
PROPOSAL: Change of use of storage building to Materials Recycling Facility

LOCATION: Wolds Farm, Six Hills Road, Ragdale (Melton Borough)

APPLICANT: Groundwork Leicester and Leicestershire

MAIN ISSUES: Vehicle routeing agreement

RECOMMENDATION: PERMIT subject to 13 conditions as set out in the appendix to the main report, and a legal agreement covering the routeing of HGVs to and from the site.

Circulation Under Sensitive Issues Procedures

Mr. J. T. Orson JP, CC

Officer to Contact

Georg Urban (Tel. 0116 305 6756)  
Email: planningcontrol@leics.gov.uk
PART B – MAIN REPORT

Background

1. Wolds Farm accommodates a long established animal feed production facility. Groundwork Leicester and Leicestershire (GWLL) seek planning permission for the change of use of a farm storage building to establish a Materials Recovery Facility (MRF) for the recovery of clean inert materials. The proposal would give rise to additional heavy goods vehicle movements. A legal agreement covering vehicle access to the site would be required.

2. This planning application has been submitted on behalf of Groundwork Leicester and Leicestershire (GWLL), formerly known as Environ. The applicant is an independent charity based in Leicester which works to improve the environment and local communities.

3. GWLL are involved in a number of recycling schemes and arrange workshops for schools and community groups. They are also represented on the County Council-led environment partnership, ENABLE, which works to promote environmental and sustainable development at County level.

4. Following a recent expansion in its recycling activities, GWLL’s existing recycling facility in Western Park in Leicester has insufficient space to deal with recycling activities beyond the area of the City of Leicester. Furthermore, there is limited scope for expansion at the Western Park facility. GWLL has therefore investigated a number of alternative sites in order to find a suitable site to relocate to and expand its existing dry material recycling facilities. Given the likely catchment area for recyclable materials and the location of existing recycling facilities, the search for alternative sites has focussed on the area north of Leicester. Under this proposal, the recovery/recycling activities currently undertaken at GWLL’s Western Park facility would be moved to Wolds Farm.

5. The applicant advises that the site at Wolds Farm would offer a number of planning and environmental advantages. It would offer the opportunity to maximise the recycling of waste materials associated with the animal feed operation and provide waste collection and processing activities to a number of organisations which deal with both GWLL and P. Hull and Sons. In addition, the site is located within the catchment area of existing waste recycling contracts, which currently covers north Leicestershire, Loughborough and the southern part of Nottingham.

Location of Proposed Development

6. Wolds Farm is located north west of the village of Ragdale, in the Borough of Melton. The site is accessed via Six Hills Road, which links Ragdale with the B676 Six Hills Lane to the north of the site. The B676 in turn provides access to the A46 to the west and the A606 to the east.
7. The farm building complex is surrounded on all sides by open land in agricultural use. The edge of the nearest property in Ragdale is approximately 200m south east of the farm buildings. Ragdale Hall Health Hydro, a hotel and health centre, is located 230m west of the farm buildings. Three isolated cottages are situated along the access road to Ragdale Hall: these are North Lodge (180m north of Wolds Farm) and North Lodge Cottages (160m north west of Wolds Farm). A bungalow which belongs to the Wolds Farm estate is situated 100m east of the farm buildings, adjacent to the junction of the site access with Six Hills Road.

8. The northern and western edge of the land immediately adjacent to the farm buildings at Wolds Farm is defined by a field boundary which incorporates a landscaped bund approximately 2m in height. Footpath H49, which connects Ragdale with Six Hills, runs along the south western edge of the land which surrounds the farm buildings. At its closest point, the footpath is approximately 80m from the farm buildings.

9. The farm building complex consists of a cluster of agricultural buildings loosely grouped around a yard. The buildings which would contain the proposed development are currently vacant. The adjacent buildings are currently occupied by an animal feed production facility operated by P. Hull and Sons Ltd. The yard area contains parking spaces for approximately 10 cars associated with the existing employment use, a weighbridge, a Portakabin site office and circulation space for HGVs.

**Planning History**

10. Wolds Farm ceased to be a working farm in the early 1970s. Since that time, some of the buildings on the site have been used for the processing of waste food products for the manufacturing of animal feed. This use is covered by a Certificate of Existing Lawful Use or Development, issued by Melton Borough Council on 4 July 2006.

**Description of Proposal**

11. The planning application seeks permission for the change of use of a vacant storage building at Wolds Farm for the establishment of a materials recovery facility (MRF) and for the importation, sorting and bulking-up of recyclable materials, prior to onward delivery for recycling elsewhere. The proposed operation is a joint venture between Groundwork Leicester and Leicestershire (GWLL) and P. Hull and Sons Ltd., although the facility would be operated by GWLL.

12. The proposed operation would consist of two parts, a material collection service and a materials recovery facility. Dry recyclable products would be collected by vehicles under the control of the applicant from businesses around Leicester and north Leicestershire. The products to be collected comprise paper, cardboard, plastics, metals and textiles only.
13. On arrival at the site, vehicles would travel via the existing weighbridge to the MRF building and deposit the collected materials in the building. Waste processing activities to be carried out at the site would comprise the segregation, sorting and bulking-up of waste materials prior to onward transportation for final processing off-site at specialist recycling facilities at various locations elsewhere in Leicester and the north of Leicestershire. All waste processing and storage activities would be undertaken within the building and would accord with the relevant environmental health legislation.

14. In addition to waste materials being collected from elsewhere, the facility would also process the dry inert waste (mainly packaging waste) which currently arises at the animal feed manufacturing operation currently operating at Wolds Farm. This facility manufactures animal feed from waste food products. Under present arrangements, the packaging material is removed from the waste food products, bulked up and sent to landfill. The applicant proposes to transfer this packaging waste to the adjacent MRF so it can be sorted and segregated prior to being transported off site to be recycled.

15. It is proposed that the throughput of the recovery operations on the site would not exceed 10,000 tonnes per annum (tpa), of which approximately 5,000 tonnes would be mixed waste arising at the animal feed manufacturing operation at Wolds Farm. The proposed collection operation by GWLL would generate the additional balance. The applicant envisages that the proposed collection operation would initially account for approximately 1500tpa initially, and would increase to a maximum throughput of 5,000tpa within 2 years of the operation commencing.

Hours of Operation

16. The proposed hours of operation are Monday to Friday 0700 – 1800 hours, with no working on Saturdays, Sundays or Bank or Public Holidays. Waste collection activities would be undertaken Monday to Friday. The site would not be directly accessible to members of the public.

Traffic

17. It is envisaged that when the site works at maximum capacity (i.e. 10,000tpa), the operations carried out by GWLL would generate up to 8 HGV movements (4 loads) per day associated with the collection of waste from elsewhere and delivery to the site, plus up to 4 vehicle movements (2 loads) per day associated with the onward transfer of materials for recycling off-site. This would equate to up to 12 vehicle movements per day in addition to the current 40-50 HGV movements which are currently generated by existing activities at the site.

Site drainage

18. No liquid wastes would be processed on the site. All storage and processing operations would be undertaken within buildings which are located on a concrete hardstanding with associated drainage pipes. The applicant advises that the drainage facilities for the collection and disposal of surface water would be
discussed with the Environment Agency, and that the Agency’s agreement with drainage arrangements would be sought as part of the Waste Management Licensing process.

**Plant and Equipment**

19. The waste processing equipment would comprise a can sorter, a paper shredder and bailers. Hand sorting of materials would also be undertaken at the site. All mechanical equipment would be fitted with silencers to comply with current industry standards and would be maintained in accordance with manufacturers’ recommendations.

**Employment**

20. The proposal would generate direct employment for two full-time members of staff. In addition, the operation would provide work experience for up to 20 people with learning difficulties to assist in the recycling activities, as well as generate opportunities for ancillary and supporting companies and suppliers.

**Planning Policy**

21. Government advice on planning and waste management is set out in the Waste Strategy 2007 and Planning Policy Statement 10 (PPS10): *Planning for Sustainable Waste Management*. The Waste Strategy was published in May 2007 and updates the earlier *Waste Strategy 2000*. It describes the need for a significant change in the way in which waste is managed to reduce the amount that is taken to landfill and to promote the recycling and re-use of materials. The Strategy sets a target to reduce the amount of industrial and commercial waste landfilled to 85% of 1998 levels and to recycle or compost at least 25% of household waste by 2005. The Government therefore encourages efforts to reduce waste and substantially increase re-use, recycling and composting facilities.

22. PPS10 provides advice about how the land use planning system should contribute to sustainable waste management through the provision of the required waste management facilities in England. It continues to promote sustainable development and the waste hierarchy of reduction, re-use, recycling and composting and energy recovery, with disposal as the last option.

23. The Development Plan in this instance comprises the Regional Spatial Strategy for the East Midlands, the Leicestershire, Leicester and Rutland Structure Plan, the Leicestershire Minerals Local Plan, the Leicestershire, Leicester and Rutland Waste Local Plan and the Melton Local Plan.

**Regional Spatial Strategy for the East Midlands (RSS8)**

24. RSS 8 was agreed in March 2005. It sets out the regional guidance for development in the East Midlands and applies the general principles for sustainable development which are set out in national guidance.
25. The RSS sets out minimum targets for the recycling and composting of municipal solid waste of 25% by 2005, 30% by 2010 and 50% by 2015. Detailed policies are to be developed through the Regional Waste Strategy (RWS), which is to be based on the following principles:

- Working towards zero growth in waste by 2016;
- Reducing the amount of waste sent to landfill;
- Exceeding government targets for recycling and composting to achieve levels of current best practice; and
- Taking a flexible approach to other forms of waste recovery on the basis that technology in this area is developing very quickly.

26. The draft revision of the Regional Spatial Strategy was published in September 2006 and has undergone an Examination in Public during the summer of 2007. The Panel report was published in late November 2007. The revised version of the RSS reflects the policies and aims of the East Midlands Regional Waste Strategy.

**East Midlands Regional Waste Strategy**

27. Whilst not part of the Development Plan, the East Midlands Regional Waste Strategy is a material consideration and Policy 1.7 states that Waste Development Plans should allocate specific sites for a range of types and scales of waste management facilities, with such sites being assessed against the following criteria:

- Proximity to existing or major new or planned developments;
- Good transport connections, with preference given to rail and water;
- Compatible land uses including active mineral sites, previous or existing industrial land use, contaminated or derelict land, land adjoining sewage treatment works; and
- Locally based environmental and amenity criteria.

**Structure Plan**

28. One of the principal aims of the Leicestershire, Leicester and Rutland Structure Plan is to manage and enhance the quality of the environment. The proposal has to be considered against the following Structure Plan policies:

- **Strategy Policy 8** – Development in the Countryside: States that the Countryside will be protected for its own sake.
- **Resource Management Policy 8** – Land Release – Waste Management: States that when allocating land and considering planning applications for the management of waste, sufficient provision will be made to meet needs, based upon the consideration of the Best Practicable Environmental Option, regional self-sufficiency, the Proximity Principle and the Waste Hierarchy.
- **Resource Management Policy 9** – Environmental Impact of Mineral Extraction and Waste Management: States that when allocating land and considering planning applications for the extraction of minerals or for waste management development or related development, account will be taken of
its likely impact on the environment and the need for the development when it is a material planning consideration.

- **Resource Management Policy 14 – Recovery of Waste:** States that waste management proposals for the recovery of waste will be permitted, provided any adverse environmental impacts of the development can be kept to an acceptable level.

**Leicestershire, Leicester and Rutland Waste Local Plan**

29. The Leicestershire, Leicester and Rutland Waste Local Plan supports the recycling and re-use of waste.

- **Policy WLP 2** states that permission will be granted for waste management development for the recycling and re-use of all types of waste product, subject to proposals meeting identified environmental criteria set out in Policy WLP 8.

- **Policy WLP 7** lists the factors which will be taken into account in the assessment of proposals for waste management development.

- **Policy WLP 10** states that heavy lorry movements associated with waste management operations will be restricted from using unsuitable roads by means of traffic management or other appropriate measures such as lorry routeing agreements.

- **Policy WLP 11** states that conditions will be attached to planning permissions in order to minimise the effect of development on the environment and local residents.

- **Policy WLP 12** states that planning obligations will be sought where appropriate in order to achieve control over waste management operations and their ultimate restoration which cannot otherwise be adequately imposed by the normal use of conditions attached to a planning permission or are not adequately covered under relevant legislation.

**Melton Local Plan**

30. **Policy O2** of the Melton Local Plan aims to protect the open countryside of the Borough and states that planning permission for development outside the town and village envelopes will not be granted, with a small number of exceptions. These include limited small-scale development for employment which is not detrimental to the appearance and rural character of the countryside, and the change of use of agricultural buildings.

31. **Policy C6** supports proposals for the re-use and adaptation of rural buildings for commercial, industrial or recreational use provided that the building is of substantial and permanent construction and is proposed for re-use and adaptation without major or complete reconstruction; its form, bulk and design is in keeping with its surroundings; the traffic generated by the proposal can be accommodated by the site access and the local road system; and no commercial, industrial or recreational activity or storage of raw materials or finished goods is to take place outside the building.
Consultations

Melton Borough Council (Planning)
32. Has no objections to the proposal.

Melton Borough Council (Environmental Health)
33. Response awaited.

Hoby with Rotherby Parish Council
34. The Parish Council understands
   • that the proposal is to recycle dry waste products and that the operation will
     not generate dust or noise;
   • that only 4 additional lorry journeys will be generated per day & these will
     approach the site from the B676;
   • that no new buildings are needed for this operation.
   On this basis the Parish Council has no objections to this application.

Environment Agency
35. The Environment Agency has no objection in principle to a change of use. The Agency understands the materials recycling facility will mechanically or hand-sort only mixed non-hazardous solid waste (cardboard, cans etc.). The activity is not covered by an exemption under Schedule 3 of the Waste Management Licensing Regulations 1994 and an application for a Waste Management Licence for the keeping and treatment of waste will need to be acquired. Any outstanding environmental concerns will be addressed during this process.

Severn Trent Water Ltd
36. Has no objections to the proposal.

Highway Authority
37. The Highway Authority understands that there currently is no vehicle routeing agreement, however to prevent vehicles that visit the site passing through Ragdale village the Highway Authority would wish to see a routeing agreement entered into, that only permits vehicles arriving or leaving from a northerly direction.

Publicity
38. The planning application has been advertised by a site notice posted at the site entrance on 21 September 2007, an advertisement in the Melton Times on 27 September 2007 and by individual notification letters to seven properties. No representations have been received within the prescribed period.
Assessment of Proposal

Planning Policy

39. Planning legislation requires that development has to be in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan policies applicable to this proposal are those aiming to protect the environment and those supporting the recycling and re-use of waste. The material considerations relating to this development proposal are visual impact, noise, odour, air quality and traffic.

40. The Regional Waste Strategy sets targets for the recycling of waste in the East Midlands. The Development Plan also supports proposals for the recycling of waste, provided that such operations do not give rise to adverse environmental impacts, or that any such impacts can be adequately controlled.

41. The recycling and recovery of waste in order to reduce the reliance of landfill is a principle which is supported at all policy levels. Notwithstanding this, the Leicestershire, Leicester and Rutland Structure Plan and the Melton Local Plan also aim to protect the countryside for its own sake. This includes protecting the openness of the countryside as well as protecting the environment from adverse impacts of development proposals. Therefore, any development in such locations can only be allowed if it does not have detrimental effects on its surroundings, or if such effects cannot be satisfactorily mitigated.

42. Policy OS2 of the Melton Local Plan limits the types of development which will be permitted in the open countryside, but allows limited small scale development for employment use which is not detrimental to the character of the countryside. Policy C6 allows the re-use and adaptation of rural buildings, provided that the proposed use would not harm the local environment through the generation of noise, dust, air pollution or other adverse effects.

Visual Impact

43. The proposed waste sorting and baling operations would be carried out within existing farm buildings. No external alterations to the buildings are proposed. The only element of the development which would be visible from the outside would be the arrival, departure and on-site manoeuvring of HGVs visiting the site to be unloaded or loaded.

44. The buildings at Wolds Farm are located approximately 160-200m away from the nearest residential properties, with open agricultural land and some intervening vegetation in between. The proposed development would not result in the loss of existing vegetation. External lighting is already in place and is required for safe access to and egress from the site during the hours of darkness in the winter months. No additional lighting is proposed.
45. Users of the public footpath H49 would pass the farm buildings at a distance of approximately 80m. However, there is intervening vegetation along the footpath and users of the footpath are more likely to be moving rather than stationary receptors, resulting in a temporary impact.

46. It is therefore considered that the proposal would have minimal visual impact on nearby sensitive receptors.

**Noise**

47. All operations would be carried out within existing buildings. Given the location of the farm buildings, which are located approximately 160m from the nearest residential property, and the fact that the proposed operations are to be carried out within a building, it is considered that the development is unlikely to have an adverse impact on noise sensitive receptors.

**Odour**

48. The proposed operation would involve the sorting, bulking and baling of dry materials only, which would not give off strong odours. It is therefore considered that the proposals would not give rise to adverse impacts on the locality in terms of odour.

**Air quality**

49. The operations proposed to be carried out at the site include the shredding and baling of materials. The applicant advises that the impact of the proposed operations on air quality has been considered in respect of the proximity of the application site to the nearest sensitive receptors, i.e. residential properties. The applicant advises that the proposed operations may give rise to noise and dust issues due to the shredding of materials. Notwithstanding this, any such impacts would be mitigated against by carrying out the shredding, bulking and baling operations within an enclosed building.

50. The predominant wind direction in the UK is south westerly. With the exception of North Lodge (280m north-northwest) and Wolds Farm Bungalow (120m east) there are no residential properties in the vicinity of the site which are located to the north, north east or east of Wolds Farm.

51. Based on wind observation data, the prevailing winds would therefore blow into an area of open farmland to the north east of the application site, which contains no sensitive receptors.

52. Due to the location of the application site in relation to the village of Ragdale and the distance of the nearest sensitive receptors, it is therefore considered significant odour impacts are unlikely to be generated by the proposal, provided that the operations are run in accordance with good practice and are confined to the buildings as described in the planning application. Should planning permission be granted it would therefore be subject to a condition requiring that no sorting, shredding, bulking or baling of waste shall take place outside the buildings.
Traffic

53. The applicant estimates that the proposal would generate up to 12 heavy goods vehicle movements per day in addition to the current 40-50 HGV movements associated with the established activities at the site.

54. The application site would be accessed via Six Hills Road, which is subject to a weight restriction. Such restrictions are used to prevent vehicles with a gross weight of more than 7.5 tonnes from using roads that are unsuitable. The majority of roads in the vicinity of the application site are subject to weight restrictions, with the exception of the A46 to the west, the B676 and A6006 to the north and east, and the A607 to the south.

55. Weight restrictions do not apply to vehicles which are accessing sites located within a weight restricted area, e.g. to make local deliveries. The Highway Authority advises that in doing so, there is no requirement for vehicles to take the shortest route from the unrestricted road network to their destination. This means that in the case of this development, vehicles coming from the south could conceivably choose to travel to Wolds Farm by leaving the A607 at Frisby on the Wreake and travelling past Hoby and through Ragdale to get to the site.

56. Whilst this is unlikely to happen in practice, the Highway Authority would wish to see a routeing agreement entered into, permitting vehicles to access the site only by travelling from the B676 along Six Hills Road and turning right into the site entrance. Vehicles leaving the site would be required to turn left out of the site entrance and follow the same route to the B676. This would ensure that no HGV traffic associated with the proposed development would pass through the village of Ragdale, with the sole exception of local collections from the two villages of Hoby and Ragdale. In respect of this it has to be noted that such collections would be subject to specific contracts being awarded, and that the operator currently does not have any such contracts for collections from Ragdale or Hoby.

57. The consultation response from Hoby with Rotherby Parish Council stated that the Parish Council understands that the proposal would generate only four additional lorry journeys per day. However, this was based on a misunderstanding. The Parish Council has since confirmed that because the site is located away from the village, no objection would be raised to the development, provided that all vehicles approach the site from the north rather than going through the village.

58. It is considered that the proposal is in accordance with the general thrust of development plan policies and that the potential environmental impacts of the development are unlikely to be of a scale which would warrant a refusal of planning permission. Due to the likely scale of the operation and the location of the site some distance from the village of Ragdale, the impacts of the development on residential properties in the village and other sensitive receptors is likely to be low and could be controlled by planning conditions.
Conclusion

59. In the case of this development, the main potential adverse impact would be lorry traffic associated with the development. The Highway Authority does not raise an objection to the additional traffic, subject to a routeing agreement being entered into, which would prevent HGV traffic from travelling through the village of Ragdale. The visual impact of the proposal would be comparatively small as all operations are to be carried out within existing buildings, and the external operations would be limited to the loading of lorries. The location of the application site is relatively remote and there are few local sensitive receptors in the vicinity. It is therefore considered that there would be no significant noise, dust, odour or air quality issues which could not be mitigated against.

60. On balance it is therefore considered that planning permission should be granted for the proposed development, subject to the planning conditions set out in the appendix to this report, and the applicant entering into a legal agreement covering the routeing of vehicles accessing and leaving the site.

Recommendation

1. PERMIT subject to the conditions as set out in the appendix.

2. To endorse, as required by the Town and Country Planning (General Development Procedure) Order 1995 (as amended), a summary of the:

   a. Policies and proposals in the development plan which are relevant to the decision, as follows:

      This application has been determined in accordance with the Town and Country Planning Acts, and in the context of the Government’s current planning policy guidance and the relevant Circulars, together with the relevant development plan policies, including the following, and those referred to under the specific conditions as set out in the appendix:-

      Leicestershire, Leicester and Rutland Structure Plan
      Strategy Policy 8
      Resource Management Policies 8, 9 and 14

      Leicestershire, Leicester and Rutland Waste Local Plan
      Policies WLP 2, WLP 7, WLP 10, WLP 11 and WLP 12

      Melton Local Plan
      Policies O2 and C6

   b. Reasons for the grant of planning permission, as set out in Conclusion above.
Conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.

2. Unless otherwise agreed in writing by the Director of Community Services or otherwise required by the conditions attached to this permission, the development hereby permitted shall be carried out in accordance with the details contained in planning application no. 2007/1043/06 and the accompanying supporting statement.

3. This permission is limited to the period of the use of land and buildings at Wolds Farm for the processing of waste food products for the manufacture of animal feed, as confirmed by the Certificate of Lawful Use or Development issued by Melton Borough Council under reference 06/00633/CLU. Within six months of the permanent cessation of the aforementioned use, the development hereby permitted shall cease and all plant and machinery be removed from the site, unless otherwise agreed in writing by the County Planning Authority.

Availability of Plans

4. A copy of this permission together with all documents hereby approved and any other documents subsequently approved in accordance with any condition of this permission shall be kept available for inspection on site during the prescribed working hours.

Hours of Operation

5. No operations in connection with the use hereby permitted, including any delivery or export of goods or materials, shall be carried out at the site, except between the following times:

0700 hours and 1800 hours Monday to Friday.

No such operations shall be carried out at the site on Saturdays, Sundays or Public or Bank Holidays.

Access and Traffic

6. The number of heavy goods vehicle movements generated by the development hereby permitted shall not exceed 60 in any week. The operator shall keep a record of all heavy goods vehicles accessing and leaving the site. Back records shall be kept for a minimum of 12 months and access to these records shall be afforded to the Director of Community Services on request.
7. No heavy goods vehicles associated with the development hereby permitted shall access the site except during the permitted hours of operation.

8. All laden heavy goods vehicles entering or leaving the site shall be netted or sheeted, or carry their cargo in an otherwise enclosed loadspace.

9. Before the development commences, details of the routeing of both construction and development traffic shall be submitted to and approved by the Director of Community Services in consultation with the Highway Authority. All traffic to and from the site shall use the agreed route at all times unless otherwise agreed in writing by the Director of Community Services.

**Operational Matters**

10. All vehicles, plant and machinery operated at the site shall be maintained in accordance with the manufacturer's specification at all times, and shall be fitted with and use effective silencers. Any breakdown or malfunction of silencing equipment or screening shall be treated as an emergency and should be dealt with immediately. Where a repair cannot be effected within a reasonable period, the equipment affected should be taken out of service.

11. Unless otherwise agreed in writing by the Director of Community Services, no sorting, shredding, processing, bulking or baling of waste shall take place outside the confines of the buildings approved for this purpose.

12. Unless previously approved in writing by the Director of Community Services, no loose waste materials shall be deposited or stored and no waste storage containers shall be kept outside the confines of the buildings.

**External appearance of the buildings**

13. No alterations which materially affect the external appearance of the building shall be carried out until written details of the proposed alterations have been submitted to the Director of Community Services for prior approval.

**Reasons**

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. To ensure the development is implemented in all respects in accordance with the submitted details, in the interest of the amenities of the area and for the avoidance of doubt. (Policy WLP 11 of the Leicestershire, Leicester and Rutland Waste Local Plan)

3. As this consent is granted because of the relationship between the proposed use and existing activities at the site, in the interest of the amenities of the rural area, and to enable the County Planning Authority to reconsider the development in the light of any change in circumstances at the site. (Policy WLP 7 of the Leicestershire, Leicester and Rutland Waste Local Plan)
4. For the avoidance of doubt, and to ensure the development accords with the submitted details. (Policy WLP 11 of the Leicestershire, Leicester and Rutland Waste Local Plan)

5, 7, 11, 12, & 13. In the interest of the amenities of the area. (Policy WLP 11 of the Leicestershire, Leicester and Rutland Waste Local Plan)

6 & 8. In the interest of highway safety and the amenities of the area. (Policy WLP 11 of the Leicestershire, Leicester and Rutland Waste Local Plan)

9. To ensure that traffic associated with the development does not use unsatisfactory roads to and from the site. (Policy WLP 11 of the Leicestershire, Leicester and Rutland Waste Local Plan)

10. To minimise the adverse impact of noise generated by the operations on the local area (Policy WLP 11 of the Leicestershire, Leicester and Rutland Waste Local Plan).

**Note to the Applicant**

*Protected Species –* Farm buildings like those at Wolds Farm can provide a habitat for bats. It is therefore recommended that a watching brief for bats be maintained before the buildings are brought into use, and that any bats found which would be affected by the development are relocated by a suitably licensed person before development commences.
DEVELOPMENT CONTROL AND REGULATORY BOARD

The considerations set out below apply to all preceding applications.

EQUAL OPPORTUNITIES IMPLICATIONS

Unless otherwise stated in the report there are no discernible equal opportunities implications.

IMPLICATIONS FOR DISABLED PERSONS

On all educational proposals the Director of Children’s Services and the Director of Resources will be informed as follows:

Note to Applicant Department

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person’s Act 1970, the Design Note 18 “Access for the Disabled People to Educational Buildings” 1984 and to the Disability Discrimination Act 1995. You are advised to contact the County Council’s Assistant Personnel Officer (Disabled People) if you require further advice on this aspect of the proposal.

COMMUNITY SAFETY IMPLICATIONS

Section 17 of the Crime and Disorder Act 1998 places a very broad duty on all local authorities ‘to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all reasonably can to prevent, crime and disorder in its area’. Unless otherwise stated in the report, there are no discernible implications for crime reduction or community safety.

BACKGROUND PAPERS

Unless otherwise stated in the report the background papers used in the preparation of this report are available on the relevant planning application files.

SECTION 38(6) OF PLANNING AND COMPULSORY PURCHASE ACT 2004

Members are reminded that Section 38(6) of the 2004 Act requires that:

“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

Any relevant provisions of the development plan (i.e. the Regional Spatial Strategy, Structure Plan or any approved Local Plans) are identified in the individual reports.

The circumstances in which the Board is required to “have regard” to the development plan are given in the Town and Country Planning Act 1990:

- Section 70(2) : determination of applications;
- Section 77(4) : called-in applications (applying s. 70);
- Section 79(4) : planning appeals (applying s. 70);
- Section 81(3) : provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991);
- Section 91(2) : power to vary period in statutory condition requiring development to be begun;
- Section 92(6) : power to vary applicable period for outline planning permission;
- Section 97(2) : revocation or modification of planning permission;
- Section 102(1) : discontinuance orders;
- Section 172(1) : enforcement notices;
- Section 177(2) : Secretary of State’s power to grant planning permission on enforcement appeal;
- Section 226(2) : compulsory acquisition of land for planning purposes;
- Section 294(3) : special enforcement notices in relation to Crown land;
- Sched. 9 para (1) : minerals discontinuance orders.