilst Ashby De La Zouch is recognised as a 'Key Service Centre', the location of the site would prohibit employees and visitors walking to and from it particularly as no raised footway or street lighting is present on Willesley Wood Side. The use of public transport would also not be considered a viable means of employees and visitors reaching the site given the nearest bus stops are located upon Ashby Road, Moira and access on foot is restrictive for the reasons

outlined above.

Cycling could be a form of transport utilised by employees to access the site, but considering the speed of vehicles on Willesley Wood Side and Willesley Lane such a form of transport would only likely appeal to competent cyclists.

The supporting text to Policy S3 of the adopted Local Plan acknowledges that development will sometimes need to be in a countryside setting (Paragraph 5.33) with Paragraph 89 of the NPPF advising that some rural business needs will have to be located in areas that are not well served by public transport. Should such circumstances arise then Paragraph 89 outlines that it should be ensured that a development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities available to make the location more sustainable (e.g. by improving the scope for access on foot, by cycling or by public transport).

It is concluded in the assessment against criteria (i) and (iv) of Policy S3, above, as well as the 'Design' section of this report below, that the development would be sensitive to its surroundings with the 'Highway Impacts' section concluding that there would not be an unacceptable impact to local roads.

In line with the planning permission granted under application reference 12/00897/FUL the use of the site for tourism purposes has been established.

A Travel Plan (TP) has been submitted in support of the application which outlines that at present there are 3 employees connected with the agricultural operation, and that 8 cleaners are employed on a part-time basis in connection with the existing holiday units.

As a result of the development additional cleaners would need to be employed as would contractors who would be involved in any wedding or other function. There would also be an increase in the number of guests because of the additional holiday units as well as those guests attending any wedding or other function (although such guests may overlap with those connected with the holiday units should these be booked out to coincide with a wedding or other function).

In discussions with the applicant it has been determined that the number of functions (be that a wedding or other function) in a calendar year would be limited to 52 and that the number of guests in attendance at any individual wedding or other function would be limited to 150. Such restrictions would be conditioned on any planning permission granted.

The TP seeks to promote the following as means of improving sustainable travel to and from the site:

- (a) *Provision of safe and secure cycle rack for use by up to 6 employees (or users of the holiday units);*
- (b) *Provision of shower facilities;*
- (c) *Provision of electric vehicle charging points;*
- (d) *Upgrading of site accesses;*
- (e) *Erection of signage to the accesses for direction of staff and visitors;*
- (f) *The supplying of basic cycle maintenance equipment on site e.g. pump, puncture repair kit, tools, etc;*
- (g) *Promotion of the Cycle2Work scheme;*
- (h) *Raising awareness of the health benefits of cycling and walking through continual publicity;*
- (i) *Provision of cycle route maps;*

- (j) Ensuring that cleaners are hired from the same companies to promote car sharing;
- (k) Provide a car sharing scheme to match employees with others living in a similar area or travelling the same route;
- (l) Appointment of a travel plan co-ordinator (TPCO);
- (m) Provision of noticeboards within holiday units to advise on sustainable means of transport; and
- (n) Updating of noticeboards on a regular basis by the travel plan co-ordinator.

It does, however, have to be accepted that in the main users of the holiday units, guests and contractors associated with any wedding or other function, and cleaners are unlikely to utilise public transport, cycle, or walk to the application site given the need to transport luggage and/or equipment as part of their usage of the site.

In terms of guests to any wedding or other function, the TP outlines that a coach can access the site and presently is used by guests who are attending a wedding in the locality and simply 'book up' existing holiday units on site. The use of a coach would be considered a more 'sustainable' form of transport to and from the site than individual cars, and the TP indicates that when the holiday units on site are fully booked it is likely that additional guests will base themselves in Ashby De La Zouch and consequently a coach could be organised to transport such guests to and from the site. When a wedding or other function is booked the TPCO would provide information on local coach companies who could be hired to transport guests to and from the site. In addition details of local taxi firms would be provided, as whilst they are not as sustainable as a large coach, they could offer 6, 8, or 12 seater minibuses which would be a preferable travel option over single and dual occupancy vehicles.

Notwithstanding the above, due regard is also given to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) which would enable the following:

Class R (Agricultural buildings to a flexible commercial use) of Part 3 (Changes of use)

This would allow the existing agricultural building to be converted under a simplified prior notification procedure to one of the following use classes (as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended):

- (i) Class B2 (general industrial);
- (ii) Class B8 (storage or distribution);
- (iii) Class C1 (hotels);
- (iv) Class E (commercial, business, or service); or
- (v) Class F.2(c) (outdoor sport or recreation).

Or for the provision of agricultural training.

Uses within Class E include retail premises, restaurants/cafes, indoor sport and recreation, day nurseries, offices and light industry.

Class B (Temporary use of land) of Part 4 (Temporary buildings and uses)

This would allow the use of the land for up to 28 days in a calendar year for any purpose (except for the holding of a market or motor car and motorcycle racing which are limited to 14 days) and the provision on the land of any moveable structures for the purposes of the permitted use.

Class BC (Temporary recreational campsites) of Part 4 (Temporary buildings and uses)

This would allow the use of the land for up to 60 days in a calendar year as a recreational campsite including the provision on the land of up to 50 pitches and any moveable structures reasonably necessary for the purposes of the permitted use.

Class A (Use of land as a caravan site) of Part 5 (Caravan sites and recreational campsites)

Under certain circumstances, which are as specified in the Paragraphs 2 to 10 of Schedule 1 to the Caravan Sites and Control of Development Act 1960 (as amended), this would allow the use of the site as a caravan site.

When accounting for the above, the land could be utilised for up to 28 days in a calendar year for the hosting of a wedding or other function without planning permission being required. The land could also be used for up to 60 days in a calendar year as a recreational campsite for up to 50 pitches, with the agricultural building also having the possibility to be converted to a flexible commercial use. Such uses of the land or building would not require formal planning permission, and no regard would be given to use of sustainable forms of transport.

Although the 'hosting' of 52 events would be almost double of that allowed for under Class B of Part 4, it is considered that an unrestricted use of the agricultural building for a flexible commercial use could encourage a similar level of vehicular movements to that which would be generated in connection with the proposed development. There would also be no restriction to the applicant using permitted development rights under Class R of Part 3 and Classes B and BC of Part 4 at the same time. On this basis it is considered that the above offers a realistic fallback position and would therefore be material in the determination of the application.

Consideration is also given to an allowed appeal decision (made on the 9th of September 2022) against a refusal of planning permission by Hambleton District Council for the change of use of an existing agricultural building to a function venue e.g. wedding receptions, birthday parties, functions, etc. at Westholme, York Road, Thirsk (appeal ref: APP/G2713/W/21/3289987).

In this respect the Inspector concluded that:

"The appeal site is located circa 300m from the nearest dwelling within Bagby, which is identified in Policy S3 as a secondary village with some services and facilities. From my observations on the site visit this includes a pub, church and village hall. Thirsk is located circa 2km from the appeal site and is identified as a Market Town in Policy S3. The justification for S3 stipulates that Thirsk, along with Northallerton, will continue to be the prime focus for development in the district, for both housing and employment. (Paragraph 13 of the appeal decision)

Thirsk includes a range of services and facilities along with good public transport links. The likely scenario for visitors to the venue would involve those travelling from greater distances seeking to stay overnight in Thirsk, during which time they would make use of bed and breakfasts, taxis and restaurants alongside the financial benefits to the appellant business. (Paragraph 14 of the appeal decision)

As such, while the site is not well linked with public transport, it is close to a town which does have good transport links and would make a significant contribution to the rural economy. On balance, the appeal site would be suitable for the development, in accordance with Policies S1, S5, EG7 and EG8 of the LP as detailed in the foregoing chapters. The proposal would also accord with paragraphs 84 and 85 of the Framework. Accordance with national policy is a further requirement of Policy S5 of the LP. (Paragraph 15 of the appeal decision)

Policy S3 (Spatial Distribution) of the adopted Hambleton District Council has a similar context to Policy S2 of the adopted North West Leicestershire Local Plan, and includes a settlement hierarchy, with Policy S5 (Development in the Countryside) being consistent with Policy S3 of the adopted Local Plan.

Of relevance is Policy EG8 (The Visitor Economy, Visitor Attractions, and Facilities) which includes a requirement that development “*will be accessible by sustainable travel options.*” This is considered to have direct relevance to criterion (vi) of Policy S3 and would allow a similar assessment to take place.

When having regard to the appeal decision it is noted that the application site lies between the settlements of Ashby De La Zouch, Donisthorpe, and Moira, with Ashby De La Zouch being a ‘Key Service Centre’ and Moira and Donisthorpe being ‘Sustainable Villages’. In terms of separation distances, the site would be around 1.49 kilometres (0.9 miles) from the defined Limits to Ashby De La Zouch, and 550 metres (0.34 miles) and 1.19 kilometres (0.74 miles) away, respectively, from the nearest dwellings in Donisthorpe and Moira. When accounting for the distances measured within the appeal being to the edge of Thirsk and ‘as the crow flies’, it is considered that the distances from the application site to the outlying sustainable settlements would be comparable.

It is also reasonable to conclude, as was the case in the appeal decision, that users of the venue who would travel from further afield and would stay overnight in Ashby De La Zouch and subsequently make use of the facilities and taxis (or coaches) alongside the financial benefits to the appellant’s business.

Once on site users of the holiday units would also be in position to utilise non car forms of transport to access tourism facilities within the vicinity given the pedestrian and cycle links available in the immediate area.

When balancing the existing tourism use of the site, the ‘fallback’ position of permitted development, and the above appeal decision, it is considered that any conflict with criterion (vi) would not be of such significance, in this instance, that a reason to refuse the application could be justified when balanced with the aims and intentions of Paragraphs 88 and 89 of the NPPF. A condition would also be imposed to secure the implementation of a TP to ensure measures are in place which improve the sustainability of the site location.

Overall Conclusion in Relation to Policy S3

Paragraph 85 of the NPPF indicates that planning decisions should “*help create the conditions in which businesses can invest, expand and adapt*” and 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 88 of the NPPF also indicates that planning decisions should, amongst other things, enable:

- “*the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings*” (criterion (a)); and
- “*sustainable rural tourism and leisure developments which respect the character of the countryside*” (criterion (c)).

In principle the development is an acceptable form of development outside the defined Limits to Development given its compliance with criteria (i) and (n).

It is also concluded above that no significant conflict with criteria (i) to (vi) of Policy S3 would arise because of the development, nor Policy S3 of the made ADLZNP, and consequently the proposal would be considered acceptable in principle and compliant with the aims of Paragraphs 85, 88 and 89 of the NPPF.

Assessment of objections in relation to the principle of development

Objection	Officer Response
<p>The proposed development is in direct conflict with the Government’s aims to preserve green spaces and protect the environment given the impacts to ecology and the integrity of the National Forest.</p>	<p>As is outlined above neither Paragraph 180 of the NPPF, nor Policy S3 of the adopted Local Plan or Policy S3 of the made Ashby De La Zouch Neighbourhood Plan (ADLZNP), preclude development in the countryside. It is also the case that tourism is a form of development deemed acceptable outside the defined Limits to Development.</p> <p>There are also no objections to the application from the County Council Ecologist or National Forest Company (NFC).</p>
<p>The location of the application site is unsustainable.</p>	<p>As discussed in the assessment against criterion (vi) of Policy S3 of the adopted Local Plan above, it is deemed that when accounting for the existing tourism use, the permitted development ‘fallback’ position, and a comparable appeal decision, that the development would be sustainable particularly when accounting for the aims and intentions of Paragraphs 85, 88, and 89 of the NPPF.</p>

Tourism Development

Policy Ec13 of the adopted Local Plan would also be of relevance in the assessment of the application and Part (1) of this policy indicates that the District Council will support, amongst other things, the:

- *“Enhancement of existing tourist attractions and accommodation, including their expansion, where it accords with the principles of sustainable development and is not detrimental to the surrounding area” (criterion (b));*
- *“Development of new tourist attractions, including the provision of new accommodation to facilitate the opportunity for overnight stays” (criterion (c)); and*
- *“Development of attractions and accommodation that are well connected to other tourist destinations and amenities, particularly by public transport, walking and cycling” (criterion (d)).*

Part (2) of Policy Ec13 indicates that new tourist accommodation will be directed to the Limits to Development, although it is recognised that there may be instances where an initiative requires a countryside location or setting or is directly related to a specific tourist destination. Outside of the Limits to Development preference would be for tourism and tourism related development to re-use land and/or buildings.

Within Part (3) of Policy Ec13 it is indicated that tourism in rural area which benefits business, communities and visitors and which respects the character of the countryside will be supported. It is, however, outlined that the scale of such development should be appropriate to the local landscape and its surrounding environment and not adversely affect local transport infrastructure.

Part (4) of Policy Ec13 indicates that when assessing new provision of rural tourism or the expansion of facilities, consideration will be given to whether needs can be met by existing facilities.

Part (1) of Policy Ec13

Given the permission granted under application reference 12/00897/FUL, an existing tourism use (known as Hastings Retreat) already operates from the site and as such the proposed development would represent an enhancement and expansion of the existing tourist attraction, would include the provision of new accommodation so as to facilitate the opportunity for overnight stays, and would be well connected to the National Forest and Hicks Lodge Cycle Centre, as well as enabling access to other tourism destinations such as Conkers and Ashby De La Zouch.

On this basis the proposal would be compliant with the principle aims of Part (1) of Policy Ec13, in particular criteria (b), (c), and (d) (as outlined above).

Part (2) of Policy Ec13

In terms of Part (2) of Policy Ec13, whilst the application site is outside the defined Limits to Development, it is considered that the proposed holiday units would be intrinsically linked with the existing tourism use operated from the site. Although such holiday units would not result in the re-use of existing buildings or previously developed land, which is preferred, their overall impact to the visual amenities of the rural environment would not be significantly adverse for the reasons as outlined in the assessment against criterion (i) of Policy S3 of the adopted Local Plan undertaken in the *‘Principle of Development’* section of this report above.

In terms of the partial conversion of the agricultural building to provide a functions venue, this element of the development would result in the re-use of an existing building with it not being considered unusual for such a tourism initiative to be located within the rural environment. The proposal would also take advantage of the site's setting in the National Forest.

On this basis the proposal would be compliant with Part (2) of Policy Ec13.

Part (3) of Policy Ec13

The proposed development would be of benefit to the existing tourism use operated from the site, which in turn would be of benefit to visitors as well as the economy of the local area.

The proposed holiday units are modest in scale and constructed in timber, with the associated works (predominately hard surfacing) also not being intensive. Given their integration with the existing woodland, such holiday units would not be visually dominant within the rural landscape and would respect the site's setting in the National Forest. Given the sensitivity of the works proposed to partially convert the existing agricultural building, it is also considered that this element of the development would respect the site's rural setting.

For the reasons as outlined in the '*Highway Impacts*' section of this report below, the proposed development would also not adversely affect local transport infrastructure.

On the above basis, the proposal would be compliant with Part (3) of Policy Ec13.

Part (4) of Policy Ec13

In terms of whether the proposed tourism need can be met by existing facilities, due consideration has been given to the Council's Tourism Strategy for Leicester and Leicestershire (2011 – 2016) which whilst out of date represents the most up to date strategy with the Council's latest strategy being in draft form.

It is also noted that the draft strategy states that a report should be commissioned to analyse the current supply across all accommodation sectors, map and forecast future demand growth and identify and provide an evidence base for what additional stock will be needed. On this basis the data within the 2011 – 2016 strategy has been used as a guide.

The strategy states that *"occupancy levels suggest that there is enough capacity in the current supply. But to improve the earning potential of the county continued growth in accommodation provision is necessary."* The strategy expands and states that *"future growth, however, needs to be focused on attracting established and high-profile brand names that will draw in new audiences and allow existing meeting and event venues to improve their performance through expanded accommodation."*

Conversely, the Council's draft tourism strategy states that the Council's priorities will focus on *"working with partners to develop opportunities to grow the National Forest as a tourism destination."* The National Forest Company (NFC) also have a Tourism Growth Plan which is a 10 year strategic plan (covering 2017 – 2027) and sets out that a thriving tourism sector in the National Forest needs to *"deliver more accommodation to allow The National Forest to grow overnight tourism, while recognising that day visitors remain an important core market."* As is outlined in the '*National Forest Company*' sub-section of the '*Design*' section of this report below, the NFC has also launched a Sustainable Tourism Accommodation Design Guide (STADG) which

sets out the rationale for encouraging new and retrofitted tourist accommodation within the National Forest with the applicant receiving advice through the NFC's accelerator programme (being a tourism initiative with the aim of developing proposals with a strong alignment to the STADG).

Based on the above, therefore, it is clear that the new tourism strategy will be focused on expanding tourism opportunities within the National Forest and that the NFC has a strategic plan to grow overnight tourism, which is consistent with Policy Ec13 of the adopted Local Plan.

The Council's Economic Growth Plan (2019 – 2021) also states that one of the Council's objectives is to *“support proposals for increased investment within the National Forest to develop the tourism offer and support the rural economy.”* Such a sentiment is also reflected in the Council's draft Economic Growth Plan refresh (2022 – 2025) which *“supports proposals for increased inward investment within North West Leicestershire and the National Forest to develop the sustainable tourism offer and support the visitor economy and rural diversification.”*

In the main there is support for the ongoing increase in tourism accommodation (particularly accommodation allowing overnight stays) within the National Forest and therefore such an increase is unlikely to be met by existing facilities. For this development the proposed holiday units relate to the existing tourism use operated from the site with there being a demand for the increase in the provision of holiday units given the overall success of the business. It is also considered that the partial conversion of the agricultural building to create the functions venue would also offer a different attraction in the area which is not readily met by existing facilities.

On this basis there would not be conflict with the aims of Part (4) of Policy Ec13.

Tourism Development Conclusion

Overall, the proposal would be considered compliant with Policy Ec13 of the adopted Local Plan as well as Paragraphs 85, 88 and 89 of the NPPF.

Design

Policy D1 of the adopted Local Plan requires that all developments be based upon a robust opportunities and constraints assessment and be informed by a comprehensive site and contextual appraisal. It also requires that developments are assessed against the Council's adopted Good Design SPD.

Policy S4 of the made Ashby De La Zouch Neighbourhood Plan (ADLZNP) outlines that all new development, where appropriate, will need to satisfy 13 design principles. Such principles considered applicable to the design of buildings would include principles 1, 2 and 9. Principles 8 and 12 are only applicable to residential developments.

An assessment of the impact of the development to the character and appearance of the landscape is undertaken in the *'Principle of Development'* section of this report above in accordance with criterion (i) of Policy S3.

Partial Conversion of Existing Agricultural Building



It is proposed that the existing Dutch style barn would be partially converted to enable its use as a wedding venue and for other functions. The amendments proposed to the existing building would see the re-use of two existing openings and formation of three new openings in the north-eastern elevation, the formation of three new openings and insertion of a flue in the north-western elevation, the re-use of one existing opening and the formation of a new opening in the south-western elevation and no alterations to the south-eastern elevation.

Such amendments will enable natural light to penetrate the main area of the proposed venue with internal walls only provided to define functional areas (such as toilets, a kitchen, and store room). Whilst not a feature of the existing building, sliding timber doors would be provided for the larger openings in the south-western elevation which would be closed when the building was not in use and are considered to reinforce its agricultural nature.

Externally a large decking area would also be provided adjacent to the south-western elevation of the building for use during the warmer months and enabling views of the wider countryside.

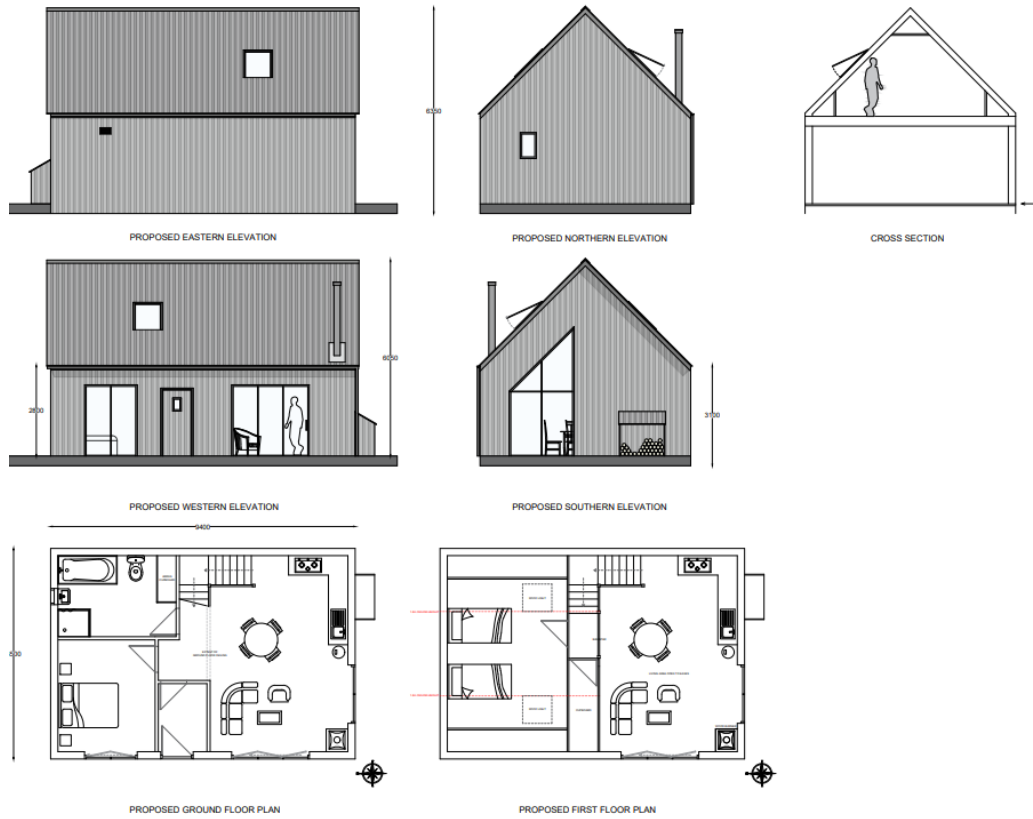
It is considered that the proposed works to partially convert the existing agricultural building would be sensitive to its original agricultural purpose and would ensure the development assimilates into the environment in which it is set.

A condition would be imposed to secure a precise scheme of external materials, including the design approach to the external sliding doors.

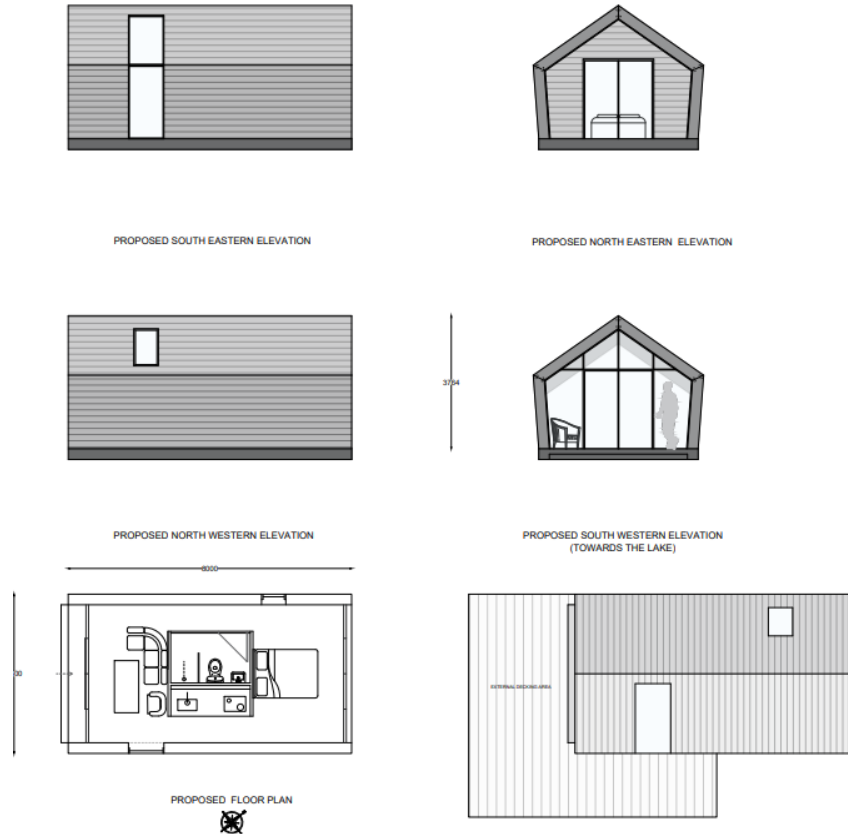
Holiday Units

The proposed design of the holiday units to be provided in Zones 2 and 3 are as shown in the images below:

Holiday Units in Zone 2



Holiday Units in Zone 3



Although the works associated with the partial conversion of the agricultural building have been designed to reflect the agricultural function of the site, the proposed holiday units would be constructed in a manner which reinforces the woodland character of the part of the site such holiday units would be in, as well as reflecting the setting of the site in the National Forest.

The holiday units in zone 2 have been designed with large openings to maximise views and would fully clad in timber, with those in zone 3 being constructed in timber and bio-based materials made by using modular building blocks whilst also utilising large openings.

It is considered that the use of timber in the materials of construction would fully reflect the setting of the site within the National Forest and ensure that the design of the holiday units contributes positively to their rural setting.

A condition would be imposed on any permission granted for a precise scheme of external materials to be agreed.

National Forest Company

In terms of the National Forest Company (NFC), they launched a Sustainable Tourism Accommodation Design Guide (STADG) which sets out the rationale for encouraging new and retrofitted tourist accommodation development that helps create a distinctive National Forest character and sense of place.

The STADG details seven design principles to develop exemplary tourism accommodation in the National Forest which are as follows:

- 1) *Developing in harmony with the Forest character;*
- 2) *Designing for health and wellbeing;*
- 3) *Supporting the Forest community and economy;*
- 4) *Building ethically and sustainably;*
- 5) *Promoting carbon emission free holidays;*
- 6) *Integrating with nature; and*
- 7) *Managing water wisely.*

It is outlined by the NFC that the applicant has received advice through the NFC's accelerator programme (a tourism initiative with the aim of developing proposals with a strong alignment to the STADG) with the submitted DAS outlining that the following design principles have been incorporated:

- (a) Off-street parking away from the holiday units;
- (b) Timber constructed units;
- (c) An acknowledgment of Forest character;
- (d) Biophilia design features (e.g. large windows); and
- (e) Units not too densely packed in.

The NFC are supportive of the approach to the design of the development and its compliance with the STADG with their only query relating to where the timber would be sourced from. It is considered that to address this query a condition could be imposed on any permission granted to secure precise details of the materials of construction.

Other Infrastructure

Principally the other works proposed as part of the development would be associated with the laying of hard surfacing to form access tracks, both for vehicles as well as pedestrian access to the lodges, and off-street parking. It is considered that such works would be at a low level and subject to the imposition of a condition to ensure that sensitive materials are utilised for the hard surfacing, would not impact adversely on the rural environment.

The proposed package treatment plants (PTPs) would be constructed below ground with only the associated reed bed and willow bed filtration systems being visible above ground. Given that the reed bed and willow beds would be at a low level and would comprise soft landscaping infrastructure they would not impact adversely on the rural environment.

A condition would also be imposed requiring the details of the gates within zones 1 and 3 to be submitted for approval, along with the requirement for any other boundary treatments and retaining walls (if required) to be agreed.

Design Conclusion

Overall, and subject to the imposition of conditions, it is considered that the design, appearance and scale of the development would be acceptable and would enable it to successfully integrate into the environment in which it is set. On this basis the proposal would be compliant with Policy D1 of the adopted Local Plan, the Council's adopted Good Design SPD, Policy S4 of the made ADLZNP and Paragraphs 131 and 135 of the NPPF.

Residential Amenity

Policy D2 of the adopted Local Plan (2021) outlines that development proposals will be supported where they do not have a significant adverse effect on the living conditions of existing and new residents through loss of privacy, excessive overshadowing, and overbearing impacts, which is supported by the Council's Good Design SPD. Paragraph 191 of the NPPF states that planning policies and decisions should ensure that new development is appropriate for its location considering 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.

Criterion 6 of Policy S4 of the made Ashby De La Zouch Neighbourhood Plan (ADLZNP) states that proposals should minimise the impact on general amenity and consider noise, odour, light and loss of light to existing properties. Light pollution should be minimised wherever possible and security lighting should be appropriate, unobtrusive and energy efficient.

Hill Farm Cottage on Willesley Wood Side lies on the access track which serves Hastings Retreat (which includes the property known as Romanchi), the existing agricultural building, and the applicant's own property (known as The Granary at Hill Farm) and would be the closest residential receptor. Nos. 1 and 2 Wood Farm Cottages lie on the opposite side of Willesley Wood Side to the application site, being to the immediate north-east of the main access to Hill Farm.

Further to the north-east are the residential receptors of Wood Farm, Windy Ridge Barn, and Honeysuckle Barn, all accessed off Willesley Wood Side, with South Lodge, Willesley Wood Side and The White Lodge, Willesley Lane to the south-east; nos. 119 and 142 to 156 Ashby Road, Donisthorpe (even nos. inclusive) to the south-west, and Bamborough Farm and The Bungalow at Bamborough Farm on Measham Road, Moira being to the west.

Impact of Built Forms to Residential Amenity

Based on the submitted site layout the proposed holiday units would be set to the north-west and south-east of Hill Farm Cottage at more than 146 metres (for the holiday units to the north-west) and in excess of 238 metres (for the holiday units to the south-east). The proposed agricultural building to be altered to facilitate its use for weddings and other functions would not be altered in scale, with this building being set more than 176 metres from Hill Farm Cottage.

When accounting for the separation distances involved, as well as the scale and positioning of the proposed holiday units it is considered that no adverse overbearing, overshadowing or overlooking impacts would arise to the residential amenities of Hill Farm Cottage, or any of the other residential receptors identified above.

The relationship between the proposed holiday units themselves would also be acceptable given the separation distances involved and the orientation and placement of windows and decking with

it being the case that such holiday units would only be occupied on a temporary basis in any event.

Impact of Site Use to Residential Amenity

The other aspect to consider in respect of residential amenity is any potential impacts arising from noise, dust and fumes with Part 2 of Policy D2 of the adopted Local Plan outlining that development proposals will only be supported where *“they do not generate a level of activity, noise, vibration, pollution or unpleasant odour emissions, which cannot be mitigated to an appropriate standard and so, would have an adverse impact on amenity and living conditions.”* This is compliant with the terms of criterion 6 of Policy S4 of the made ADLZNP and Paragraph 191 of the NPPF as outlined above.

Paragraph 194 of the NPPF outlines that the focus of planning decisions *“should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.”*

The planning permission granted under application reference 12/00897/FUL included condition 9 which restricted the use of the conference/gym/laundry/office/storage facilities to users of the holiday accommodation, and applicant’s property, to prevent them being used or occupied independently. Condition 11 also outlined that the holiday units were not to be occupied for a period greater than 28 days in a single stay, and that any visitor did not return for a period of four weeks following their departure. This was to ensure that the holiday units were not used as permanent residential accommodation.

As proposed the holiday units would be served by separate accesses to that which serves the main Hill Farm site and consequently vehicular movements associated with such holiday units are unlikely to pass by Hill Farm Cottage. Such holiday units are also modest in scale with the five holiday units to the south-east of Hill Farm Cottage being 1 bedroom holiday units and those to the north-west being 2 bedroom holiday units. In line with the permission granted under application reference 12/00897/FUL a condition can be imposed restricting the overall time of occupancy of the proposed holiday units. Consideration would also be given to imposing a condition to restrict the playing of amplified music in connection with the proposed holiday units between the hours of 23:00 and 09:00 as whilst such a restriction does not apply to the existing holiday units it is considered that the proposed holiday units are closer to other residential receptors than simply Hill Farm Cottage.

Subject to such restrictions, and when accounting for the overall level of occupancy of the holiday units, it is considered that no adverse noise or smell impacts would arise to the amenities of nearby occupants because of the provision of the proposed holiday units. It is also noted that the Council’s Environmental Protection Team (EPT) has raised no objections to this element of the scheme.

The formation of access tracks and off-street parking to serve the proposed holiday units would also not result in a significant impact to the amenities of residential receptors.

In terms of the proposed partial change of use of the existing agricultural building to a wedding venue, and for use for other functions, the submitted Design and Access Statement (DAS) outlines that the venue will have the potential to operate between the hours of 12:00 and 01:00 and as such noise would be generated by not only the use of the venue itself, but also coming and goings. As designed the main openings associated with the access and egress into the venue

would be within the south-western elevation (with the external decking also placed adjacent to this elevation) and therefore directed away from the majority of the residential receptors identified above, with the exception of those on the edge of Donisthorpe (albeit such receptors are in excess of 575 metres from the venue).

The DAS also outlines that given the scale of the building it would likely be used for weddings throughout the entirety of the year, with work parties taking place in the summer and Christmas periods. Such a scale of building would also likely preclude smaller events, but there is the possibility that it could be used for a significant birthday. Any guest booking the venue would also have the option to book out all the holiday units on site (including the existing holiday units).

The Council's Environmental Protection Team (EPT), in considering the impacts of the proposed functions venue, has outlined that it will be necessary for any planning permission to be granted to be conditioned to avoid unnecessary nuisance which would be of detriment to residential amenity. In this respect whilst the Council's EPT has no objections to the proposed hours of operation, they have stipulated that entertainment (e.g. live, recorded or otherwise amplified) should be restricted so that it either ceases at 23:00, or that past 23:00 all windows and doors should remain shut except for access and egress. It is also advised that a noise management plan (NMP) will need to be implemented which shall be submitted to and approved by the Council before such time as the function's venue is first brought into use.

Representations received from Ward Members, Ashby De La Zouch Town Council, Oakthorpe and Donisthorpe Parish Council, and third parties, have stipulated the need for the number of functions to be restricted. Following discussions with the applicant they have outlined that they would accept a cap of 52 functions (being a combination of weddings and other functions) in a calendar year but requested the use of the venue on any day of the week should not be restricted (only restricted by the 52 functions upper limit). The number of guests in attendance at a wedding or other function would also be limited to 150.

Whilst fully understanding the concerns raised, due consideration needs to be given to the forms of development which may be 'permitted' under the Town and County Planning (General Permitted Development) (England) Order 2015 (as amended) ('the Order') and whether they act as a 'fall back' position when assessing the impacts of noise and disturbance.

As is outlined in the assessment against criterion (vi) of Policy S3 of the adopted Local Plan undertaken in the '*Principle of Development*' section of this report above, Class B of Part 4 of the Order would allow the land to be used for any purpose for up to 28 days in any calendar year and the provision on the land of any moveable structures for the purposes of the permitted use (only the holding of a market or motor car and motorcycle racing would be limited to 14 days in any calendar year).

When accounting for this, a parcel of land on the application site could be utilised to host a wedding or other function for up to 28 days in a calendar year without formal planning permission being required. Such a wedding (or other function) could be open aired or held within a marquee (or other moveable structure), and there would be no restrictions on its hours of use, the number of people in attendance, or the noise it would generate.

Class R of Part 3 of the Order would allow for the agricultural building to be changed to a flexible use which could include general industrial use, storage or distribution use, use as a hotel, use for a commercial, business or service use (i.e. retail premises, restaurants/cafes, indoor sport and recreation, day nurseries, offices, and light industry) or for outdoor sport or recreation.

Any development brought forward under Class R of Part 3 of the Order would be subject to a prior notification application (i.e. a more simplified application procedure) and whereby the council could determine if their prior approval would be required on 4 separate topics which would include the noise impacts of the development.

Of the above uses specified under criteria (a)(i) to (v), it is considered that only the use of the agricultural building for a B2 or B8 use would be unrealistic when accounting for the existing tourism use operated from the site.

It is considered that even if planning permission was not to be granted for the partial change of use of the agricultural building, there is a reasonable prospect of the applicant using their permitted development rights under Class B of Part 4 of the Order which would enable a parcel of land to be used unrestricted for up to 28 days in a calendar year. The potential use of the building under Class R of Part 3 of the Order would also seem realistic with it being unlikely that any objections would be raised by the Council's EPT given their stance to this application.

Whilst accepting that 52 functions would be almost 'double' that of the 28 days under Class B of Part 4 of the Order, the Council's EPT has not requested the imposition of a condition which specifically limits the number of functions so this would be an additional measure. It is also the case that the use of the site for the 28 days would be unrestricted, thereby the imposition of additional measures through conditions to reduce the impacts to amenities (as discussed below) would have the potential to provide betterment than the 'permitted development' fallback position. Also, although the condition would not limit the number of functions a week, if more than one function was to be held in a week then this would be counterbalanced by there being other weeks where no functions would occur to not exceed the 52 functions cap.

Consideration could also be given to the imposition of a condition which removed the benefits of Class B (as well as Class BC) of Part 4 of the Order so that a temporary use of the land could not occur concurrently with the use of the function's venue.

In reviewing the appeal decision (appeal ref: APP/G2713/W/21/3289987) referred to in the assessment against criterion (vi) of Policy S3 of the adopted Local Plan within the '*Principle of Development*' section of this report above, conditions could also be imposed on any permission granted to:

- (a) Tie the use to the occupation of the applicant's property to ensure that the use is not operated independently to the occupation of this property given the potential noise impacts to any future residential amenities;
- (b) The approval of a functions management plan (FMP) which would require the appointment of a function management coordinator who would have the responsibility of managing, monitoring and reviewing any FMP approved by the Council's EPT which would include the process for recording and managing complaints relating to noise and disturbance as well as the management of visitors leaving the premises and clean-up operations;
- (c) That a noise limiter is installed within the building to ensure that noise within the building does not exceed a decibel threshold to be agreed with the Council's EPT.
- (d) That no fireworks or external light shows shall be used on site during functions; and
- (e) That the number of people attending a function does not exceed 150.

In discussions with the applicant, they would be willing to accept the imposition of such conditions on any permission granted.

With regards to external amplified music, the applicant has outlined that they would not wish for

this to be prohibited given that it would not be uncommon for background music to be played whilst guests congregated outside (weather permitting) following a wedding ceremony. They would, however, accept a condition which would require the playing of external amplified music to cease by 19:00 and that such playing of external amplified music would be restricted to the external decking area.

In terms of external catering, the applicant has outlined that such catering may be used by guests as a cheaper alternative to a sit-down meal or to provide a wider variety of food and drink in a more informal manner, so again would not wish for this to be prohibited. They would, however, accept a restriction which required external catering to cease by 21:30.

It is considered that conditions could be imposed on any permission granted to further restrict the use of the site in the above respects, with it being considered that external catering would not raise a significant level of noise and a restriction limit on the decibel level of external amplified music being subject to control via the NMP. A condition would also limit the use of generators, unless the precise details of any generators to be used are approved.

When accounting for such conditions being imposed on any permission granted, it is considered that any noise generated because of the operation of the function's venue would not be of such detriment to residential amenities that a reason to refuse the application could be substantiated.

In the circumstances that no concerns have been raised by the Council's EPT, it is also considered that any smell impacts arising because of the use of the function's venue would not be of detriment to residential amenity. Nor would the installation of the package treatment plant's (PTP's) as a means of addressing foul drainage discharge from the site, with such PTP's replacing an existing septic tank.

Notwithstanding the above controls, the Council's EPT would also be able to take appropriate action separately under Environmental Protection Legislation should a statutory nuisance arise.

The use of the function's venue would also require the issuing of a premises licence from the Council which would impose restrictions on the timing for drinks, music and the period in which any function must conclude, and such a premises licence would further serve to protect residential amenity.

To some extent, it is also considered that the use of the function's venue, and any potential noise it may generate, would be 'self-policed' by the applicant given that in circumstances where the holiday units are occupied independently of any function held there may be complaints should excessive noise arise. This in turn would impact on the viability of the applicant's business.

With regards to external lighting, the Council's EPT has requested the imposition of a condition which would require the submission and approval of an external lighting scheme. In considering such a scheme of external lighting it can be ensured that no detriment to the amenities of residential receptors would arise and to make sure that the scheme also didn't impact excessively on the dark skies in this rural location at night.

Overall, and subject to the imposition of conditions, the proposed development would not give rise to any significantly adverse impacts to residential amenities and consequently the proposal would accord with Policy D2 of the adopted Local Plan, criterion 6 of Policy S4 of the made ADLZNP as well as Paragraphs 191 and 194 of the NPPF.

Assessment of objections in relation to residential amenity

Objection	Officer Response
<p>The proposal will result in a significant increase in noise because of the use of the agricultural building for weddings and other functions thereby impacting adversely on the amenities enjoyed by residents as well as users of the cycling trails and open access areas of the National Forest.</p> <p>There is concern about potential noise pollution from the proposed wedding venue.</p> <p>Music during the afternoon as well as in the evening would adversely impact on the quiet countryside used for recreational use at the adjacent Hicks Lodge site and Willesley Wood open access area.</p> <p>Any reduction in air quality and increase in noise as a regular feature of the operation of the facility will have a detrimental impact on users of the adjacent cycling trails and open access areas, the Woodland Trust's Willesley Wood open access site and the residents of the nearby White Lodge, Wood Farm, Wood Farm Cottages and the houses along Ashby Road.</p>	<p>The Council's Environmental Protection Team (EPT) has raised no objections to the development subject to the imposition of conditions which would seek to address noise arising because of the use of the venue.</p> <p>It is also the case that the number of functions (be that a wedding or other function) would be limited to a maximum of 52 within a calendar year and that only 150 guests could attend any function.</p> <p>When accounting for the conditions to be imposed on any permission granted to control noise, it is considered that the overall impacts to residential amenities would be of less detriment than the permitted development 'fallback' positions of an unrestricted use for 28 days in a calendar year, along with the potential for the conversion of the agricultural building to a flexible commercial use.</p> <p>It is also the case that the National Forest Company (NFC) has raised no objections to the application in relation to the proposal being of detriment to the National Forest with regard given to the fact that other activities undertaken in the area also create noise.</p> <p>In terms of air quality, the impact in this respect would be largely associated with vehicular movements. There are no objections from the Council's Air Quality Officer, and when accounting for the 'fallback' positions there could be a greater number of vehicular movements associated with an unrestricted use of the land for 28 days than that associated with the 52 events given the limitation on the</p>

	<p>number of guests who could attend such events. The securing of a travel plan (TP) would also encourage the use of alternative forms of transport (such as hired coaches and taxis) by guests to access the site.</p>
<p>The noise generated would also combine with the noise generated by other developments in the area including pubs, dog kennels, wind turbine and organised motorcycle venue.</p>	<p>Conditions are to be imposed on any permission granted to control and limit noise associated with the proposed development with it being considered that any significant cumulative noise impacts would only arise should a function be held at the same time as an organised motor sport activity. Albeit this is unlikely, and any motor sport activity would likely operate to earlier timeframes.</p> <p>Notwithstanding this, the application site could be used for up to 28 days in a calendar year for the hosting of functions and where it is considered that the cumulative noise impacts would not be materially different when accounting for such a use being unrestricted.</p> <p>The Council's EPT has also raised no objections and when accounting for this, as well as the above, it is considered that any cumulative noise impacts would not be of such detriment that a reason to refuse the application could be substantiated.</p>
<p>Strict noise limits should be placed on the proposed use of the site with a curfew for noise from both the function venue and the cabins.</p>	<p>As is outlined above conditions would be imposed on any permission granted so to limit the noise impacts associated with the development.</p>
<p>Lighting infrastructure associated with the development will impact adversely on amenities.</p>	<p>A condition is to be imposed on any permission granted requiring the submission of a scheme of external lighting to ensure that any lighting infrastructure installed does not result in detriment to residential amenity or the</p>

	<p>wider open countryside that surrounds the area.</p>
<p>The development is in an area which has the highest value in terms of environmental value and tranquillity, given that it is situated in the heart of the National Forest, and the development would heavily impact on the local recreational and amenity value.</p> <p>The site is in an area which has the highest value in terms of environmental value and tranquillity and is closely linked to the adjacent open access areas in the very 'Heart of the Forest'.</p> <p>The development would impact on the natural environment and its recreational and amenity value, tranquillity and diversity, supporting the health, social and cultural well-being of the local and wider community.</p>	<p>The NFC has raised no objections to the application in relation to the proposal being of detriment to the value of the National Forest. There are also no objections from the Council's EPT.</p> <p>It is also the case that noisy activities are undertaken in the immediate area which includes dog kennels at Hill Farm Cottage and the use of land associated with nos. 1 and 2 Wood Farm Cottages for motor sport activities (this being undertaken under Class B of Part 3 of the Town and Country (General Permitted Development) (England) Order 2015 (as amended) for up to 14 days in a calendar year. The M/A42 is also less than 2 kilometres from the site and generates noise.</p> <p>On this basis it is considered that the area in which the development is located does not have such a level of tranquillity that development should be restricted. Nor is there any policy in the adopted Local Plan which specifies that development should be resisted due to the impact on 'tranquillity'.</p> <p>When accounting for the number of functions being limited within a calendar year, and other conditions which would be imposed on any permission granted so as to control noise (as outlined above), it is considered that the impacts to the recreational and amenity value of the National Forest would not be of such detriment that a reason to refuse the application could be substantiated.</p> <p>This is particularly pertinent when accounting for the 'fallback' position of permitted development allowing the land to be used for 28 days in a calendar year</p>

	<p>for functions which would be unrestricted, as well as the use of the agricultural building for a flexible commercial use.</p>
<p>The elevated nature of the site will increase the noise effects with noise impacts already experienced from music played at Conkers.</p> <p>Concerns over noise late at night as sound travels far in the open countryside, which will be exacerbated as the proposed venue is on a hill. Action will need to be proposed to mitigate this issue for the surrounding villages.</p> <p>With the site being on an elevated position, the noise emanating from this will be much closer to the built-up Willesley area of Ashby than the music played at the Conkers site, some considerable distance away, which is already intrusive, especially on still summer evenings.</p>	<p>There are no objections to the application from the Council's EPT, and when accounting for the conditions to be imposed on any permission granted (as outlined above) it is considered the noise impacts of the development would be suitably controlled so that significant detriment to the amenities of residents would not arise despite the location of the development being on a hill.</p> <p>This is also balanced with the permitted development 'fallback' position of the land being temporarily used for up to 28 days in a calendar year for such a use which would be unrestricted and thereby likely to have more significant impacts in relation to noise and disturbance.</p>
<p>The movement of vehicles following a wedding, or other function, ending will also create noise impacts to residential receptors.</p> <p>There would be significant traffic and consequential noise in the early hours after 01:00am, with much of the traffic likely to use Willesley Lane and Willesley Road, causing disturbance to properties along these roads.</p>	<p>There is no restriction on the number of vehicle movements which can occur on Willesley Lane or Willesley Road (nor Willesley Wood Side) at any time of the day thereby leading to vehicular noise not being uncommon. Such residential receptors are also not a significant distance from the M/A42 which generates vehicular noise.</p> <p>As part of any permission granted conditions would be imposed including a functions management plan (FMP) to manage visitors leaving the premises (amongst other things). A travel plan (TP) also makes recommendations that guests to any function who are not residents of the area (and who cannot be accommodated within the on-site holiday units) would utilise hired coaches or taxis to the site. This would be to limit the overall number of</p>

	<p>private vehicular movements.</p> <p>In the main noise from vehicular movements would be momentarily as the vehicle passes by and as such would not be for a sustained period. Regard is also given to the ‘fallback’ position of the land being temporarily used for the hosting of functions on an unrestricted basis for up to 28 days in a calendar year.</p> <p>Given that the number of guests would not be controlled on the ‘fallback’ position there is a possibility that the overall number of guests attending the site on 28 days in a calendar year could exceed that associated with the proposed 52 events, with such guests also being able to vacant the site at unsocial hours.</p> <p>When accounting for this, as well as there being no objections from the Council’s EPT, it is considered that the impacts of vehicular noise would not warrant a reason for the application to be refused.</p>
<p>It is common for venues operating for the purpose of weddings and similar functions to have firework displays, light displays and the like to take place. This would have a significant impact on the natural environment and its recreational and amenity value, tranquillity and diversity of the area.</p>	<p>As is outlined above a condition would be imposed on any permission granted to prevent the use of fireworks and external light displays in connection with any function held.</p>

Highway Impacts

Policy IF4 of the adopted Local Plan requires that development takes account of the impact upon the highway network and the environment, including climate change, and incorporates safe and accessible connections to the transport network to enable travel choice, including by non-car modes, for residents, businesses, and employees. Policy IF7 of the adopted Local Plan requires that development incorporate adequate parking provision for vehicles and cycles in order to avoid highway safety problems and to minimise the impact upon the local environment.

Policy T1 of the made Ashby De La Zouch Neighbourhood Plan (ADLZNP) states that traffic management measures that improve vehicular and pedestrian safety will be encouraged.

Criterion 3 of Policy S4 of the ADLZNP requires adequate off-street parking to be provided with criterion 5 supporting the provision of electric vehicle charging points.

As part of the consideration of this application the County Highways Authority (CHA) has been consulted with their consultation response considering the advice outlined in the Leicestershire Highways Design Guide (LHDG).

The application as originally submitted was accompanied by a Design and Access Statement (DAS), Stage 1 Road Safety Audit (RSA) and Designers Response (DR), Speed Survey Data (SSD), and a Travel Plan (TP). A topographical survey of accesses A and B has since been submitted following the initial consultation response from the CHA and re-consultation undertaken.

Access

The development is proposed to be served by three existing accesses along Willesley Wood Side which is a 'C' classified road subject to the national speed limit (60mph).

Such accesses are labelled A, B and C with access B being the primary existing access into the site and accesses A and C currently being unpaved accesses of an agricultural nature. As proposed the development would intensify the use of the site and the impact and suitability of the intensification to each access is to be assessed by the CHA, although they have noted that the use of access B will not be intensified because of the development. Most of the traffic proposed would use access A which will comprise a 7 metre wide access for at least 15 metres behind the highway boundary as outlined in the DAS.

Visibility Splays

The contents of the SSD have been assessed by the CHA with the speed survey being undertaken for a one week period in October 2022. One point of the speed survey was near the location of access A with the second point being near to access B. The CHA undertook a site visit on the 28th of March 2024 and noted that the nature of Willesley Wood Side at access C is open and straight, whereas access B is on an undulating bend which would generally not suit higher speeds.

The originally submitted access A visibility plan demonstrated visibility splays of 2.4m by 128.92m for the north-western splay and 2.4m by 122.14m for the south-eastern splay, although during a site visit the CHA measured the actual visibility splay in a north-western direction access A to be 106m.

In terms of access C the originally submitted plans demonstrated visibility splays of 2.4m by 138m in a north-western direction and 2.4m by 190m in a south-eastern direction.

To determine the required visibility splays the CHA undertook their own assessment of the required stopping sight distances (STSD's) based on the recorded 85th percentile speeds within the SSD. In this respect the required distances at access A would be 128.82m to the north-west and 121.96m to the south-east, including a bonnet length adjustment. For access C visibility splays of 2.4m by 110m to the north-west and 2.4m by 120m to the south-east would be required.

Whilst noting the contents of the originally submitted visibility splay plans, the CHA advised that these were not on a topographical survey which would be necessary given that such a survey would show the location of third party assets (such as telegraph poles) and how they may interact

with the visibility splays. Any movement of third party assets would be undertaken solely at the applicant's expense.

Following the receipt of the topographical survey the CHA has advised that this demonstrates visibility splays of 2.4m by 128m to the north-west of access A and 2.4m by 121m in a south-eastern direction and therefore would be acceptable to the CHA.

In terms of access C, the topographical survey demonstrates visibility splays of 2.4m by 110m to the north-west of the access and 2.4m by 120m to the south-east. The CHA is satisfied that such visibility splays would be acceptable with there being no obstructions more than 0.6 metres in height within the visibility splays, nor do the visibility splays cross third party land.

To facilitate the delivery of the visibility the existing hedge to the roadside boundary to the north-west of both accesses A and C would be trimmed back along with the removal of two trees to the north-west of access A. Such measures enable a greater visibility splay to the north-west of access A to be delivered than that measured on-site by the CHA. The impacts of such works is discussed in the '*Landscaping*' section of this report below.

No visibility splay drawings have been provided in connection with access B given that there would be no intensification in the use of access B because of the development.

Swept Path Analysis

As originally submitted the CHA considered that the swept path analysis for an 11.6 metre long single decker bus at access A did not demonstrate that a 'smooth' movement could be undertaken and therefore this would not make it possible for a car to wait clear of the junction. Given the nature of Willesley Wood Side (a high speed rural road), the CHA required a revised analysis to demonstrate two-way movements with a car and bus at access A.

In terms of access C, a swept path analysis for a 5.5 metre van had been demonstrated but given that the CHA considered that the largest vehicle utilising access C would be a fire tender vehicle a further swept path analysis was required.

Amended swept path analysis has been provided by the applicant and following re-consultation the CHA has advised that the length of bus tracked on the access A swept path analysis is 11.6 metres in length which is acceptable, with it also being demonstrated that the movement of a bus can be undertaken at access A. It is, however, noted by the CHA that the swept path analysis of a car waiting clear of Willesley Wood Side shows an unnatural movement which the CHA considers to be impracticable. Whilst it would be preferable for such movements to be made with both vehicles clear of the public highway, the CHA consider it unreasonable for the access width to be increased to achieve this given the relative infrequency of such combined movements.

The swept path analysis of a fire tender vehicle movement at both accesses A and C has also been provided and which is considered acceptable to the CHA.

It is also noted by the CHA that waste receptacles will continue to be collected by the highway verge, as existing, thereby negating the need for waste collection vehicles to enter the site. A barrier would also be provided across access C but as the set back of this barrier would be 7.5 metres behind the highway boundary it would be acceptable to the CHA given it is more than the required setback outlined in the LHDG. It is, however, advised by the CHA that such a barrier should not open outwards, and this would be conditioned on any permission granted.

Road Safety Audit

The only problem identified in the Stage 1 RSA was the requirement for swept path analysis to be provided for the largest anticipated vehicle using the site, with the DR specifying that this had been undertaken. On the basis that the swept path analysis has been undertaken and the largest vehicle anticipated to utilise the site has been demonstrated the CHA are satisfied with the contents of the Stage 1 RSA and associated DR.

Overall the CHA is satisfied that safe and suitable accesses would be delivered in connection with the proposed development.

Highway Safety

The CHA has outlined that there have been no recorded Personal Injury Collisions (PIC's) within 500 metres of the proposed site access in the most recent 5 year period.

On this basis the CHA is satisfied that the proposed development would not result in the likelihood of a PIC occurring increasing.

Impact on the Highway Network

In terms of the proposed holiday units, the CHA has outlined that the scale of the development is below the threshold whereby further assessment of the trip generation is required with it being the case that vehicle trips are unlikely to have a significant impact on the highway network at peak periods (being 08:00 to 09:00 and 17:00 to 18:00) given the check-in time of 15:00 and check-out time of 10:00. Such check-ins and check-outs would also be spread out and unlikely to all occur at once thereby regulating the flow of trips on the highway network.

With regards to the partial change of use of the agricultural building to a wedding venue and other functions, the CHA has outlined that the capacity of the building would be 150 people as detailed within the submitted Travel Plan (TP). This could result in an increase in two-way vehicle trips more than 30 entering/exiting the site at certain periods. However, as with the proposed holiday units, the CHA expect that most of these trips would be outside of network peak periods. On this basis no further assessment of trip generation is required in connection with the partial change of use of the agricultural building to a wedding venue and other functions.

Overall, the CHA has no objections or concerns associated with the impact of the development to the highway network.

Internal Layout

Within zone 2, five holiday units would be provided with two off-street parking areas created one of which has five off-street parking spaces and the other providing four off-street parking spaces. Zone 3 would also contain five holiday units with an off-street parking area providing five off-street parking spaces. On this basis generally two off-street parking spaces are to be allocated to the holiday units with two bedrooms and one off-street parking space allocated for the holiday units with one bedroom. The CHA considers that the quantum of off-street parking to be created for the holiday units would be acceptable, with turning space provided to enable vehicles to manoeuvre within the site in order to enter and exit in a forward direction.

The CHA also observed that tracks would be formed to serve the holiday units, and they required confirmation on how such tracks would function due to the relatively long distance between the

car parking and the holiday units and how visitors with limited mobility may access the holiday units.

It has since been clarified by the applicant that the parking is located away from the holiday units to be hidden and demonstrate compliance with the National Forest Design Guidance (NFDG) which prefers parking to be hidden. However, the applicant has outlined that the access track still incorporates a turning head in each zone to allow guests to drop off their luggage and enable easier access for those with limited mobility. The applicant does, however, accept that not all the holiday units would be constructed to cater for those with limited mobility so it will be at their discretion to offer specific holiday units with better access to those with limited mobility. The smaller personal tracks to each holiday unit will be suitable for all guests to use. The CHA has accepted this position.

With regards to zone 1, the CHA has noted that car parking would be split into two separate car parks (a main car park and an overflow car park) which would create a total of 70 off-street parking spaces. The CHA consider that this level of off-street parking would be appropriate when accounting for the likelihood that many guests will arrive at the venue in groups. The CHA has also noted that such off-street parking is set well clear of the public highway thereby reducing the risk of displaced parking along Willesley Wood Side. In line with criterion 5 of Policy S4 of the made ADLZNP, electric vehicle charging points are also available on site for use by guests.

It has also been confirmed by the CHA that the dimensions of the parking spaces would be acceptable and compliant with the LHDG.

Swept path analysis has also been provided to demonstrate that a fire tender vehicle (being the largest emergency services vehicle) can access all areas of the site, including the areas serving the holiday units, and that such vehicles can manoeuvre within the site to exit in a forward direction. This is acceptable to the CHA.

Overall, the CHA has no objections or concerns with the internal layout.

Highway Impacts Conclusion

Paragraph 115 of the NPPF indicates that development should only be *“prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”* Subject to the imposition of conditions, the CHA has no objections to the application, and as such the proposed development would not have an unacceptable impact on highway safety nor would the cumulative impacts with other committed development on the highway network be severe.

On this basis the proposed development would be considered compliant with the aims of Policies IF4 and IF7 of the adopted Local Plan, Criteria 3 and 5 of Policy S4 and Policy T1 of the made ADLZNP as well as Paragraphs 110, 114, 115 and 116 of the NPPF.

Assessment of objections in relation to the highways impact

Objection	Officer Response
<p>The proposal will result in a significant increase in traffic to the application site, thereby increasing congestion, with the highways being in a state of disrepair and not able to accommodate further vehicular movements.</p> <p>Increased late night traffic on the quiet country roads of Ashby Road, Willesley Wood Side, Willesley Lane and Willesley Road would be extensive.</p>	<p>The responsibility for the maintenance of the adopted highway network lies with Leicestershire County Council (LCC) as the County Highways Authority (CHA) with it being the case that the highways within the vicinity of the site are not subject to any restrictions in respect of the number of vehicular movements which can occur. It would not be the responsibility of the development to undertake maintenance improvements to the adopted highway unless required by the CHA which is not the case in this instance.</p> <p>It is outlined above that the CHA does not consider the impacts to the highway network to be severe with vehicular movements unlikely to occur in peak hours therefore contributing to congestion on the highway network.</p> <p>Conditions are to be imposed on any permission granted to limit the number of functions to 52 in any calendar year, along with the securing of a Travel Plan (TP) to encourage the use of more sustainable forms of transport for guests to and from the site (such as hired coaches and taxis).</p> <p>As is the case elsewhere in this report regard is also given to the ‘fallback’ position of permitted development and whereby the use of the land for up to 28 days in a year for functions could operate without restriction.</p> <p>Whilst accepting the limitation of 28 days, it is considered that an equivalent number of vehicular movements could occur on the highway given its unrestricted nature.</p> <p>On this basis, and when accounting for</p>

	<p>there being no objections from the CHA, it is considered that a reason to refuse the application in this respect could not be justified.</p>
<p>There have been several accidents on the highways within the last 6 months and the proposed development will increase the risk of accidents occurring particularly when accounting for cyclists utilising Hicks Lodge Cycle Centre and walkers having to use the highway given the presence of parked vehicles on the grass verges along Willesley Wood Side.</p> <p>The application will impact on the surrounding roads resulting in potential road traffic accidents as there are many walkers and cyclists that use Hicks Lodge and the surrounding area. This area is already very popular with visitors to Hicks Lodge and Willesley Lake, and parking at Hicks Lodge is already very restricted meaning cars often park along Willesley Wood Side.</p> <p>Willesley Lane and Willesley Wood Side are both tortuous roads without street lighting, footways and, in some places, verges, with subsequent increased dangers for pedestrians and cyclists using these roads to access the adjacent Hicks Lodge site.</p> <p>The adjacent Hicks Lodge cycling centre attracts very high numbers of cyclists and walkers. The existing car parking at Hicks Lodge is often inadequate to cater for all wishing to visit the site and there are plans to provide additional car parking. This presently leads to unsafe parking on nearby verges and people walking to the site.</p> <p>The road is a fast road, with all the extra traffic, pedestrians, horses, dog walkers,</p>	<p>As is outlined in the <i>'Highway Safety'</i> subsection above the CHA has outlined that there has been no recorded Personal Injury Collisions (PIC's) within 500 metres of the proposed site access in the most recent 5 year period. This is not to say that accidents have not occurred but these have not been recorded with the CHA or are beyond 500 metres of the site access. In this respect no evidence has been provided to demonstrate where the accidents referred to have occurred.</p> <p>The CHA has no objections to the application in respect of the impacts to highway safety and as is discussed in other sections of this report due regard is to be given to the 'fallback' position offered using the land for the hosting of functions on an unrestricted basis for up to 28 days in a calendar year as well as the potential for the agricultural building to change to a flexible commercial use.</p> <p>Whilst the impacts to the highway would be a consideration of any prior notification application for the change of use of the agricultural building, they would not be material to the temporary use of the land.</p> <p>Conditions are to be imposed on any permission granted to limit the number of functions to 52 in any calendar year, along with the securing of a Travel Plan (TP) to encourage the use of more sustainable forms of transport for guests to and from the site (such as hired coaches and taxis).</p> <p>There is no limitation on the number of vehicular movements which can occur on highways within the vicinity of the site, and</p>

<p>and joggers.</p>	<p>although any use of the land would be limited to 28 days it is considered that an equivalent number of vehicular movements could occur given its unrestricted nature.</p> <p>When accounting for this, as well as there being no objections from the CHA, it is considered that the impacts to highway safety would not be unacceptable therefore a refusal of the application in this regard could not be substantiated.</p> <p>A planning application is also under consideration for the extension of the existing car park at Hicks Lodge Cycle Centre (ref: 23/01329/FULM) which if approved will assist in alleviating parking issues on Willesley Wood Side and Willesley Lane.</p>
<p>The proposal does not provide adequate access arrangements thereby leading to the potential for accidents to occur.</p> <p>Concerns over a single track access road which should be amended.</p> <p>The dangers of vehicle access to the site must be considered, as Willesley Wood Side is already a high risk accident route.</p> <p>The speed limit should be reduced when accounting for the new accesses.</p>	<p>Amendments have been made to the accesses as part of the consideration of the application so as to address comments raised by the CHA and consequently, they have no objections to the application with conditions being imposed on any permission granted so as to secure the improvements to the accesses.</p> <p>Within the site the CHA does not consider the use of single track access roads to be unacceptable with passing bays being delivered so as to allow vehicles to pass each other clear of the highway. On this basis there would be no material impact to the adopted highway network.</p> <p>Any reduction in the speed limit would need to be determined by the CHA and is outside of the remit of the Planning system. As part of their consultation response they have advised that they do not require the speed limit to be reduced when accounting for the visibility to be achieved at the accesses.</p>

<p>Entrances need to be well lit and signposted given that properties have the same post code and at present vehicles have damaged my driveway whilst looking for Hicks Lodge cycle centre, Hill Farm, Wood Farm, the dog kennels and Willesley Scouts site.</p>	<p>A condition requiring a scheme of external lighting to be subject to approval is to be conditioned on any permission granted and this can have regard to lighting infrastructure at the accesses, albeit any potential lighting should not be of detriment to residential amenity or ecological species.</p> <p>A scheme of signage to be displayed at the site accesses would also be subject to condition on any permission granted to ensure that clear signage is available to inform users of the site of the correct access to utilise.</p>
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Ecology

Vegetation, in the form of trees and other shrubs, are present on the site. Such features could be used by European Protected Species (EPS) or national protected species. As EPS may be affected by a planning application, the Local Planning Authority has a duty under regulation 9(5) of the Habitats Regulations 2010 to have regard to the requirements of the Habitats Directive in the exercise of its functions.

Part (1) of Policy En1 of the adopted Local Plan states that proposals for new development will be supported which conserve, restore or enhance the biodiversity in the district.

Policy NE4 of the made Ashby De La Zouch Neighbourhood Plan (ADLZNP) states that development proposals which conserve or enhance the network of important local biodiversity features and habitats will be supported and that development proposals should promote preservation, restoration, and creation of high quality habitats especially to support local wildlife sites, local priority habitats, and the National Forest Project. Criterion 7 of Policy S4 of the made ADLZNP also outlines that development should protect and enhance biodiversity and landscaping, and that the use of native trees in soft landscaping schemes and the incorporation of swift or bat boxes is supported.

A Preliminary Ecological Assessment (PEA), Biodiversity Net Gain Assessment Report (BNGAR), Biodiversity Net Gain Metric Calculations (BNGMC) and Great Crested Newt District Level Licensing Impact Assessment & Conservation Payment Certificate have been submitted in support of the application.

The County Council Ecologist has been consulted and following their review of the PEA they have advised that there are no significant protected species issues, despite the site having the potential for reptiles, Great Crested Newts (GCNs) and nesting birds to be present.

One mature Oak tree was inspected for bat roosting potential, but no bat activity surveys were carried out on safety grounds (given its positioning adjacent to the main road), it is noted by the

County Council Ecologist that the Oak tree would be felled under the supervision of a licensed ecologist.

The County Council Ecologist also observed that although GCNs are present in the wider area, given the nature and location of the proposals they consider that a licence is not required, albeit they acknowledge that the applicant has submitted an enquiry to the Natural England (NE) District Level Licensing Scheme, and they may wish to utilise this route in case GCNs are found on site during the construction phase.

Any risk to reptiles, bat roosts and breeding birds because of the construction of the development would be addressed by a Biodiversity Construction Management Plan (BCMP) conditioned on any permission granted.

For their part Natural England (NE) has commented on the need for the integrity of the River Mease Special Area of Conservation (SAC)/Site of Special Scientific Interest (SSSI) to be preserved as part of the development and this is discussed in the '*River Mease Special Area of Conservation/SSSI – Habitat Regulations Assessment*' section of this report below. NE has no comments in respect of other ecological/biodiversity features.

In terms of Biodiversity Net Gain (BNG), the mandatory requirement for 10% BNG for major applications as required by the Environment Act has come into force. The proposals are therefore required to demonstrate compliance in this regard.

The submitted BNGAR and BNGMC demonstrate a biodiversity net gain of 30.89% which would largely be achieved by significant areas of woodland being retained and enhanced. Following consideration of the BNGAR and BNGMC, the County Council Ecologist has raised no objections and has advised that as the mandatory 10% BNG would be met (and exceeded) on the site, no off setting would be required. Any permission to be granted would be subject to the mandatory BNG condition. An informative would also be imposed to advise the applicant that a Habitat Management & Monitoring Plan (HMMP) would be required so as to discharge the mandatory BNG condition.

A section 106 agreement would also secure the monitoring of the on-site BNG delivery for the 30 year period as specified in the Environment Act.

Overall, and subject to the imposition of the relevant conditions and informative, there would be no conflict with Policy En1 of the adopted Local Plan, criterion 7 of Policy S4 and Policy NE4 of the made ADLZNP, Paragraphs 180 and 186 of the NPPF and Circular 06/05.

Assessment of objections in relation to ecology

Objection	Officer Response
<p>The proposed development will result in disruption to habitats for local wildlife.</p> <p>The area supports many species of flora and fauna and has significant bird and deer populations. The construction and</p>	<p>There are no objections to the application from the County Council Ecologist with a biodiversity net gain (BNG) of significantly more than 10% being demonstrated by the information submitted in support of the application.</p>

<p>operation of the facility would have a significant effect on these and likely cause them to move from the area.</p>	<p>No evidence has been provided to demonstrate that the proposal would have a significant impact on protected species, with due regard also given to the 'fallback' positions associated with 'permitted development' rights which would enable the temporary use of the land for weddings and other functions and whereby impacts would not be materially different in this respect and where the impacts to ecological species would not be taken into account.</p>
<p>Ecological species would be adversely impacted by lighting proposals associated with the development as well as the noise generated.</p> <p>Daytime and night time noise and lighting will have a major visual impact and significantly detrimental effect on wildlife.</p>	<p>A condition is to be imposed on any permission granted to secure a scheme of external lighting and it can be ensured that such lighting accounts for the context of its rural environment and the impact to ecological species.</p> <p>No objections have been raised by the County Council Ecologist in relation to noise impacts to ecological species with the impact not being materially different to that of the 'permitted development' fallback position which does not require the impacts to ecological species to be considered.</p>
<p>Increased traffic flows will also be of detriment to wildlife, including badgers, foxes, and Muntjac deer.</p>	<p>The highways surrounding the site (principally Willesley Wood Side and Willesley Lane) are not subject to any restrictions on the number of vehicular movements which can occur. When accounting for the County Highways Authority (CHA) having no objections to the application or considering the impacts to the highway network to be severe, it is considered that no adverse impacts would arise in this respect.</p> <p>Regard is also given to the 'fallback' position associated with 'permitted development' which would result in similar impacts to the highway network.</p>

<p>In responding the public consultation on the draft Local Plan, Ashby Town Council's Planning and Transportation Committee agreed to make reference to the need to protect the countryside around Willesley and other such areas around Ashby, lying at the very Heart of the National Forest, against inappropriate development in order to protect and allow enhancement of biodiversity and the many recreational opportunities that exist for people's health and wellbeing and the promotion of the town and tourism.</p>	<p>The proposed development demonstrates a biodiversity net gain (BNG) more than the mandatory 10% and therefore would make a significant contribution in enhancing the environment associated with the application site.</p> <p>The proposed development is an acceptable form of development outside of the Limits to Development and therefore is not inappropriate development. It is also the case that the proposal promotes tourism.</p>
<p>It is common for venues operating for the purpose of weddings and similar functions to have firework displays, light displays and the like to take place. This would have a significant detrimental effect on the area's wildlife. The National Forest was created 'for life' including for wildlife.</p>	<p>The imposition of conditions on any permission granted would require a scheme of external lighting to be subject to approval and a separate condition would also prevent the use of fireworks and light displays in connection with any function.</p> <p>Such conditions would prevent any detrimental effects in this respect.</p>

Landscaping

Part (2) of Policy En3 of the adopted Local Plan outlines that new developments within the National Forest will contribute towards the creation of the National Forest by including provision of tree planting and other landscape areas within them.

Policy NE5 of the made Ashby De La Zouch Neighbourhood Plan (ADLZNP) outlines that opportunities to enhance the coverage of trees and hedgerows will be encouraged.

An Arboricultural Statement (AS) (incorporating an Arboricultural Impact Assessment (AIA)) has been submitted in support of the application and this outlines that the farm and woodland were re-instated having been subject to Open Cast Mining in the 1990's and whereby the woodland was subject to a Section 106 agreement. It also outlines that no Woodland Management Plan (WMP) is in place and no woodland management has been undertaken since the initial planting was introduced, other than that required under the Section 106 agreement and whereby the after care plan expired in 2015.

The AS also identifies that there are no mature trees in the woodland with the proposed development resulting in the provision of holiday units, as well as access tracks and off-street parking, in the existing woodland. It is, however, outlined in the AS that the lodges and associated works are proposed within areas of the woodland where trees have failed to establish and/or their

growth has been severely suppressed. The submitted Biodiversity Net Gain Assessment Report (BNGAR) and Biodiversity Net Gain Metric Calculations (BNGMC) outline that of the 1.59 hectares of woodland on the site, 0.31 hectares would be removed to facilitate the provision of the holiday units and their associated infrastructure with the remaining 1.28 hectares of woodland being enhanced.

It is also outlined within the AS that a single Oak tree (rated category B (*moderate quality*)) would be removed from the verge on Willesley Wood Side given its impact to vehicular visibility at the principal site access to Hill Farm (Hastings Retreat) as well as the proposed vehicular visibility at access A (which is to the north-west of the principal site access). Such an Oak tree is 'over mature', with dead/dying limbs, and some pruning and limb removal has already taken place given that an overhead cable runs through the tree. To mitigate the impact associated with the loss of the Oak tree, six Oak trees are to be planted around the access driveway associated with access A. Whilst an additional tree would also be removed to facilitate the provision of the vehicular visibility splay to the north-west of access A it is also considered that its loss would be mitigated by the replacement tree planting.

It is considered that the trees to be removed to facilitate the provision of the holiday units and their associated infrastructure would have no arboricultural value within the landscape, nor would they have an individual value which would warrant their protection by the imposition of a Tree Preservation Order (TPO). It is also considered that the losses within the woodland to facilitate the development, as well as the loss of the Oak tree, would be appropriately mitigated by the provision of replacement planting elsewhere, as well as the delivery of National Forest planting as discussed in more detail below.

The trimming back of the roadside boundary hedgerow to facilitate the delivery of the north-western visibility splays to accesses A and C would also be acceptable given that, in any event, such works could be undertaken without planning permission.

On the above basis the proposed development would be acceptable subject to the imposition of conditions requiring the provision of a detailed soft landscaping scheme, as well as an Arboricultural Method Statement (AMS) (incorporating a Tree Protection Plan (TPP)) to ensure that the proposed holiday units and associated infrastructure are constructed appropriately within the root protection areas (RPAs) of retained trees. A WMP would also bring the retained woodland back into suitable management thereby enabling it to contribute more positively to the landscape, and the site's setting in the National Forest, in the long term. The securing of a WMP is also supported by the National Forest Company (NFC).

The NFC has outlined that Policy En3 of the adopted Local Plan seeks 20% of the site to be dedicated to National Forest planting. Based on the site area of 2.58 hectares (ha), the National Forest planting requirement would be 0.52ha. Whilst the NFC would typically wish to see the National Forest offer as part of the consideration of the application, they have outlined that it is evident from the submitted Design and Access Statement (DAS) that the applicant is aware of the National Forest planting requirement and has sufficient land within their ownership to achieve this on site. On this basis, the NFC has no objections subject to the imposition of a condition which would require the submission of precise details in relation to where the National Forest planting would be delivered on site.

It is also noted by the NFC that a National Forest Concept Plan (NFCP) has been submitted with the application. The NFC has outlined that the NFCP forms part of a wider project that the applicants are considering with the NFC as part of a Forest Creation scheme and therefore the NFCP is not related to the planning application but simply demonstrates the applicant's intention

to undertake tree planting elsewhere on the site. Should permission be granted, the NFC advise that the NFCP should not form part of the approved plans given that it is subject to negotiation with the NFC.

In terms of hard landscaping, the plans as submitted are not clear on the construction material which would be utilised for the hard surfacing and therefore a condition would be imposed on any permission granted to ensure that a suitable material is utilised when accounting for the rural location of the development as well as to ensure a suitable relationship with the RPAs of retained trees. The construction of the hard surfacing would also be controlled by the AMS and TPP.

Overall the proposed development, subject to the imposition of conditions, would be considered acceptable and compliant with the aims of Policies D1 and En3 of the adopted Local Plan and Policy NE5 of the made ADLZNP.

Assessment of objections in relation to landscaping

Objection	Officer Response
<p>The proposed development will cause irreversible damage to a newly planted area which would impact on the integrity of the National Forest in which the development is set.</p>	<p>It is considered that the proposed holiday units would be constructed in areas of the woodland where trees have failed with there being no objections to the development from the National Forest Company (NFC).</p> <p>The proposed soft landscaping to be delivered in connection with the development would also adequately mitigate against the proposed tree loss and would, in time, be of greater benefit to the National Forest.</p>

Flood Risk and Drainage

Policy Cc2 of the adopted Local Plan outlines that the risk and impact of flooding will be minimised through directing new development to areas with the lowest probability of flooding; ensuring that new development addresses the effective management of all sources of flood risk; ensuring that development does not increase the risk of flooding elsewhere and ensuring wider environmental benefits of development in relation to flood risk. It also states the circumstances where development will be supported.

Policy Cc3 of the adopted Local Plan outlines that where it is necessary to manage surface water drainage than Sustainable Urban Drainage Systems (SuDS) should be incorporated into developments unless it is clearly demonstrated that SuDS are not technically, operationally or financially viable and that surface water drainage issues from the development can be alternatively mitigated; or that the SuDS scheme itself will adversely affect the environment or safety.

Criterion 10 of Policy S4 of the made Ashby De La Zouch Neighbourhood Plan (ADLZNP) outlines that development should be avoided in areas of medium and high flood risk (Flood Zones 2 and 3) and where surface water drainage is to be managed SuDS should be incorporated.

Flood Risk

The application site comprises land which is within Flood Zone 1 (low risk of fluvial flooding) and is predominantly at a very low risk of surface water flooding (pluvial flooding), as defined by the Environment Agency's Surface Water Flood Maps. The exceptions to this are a small area within the north-eastern part of Zone 2 where a medium to high risk of surface water flooding may occur and the pond adjacent to Zone 3 where it is also possible for a medium to high risk of surface water flooding to occur. An area to the south-east of Zone 3 is also at a medium to high risk of surface water flooding occurring.

A Flood Risk and Drainage Assessment Report (FRDAR) submitted in support of the application also identifies that the application site is at a low risk of flooding from groundwater and flooding from land, negligible risk of flooding from sewers/artificial drains, and at no risk from tidal flooding or flooding due to infrastructure failure/blockage.

When accounting for the terms of Paragraph 168 of the NPPF, it is considered that the sensitive parts of the development, i.e. the holiday units, the agricultural building to be partially converted and off-street parking, have been sequentially located away from the parts of the site where there is a medium to high risk of pluvial flooding. Topographically the existing surface water runoff would also discharge to the minor unnamed watercourse to the northern boundary within Zone 2, as well as towards the pond or off-site within the south-eastern part of the site (adjacent to Zone 3). Consequently surface water flooding would not 'spread' towards the sensitive parts of the development as identified above.

Surface Water Drainage

As part of the consideration of the application the Lead Local Flood Authority (LLFA) has been consulted and having reviewed the contents of the FRDAR they have commented that the development in Zone 1 would involve the partial change of use of an existing agricultural building and where there is existing drainage infrastructure already installed. As proposed the hardstanding areas would be made of a permeable material and no new positive drainage infrastructure is planned. Surface water drainage within Zone 2 would involve conventional methods from each holiday unit which would be conveyed, via swales, to a proposed attenuation basin which in turn would discharge to the unnamed minor watercourse situated along the northern site boundary at a rate of 0.4 litres per second (l/s). In terms of Zone 3, surface water drainage would be directed to the existing pond which would act as an attenuation basin before subsequently discharging at a rate of 0.3 l/s to a minor unnamed watercourse to the south-east of the site. Such surface water flows would subsequently reach a larger lake connected to the Saltersford Brook.

Based on the approach to surface water discharge, the LLFA has no objections to the proposed development and considers that the development, subject to the imposition of conditions, would not create or exacerbate any localised surface water flooding impact. Such conditions to be imposed would comprise the submission of a detailed and precise surface water drainage scheme along with how surface water drainage would be appropriately managed during the construction phase. Whilst not requested by the LLFA, it is also considered that details of the future maintenance and management of the installed surface water drainage scheme should also be

provided to ensure that it operates efficiently and effectively for the lifetime of the development. Subject to the imposition of the relevant conditions, the proposed development would be compliant with Policies Cc2 and Cc3 of the adopted Local Plan, criterion 10 of Policy S4 of the made ADLZNP and Paragraphs 165, 173 and 175 of the NPPF.

Foul Drainage

The submitted FRDAR outlines that the foul drainage at the site is currently dealt with via a septic tank which discharges to the ground, this is due to there being no public sewers in the vicinity of the site. As part of the proposed development the existing septic tank would be removed and package treatment plants (PTPs) installed which would be supplemented by a willow and reed bed system in zone 1, and willow bed systems in zones 2 and 3, with the eventual discharge being to the minor unnamed watercourses.

It is outlined within the NPPG that applications relying on anything other than a connection to the public mains sewer should be supported by sufficient information to understand the potential implications to the water environment. The NPPG also sets out a hierarchy of preferred foul drainage solutions; firstly mains sewer, then PTPs and lastly septic tanks, and also advises that proposals should clearly set out the responsibility and means of operation and management of non-mains drainage systems to ensure that a permit is not likely to be infringed in the life of the plant, the effects on amenity and traffic should be considered and where a system will rely on use of a drainage field, consideration may be given to the need to periodically replace it to allow the system to continue to function properly.

Paragraph 180 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to, and being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution. Paragraph 191 of the NPPF states that planning decisions should ensure that new development is appropriate for its location considering the likely effects of pollution on health, living conditions and the natural environment.

When accounting for the above, it must be considered whether a non-mains drainage system can be accommodated on the site without resulting in an adverse impact on the environment. Consideration also needs to be given as to whether the non-mains drainage system can be accommodated on the site in accordance with separate legislation, whilst not resulting in any impacts on material planning considerations, e.g. residential amenities, highway safety, flood risk, layout and design of the site, and any other relevant planning matters.

There is also a need to consider whether it is likely that any necessary permits and approvals under separate legislation, e.g. meeting the general binding rules or being granted an Environmental Permit (EP), complying with Building Regulations, could be successfully obtained, as set out in the Environment Agency's (EA's) guidance in respect of non-mains drainage.

Case law also indicates that where a proposal would also be subject to other separate legislation, that unless it appears that the proposal is likely to be unacceptable under separate legislation dealt with by another organisation, then it is proper course to leave that matter to that other organisation.

As is outlined above, the submitted FRDAR outlines that PTPs would be installed, to replace the existing septic tank, with the discharge of effluent from such PTPS having secondary treatment via willow and reed bed systems in zone 1, and willow bed systems in zones 2 and 3. Such discharge from the PTPs would eventually be to minor unnamed watercourses to the northern (in

the case of zone 2) and southern (in the case of zones 1 and 3) boundaries of the site. Information submitted in support of the application also demonstrates that a connection to the public sewer is not possible given that no public sewers exist within the vicinity of the site.

In terms of the NPPG and EA's hierarchy of non-mains drainage methods, the preference (following the discounting of the mains sewer) would be PTPs, then septic tanks, then cesspits and sealed tanks. In this instance the second most preferable option (PTP) would be utilised, replacing the existing septic tank which is a less favourable option than a PTP based on the hierarchy.

The EA's guidance provides flowcharts to follow to assess where non-mains drainage may lead to environmental harm and where insufficient information has been supplied, and the criteria set out reflects the key parts of the Building Regulations that relate to PTPs. In respect of PTPs, the flowchart states the following with appropriate officer response:

- (a) *Is the site within an area where the EA locally has indicated to the planning authority that specific safeguards are necessary for discharges to ground or surface water?* NO
- (b) *Does the non-mains system involve a discharge solely to watercourse?* YES
- (c) *If YES to (b), is the system less than 7m away from any habitable part of a building?* NO
- (d) *If YES to (b), no vehicular access for emptying within 30 metres?* NO
- (e) *If YES to (b), system cannot be emptied or maintained without the contents being taken through a dwelling or place of work?* NO
- (f) *Has the applicant provided details of how they propose to maintain the system?* YES, and further details could be conditioned on any permission to be granted.
- (g) *Does the non-mains system meet the requirement of the General Binding Rules for small sewerage discharges?* YES

It is considered that the information as submitted demonstrates compliance with the aims of the above criteria, with the EA raising no objections to the application.

The highway impacts are as assessed in the '*Highway Impacts*' section of this report above where the County Highways Authority (CHA) has raised no objections, and whereby the accesses would be capable of accommodating movements associated with a pumping tanker, in particular the main access into the site given that it is already served by a septic tank.

The '*Residential Amenity*' section of this report above also concludes that there are no objections to the application from the Council's Environmental Protection Team, with the impact to the private water supply being considered in the '*Impact to Private Water Supply at Willesley Wood Side*' section of this report below.

It is also concluded above that the application site is within Flood Zone 1, with the PTPs being located away from areas of the site at risk of surface water flooding. The location of the PTPs would also not impact on the existing soft landscaping infrastructure. On this basis, the PTPs could be accommodated on the site and would be acceptable in terms of material planning impacts.

Overall, and subject to the imposition of conditions to secure the details of the maintenance and management of the PTPs, it is considered that the proposal would accord with Policies D2 and IF4 of the adopted Local Plan, criterion 6 of Policy S4 and Policy T1 of the made Ashby De La Zouch Neighbourhood Plan (ADLZNP), Paragraphs 180 and 191 of the NPPF, the NPPG, and EA's guidance.

River Mease Special Area of Conservation/SSSI – Habitat Regulations Assessment

Policy En2 of the adopted Local Plan outlines, amongst other things, that the Council will work with Natural England, the Environment Agency, Severn Trent Water, other local authorities and the development industry to improve the water quality of the River Mease Special Area of Conservation.

Policy NE4 of the made Ashby De La Zouch Neighbourhood Plan (ADLZNP) supports Policy En2 of the adopted Local Plan with criterion 9 of Policy S4 of the ADLZNP also referring to the River Mease SAC/SSSI.

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). It is considered that the unnamed minor watercourses to the northern and southern boundaries of the site would be tributaries of the river given their hydrological connection with Saltersford Brook. Discharge from the sewerage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Surface water flows can also adversely impact on the SAC.

As a result of the proposed development there could be an impact on the River Mease SAC, which may undermine its conservation objectives, from an increase in foul and surface water drainage discharge. Therefore, an appropriate assessment of the proposal and its impacts on the SAC is required.

Discharge into the river from surface water disposal via a sustainable drainage system or via the mains sewer system can also result in an adverse impact on the SAC, including in relation to water quality and flow levels.

As is outlined above, it is considered that the unnamed minor watercourses to the northern and southern boundaries of the site would be tributaries of the river given their hydrological connection with Saltersford Brook.

Foul Drainage

In March 2022 Natural England (NE) published advice in respect of the nutrient neutrality methodology which can be used to mitigate against the impacts of additional phosphate entering the SAC from foul drainage associated with new development.

As part of their consultation responses NE has advised that the proposed development will create additional overnight stays within the catchment of the River Mease and therefore the nutrient neutrality methodology would need to be utilised.

In their original consultation response, NE noted that the nutrient budget calculation for the proposed holiday units was based on a residential use and therefore resulted in a different calculation to that expected for holiday units. On this basis NE advised that the calculations would need to be amended to consider the occupation and water use of both the proposed and existing holiday units.

NE also outlined that effluent from the existing septic tank had been tested and indicated a phosphorous concentration of approximately 23 milligrams per litre (mg/l). Whilst NE welcomed that a precautionary (i.e. conservative) approach had been taken in using 11.6mg/l in the calculations (as per NE's septic tank default figure), they advised that the baseline effluent concentration should be taken as the package treatment plant (PTP) default (of 9.7mg/l) due to

the Environment Agency's (EA's) 'General Binding Rules' specifying that no existing septic tank should discharge to a watercourse (rule 5). The use of 9.7mg/l PTP default concentration would be deemed satisfactory and precautionary to NE.

From the perspective of NE, a chemical dosing PTP would not generally be preferable over a high performing biological PTP given the significant maintenance requirements associated with chemical dosing. On this basis NE advised that a biological PTP should be installed within the nutrient budget calculations also updated to reflect the treatment efficiency of this system.

The use of reed bed and willow bed systems to provide an additional level of treatment, is also welcomed by NE who noted the exclusion of such systems from the nutrient neutrality calculations to abide with NE's precautionary approach.

Updated nutrient neutrality calculations were subsequently submitted by the applicant which clarified that the existing discharge of 23.07kg P/year from the septic tank would be removed by replacing it with PTPs which have a discharge of 21.18kg P/year, consequently the betterment to the River Mease SAC would be 1.89 kg P/year (23.07kg P/year – 21.18kg P/year). On this basis, the proposed development, including the mitigation, would not only achieve nutrient neutrality but also provide a betterment to the overall catchment with regards to the phosphorous content.

Following consideration of the revised nutrient neutrality calculations, NE has advised that they have no objections to the application.

Conditions would be imposed on any permission granted to secure precise details and specification of the PTPs to be installed, along with the means of connecting them to the proposed holiday units and the means of managing and maintaining the PTPs. A condition would also specify that only PTPs will be used to deal with foul drainage discharge considering it being the second most preferable method on the foul drainage hierarchy and there being no option for a mains connection to be made.

On this basis there would be no impact on the integrity of the River Mease SAC because of foul drainage discharge.

Surface Water Drainage

As is outlined in the '*Surface Water Drainage*' sub-section of the '*Flood Risk and Drainage*' section of this report above, surface water discharge from the proposal would include permeable hard surfacing in Zone 1, the use of swales and an attenuation basin to discharge to an unnamed minor watercourse to the northern boundary at a run-off rate of 0.4 litres per second (l/s) in Zone 2, and the use of the existing pond (acting as an attenuation basin) to discharge to an unnamed minor watercourse to the southern boundary at a run-off rate of 0.3 l/s in Zone 3.

NE welcomes the applicant's proposed surface water disposal mechanisms and therefore impacts from surface water pollutants are considered unlikely. On this basis they have no objections.

It is stated in the '*Ecology*' section of this report above, that a condition would be imposed on any permission granted requiring the approval of a Biodiversity Construction Management Plan (BCMP) and it is considered that the approval of such a plan would also ensure that construction activity associated with the development would not result in an adverse impact to the integrity of the River Mease SAC.

On this basis there would be no impact on the integrity of the River Mease SAC because of

surface water discharge.

River Mease Special Area of Conservation/SSSI – Habitat Regulations Assessment Conclusion

On the basis of the above, it can be ascertained that the proposal would, either alone or in combination with other plans or projects, have no adverse effect on the integrity of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI, and would comply with the Habitats Regulations 2017, Policies En1 and En2 of the adopted Local Plan, criterion 9 of Policy S4 and Policy NE4 of the ADLZNP and the NPPF.

Assessment of objections in relation to the River Mease Special Area of Conservation/SSSI

Objection	Officer Response
Any pollution to the River Mease must be looked into.	Natural England (NE) has determined that phosphorous discharge from foul drainage associated with the development would be less than that of the existing site with the surface water drainage infrastructure also being acceptable. On this basis there are no adverse impacts to the integrity of the River Mease SAC/SSSI.

Impact to Private Water Supply at Willesley Wood Side

As part of the consideration of the application the Council’s Environmental Health Team raised concerns in relation to potential impacts the development would have to a private water supply which serves numerous houses and businesses in the immediate area. Such concerns have also been raised by third parties, the Ward Member and the Willesley Environment Protection Association (WEPA).

The concerns of the Council’s Environmental Health Team were in relation to disruption and/or damage to the pipework as a result of the development and the discharge of foul drainage either into the ground or watercourse affecting the quality of the private water supply.

The agent has subsequently responded to outline that it is understood, by the applicant, that the private water supply is sourced from a spring underneath Willesley Lake which is to the south-east of the site. On the basis that infiltration rates are poor foul drainage from the proposed package treatment plants (PTPs) would not discharge to ground but would instead discharge to watercourses to the northern and southern boundaries of the application site. The foul drainage effluent from the PTPs would also be appropriately treated with secondary nature based solutions (i.e. reed and willow beds) before it reaches the watercourses.

On the basis that the private water supply is spring fed, and when accounting for the separation distances to the proposed PTPs, the agent considers that the PTPs would pose no risk to the quality or quantity of the private water supply.

It is further outlined by the agent that it is understood that the pipework associated with the connection to the private water supply would cross an existing access track to Hill Farm (Hastings

Retreat) from Wood Farm to feed a header tank above the cottages along the access road to Hill Farm (Hastings Retreat). On the basis that the access track is existing, and would only require minimal surfacing works, the agent considers that there would be no risk to the pipework supplying the header tank.

Following re-consultation, the concerns of the Council's Environmental Health Team have been addressed and who consider the development acceptable subject to the imposition of a condition being in place which would require regular maintenance of the PTPs (such a condition would align with that required to protect the integrity of the River Mease Special Area of Conservation (SAC)/Site of Special Scientific Interest (SSSI) as discussed in the '*River Mease Special Area of Conservation/SSSI – Habitat Regulations Assessment*' section of this report above).

The Council's Environmental Health Team has also advised that the applicant inform parties who may be implicated by the foul drainage discharge in zones 1 and 3, such as the person responsible for the maintenance of the private water supply and land owners of Willesley Wood Side lake, of the intended foul drainage proposals. An informative could be imposed on any permission granted to make the applicant aware of this request.

Separate Environmental Protection Legislation, as well as legislation from the Environment Agency, would also protect the quality of the water from the private water supply with it being the case that the fishing enterprise at Willesley Lake has toilets served by a means of non-mains drainage that have a more immediate connection with Willesley Lake. It has not been identified that such toilets have resulted in a pollution incident to the private water supply.

Given the separation distance of the PTPs from the source of the private water supply along with the proposed treatment provided by the not only the PTPs but also the associated reed and willow bed filtration systems, it is considered that subject to the imposition of the relevant condition and informative the proposed development would be compliant with Paragraphs 180 and 191 of the NPPF.

Assessment of objections in relation to the impact to private water supply at Willesley Wood Side

Objection	Officer Response
<p>There is concerns associated with foul drainage discharge potentially reaching local water courses as surrounding houses are served by a natural spring.</p> <p>The comments from the Environmental Health Team at the District Council are noted and the potential risk to public health from the discharge of waste water into the ground or in any water course.</p>	<p>The Council's Environmental Health Team are satisfied that the proposed use of the foul drainage systems will be acceptable subject to the imposition of a condition on any permission granted which requires the approval of a detailed maintenance and management plan for the foul drainage systems to ensure that water quality within the private water supply is not impacted on.</p> <p>It is also noted that no objections have been received from the Environment Agency (EA) or Natural England (NE) to the application with NE determining that</p>

	<p>phosphorous discharges from the site would be less than those associated with the existing septic tank.</p> <p>Under separate legislation the EA and the Council's Environmental Health Team would also be able to take appropriate action should a pollution incident occur, with the use of a non-mains drainage system requiring the issuing of a permit from the EA.</p>
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Impact on the Historic Environment and Archaeology

Policy He1 of the adopted Local Plan and the advice in the NPPF requires heritage assets to be preserved and enhanced. Where development results in harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The proposed development must also be considered against sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which states that special regard shall be had to the desirability of preserving the setting of a listed building and the character and appearance of the conservation area.

The submitted Design and Access Statement (DAS) identifies that the nearest heritage asset is the Grade II listed Church of St Thomas which is around 460 metres to the south-east of the site.

Given the nature and scale of the development proposed, the separation distance involved, lack of intervisibility, and the presence of dense vegetation it is considered that no harm to the significance of the setting of this heritage asset would arise.

As no harm arises, an assessment in the context of Paragraphs 207 and 208 of the NPPF is not required.

In terms of archaeology and following a review of the Leicestershire and Rutland Historic Environment Record (HER), the County Council Archaeologist advised as part of a pre-application advice request associated with the proposal that there would be no significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. As such no further archaeological action is required.

On the above basis the proposed development would be compliant with Policy He1 of the adopted Local Plan, Paragraphs 200, 201, 203, 205, 210 and 211 of the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Contaminated Land

Policy En6 of the adopted Local Plan outlines those proposals for development on land that is (or is suspected of being) subject to contamination will be supported where a detailed investigation and assessment of the issues is undertaken and that appropriate mitigation measures are identified, where required, which avoid any unacceptably adverse impacts upon the site or adjacent areas, including groundwater quality.

Criterion 13 of Policy S4 of the made Ashby De La Zouch Neighbourhood Plan (ADLZNP) requires new development to take account of risk from land instability and/or contamination and where necessary include appropriate mitigation and/or treatment measures.

Whilst the Council's Land Contamination Officer has not commented directly as part of the consideration of the application, they did comment on a pre-application advice request associated with the same development. In this respect it was outlined that due to the historic use of the site any planning permission to be granted should be subject to conditions requiring the submission of a risk based land contamination assessment, along with any remedial scheme and verification plan should the assessment identify any unacceptable risks.

It is considered that the imposition of such conditions is reasonable in the circumstances that the land would be utilised for tourism, and therefore necessary to ensure the health and safety of any future employees and guests. Subject to the imposition of such conditions, the development would accord with Policy En6 of the adopted Local Plan, criterion 13 of Policy S4 of the made ADLZNP as well as Paragraphs 180, 189 and 190 of the NPPF.

Coal Mining Risk

Policy En6 of the adopted Local Plan outlines that proposals for development on land that is (or is suspected of being) subject to land stability issues, or is located within the defined Development High Risk Area, will be supported where a detailed investigation and assessment of the issues is undertaken and that appropriate mitigation measures are identified, where required, which avoid any unacceptably adverse impacts upon the site or adjacent areas, including groundwater quality.

Criterion 13 of Policy S4 of the made Ashby De La Zouch Neighbourhood Plan (ADLZNP) requires new development to take account of risk from land instability and/or contamination and where necessary include appropriate mitigation and/or treatment measures.

Most of the application site falls within a Coal Mining Referral Area and as part of the consideration of the application the Coal Authority (CA) has been consulted.

It is outlined by the CA that their records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered, specifically probable shallow coal mine workings associated with thick crop seam outcrops which may have been worked from the surface. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases. The records of the CA also indicate that the site has been subject to past surface mining operations, and where such mining has taken place general settlement of backfill and differential settlement over/in the vicinity of buried opencast highwalls can occur, which in turn can result in damage to buildings and structures.

The CA's general approach where development is proposed within the Development High Risk Area is to recommend that a Coal Mining Risk Assessment (CMRA) be submitted. However, whilst no CMRA accompanies the application the CA has advised when accounting for the nature of the proposed development they consider that a CMRA would not be proportionate, in this instance, and consequently has no objections to the application.

Notwithstanding the position above, the CA has advised that in the interests of public safety an informative should be included as part of any permission granted to advise of the coal risks to the application site.

Subject to the imposition of the informative, the proposal would accord with Policy En6 of the adopted Local Plan as well as Paragraphs 189 and 190 of the NPPF.

Impact on Safeguarded Minerals

As part of their consultation response the County Council Minerals and Waste Planning Team (LCCMWP) has outlined that the application site is located within a mineral safeguarding area for coal. They have, however, advised that the partial conversion of part of an existing agricultural building is included in the exemptions criteria in Table 4 of Policy M11 of the adopted Leicestershire Minerals and Waste Local Plan (LMWLP) being criterion (b) which exempts “*applications for alterations and extensions to existing buildings and for change of use of existing development.*”

When accounting for this, as well as the nature, scale and location of the proposed holiday units and their associated infrastructure, the LCCMWP do not consider that a Mineral Assessment (MA) is required.

On this basis the LCCMWP has no objections to the application in respect of any impacts to safeguarded minerals or waste safeguarding and there would be no conflict with Policy M11 of the adopted LMWLP or Paragraph 218 of the NPPF.

Other Matters

For the avoidance of doubt, and where relevant, regard has also been had to the public sector equality duty, as required by Section 149 of the Equality Act 2010 and to Local Finance Considerations (as far as it is material), as required by Section 70(2) of the Town and Country Planning Act 1990 (as amended). The requirements of Article 8 of the Human Rights Act 1998 (as amended) have also been considered.

Assessment of objections in relation to other matters

Objection	Officer Response
<p>The consultation process with neighbours has not been undertaken properly.</p>	<p>Part (4) of Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) (DMPO) outlines that the consultation on a ‘major’ planning application should comprise a notice by either site display <u>or</u> by serving the notice on any adjoining owner or occupier (<i>my emphasis</i>) and the publication of a notice in a newspaper.</p> <p>A site notice was displayed on the 8th of March 2024 at the principal access to Hill Farm (Hastings Retreat) with a press notice published in the Leicester Mercury</p>

	<p>on the 13th March 2024. 21 neighbours were also consulted (which exceeds that necessary on the basis of the DMPO which only requires those adjoining the application site to be notified) on the 7th of March 2024.</p> <p>In the circumstances that consultation has been undertaken in the form of a site notice, consultation with third parties and a press notice it is considered that compliance with Part (4) of Article 15 of the DMPO has been demonstrated.</p> <p>Given that several representations have also been received for and against the development, it is also considered that third parties have not been prejudiced by any decision to be made on the planning application.</p>
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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) and made Ashby De La Zouch Neighbourhood Plan (ADLZNP) (2018).

The application site is situated outside the defined Limits to Development, but Policy S3 of the adopted Local Plan, as well as Policy S3 of the made ADLZNP, supports the expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings, as well as recreation and tourism. This would be subject to compliance with criteria (i) to (vi) of Policy S3 and for the reasons as outlined above, the proposed development is considered compliant with such criteria and is therefore acceptable in principle.

In addition to the need to determine the application in accordance with the development plan, regard also needs to be had to other material considerations (and which would include the requirements of other policies, such as those set out within the NPPF (2023)). The NPPF also contains a presumption in favour of sustainable development and when having regard to the three objectives of sustainable development, it is concluded as follows:

Economic Objective:

This objective seeks to ensure that sufficient land of the right types is available in the right places and at the right time to support growth, innovation, and improved productivity, and that the

provision of infrastructure is identified and coordinated. The proposed development would have significant economic benefits to the rural economy associated with the expansion of an established tourism use, along with the diversification of the business operated from the site with the partial conversion of the agricultural building to a function's venue. Such benefits to the economy would arise during the construction and operational phases of the development, with the proposal also contributing positively to economic activity within the settlements around the application site given the potential for guests travelling to a wedding or other function utilising facilities within Ashby De La Zouch, Moira and Donisthorpe (in particular).

Social Objective:

The economic benefits associated with the proposed development would, by virtue of the social effects of the jobs created on those employed in association with the construction and operation of the development, also be expected to provide some social benefits. The NPPF identifies, in respect of the social objective, of the need to foster well-designed, beautiful and safe places with accessible services and open spaces that reflect current and future needs and supports communities' health, social and cultural well-being.

In terms of the social objective's stated aim of fostering a well-designed, beautiful and safe environment, it is considered that, subject to the imposition of conditions to secure suitable design detailing and landscaping, that the scheme would be of an appropriate design which would successfully integrate into, and enhance, the environment in which it is set. A net gain in biodiversity more than 10% along with the provision of National Forest planting would also enhance the landscape character of the area.

Subject to the imposition of conditions so as to control noise associated with the function's venue, it is also considered that the proposed development would acknowledge the need to protect the health of the communities within the immediate vicinity of the application site, whilst also providing a facility which would support the social and cultural well-being of others in the community.

Environmental Objective:

It is considered that the schemes design would protect and enhance the built environment, with there being no harm to the historic environment. A net gain in biodiversity significantly more than 10% and features of importance on the site (such as the woodland and watercourses) being retained and incorporated successfully into the development, along with the provision of additional soft landscaping infrastructure (including 0.52 hectares of National Forest planting on site), would also protect and enhance the natural environment. The development would also result in the partial re-use of an existing agricultural building which is encouraged by Paragraphs 123 and 124 of the NPPF.

The securing of a travel plan would also enable the development to make a limited contribution towards the move to a low carbon economy when accounting for the existing tourism use operated from the site, which would be expanded, and the encouragement of shared forms of transport for both guests and employees. The terms of Paragraph 89 of the NPPF are also noted in that not all rural businesses will be in areas which are well served by sustainable forms of transport, along with the nature of the development limiting the use of other forms of transport.

Overall, the above compliance with the Environmental Objective would substantially outweigh the limited harm associated with the 10 holiday units (which are not significant in scale) being constructed on a greenfield site, with it being acknowledged that such development is acceptable outside the defined Limits to Development.

Having regard to the three objectives of sustainable development, therefore, and having regard to the conclusions in respect of various technical issues as outlined above, it is considered that subject to the imposition of conditions the overall scheme would represent sustainable development and approval is recommended.