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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2019/0736/FUL	ITEM 1	
Proposal:	Retrospective Temporary Planning Permission (10yrs) for change of use of golf club house to office and storage of vehicles (B8).		
Address:	St George's Barracks North Luffenham Road Edith Weston		
Applicant:	Airfield Trailer Store Ltd	Parish	Edith Weston
Agent:		Ward	Normanton Ward
Reason for presenting to Committee:	Request By Councillor Waller		
Date of Committee:	15 December 2020		

EXECUTIVE SUMMARY

The proposed change of use of the site for the storage of vehicles would comply with all relevant policies of the Development Plan. The local highway authority has raised no objections subject to conditions. The proposed development would not materially harm the setting of the adjacent listed structures and would be acceptable in all other planning considerations. The concerns raised by the Parish Councils and local residents are noted however subject to the attached planning conditions the application is recommended for approval for a temporary period of 10 years.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. The use hereby permitted shall be for a limited period being the period of 10 years from the date of this decision. At the end of this period the use shall cease, all materials and equipment brought on to the land in connection with the use shall be removed, and the land restored to its former condition.
Reason: In order to ensure that the use does not prejudice the future wider comprehensive redevelopment of the site and in the interest of the visual amenity of the area.
2. Notwithstanding the site being open 24 hours there shall be no vehicular or trailer deliveries other than between the hours of:
[7:00 - 18:00], Mondays - Sundays,
Such deliveries shall avoid the hours of 7:30 to 8:30 and 15:00 to 16:00 Monday to Fridays in order to ensure there is no conflict between HGVs and users of the surrounding schools, in accordance with the submitted Operational Plan dated November 2020, unless otherwise formally agreed in writing by the Local authority or in the case of an emergency.
Reason: To protect the residential amenities of the occupiers of nearby properties and highway safety.
3. Prior to any repair work been undertaken on any vehicles or trailers stored on precise details showing a dedicated area on site for such repair work to take place shall be submitted to and agreed in writing with the Local Planning Authority, the details shall also include information on procedures and processes to ensure that there is no contamination from such works. Any repair work shall then only take place in accordance with the approved details.
Reason: To ensure that the development does not result in any contamination of the local environment.
4. Within 3 months of the date of this consent the highways works shall be carried out and completed in accordance with drawing 4646-SK-01B.
Reason: In the interests of Highway safety

5. The applicant shall maintain a register of all vehicles arriving and departing the site from the date of this permission. The register will then be made available to the local authority for inspection within 1 month of any written request from the Local Planning Authority.
Reason: In the interests of highway safety and so that the Local Planning Authority can ensure that the site is operating in accordance with the attached conditions.
6. Unless required otherwise by another planning condition on this notice the site shall operate in accordance with the details contained in the Operational Management Plan dated November 2020, in particular those matters relating to the routing arrangements and complaints procedures. The welfare facilities and toilets shall be maintained available to drivers at all times.
Reasons: In the interests of residential amenity and highway safety

Site & Surroundings

1. The application site occupies part of the former runway at St George's Barracks. The application red line boundary is drawn tightly around the existing area of hardstanding and extends to approximately 7 hectares.
2. The main part of the site where vehicles are stored is located 1km to the east of Edith Weston. To the north east of the site this is an existing haulage operation know as CS Ellis which has recently had temporary planning permission to retain an existing temporary warehouse building until September 2024. To the immediate west of the application site is the main built complex for the barracks.
3. To the south east of the site there is a Grade II* listed Thor Missile site. This structure was listed recently. The listed structures are at ground level and are significant because of their links to the Cold War period.
4. Access to the site is taken from Welland Road to the north-west, which then links into Pennine Drive, which links into Normanton Road. Just south of the access point from Normanton Road there is a mini roundabout which provides access on to Manton Road and then on to the A6003 to the west of Edith Weston. Vehicles turning right out of the site onto Normanton Road and going north join the A606 approximately 5km north of the access point.

Proposal

5. This is a retrospective application for the temporary change of use of an area of hardstanding to B8 vehicle storage, for a period of 10 years.
6. The red line has also been amended to include the golf club house; the applicant is currently using this building as a reception area for truck drivers who visit the site, and during the hours of operation the golf club house is manned by one member of staff. The applicant proposes to sub-divide the clubhouse, which was vacated in May 2019 into 3 separate units and use the building as an office and reception area. The building includes a kitchen area and toilet area for the convenience of drivers once they arrive on-site and allows for drivers to complete the necessary documents upon entering and leaving the site.
7. The on-site office is in close proximity to the access and overlooks an area of hardstanding that acts as a temporary holding area whilst drivers report to the office.
8. HGV's are held in this area until they are given authorisation to load/unload. This approach allows for staggered entrance and exiting of the site, and seeks to ensure that trips to and from

the site are appropriately staggered to ensure that the surrounding road network can accommodate the traffic from the site.

9. The site will be monitored 24 hours per day by a mix of on-site personnel and CCTV. The site is not open to the public and the applicant will monitor vehicles entering the sole access point from the highway network by natural surveillance and an already installed CCTV system, operated in conjunction with the MOD.

Relevant Planning History

None

Planning Guidance and Policy

National Planning Policy Framework

Chapter 9 - Promoting sustainable transport

Chapter 11 - Making effective use of land

Chapter 6 - Building a strong, competitive economy

Chapter 12 - Achieving well-designed places

Chapter 15 - Conserving and enhancing the natural environment

Edith Weston Neighbourhood Plan

EW2 - Commercial and Industrial Development, including tourism and recreation

EW3 - The Environment

EW5 - Transport

EW6 - Village heritage and character

The Rutland Core Strategy (2011)

CS01 - Sustainable Development Principles

CS02 - The Spatial Strategy

CS03 - The Settlement Hierarchy

CS04 - The Location of Development

CS06 - Re-use of Redundant Military Bases and Prisons

CS13 - Employment & Economic Development

CS16 - The Rural Economy

CS18 - Sustainable Transport & Accessibility

CS21 - The Natural Environment

CS22 - The historic and cultural environment

Site Allocations and Policies DPD (2014)

SP1 - Presumption in Favour of Sustainable Development

SP7 - Non-residential development in the countryside

SP11 - Use of military bases and prisons for operational or other purposes

SP15 - Design and Amenity

SP19 - Biodiversity and Geodiversity Conservation

SP20 – the historic environment

SP23 - Landscape Character in the Countryside

Consultations

10. Consultee objections are summarised below. Given the length of some of the consultee response all replies have been copied in full in appendix 1 at the end of this report, they are also available to view on the Council's website.

11. Highways

No objection subject to the following conditions:

- A. Time limited permission, with times of day limited and Sundays excluded unless otherwise agreed or in emergency the applicant to inform within 5 days of any such event
- B. Routing strategy with signs to be installed within 4 months of any consent
- C. Complaints procedure with accredited provider (unless otherwise agreed)
- D. Limit the areas that are used to those shown
- E. Engine off policy in the waiting areas and no vehicles to wait on site outside of these zones
- F. A 6 monthly submission of all recorded movements or to provide within 1 month of any request of the planning authority'

12. MOD Safeguardings

The MOD has no safeguarding objections to this proposal.

13. ECOLOGY

No Objections

14. North Luffenham Parish Council

Objects to the proposed development on the following grounds:

- 1. The lack of a traffic impact assessment
- 2. The sighting of Common Lizards on the site contrary to the Ecological report regarding protected species
- 3. The unapproved use of leisure buildings as offices (old Golf Club building)
- 4. The 10 year licence granted to the operator and it's potential impact on the ability of the St Georges redevelopment project to utilise the area for the promised commercial / employment zone

15. **Public Protection**

No objection subject to conditions ensuring that welfare services are provided on site and the details of any repair/breaking facility should be submitted to the authority for its approval. Otherwise, I would suggest a condition of only allowing vehicles in sound condition to be stored on site. All chemicals, vehicle parts and materials should be removed. Storing of such vehicles on the hard-standing only, rather than being on the grass apron would allow any leakage to be detected and contained.

16. **Edith Weston Council**

1. concerns about retrospective application
2. lack of transport assessment
3. Impact on master plan for St Georges Barracks if 10 year permission is granted.
4. More suitable alternatives have not been considered.
5. Number of lorry movements
6. Highway network and routing
7. Safety
8. Ecology
9. Contrary to national and local policies including those in the Neighbourhood Plan
10. Hours of use and impact on residential amenity
11. Light pollution

17. **Manton Parish Council**

Objects to the proposed development and concerned that they were not notified originally. Concerned about traffic movements, routing and impact on residential amenity. They also support Edith Weston Parish Council's objection, and recommend that current development should be remediated and no further development allowed.

18. **Empingham Parish Council**

Raise the following objections:

- EPC supports the views of other Parish Councils, in particular those by Edith Weston Parish Council (usefully related to the Local Plan),
- the need for a retrospective application for this significant operation does not reflect well on the efficiency and effectiveness of the operator or the landlord (that has an MOU with RCC in relation to the proposed development of the site),
- parking 1200 trailers and a significant number of tractor units at an isolated rural location accessed by several miles of rural roads unsuited to HGV traffic should be resisted,
- there is no means of policing routes that lorries would take and driver guidance is not enforceable,
- suggested traffic movements are ridiculously low and suggested efforts to avoid school times both derisory and unenforceable,
- access to the site via Pennine Drive that serves a residential estate is dangerous as it is too close to the mini roundabout in Edith Weston,
- the access and egress from the A6003 at Manton is especially dangerous given the length of articulated vehicles and sight lines; also the junction of Normanton Park Road with A606 on the route to the A1 would need to be improved with appropriate signposting,
- the site will be manned during the day but permission is sought for 24 hour operation -- movements of lorries during the night is obtrusive, and there are already examples lorries queuing to gain access before the site is manned,
- there is no environmental assessment, and
- there is no application for a change of use of the former golf clubhouse.

19. Neighbour Responses

57 letters of representation have been received in relation to the application. The comments are summarised below and all comments are available to view in full on the Council's website:

- The proposed access routes are not appropriate and there are no major roads to provide suitable access to the site,
- Concerns about noise and disturbance from vehicles coming and going to the site,
- Health concerns from exhaust fumes,
- Increase HGV movements on the local roads will be detrimental to highway safety,
- The existing 30mph speed limit is already been ignored,
- Concerns about the impact on the local ecology and local wildlife,
- The applicant is already using areas which are not part of the application site,
- Noise and disturbance especially when using outdoor space in the summer such as garden rooms,
- Rutland Water is a beauty spot and not a suitable location for HGV storage and this should be confined to already industrialised areas.
- Existing roads are not suitable or wide enough to withstand the significant increase in vehicle movement,
- The development will make the area less commercially viable for housing development,
- This is a retrospective application and the applicants have clearly ignored the planning process,
- Pennine Drive and Welland Road are residential roads, with families with children who should not have to live on a drive with this volume of traffic with all the associated noise and resultant poor air quality,
- Vehicles frequently miss the turn into Pennine and then reverse up, this is dangerous from either way and particularly dangerous from Manton Road and we have witnessed many near misses.
- Lack of publication of the application by Rutland County Council,
- Proposal will be detrimental to highway safety and cyclist using the roads in the area,
- Concerns about increase in vehicle movements through the nearby local villages,
- Concerns about increase in traffic, noise, pollution and vibration in the area close to habitat and wildlife reserves,
- Horses also use some of the country roads in the area and there would be potential for conflict between horse riders and vehicles accessing the site,
- This is predominantly a rural area and this is out of character with the area,
- Concerns about safety of pedestrians and children on inadequate roads,
- The local roads are not designed for the weight, length and volume of traffic proposed. Is the applicant going to meet the cost of road improvements and repair?
- Given the anticipated future development of SGB - and the associated existing potential for vastly increased traffic from that project, allowing the expansion of a heavy haulage operation at the site appears to be madness given the further huge weight of traffic that will be added,
- Manton transit and accident blackspot. Given that there are already large numbers of heavy articulated trailers on the site may I request that signs are immediately erected to definitively prevent 'artics' from attempting to transit through Manton,
- The addition of large amounts of equipment to the airfield will only add to the temptation for further crime,
- Why complain about parked stationary vehicles. The only time these will be problem is when they leave site and then only for a short while,
- Lorry parks should be sited adjacent to major link roads - surely there are several sites close to the A14 and A1 that could be utilised,
- Concerns about light pollution,
- the application fails to take account of the fact that an HGV depot already exists in the

vicinity (CS Ellis Limited). HGVs from the CS Ellis site currently use the junction at Pennine Drive. In my opinion, a further increase in HGV traffic at this road junction would make the roads dangerous for other road users,

- Planning decisions must comply with the requirements of the Human Rights Act 1998, particularly Article 1 of the first Protocol, the "Right of the individuals to the peaceful enjoyment of their possessions",
- Concerns about 24 hour use of the site,
- Concerns that the proposal will have a detrimental impact on the proposed redevelopment of St Georges Barracks and that the two developments are not compatible,
- The site is also been used for the storage of buses which is not covered by this current application,
- Concern at the amount of time it has taken to determine this application.

Planning Assessment

Evaluation

20. At the Statutory level, Sections 16 (2) and 66 (1) of The Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990 require the decision maker to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.
21. There has been a lot of criticism of the application and the fact that it was submitted retrospectively. A local planning authority can invite a retrospective application in circumstances where the local planning authority consider that an application is the appropriate way forward to regularise the situation. It is however important to note that although a local planning authority may invite an application, it cannot be assumed that permission will be granted, and the local planning authority should take care not to fetter its discretion prior to the determination of any application for planning permission – such an application must be considered in the normal way.
22. Taking the above into account this application has been assessed as any other application is against the relevant policies contained in the development plan and taking all other material planning considerations into account.

Principle of the use

23. Policy CS6 Re-use of redundant military bases and prisons states that the Council will seek to ensure that any re-use or redevelopment of former military bases or prisons is planned and developed in a comprehensive and co-ordinated manner. The key requirements for any proposals are that they should:
 - a) re-use existing land and buildings and where appropriate minimise any built development on undeveloped airfield land;
 - b) not lead to undue disturbance to nearby local communities through traffic, noise, aircraft activity or other uses;
 - c) protect and where possible enhance the countryside and character of the landscape, natural and cultural heritage;
 - d) be accessed satisfactorily and not generate unacceptable traffic on the surrounding road network
 - e) be accessible by public transport and include measures to encourage walking and cycling;
 - f) incorporate high quality design and construction including the need for energy efficiency, renewable energy and waste management.
24. Policy CS13 Employment and economic development, point (f) supports the re-use or re-development of redundant military bases and prisons as set out in Policy CS6.
25. Policy CS16 The rural economy, point (e) allow small scale developments for employment

purposes in the local services centres and smaller services centres provided it is of a scale appropriate to the existing location where this would be consistent with maintaining and enhancing the environment, and contribute to local distinctiveness of the area.

26. Policy SP7 Non-residential development in the countryside supports amongst other things new employment growth comprising small scale, sustainable rural tourism, leisure or rural enterprise that supports the local economy and communities. Provided that:
 - i. the development cannot reasonably be accommodated within the Planned Limits of Development of towns and villages;
 - ii. the amount of new build or alteration is kept to a minimum and the local planning authority is satisfied that existing buildings are not available or suitable for the purpose;
 - iii. the development itself, or cumulatively with other development, would not adversely affect any nature conservation sites or be detrimental to the character and appearance of the landscape, visual amenity and the setting of towns and villages;
 - iv. the development would not adversely affect the character of, or reduce the intervening open land between settlements so that their individual identity or distinctiveness is undermined; and
 - v. the development would be in an accessible location and not generate an unacceptable increase in the amount of traffic movements including car travel.
27. Policy SP11 indicates that small scale development of an individual building or part of a military base or prison for alternative uses not required for the operation of the establishment will be given favourable consideration provided that it complies with the key requirements set out in Core Strategy Policy CS6 (Re-use of redundant military bases and prisons) and that it would not adversely affect the operational use of the establishment.
28. The above policies give general support to the redevelopment of former military bases and to proposals which support the economic growth of rural areas provided the development does not adversely impact on the surrounding area. The proposed change of use of the northern part of the former runway would therefore be in general accordance with the above adopted development plan policies.
29. Concern has been raised that acceptance of the proposal would impact on the delivery of the St Georges Barracks redevelopment proposals. Any permission would be for a temporary period and in any event this can also be controlled by the MOD as land owner in terms of any lease that they offer to the applicant. Acceptance of the proposal will not therefore adversely impact any future redevelopment of the site.

Impact of the use on the character of the area

30. Policy CS22 - The historic and cultural environment requires developments to conserve and enhance the quality and character of the built and historic environment of Rutland. All developments, projects and activities are expected to protect and where possible enhance historic assets and their settings, maintain local distinctiveness and the character of identified features.
31. Development should respect the historic landscape character and contribute to its conservation, enhancement or restoration, or the creation of appropriate new features.
32. The adaptive re-use of redundant or functionally obsolete listed buildings or important buildings will be supported where this does not harm their essential character.
33. Policy SP15 sets out the design and amenity criteria that will be taken into account in the assessment of applications.

34. Policy SP20 The historic environment sets out the requirements and considerations for developments affecting heritage assets. The policy seeks to ensure that all developments protect and where possible enhance historic assets and their settings, maintain local distinctiveness and the character of identified features.
35. Policy SP23 – Landscape Character in the countryside indicates that amongst other things proposals to develop land in the countryside will only be permitted where they development complies with the requirements of Policies SP7, SP15 and SP19.
36. There is a Grade II* listed Thor Missile site approximately 800m to the south east of the site across the former airfield. These structures were listed relatively recently. The listed structures are at ground level and are not easily visible from the site. The stored vehicles can be seen from the listed structures.
37. The impact of this temporary use is limited and is compatible with the existing adjacent land uses including the barracks and the haulage use in the area. The development does not propose any new significant built form and the main visual impacts are limited to that of the vehicles when stored on the site. The site is relatively well screened from distant views and it is considered that the proposal would not therefore have any significant and lasting impact on the visual amenity of the area.

Impact on the neighbouring properties

38. The nearest residential property is located approximately 200m to the west of the site on Welland Road. The application site comprises part of the former runway and golf club house. The site is located directly adjacent to C S Ellis (Groups) units which also occupy some of the old hangers and a temporary structure used for storage and distribution.
39. Concerns have been raised about the potential impact on the residential amenity of nearby residential properties. The Council's Environmental Protection has been consulted and raised no objections to the proposed development. Given the existing storage and distribution uses in this area, the separation distances, the proposed conditions to control the hours of use and that this will be a temporary permission it is considered that the development will not result in any significant adverse impact on the residential amenities of local residents.

Highway issues

40. One of the key considerations in relation to this application is the impact on the existing highway network and highway safety. Policy CS18 Sustainable transport and accessibility states that the Council will work with partners to improve accessibility and develop the transport network within and beyond Rutland and accommodate the impacts of new development by focusing on amongst other things:
 - supporting new development in the towns and local service centres in line with the locational strategy in Policy CS4 which are accessible by range of sustainable forms of transport and minimise the distance people need to travel to shops, services and employment opportunities;
 - supporting development proposals that include a range of appropriate mitigating transport measures aimed improved transport choice and encourage travel to work and school safely by public transport, cycling and walking, including travel plans;
 - providing safe and well designed transport infrastructure;
 - improving bus routes, services and passenger facilities around the key transport hubs of Oakham and Uppingham and linkages to the larger service villages and nearby cities and towns, such as Leicester, Peterborough, Corby and Stamford;
 - providing adequate levels of car parking in line with Council's published car parking standards;

41. The Local Highway Authority has reviewed the application and submitted documentation and has raised no objections to the proposed development being granted a temporary planning permission, subject to the imposition of a number of conditions to control activities at the site and to improve the existing access arrangements.
42. Although there has been significant local concern raised in relation to highway and pedestrian safety the local highway authority has advised that that the proposed development is acceptable and that when considering the application against the requirements of the NPPF they would not have concerns in relation to highway safety or highway capacity. As such, the highway authority raises no objection subject to conditions that secure the following:
 - A. Time limited permission, with times of day limited and Sundays excluded unless otherwise agreed or in emergency the applicant to inform within 5 days of any such event
 - B. Routing strategy with signs to be installed within 4 months of any consent
 - C. Complaints procedure with accredited provider (unless otherwise agreed)
 - D. Limit the areas that are used to those shown on the submitted plans
 - E. Engine off policy in the waiting areas and no vehicles to wait on site outside of these zones
 - F. A 6 monthly submission of all recorded movements or to provide within 1 month of any request of the planning authority'
43. The above requirements can be secured via suitably worded conditions as outlined above. The applicant has also prepared a complaints procedure process. The complaints procedure ensures that there are named contacts available for the Council and members of the public to contact should there be any issues with the operations. Where necessary there is also a requirement for the highway authority to be notified within 5 days of any damage caused to the highway and suitable measures in place for any potential damage to be rectified.
44. Concerns have also been received stating that coaches been parked at the site are not keeping to their side of the carriageway when then have to cross the mini roundabout at the end of Pennine Drive. The Council's Highways Engineer has advised that whilst mini-roundabouts are acceptable in highways terms they are designed to be constrained and as such larger vehicle paths do dominate the junction area. This is in no way uncommon, however the percentage of HGV's can cause wear and tear. In this instance, the central island is not raised significantly and only road markings are provided. The highways engineer has advised that he has seen no signs of damage, so whilst the roundabout is restrictive it does need to provide for those larger vehicle movements in an appropriate way.
45. The route to the A1, if required, means the vehicles would need to go through the village to Normanton Park Road and the bend as you leave the village is made narrow by parked cars (including a disabled bay). Whilst it is note that occasions of parking on the highway, which can occur in many locations can cause some minor delay, there is not in this instance sufficient highway reasons to prevent movements associated with this development along this route.
46. Concern has also been raised that Pennine Drive is used by parents walking their children to school yet no restriction on vehicle movements is suggested prior to school starting, at lunch time or when school ends. There is no safe place for parents to cross at the end of Pennine Drive so restricting vehicle movements at these times is essential for the safety of children.
47. The Highways Team have considered the request and have arranged for a wider vehicle access and for pedestrian elements to be installed on Pennine Drive. We are also introducing restrictions on the times the site is used and a memorandum of understanding for a complaints resolution service specifically for traffic associated with this development. As the matter would also be secured by planning conditions which can be enforced if planning permission is granted.

Ecology

48. The proposed development needs to be considered under policy CS21 The Natural Environment – this seeks to ensure that development is appropriate to the landscape character type within which it is situated and contributes to its conservation, enhancement or restoration, or the creation of appropriate new features.
49. The quality and diversity of the natural environment of Rutland will be conserved and enhanced. Conditions for biodiversity will be maintained and improved and important geodiversity assets will be protected.
50. Protected sites and species will be afforded the highest level of protection with priority also given to local aims and targets for the natural environment.
51. All developments, projects and activities will be expected to:
 - a) Provide an appropriate level of protection to legally protected sites and species;
 - b) Maintain and where appropriate enhance conditions for priority habitats and species identified in the Leicestershire, Leicester and Rutland Biodiversity Action Plan;
 - c) Maintain and where appropriate enhance recognised geodiversity assets
 - d) Maintain and where appropriate enhance other sites, features, species or networks of ecological interest and provide for appropriate management of these;
 - e) Maximise opportunities for the restoration, enhancement and connection of ecological or geological assets, particularly in line with the Leicestershire, Leicester and Rutland Biodiversity Action Plan;
 - f) Mitigate against any necessary impacts through appropriate habitat creation, restoration or enhancement on site or elsewhere;
 - g) Respect and where appropriate enhance the character of the landscape identified in the Rutland Landscape Character assessment;
 - h) Maintain and where appropriate enhance green infrastructure.
52. Policy SP19 sets out the biodiversity and geodiversity conservation considerations that will be taken into consideration when determining applications and states that all new developments will be expected to maintain, protect and enhance biodiversity and geodiversity conservation interests in accordance with Core Strategy Policy CS21.
53. Objections have been received raising concerns about the impact of the development on the local wildlife and ecology. The Council's Ecologist has made a detailed response in relation to the concerns raised and they have advised that they have no objections to the proposed development. The proposed development is for a temporary period and will not result in any significant adverse impact on the local wildlife.

Crime and Disorder

54. Concern has been raised in relation to crime and disorder associated with the site and the storage of vehicles. The site is however protected by 24hour CCTV and there is also a member of staff on site to log vehicles in and out.
55. It is considered that the proposal would not result in any significant crime and disorder implications.

Human Rights Implications

56. Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.

57. It is considered that no relevant Article of that act will be breached.

Conclusion

58. Having had regard to the relevant policies of the development plan and all relevant material planning considerations. It is recommended that the application is approved subject to the attached conditions and for a temporary period of 10 years. The proposed development would not be detrimental to highway safety, residential amenity nor would it materially harm the setting of the nearby listed structures. The development is acceptable in all other planning respects.

Recommendation: Approve

Consultee responses:**Highways**

I have reviewed the application and submitted materials. Fundamentally I do not have an issue with the proposed temporary application from a highways perspective. I cannot foresee any matters that would be sufficient to establish an NPPF position in relation to highway safety or highway capacity. Of course there is greater risk associated with HGV activity and I am mindful of some matters that are not planning but are suitable under other forms of legislation i.e. suitable negatively worded conditions, recognising the temporary nature of the proposals.

- 1) I do not see any particular cogent requirement for a 24 hour facility. Within itself, there would not be 1 member of staff for such an activity unless they were on-site/on-call. I also think, given the nature of the operation, including finance recovery of vehicles that it is not beyond the wit of the applicant to ensure that arrivals / departures are secured in normal operational hours and exclude Sundays unless otherwise agreed in writing.
- 2) The applicant, through no fault of their own, has not fully understood that their activity is not ordinary and nor would any prior use of the land that relates to HGV use. The Highways Act Section 59 which covers recovery of costs associated with extraordinary traffic would give credence to the statement that a road constructed to a standard based on the expected levels of use, including weight of vehicles, could not reasonably bear the additional impacts with a reduction in its lifespan. The design literature is clear that HGV axle loads are the weights that cause wear and tear to the highway. However, in this regard the route vehicles use for access/egress does not appear to be unacceptably damaged by higher levels of HGV use and I do not have sufficient evidence to justify that maintenance periods may be more frequent as a consequence. This is a key issue and whilst not being pursued in this instance, is the first planning application where the point is to be noted.
- 3) Routing Strategy – whilst reasonable in principle I do not see at this time how a suitably worded condition could meet the six tests without some additional mechanisms. As such, I recommend a condition ‘within 3 months of any consent a signing strategy will be submitted and approved, and installed within 4 weeks of any such approval from the local highway authority’. Whilst we could rely on drivers being educated, the manner of the proposed development does not reassure me that this would be a usual trip, or that drivers would be known to the land owner prior to their arrivals/departures.
- 4) Potentially of slightly less concern if the use is consented would be whether the applicant could operate a fleet of smaller cars to enable arrivals to leave the original vehicle and depart in a smaller vehicle. I imagine there are numerous legal reasons why any vehicle would need to be towed in on another HGV but in any case, this was a consideration but I have decided to not pursue and simply accept that two-way movements will involve HGV’s in both instances.
- 5) I would like to establish an ‘engine off’ policy on-site and think this reasonable, however given the distance from the highway, whilst useful in environmental and noise terms I do not see sufficient transport merit. However if it was felt necessary by others I would support this.
- 6) I do not consider that the complaint procedure via a planning consultant is sufficiently robust and given that the details would need to form part of the planning this needs a stronger steer and dialogue with the Freight Transport Association, who would typically be a consultee of the highway authority should occur to ensure that the planning consent is not at odds with any national guidance on these matters.

As such, the highway authority raises no objection subject to conditions:

- A. Time limited permission, with times of day limited and Sundays excluded unless otherwise agreed or in emergency the applicant to inform within 5 days of any such event
- B. Routing strategy with signs to be installed within 4 months of any consent
- C. Complaints procedure with accredited provider (unless otherwise agreed)

- D. Limit the areas that are used to those shown
- E. Engine off policy in the waiting areas and no vehicles to wait on site outside of these zones
- F. A 6 monthly submission of all recorded movements or to provide within 1 month of any request of the planning authority'

MOD Safeguarding's

The application site occupies statutory safeguarding zones surrounding RAF Wittering. We have reviewed the proposal and I can confirm that the MOD has no safeguarding objections to this proposal.

ECOLOGY

Our advice on the biodiversity impacts of the application are below.

In summary, and with regard to Common Lizard and Great Crested Newts, the vegetation clearance along the edge of runways, done without apparent precautionary working to protect lizard and newts, is regrettable. However, the evidence that I have indicates that the lizard population is centred some distance away from the area impacted by the current application, and therefore that any impacts will be marginal to the overall population. Both species are of material consideration in the planning system, but the works that have taken place may fall into the category of routine maintenance and therefore be outside the planning process; I'm not a planner and will defer to your knowledge on this point. Nonetheless, I would have advised that precautions should have been taken to prevent harm to individuals of both species, which are protected by law; this applies to carrying out maintenance operations as well as those that require planning permission. Common Lizard habitat is not protected, and therefore the loss of any habitat is not an offence in itself. GCN habitat is protected, and there may therefore be additional protection and licensed mitigation required if working within the immediate area of the two GCN ponds, and if works have already taken place close to the ponds, this should have happened under a mitigation plan. I have no evidence, however, that any offences have taken place, and it would be impossible to establish after the event.

With regard to the impacts of the works on the overall grassland habitats, I find that this is insignificant when the overall extent of the habitat is taken into account; this is a very large site and the amount of habitat lost is a very small part of the whole resource.

The actual extent and impact of the works is unclear; I understand that further areas are being brought into the operation and that the redline boundary may need to be altered. I would urge enforcement action to prevent further loss of habitats until the extent of the impacts can be assessed. I stress that failure to do this could be construed as being in breach of wildlife law.

More details on the above points are set out below.

Common Lizard population on the airfield

The airfield supports a good and important colony of common lizard. I refer you to the October 2019 report prepared by Derek Finnie Associates in connection with the St George's Barracks development. Relatively small numbers were recorded during the survey, but nonetheless, I feel the population is of County-wide value. The relevant section is below:

"3.2.4 Common lizard, although more widely dispersed across the Site, were encountered with a slightly greater frequency towards the north east of the airfield. The encounters were associated with the presence of hedgerows and artificial features located immediately to the south of the existing industrial area."

This is the plan from Mr Finnie's report, illustrating the dispersal across the site.

Mr Finnie did not survey the areas hatched orange, and this includes part of the application site, along the northern road. As a reason for excluding this area, he notes that 'The industrial area

towards the north of the Site was also excluded from the Survey due to the absence of suitable reptile habitat'. The survey technique involves use of 'tiles' of roofing felt, which attract basking and sheltering reptiles. Mr Finnie placed 260 refugia across the whole site - a large number, but he acknowledged that the density of tiles was lower than recommended - but cites the fact that it is a large and relatively homogenous site. I accepted that the survey effort was adequate for the purpose intended, which was to inform the redevelopment of St George's Barracks.

The question remains as to whether the surveys can be used to inform this current application, which was not within Mr Finnie's remit to assess. It is helpful to have data covering the wider population, and not just the area impacted by the current proposal. The survey indicates where the main areas of population are on the airfield, and illustrates that the core area is in the centre of the site, outside the area that it's subject to this application. He did find lizards along the runway edge within or on the edge of the red-line boundary, and this is endorsed by the Parish Council's response. I conclude from this that part of the population could be affected by the proposal, but that (on the basis of Mr Finnie's 2019 survey) the majority of the population would not be affected. My view therefore, is that impacts are marginal, but that any impacts can and should be mitigated through precautionary working, and that there is no need for any additional surveys for Common Lizard.

Mitigation and precautionary working - Lizards

Whilst development stays on the tarmac/concreted area, I do not feel mitigation would be needed. However, I understand that edges of the runways have already been cleared of encroaching turf and vegetation's, thus disturbing basking habitat for lizards. The Parish Council's response also refers to piles of concrete that have been removed, disturbing hibernation/sheltering sites.

Mitigation to avoid impacts on lizards would involve clearance of vegetation and dismantling shelters and hibernacula by hand or under ecologists' supervision, and at a time of year and day when lizards were most active, to avoid accidental harm to an individual. Clearance of this vegetation should have taken place under precautionary working - but I also understand it happened before planning application was made. I also feel that it could legitimately be considered maintenance to restore runways to full width, and that the overgrowth would not have been allowed to build up during normal operations of the airfield.

I am aware that the use has spread beyond the red-line boundary, but I am not clear on the extent of the additional areas being used. I understand that the area around the club-house is now being used, and that this may affect areas that are currently grassed or vegetated. If this is the case, then I recommend precautionary working when clearing overgrowth, stripping soils or otherwise disturbing vegetation or potential sheltering places. This will involve an ecologist being present on site when works are undertaken. Given Mr Finnie's advice, given above, that this area was not suitable for reptiles, I feel that impacts would be minor; however the situation may have changed and therefore a precautionary approach is advisable.

If works have already happened, precautionary working would serve no purpose.

The Parish Council also cites the impact of shading caused by overhanging tails of Lorries. Given the large area of undisturbed runway edges and grassland habitat available to lizards, which would be undisturbed, I do not feel this is significant or requiring mitigation.

Conservation status of Common Lizard

Unlike Great Crested Newts, Common Lizards have limited degree of legal protection. Under the Wildlife and Countryside Act Section 9(5) the intentional killing and injuring and trade (i.e. sale, barter, exchange, transporting for sale and advertising to sell or to buy) of Common Lizards is prohibited. The habitats of Common Lizards are not protected by law, and therefore I do not feel an offence has been committed. The key word here is 'intentional'; I do not expect that any incidental harm done to lizards through the vegetation and other clearance was of this nature. I'm not an expert in environmental law, so you may wish to investigate this further with your legal

advisors.

Common Lizard are in decline nationally, and are a UK Biodiversity Action Plan as a priority species. As this may be a large population - one of the best known in the county - the health and sustainability of the population is a material consideration in the planning system. However, as discussed earlier, I feel the impacts on the population would be marginal, and unlike to affect the overall status and viability of the airfield population.

Habitats on and at the edges of runways

The runways and edges have become good habitats, through default and through neglect of the usual maintenance of an airfield. The sparse and flower-rich vegetation over calcareous soils and mineral substrate creates a habitat of floral diversity, which could be expected to attract a large and diverse invertebrate assemblage that is likely to be of County-wide value. I do not have full survey details of this specific part of the habitat. There is always the possibility that the clearance unintentionally removed a rare plant or invertebrate species, and it is regrettable that a botanical and invertebrate survey was not done before the works were carried out and the planning application submitted.

As I stated before, this kind of clearance is also to be expected as normal maintenance of an active airfield. It is the cessation of this maintenance that has created the habitat. The whole airfield is excellent rough calcareous/neutral grassland habitat of high biodiversity value, and with pockets of richer calcareous grasslands that are especial value. It is also of great importance for ground-nesting and feeding birds. As such it meets our Local Wildlife Site criteria. It is also a very large area, and this should be borne in mind when considering the impacts of proposals and actions. The application covers a large area of runway. It is part of the whole resource available - perhaps 25% overall, or less. This is a significant amount of the overall runway habitat, but there is still plenty left, and the impacts on the overall grassland resource is minor in proportion to the whole habitat available. I would be concerned if any more was lost, and any proposals to increase the extent of runway and other hardstanding used for this purpose should be informed by a Phase 1 habitat survey in order to identify any species or habitat patches of note so that conservation and mitigation can take place.

Great Crested Newts

Great Crested Newts and their habitats are fully protected by national and European law. Two ponds on the golf course are known to support GCNs - ref Mr Finnie's suite of survey in 2019 carried out to inform the re-development of St George's Barracks. The size of the population is not known - the survey detected environmental great crested newt DNA, and did not involve a full suite of surveys.

Both pond are close to the entrance drive to the airfield, and a short section of runway is also within 100m of one pond. The location is below, with 100m buffer zones shown as red circles; it would be expected that any works taking place within the 100m zone could have potentially significant impacts on the terrestrial foraging habitats of the GCNs. Major works within 500m of the ponds could also have potentially harmful impacts. The greater part of the application site boundary is within the 500m zone, but the works are minor and therefore fall with the 100m 'triggering' distance set out in our nature conservation validation criteria.

Within the 100m zone, I feel the impacts are likely to be minor, given that the hardstanding would not be utilised by GCNs for foraging, although they may cross the roadway at certain times of year, when migrating to breeding ponds. The margins of the runways could provide some foraging potential, and therefore the vegetation clearance should have been done under precautionary working to avoid harm to individual newts. I would have most concern regarding the section of entrance drive and runways within 100m of the ponds; if any work are being done to this, licensed mitigation from Natural England may be required. An offence may be committed if this is not done. If works are not proposed, I do not feel that use of the roadway, even with the hugely increased volume of heavy traffic, would have an impact of any significance; the hardstanding is just not a habitat that would be used by GCNs other than occasional incidental use. Use would mainly be on warm, humid nights in Spring and early Summer, when GCNs travel to and from their ponds. A sensible precaution would to restrict the volume of permitted traffic at night from February through

to July.

I would be grateful if you could provide more information on this point - has any work taken place to this part of the roadway, or is any proposed?

I am not concerned about loss of habitat - there is plenty still available to GCNs - nor about harm during operation; my concern purely with any works to the fabric of the road and margins closest to the ponds, including clearance of vegetation along verges and encroaching on the hard surface.

North Luffenham Parish Council

With regard to the retrospective Planning Application Consultation 2019/0736/FUL North Luffenham Parish Council would like you to record our strong objection. We fully support all of the objections raised. By Edith Weston Parish Council in their letter to you - particularly

- 59. The lack of a traffic impact assessment
- 60. The sighting of Common Lizards on the site contrary to the Ecological report regarding protected species
- 61. The unapproved use of leisure buildings as offices (old Golf Club building)
- 62. The 10 year licence granted to the operator and its potential impact on the ability of the St Georges redevelopment project to utilise the area for the promised commercial / employment zone

Public Protection

The storage of vehicles in good condition would present a negligible risk of contamination. However, the storage of vehicles in poor repair or being broken up to salvage parts and vehicle repair activities can generate significant amounts of hazardous materials and therefore should be prohibited or confined to prescribed area where the activities can be sufficiently controlled so as not to cause pollution. The details of any repair/breaking facility should be submitted to the authority for its approval. Otherwise, I would suggest a condition of only allowing vehicles in sound condition to be stored on site. All chemicals, vehicle parts and materials should be removed. Storing of such vehicles on the hard-standing only, rather than being on the grass apron would allow any leakage to be detected and contained.

Catastrophic events such as fire can produce a whole cocktail of hazardous chemicals that are often washed by the water used to fight the fire into the wider environment. I would therefore ask the Fire Authority about the safe storage of so many vehicles and separation distances to minimize such events. Also to prevent such events, the security of the vehicles should be sufficient to stop incidents of arson.

Edith Western Council

The Parish Council refer to the above mentioned application and OBJECTS to the application on the grounds set out below.

1. General

The planning application is a retrospective application. The application should have been prepared as if it was a new application and covered all criteria in detail. It does not include sufficient information on a number of elements to allow an informed decision to be made. As a minimum it should have included a full transport assessment and an ecological assessment for the reasons described below.

The application form states that there will be no vehicle parking, yet paragraph 22 of the Planning, Design and Transport Statement (the statement) it states the applicant will be storing trailers and cabs. The words vehicles and trailers is also mentioned in paragraph 25.

The application states that the applicant wishes to have a temporary consent for 10 years.

However, should the St Georges Barracks "Masterplan" go forward then development of that could proceed much earlier than 10 years. Therefore, if the Council determine to approve the application (which this Parish Council consider it should not) it should be limited to 2 years. This would also provide an opportunity to assess the impact on the surrounding community and, if found to be too great, any further consent could be refused.

The applicant has not considered alternative sites and there are undoubtedly more appropriate sites on industrial areas closer to main arterial routes.

2. Lorry Movements

The level of vehicle movements is not clear.

Paragraph 65 states that the applicant of "the impact of the proposal on highway safety has been assessed and found to be negligible". However, there is no Transport Assessment submitted with the application. How can the applicant make the above comment without assessing current use of the roads and then assessing the impact of the proposed development's use?

Within the paragraph 25 of the statement refers to an average of 20 daily movements. However, in paragraph 50 the anticipated average is referred to as 20 two-way movements. This implies that there will in fact be an average of 40 total movements.

In addition, the vehicle movements are stated as an average. The statement refers to peak times but does not identify what periods of the year would be considered as peak times, unless the peak period is all year less post-Christmas and post spring.

The statement should have included a maximum number of vehicle movements, which it does not. Providing only average numbers could be very misleading. For example, if there were no movements for four days then the movements on the fifth day could be as much as 100 or perhaps 200 (8 to 16 per hour) depending on what they describe as a vehicle movement as mentioned above.

In addition, paragraph 65 of the statement refers HGV movements will be scheduled across the course of the day to reduce the likelihood of concentration of vehicles at any given time entering or leaving the network. There is no Transport Plan or explanation as to how the applicant will achieve this.

The intensification of vehicle movements could be very significant as the application is to park as many as 1,200 trailers, which is, as a comparison, over 13 times as many as another local operator in Edith Weston is permitted to park.

The hours of operation requested are 0600 to 1900 Monday to Friday. Bearing in mind the nearby residential dwellings and the fact that the vehicles will travel through Edith Weston before reaching a main arterial route, it is considered that these hours are not acceptable.

3. Highway Network

The access routes to and from the site are not considered appropriate. It does not access directly or even closely onto one of the main roads as defined in Rutland County Councils Core Strategy (Figure 2 - The Settlement Hierarchy). Whilst the site is a barracks it is not an industrial estate and is close to residential areas.

In addition, the junction of Pennine Drive with Normanton Road is close to the mini roundabout that serves Normanton Road, Manton Road and Edith Weston Road. This could produce safety problems with HGVs entering and leaving Pennine Drive.

Welland Road (referred to as Welland Drive in the application) and Pennine Drive are flanked on

the north east side by a considerable number of residential dwellings for military personnel. It is understood that these will be retained as service quarters after the closure of St Georges Barracks.

Heavy goods vehicles will then either travel along Normanton Road or along Manton Road. In both cases they will travel through the southern and eastern parts of Edith Weston, both roads being flanked by residential dwellings. There will also be a similar impact on Manton village.

4. Safety

As part of the residential nature of the area, the safety impact has to be considered. Many parents walk their children along Welland Drive, Pennine drive and Manton Road to and from Edith Weston Primary School. There has been previous concerns about the safety of walking along, particularly, Manton Road and the increase in HGV traffic will only exacerbate the situation.

In addition, tourism in the area is important and cyclists and walkers use Normanton Road and Manton Road throughout the year. HGV traffic over and above that which exists at the moment will reduce the safety of, particularly, cyclists using the roads.

5. Ecology

There is no detail in the application regarding ecology and no surveys undertaken.

Whilst the applicant may state that the area, they will use is concrete hardstanding, the ecological implications of HGVs entering and leaving the site must be considered.

An ecological appraisal was undertaken by Derek Finnie Associates for Rutland County Council (April 2018).

The application site is immediately adjacent to North Luffenham Golf Club. There are two water features one of which the appraisal stated, "presents suitable habitat to support great crested newts". The appraisal also stated that great crested newts had been recorded within 275 metres of the eastern boundary of the site.

Great crested newts travel approximately 500 metres which could include travelling over the application area and therefore the HGV movements could have a considerable effect on great crested newts.

The report also stated that suitable habitats exist on the golf course, adjacent to the application site, to support widespread reptile species such as common lizard and grass snake.

In addition, the report states that the entire airfield has been identified as a potential Local Wildlife Site (LWS) and of County importance.

Further there are badger setts within the airfield and badger activity noted on the golf course adjoining the application site.

6. Policies

Whilst policies have been addressed in the application, the reasoning as to the application's compliance with policies is not considered robust.

National Planning Policy Framework

It is stated that the proposed application is in accordance with National Planning Policy Framework (NPPF) paragraph 8 which states: -

Achieving sustainable development means that the planning system has three overarching

objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective - to help build a strong, responsive and competitive economy, by ensuring 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 by identifying and coordinating the provision of infrastructure;

b) a social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Comment: - Under a) the application may assist in the economy in a wider context, but will only provide c3 on site jobs locally.

As regards b) this paragraph is in relation to housing and communities and is therefore not relevant.

Under paragraph c) the application does not contribute to the environmental objective.

Rutland County Council - Core Strategy

Policy CS1

Policy CS1 states that any new development in Rutland will be expected to:-

a) Minimise the impact on climate change and include measures to take account of future changes in the climate; (see Policy CS19 and 20)

b) Maintain and wherever possible enhance the county's environmental, cultural and heritage assets;(see Policies CS21 and 22)

c) be located where it minimises the need to travel and wherever possible where services and facilities can be accessed safely on foot, by bicycle or public transport; (see Policy CS4 and CS18)

d) Make use of previously developed land or conversion or redevelopment of vacant and under-used land and buildings within settlements before development of new green field land ;(see Policy CS4)

e) Respect and wherever possible enhance the character of the towns, villages and landscape; (see Policies CS19, 20, 21, 22)

f) Minimise the use of resources and meet high environmental standards in terms of design and construction with particular regard to energy and water efficiency, use of sustainable materials and minimisation of waste; (see Policies CS19 and 20)

g) Avoid development of land at risk of flooding or where it would exacerbate the risk of flooding elsewhere (see Policy CS19);

h) Contribute towards creating a strong, stable and more diverse economy (see Policies CS13, 14, 15, 16, and 17)

i) Include provision, or contribute towards any services and infrastructure needed to support the development (see Policy CS8)

Comment: - Whilst it is acknowledged that the application may comply with sub paragraph d) it does not comply with sub paragraphs a), b), e) and h)of this policy, particularly because of the impact of increased HGV movements..

Policy CS2

This policy refers to various strategies which include: -

- i) Supporting small scale developments for appropriate employment and tourism uses in the towns, villages and rural areas; (see Policies CS15,16)
- j) Supporting and focussing retail and service development within the town centres of Oakham and Uppingham; (see Policies CS14, 17)
- k) Promoting sustainable transport measures and focus improving accessibility around the key transport hubs of Oakham and Uppingham and linkages to the villages and nearby cities and towns; (see Policy 18)

Comment: - The proposed development cannot be considered a small-scale development and does not have direct link to the key main arterial roads.

Policy CS6

This policy refers to the re-use or redevelopment of bases. It states: -

The Council will seek to ensure that any re-use or redevelopment of former military bases or prisons is planned and developed in a comprehensive and co-ordinated manner.

Proposals will be subject to a development brief or masterplan setting out the main requirements. This will form part of a supplementary planning document or development plan document to be prepared in consultation with the prospective developers and local communities.

The key requirements for any proposals are that they should:

- a) Re-use existing land and buildings and where appropriate minimise any built development on undeveloped airfield land;
- b) Not lead to undue disturbance to nearby local communities through traffic, noise, aircraft activity or other uses;
- c) Protect and where possible enhance the countryside and character of the landscape, natural and cultural heritage;
- d) Be accessed satisfactorily and not generate unacceptable traffic on the surrounding road network
- E) be accessible by public transport and include measures to encourage walking and cycling;
- f) Incorporate high quality design and construction including the need for energy efficiency, renewable energy and waste management.

Comment: - The proposed development has not been developed in a comprehensive or co-ordinated manner as evidenced by the fact that this is a retrospective application which has been introduced without any planning consent.

Further it does not comply with sub paragraph b) in that vehicle movements will adversely affect the nearby local communities, particularly, but not limited to the operational hours commencing at 0600 hours and finishing at 1900 hours.

It also does not comply with sub paragraph d) as the level of traffic has not been considered in detail and the operation, it is considered, is likely to unacceptable traffic movements.

Policy CS16

Sub paragraph e) states: -

allow small scale developments for employment purposes in the local services centres and smaller services centres provided it is of a scale appropriate to the existing location where this would be consistent with maintaining and enhancing the environment, and contribute to local distinctiveness

of the area;

Comment:- Whilst it is acknowledged that the proposal is on a military base it does not comply with this policy as it is not small scale and does not maintain or enhance the environment, nor does it contribute to the local distinctiveness of the area in the form of not just storing a significant number of trailers and vehicles but also the associated traffic movements.

Policy CS19 - Promoting good design

Policy CS 19 states: -

All new development will be expected to contribute positively to local distinctiveness and sense of place, being appropriate and sympathetic to its setting in terms of scale, height, density, layout, appearance, materials, and its relationship to adjoining buildings and landscape features, and shall not cause unacceptable effects by reason of visual intrusion, overlooking, shading, noise, light pollution or other adverse impact on local character and amenities.

All new developments will be expected to meet high standards of design that:

- a) Are sympathetic and make a positive contribution towards the unique character of Rutland's towns, villages and countryside;
- b) Reduce the opportunity for crime and the fear of crime and support inclusive communities, particularly in terms of access and functionality;
- c) Incorporate features to minimise energy consumption and maximise generation of renewable energy as part of the development (see Policy CS20);
- d) Minimise water use and the risk of flooding to and from the development including the use of Sustainable Urban Drainage Systems wherever possible;
- e) Minimise the production of waste during their construction and operation and maximise the re-use and recycling of materials arising from construction and demolition and;
- f) Allow the sorting, recycling and biological processing of waste through the development's operational life.

Comment: - The proposed development does not make any positive contribution and will create noise, light pollution through transport movements in a rural area having an adverse impact on local character and amenities.

Site Allocations and Policies DPD

Policy SP15

Policy SP 15 largely compares to CS19.

Sub paragraphs c) and m) state: -

c) Amenity The development should protect the amenity of the wider environment, neighbouring uses and occupiers of the proposed development in terms of overlooking, loss of privacy, loss of light, pollution (including contaminated land, light pollution or emissions), odour, noise and other forms of disturbance.

m) Impact on the highway network Development should be designed and located so that it does not have unacceptable adverse impact on the highway network. Where necessary mitigation measures will be required to ensure that any impact is kept within acceptable limits. Development that would have an unacceptable adverse impact on the highway network will not be permitted.

Comment: - The proposed development does not protect the wider environment nor neighbouring uses (nearby neighbouring residential dwellings and Edith Weston village itself) and will also affect safety of pedestrians and cyclists.

Further it is considered that the development will have an unacceptable impact on the highway particularly due to the lack of clarity on vehicle movement numbers.

Edith Weston Neighbourhood Plan

The Edith Weston Neighbourhood Plan remains a legally binding document and is, therefore, a material consideration when assessing this application and policy EW2 is relevant to this application.

Policy EW2. Commercial and Industrial Development, including tourism and recreation

In supporting additional economic growth new development will be expected to:

- a) Fall within the boundary of planned limits of development for the village unless it relates to small scale leisure or tourism activities, or other forms of commercial/employment related development appropriate to a countryside location or there are proven exceptional circumstances, and
- b) where possible, development should be sited in existing buildings or on areas of previously developed land, and
- c) be of a size and scale not adversely affect the character, infrastructure and environment of the village itself and the neighbourhood plan area, including the countryside, and
- d) meet the requirements of the relevant Core Strategy and other development plan policies.

Whilst the proposed development complies with sub paragraph b) does not comply with it does not comply with sub paragraphs a), c) or d).

Manton Parish Council has learnt in the last 48 hours about the latest proposals associated with this application. In the light of probable increased heavy grade traffic movement through our village with time, we are concerned that our Parish Council was not kept informed.

This objection has been circulated to Manton Parish Councillors by email and approval obtained.

Although the application is retrospective and the lorry park currently operational, we understand that a substantially increased level of very heavy vehicle traffic through Manton is likely to occur with time. The resulting increase in noise, in the passage of numerous unsightly large vehicles through a small village, air quality deterioration in the village, and the increased danger to cyclists on the Rutland Water cycle path through Manton are of major concern. The Operational Plan suggests a peak of two-way heavy traffic movements of 26 per day, presumably indicating 52 one-way movements. If these occur during a limited period, or at an inconvenient time such as early morning, and if many are directed through Manton, the effect on the village could be devastating. The Operational Plan indicates that a chosen exit route from the lorry park will be westwards through Manton to the A6003, where vehicles will be expected to turn left (south). An alternative route north of Rutland Water is proposed for vehicles wanting to travel north along the A6003, but it is very likely that drivers, following their satellite navigation systems, will travel through Manton and turn north onto the A6003, in many cases dangerously obstructing the south-bound A6003 carriageway.

We have had sight of Edith Weston Parish Council's draft objection, are in support of it, and recommend that current development should be remediated and no further development allowed.

Highways With respect to the application for the change of use of hard standing from an airfield to B8 vehicle storage.

There are concerns with articulated vehicles exiting Pennine Way as the layout of the junction is not of an adequate geometry to allow vehicles safety to exit.

The junction of Pennine Way close to the mini roundabout for the Edith Weston Road/Manton Road/Normonton Road. To ensure safe movement of vehicles at this junction, it is suggested that

the mini roundabout and Pennine Way are re-designed so that the four roads all meet at a new island and thus allowing for all vehicles to be able to safely merge and move to their destinations.

I note that there will be a movement plan so that HGVs do not access A6003 at Manton Top. This is really important as at present that junction is unsuitable for such vehicles to turn right because of the visibility and the central reserve.

North Luffenham Parish Council to the development site. As, contrary to normal practice, no survey work was done prior to the development the size of the population is not known. We therefore suggest a precautionary approach is needed to the delivery of mitigatory habitat based on the likely presence of a substantive population within and adjacent to the development site. While we would wish to see the application rejected and the environmental interest of the site restored if the Council is minded to approve the application we recommend that substantive compensatory habitat is provided to address the impacts that this development has had on protected species. This is in line with RCC's local Plan Policy CS21(f). The Council may consider that a larger area is appropriate given the Government's aspirations to achieve net gain for biodiversity through planning decisions (National Planning Policy Framework policies 170(d) 174(b) and 175(d))

North Luffenham Parish Council It has been brought to our attention that the company operating the vehicle storage area at St Georges Barracks under the lease from the DIO are now storing passenger coaches there.

Currently there are approximately 90 coaches parked on the airfield. The retrospective planning application makes no mention of Coach storage at the site (or any other rigid bodied, long wheelbase vehicles)

Our objection to the retrospective planning application for change of use of the airfield highlighted that the roads around the barracks are not suitable for movements of long wheelbase vehicles, and so we are very concerned to see this new, unannounced, development.

As the company currently has no planning permission for any of the vehicle storage can you advise the course of action you are taking with regard to this issue. Presumably a Stop Order (Temporary or Permanent) on the activity would be appropriate, as the company appears to be operating with no consideration for their own previously stated intentions, or the impact on local residents of the Parishes of North Luffenham and Edith Weston.

Rgds

Pete Burrows
Chair, North Luffenham Parish Council Planning Committee

Edith Weston Parish Council The content of this comment has also been sent in writing via email to the case officer direct.

We refer to the additional information submitted regarding the above application, which Edith Weston Parish Council (EWPC) has considered and we would ask that the Council consider, in detail, all the comments made below.

EWPC objected to this application on 9 th August 2019. The additional information supplied does not provide any reasons for EWPC to withdraw its objection. It also contradicts much of the original design and access statement originally submitted, which leads to confusion as to which statements in which document actually form part of the application. In fact, the additional information contains many inconsistencies and contradictions itself.

Therefore, EWPC objects to the application and considers that the application should be refused based on its previous objection and, in addition, the numerous reasons stated below, which include in summary: -

- The description includes for use of land not included in the red line application area submitted, including but not limited to the former club house for North Luffenham Golf Club, which should have been included as a change of use,
 - The additional information does not contain sufficient detail to allow Rutland County Council (RCC) to make a sound decision and is in fact, in many areas, contradictory and ambiguous,
 - The calculation of traffic numbers is unclear and it appears that the total number of daily "movements" could be 188.
 - The information recently submitted does not contain any additional information that satisfies compliance with the policies raised in EWPC's previous objection,
 - RCC Highways requested that a Transport Assessment be submitted. The additional information regarding traffic does not constitute a Traffic Plan as it does not include information required in such a plan.
 - The originally submitted design and access stated that the application site has negligible ecological value and its potential to support protected/notable species is extremely limited. This is not the case and is detailed below under the heading Ecological Issues. Therefore, it is considered that an ecological assessment should have been submitted with the application.
- Each of the above, are provided in more detail below, where comment is made on the additional information submitted and then assesses the areas where the application is still not compliant with National and Local Plan policies.

1. APPLICATION AREA AND APPLICATION DESCRIPTION

The Operational Plan refers to areas which are, or proposed to be used, which were not included in the original application and not included in the red line application area. No new plan showing a revised application area has been submitted.

In addition, the additional information includes the use of the former North Luffenham Club House to be used for the employee and drivers. Therefore, this should have been included in the application description on the planning application form and a change of use from a club house to an office/mess facility applied for. Therefore, is the application invalid due to the above in which case does it need to be withdrawn and resubmitted?

2. COMMENTS ON THE OPERATIONAL PLAN AND ASSOCIATED DOCUMENTS AND PLANS

Paragraph 2.1

This paragraph refers to 24 hours opening hours.

It does not refer to any limitations on the number of days of operation during the week. Therefore, tractor units and tractor and trailer units could arrive at any time of day or night 7 days a week in this quiet rural area and will have a significant adverse impact on the environment and local villages.

Paragraph 2.2

This refers to ensuring vehicles do not arrive/depart from the site during school drop off/pick up times of 7.30-8.30am and 3.00-4.00pm.

Assuming the school commencement time is 9.00am there could still be parents and children arriving up to 9.00am. Further, if dropping children off for 9.00am many parents may be walking back some time after 9.00am.

Therefore, the restriction of vehicle times is insufficient and the same may well be said of picking up times.

More importantly, the paragraph states that the restriction applies to receiving trailers during these times. It makes no mention of tractor unit arrivals nor departures of tractor units and trailers (which

would be moving adjacent to the pavement on Pennine Drive).

Paragraph 2.3

Paragraph 2.1 referred to 24 hour opening times. Therefore, how can it be that under this paragraph there is only one employee on site?

Paragraph 2.4.

The plan talks about using the golf club house for the employee and for toilet facilities for drivers. The club house is not in the application area. The application area submitted is incorrect and the club house should have been included on the application form as it requires a change of use application.

Paragraph 2.5

This paragraph makes no sense.

Paragraph 2.9

This paragraph refers to security outside opening hours, yet paragraph 2.1 refers to the opening hours being 24 hours. Therefore, the operational plan is confusing in relation to this.

Paragraph 2.10

The plan does not state whether there are existing CCTV cameras or whether there are to be additional CCTV cameras erected. If so, their locations should be identified. In addition, what lighting is in place/proposed to accommodate the CCTV during hours of darkness, what would be the resultant light spill and would that affect any neighbouring properties?

Paragraph 2.11

This refers to drivers only spending a limited time on site save for breakdowns and tachograph issues. Tachograph issues and rest times could result in drivers spending a considerable time on site.

Section 3. Road improvements

In relation to the junction changes, it states that this will result in no vehicles overrunning and crossing into an opposite lane. However, the plan showing vehicles turning left into Pennine Drive clearly shows the vehicle crossing into the other lane, which will cause problems if there is another vehicle already there. The statement in the operational plan is, therefore, incorrect.

No consideration has been given to the implications of the proposed improvements to the trees adjacent to the start of Pennine Drive.

Section 4. Routing Agreements

The preferred exit route is said to be along Normanton Road to the A606. It states RCC have no preferred route for vehicles coming to the site. The reason for the exit route is, it is assumed, to avoid HGVs travelling to Manton and using the Manton Road/A6003 island junction if turning right.

This means that all vehicles leaving the site will have to turn right from Pennine Drive onto Normanton Road the junction being almost adjacent to the roundabout, which is considered unsatisfactory and potentially dangerous.

Section 5. Transport Numbers

It should be noted that the number of vehicles and trailers are considerably different from those submitted in the original design and transport statement originally submitted. Assuming the original statement remains part of the application, which figures prevail. In addition, the hours of operation differ from the original design and transport statement.

Paragraph 5.3

This provides average vehicle numbers, which are absolutely meaningless due to the reference to peak and low periods of activity in paragraph 5.4.

Paragraph 5.4

This paragraph is misleading as it talks about 2 way movements rather than providing total single movements.

Therefore, if there is a peak of 26 two way tractor movements in any one day and 68 two way trailer movements in any one day, this will lead to the possibility of 188 total movements in any one day.

Paragraph 2.1 refers to the majority of vehicle movements taking place between 0700 and 1800 hours. Based on that it would lead to 17 movements per hour (one every 3.5 minutes). It could also or alternatively mean vehicle movements throughout the night. In reality, vehicle movements per hour would be significantly higher because of the desirable constraints imposed by school hours.

The number of vehicle movements would have a serious adverse impact on the local area, local communities and other drivers in the area.

If the proposed exit route is used as well as deliveries coming along the same route, there would be a severe adverse impact on not only the local community and Edith Weston village but also visitors to Rutland Water, together with the potential serious congestion of HGVs versus those vehicles trying to enter and exit Normanton Car Park.

Monitoring vehicle routing and number of movements

The applicant has provided no methods of controlling vehicle movements or numbers. There is not even an offer to enter a routing agreement with RCC.

The only reference to "monitoring" is the complaints procedure, which quite unfairly, puts the monitoring responsibility onto the local inhabitants and other road users, which is totally unacceptable. The company should have a comprehensive monitoring procedure for vehicle routing.

Traffic Assessment

RCC Highways requested a Transport Plan and the reference in the Operational Plan to vehicle numbers does not constitute a traffic plan which should also include, but not necessarily limited to :-

- an assessment of trips from all directly relevant committed development in the area (ie development that there is a reasonable degree of certainty will proceed within the next 3 years);
- an assessment of the traffic flows from existing developments. In particular lorry movements from the adjacent warehouse facility run by Ellis's; which it should be noted that a significant proportion of that development also does not currently have planning permission.
- data about current traffic flows on links and at junctions (including by different modes of transport and the volume and type of vehicles) within the study area and identification of critical links and junctions on the highways network;

- an analysis of the injury accident records on the public highway in the vicinity of the site access for the most recent 3-year period, or 5-year period if the proposed site has been identified as within a high accident area;
- an assessment of the likely associated environmental impacts of transport related to the development, particularly in relation to proximity to environmentally sensitive areas (such as air quality management areas or noise sensitive areas);
- measures to improve the accessibility of the location (such as provision/enhancement of nearby footpath and cycle path linkages) where these are necessary to make the development acceptable in planning terms.

3. POLICIES

Whilst policies have been addressed in the initial information submitted with the application, the reasoning as to the application's compliance with policies is not considered robust despite the submission of the additional information (operational Plan and other documents). Therefore, many of the original EWPC comments on policies still stand.

National Planning Policy Framework

It is stated that the proposed application is in accordance with National Planning Policy Framework (NPPF) paragraph 8 which states: -

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective - to help build a strong, responsive and competitive economy, by ensuring 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 by identifying and coordinating the provision of infrastructure;

b) a social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Comment: - Under a) the application may assist in the economy in a wider context, but will, according to the Operational Plan, only provide one on site job locally.

As regards b) this paragraph is in relation to housing and communities and is therefore not relevant.

Under paragraph c) the application does not contribute to the environmental objective.

Rutland County Council - Core Strategy

Policy CS1 Policy CS1 states that any new development in Rutland will be expected to:-

a) minimise the impact on climate change and include measures to take account of future changes in the climate; (see Policy CS19 and 20)

- b) maintain and wherever possible enhance the county's environmental, cultural and heritage assets;(see Policies CS21 and 22)
- c) be located where it minimises the need to travel and wherever possible where services and facilities can be accessed safely on foot, by bicycle or public transport; (see Policy CS4 and CS18)
- d) make use of previously developed land or conversion or redevelopment of vacant and under-used land and buildings within settlements before development of new green field land;(see Policy CS4)
- e) respect and wherever possible enhance the character of the towns, villages and landscape; (see Policies CS19, 20, 21, 22)
- f) minimise the use of resources and meet high environmental standards in terms of design and construction with particular regard to energy and water efficiency, use of sustainable materials and minimisation of waste; (see Policies CS19 and 20)
- g) avoid development of land at risk of flooding or where it would exacerbate the risk of flooding elsewhere (see Policy CS19);
- h) contribute towards creating a strong, stable and more diverse economy (see Policies CS13, 14, 15, 16, and 17) i) include provision, or contribute towards any services and infrastructure needed to support the development (see Policy CS8)

Comment: - Whilst it is acknowledged that the application may comply with sub paragraph d) it does not comply with sub paragraphs a), b), e) and h) of this policy, particularly because of the impact of increased HGV movements.

Policy CS2

This policy refers to various strategies which include: -

- i) supporting small scale developments for appropriate employment and tourism uses in the towns, villages and rural areas; (see Policies CS15,16)
- j) supporting and focussing retail and service development within the town centres of Oakham and Uppingham; (see Policies CS14, 17)
- k) promoting sustainable transport measures and focus improving accessibility around the key transport hubs of Oakham and Uppingham and linkages to the villages and nearby cities and towns; (see Policy 18)

Comment: - The proposed development cannot be considered a small-scale development and does not have direct link to the key main arterial roads.

Policy CS6

This policy refers to the re-use or redevelopment of bases. It states: -

The Council will seek to ensure that any re-use or redevelopment of former military bases or prisons is planned and developed in a comprehensive and co-ordinated manner.

Proposals will be subject to a development brief or masterplan setting out the main requirements. This will form part of a supplementary planning document or development plan document to be prepared in consultation with the prospective developers and local communities.

The key requirements for any proposals are that they should:

- a) re-use existing land and buildings and where appropriate minimise any built development on undeveloped airfield land;
- b) not lead to undue disturbance to nearby local communities through traffic, noise, aircraft activity or other uses;
- c) protect and where possible enhance the countryside and character of the landscape, natural and cultural heritage;
- d) be accessed satisfactorily and not generate unacceptable traffic on the surrounding road network

- e) be accessible by public transport and include measures to encourage walking and cycling;
- f) incorporate high quality design and construction including the need for energy efficiency, renewable energy and waste management.

Comment: - The proposed development has not been developed in a comprehensive or co-ordinated manner as evidenced by the fact that this is a retrospective application which has been introduced without any planning consent. In addition, this is confirmed by the information included in the Operational Plan which in many areas conflicts and/or contradicts the original design and access statement.

Further it does not comply with sub paragraph b) in that vehicle movements will adversely affect the nearby local communities, particularly, but not limited to the operational hours commencing at 0600 hours and finishing at 1900 hours (even if amended to 0700 to 1800 as indicated in the Operational Plan).

It also does not comply with sub paragraph d) as the level of traffic could generate a maximum of 188 movements per day and these levels of vehicle movements are considered unacceptable as the traffic will travel through Edith Weston and neighbouring villages (North Luffenham, Manton and Empingham).

Policy CS16

Sub paragraph e) states: -

allow small scale developments for employment purposes in the local services centres and smaller services centres provided it is of a scale appropriate to the existing location where this would be consistent with maintaining and enhancing the environment, and contribute to local distinctiveness of the area;

Comment:- Whilst it is acknowledged that the proposal is on a military base, it is immediately adjacent to a local service centre and, combined with the traffic movements through this service centre, it does not, therefore, comply with this policy as it is not small scale and does not maintain or enhance the environment, nor does it contribute to the local distinctiveness of the area in the form of not just storing a significant number of trailers and vehicles but also the significant associated traffic movements.

Policy CS19 - Promoting good design

Policy CS 19 states: -

All new development will be expected to contribute positively to local distinctiveness and sense of place, being appropriate and sympathetic to its setting in terms of scale, height, density, layout, appearance, materials, and its relationship to adjoining buildings and landscape features, and shall not cause unacceptable effects by reason of visual intrusion, overlooking, shading, noise, light pollution or other adverse impact on local character and amenities.

All new developments will be expected to meet high standards of design that:

- a) are sympathetic and make a positive contribution towards the unique character of Rutland's towns, villages and countryside;
- b) reduce the opportunity for crime and the fear of crime and support inclusive communities, particularly in terms of access and functionality;
- c) incorporate features to minimise energy consumption and maximise generation of renewable energy as part of the development (see Policy CS20);
- d) minimise water use and the risk of flooding to and from the development including the use of Sustainable Urban Drainage Systems wherever possible;
- e) minimise the production of waste during their construction and operation and maximise the re-use and recycling of materials arising from construction and demolition and;
- f) allow the sorting, recycling and biological processing of waste through the development's

operational life.

Comment: - The proposed development does not make any positive contribution and will create noise, light pollution through transport movements in a rural area having an adverse impact on local character and amenities.

Policy CS21 - The natural environment

Development should be appropriate to the landscape character type within which it is situated and contribute to its conservation, enhancement or restoration, or the creation of appropriate new features.

The quality and diversity of the natural environment of Rutland will be conserved and enhanced. Conditions for biodiversity will be maintained and improved and important geodiversity assets will be protected.

Protected sites and species will be afforded the highest level of protection with priority also given to local aims and targets for the natural environment.

All developments, projects and activities will be expected to:

- a) Provide an appropriate level of protection to legally protected sites and species;
- b) Maintain and where appropriate enhance conditions for priority habitats and species identified in the Leicestershire, Leicester and Rutland Biodiversity Action Plan;
- c) Maintain and where appropriate enhance recognised geodiversity assets
- d) Maintain and where appropriate enhance other sites, features, species or networks of ecological interest and provide for appropriate management of these;
- e) Maximise opportunities for the restoration, enhancement and connection of ecological or geological assets, particularly in line with the Leicestershire, Leicester and Rutland Biodiversity Action Plan;
- f) Mitigate against any necessary impacts through appropriate habitat creation, restoration or enhancement on site or elsewhere;
- g) Respect and where appropriate enhance the character of the landscape identified in the Rutland Landscape Character assessment;
- h) Maintain and where appropriate enhance green infrastructure. (see Policy CS23)

Comment:- As can be noted by the ecological commentary below, the application does not comply with paragraph a) above and the works undertaken on site appear to have adversely affected species.

Site Allocations and Policies DPD

Policy SP15

Policy SP 15 largely compares to CS19.

Sub paragraphs c) and m) state: -

c) Amenity. The development should protect the amenity of the wider environment, neighbouring uses and occupiers of the proposed development in terms of overlooking, loss of privacy, loss of light, pollution (including contaminated land, light pollution or emissions), odour, noise and other forms of disturbance.

m) Impact on the highway network Development should be designed and located so that it does not have unacceptable adverse impact on the highway network. Where necessary mitigation measures will be required to ensure that any impact is kept within acceptable limits. Development that would have an unacceptable adverse impact on the highway network will not be permitted.

Comment: - The proposed development does not protect the wider environment nor neighbouring uses (nearby neighbouring residential dwellings and Edith Weston village itself) and will also affect safety of other road users, pedestrians and cyclists.

Further it is considered that the development will have an unacceptable impact on the highways particularly due to the likely significant vehicle movement numbers, particularly Pennine Drive, Normanton Road, Manton Road and Edith Weston Road which do not form part of the County's main arterial road network.

Edith Weston Neighbourhood Plan

The Edith Weston Neighbourhood Plan remains a legally binding document and is, therefore, a material consideration when assessing this application and policy EW2 is relevant to this application.

Policy EW2. Commercial and Industrial Development, including tourism and Recreation

In supporting additional economic growth new development will be expected to:

- a) fall within the boundary of planned limits of development for the village unless it relates to small scale leisure or tourism activities, or other forms of commercial/employment related development appropriate to a countryside location or there are proven exceptional circumstances, and
- b) where possible, development should be sited in existing buildings or on areas of previously developed land, and
- c) be of a size and scale not adversely affect the character, infrastructure and environment of the village itself and the neighbourhood plan area, including the countryside, and
- d) meet the requirements of the relevant Core Strategy and other development plan policies.

Comment:- Whilst the proposed development complies with sub paragraph b) it does not comply with sub paragraphs a), c) or d).

Environmental Issues

1. The planning application fails to address a number of key environmental issues most notably the adverse impact that the development has had on protected species. It therefore runs counter to Policy CS21(a) of the current Local Plan.
2. The site, and the immediate surrounding area, is known to support a number of species protected by legislation. These include Common Lizard, Adder, Grass Snake and Great-crested Newt. In addition Slow Worm has recently been found close by. The presence of these species has been confirmed by the Leicestershire County Council Ecology Unit in their consultation responses of 4th September and 21 st October 2019.
3. Great-crested Newts benefit from very specific protection measures. In the document that the applicant has submitted there appears to be no evidence that they have taken 'reasonable measures' to satisfy their responsibilities in relation to this protected species.
4. In their planning design statement the applicant states that "The site comprising entirely of concrete hardstanding has negligible ecological value". This statement is fundamentally flawed for a number of reasons:
 - a. Clearly the potential ecological impacts need to be judged not against the state of the site now but what was there prior to the applicant commencing operations. Prior to the applicant commencing operations none of the fringing areas of the site were simply bare concrete. Through a process of benign neglect there had been a build-up in debris of various sorts (sand, small stones and mud), this in turn had had become partially vegetated and in places concrete rubble had been left in piles. A local wildlife expert, who has had regular access to the site since 2008, advised that this provided feeding habitat for Common Lizards that lived in the fringing zone between the runways/taxi ways and the open areas of grassland that border almost all of the

applicants development area. This habitat was lost when the runways were scraped clean in order to provide vehicle parking.

b. In addition the applicant also appears to have bulldozed the fringing areas, inhabited by common lizards, mentioned above. It appears that this has been done so that trailers can be parked overhanging the adjacent fringing areas and grassland (typically by 2 to 4 metres). These areas are outside the applicant's planning application boundary.

c. It is understood that there were two hibernacula (winter hibernations sites) for Common Lizard's under piles of concrete within the area now being used by the applicant for vehicle storage. These were lost when the applicant appeared to have scraped clear the runways in spring 2019. d. It is also noted that not all of the area being used by the operator is concrete. One section being used by the applicant (at SK941049) is gravel. This is the location for one of the hibernacula mentioned above. From the above it appears that the operator's actions have caused the destruction of a significant area of protected species habitat.

5. The applicant, appears to have failed to follow good practice with respect to protected species (see: <https://www.gov.uk/guidance/reptiles-protection-surveys-and-licences>) and also appears has failed to evaluate further indirect impacts on protected species from their operation. These include:

a. The parked trailers that overhang the fringing areas of the runways, typically, by 2 to 3 metres (though more in places), these generate a direct shading effect leading to the die back of vegetation and changing the microclimate. Given that reptiles are cold blooded this makes these areas unsuitable to support such species.

b. There is also a wider shading effect caused by the shadow of the parked trailers. This extends out on to the adjacent fringing areas and grassland. It seems reasonable to assume, because these areas receive less sunshine, that this reduces the temperature of these areas and hence their suitability to support reptiles.

6. The applicant states that "there are no known legislative reasons pertaining to nature conservation that would preclude the use of the site as a temporary vehicle storage area". It is clear, given the points raised above, that this statement is incorrect and there are significant legislative responsibilities that the applicant needs to address.

It is also understood that staff working for the applicant discovered common lizards while clearing the site in spring 2019, having mentioned this to a member of the local community.

7. The ecological advice RCC have had from the Leicestershire County Council Ecology Unit while sound in many respects has not taken in to account a number of points. The following is of note and RCC should seek their expert opinion on these:

a. In their comments of 6 th August 2019 they said they had no objection because the development was 'sited on existing hardstanding', they understood it to be within the red-line boundary and did not extend to the grassland areas. Given the points made above none of these caveats hold.

b. In their comments dated 4 th September 2019 they made clear that there was likely to be a need for mitigation to offset the impacts on protected species arising from this development. It is clear from the evidence presented that those impacts are significantly greater than the Ecology Unit were aware of when they made that response. It is recommended that, if the development is to be granted planning permission, there is a need for substantial mitigation to address the adverse habitat and species impacts caused by this development.. This approach is supported by Local Plan Policy CS21(f). If the application is refused the developer should be required to restore the site.

c. In their comments of 21 st October 2019 they make reference to a survey that showed that the "site forms only a small area of a much larger population further to the east". It is understood that this survey was carried out in late spring and summer 2019 after the developer had cleared the site, destroying areas used by at least on

Edith Weston Parish Council See letter online for details.

Empingham Parish Council

Further to our brief conversation by phone I apologise for the slight delay in forwarding comment by Empingham Parish Council (EPC) on the above application.

EPC welcomed the opportunity to comment on this controversial application. It was discussed at the EPC meeting on Thursday 7 May. In view of the extensive, sensible, relevant comment and observation by other parties EPC comment is as brief as possible ;-

- EPC supports the views of other Parish Councils, in particular those by Edith Weston Parish Council (usefully related to the Local Plan),
- the need for a retrospective application for this significant operation does not reflect well on the efficiency and effectiveness of the operator or the landlord (that has an MOU with RCC in relation to the proposed development of the site),
- parking 1200 trailers and a significant number of tractor units at an isolated rural location accessed by several miles of rural roads unsuited to HGV traffic should be resisted,
- there is no means of policing routes that lorries would take and driver guidance is not enforceable,
- suggested traffic movements are ridiculously low and suggested efforts to avoid school times both derisory and unenforceable,
- access to the site via Pennine Drive that serves a residential estate is dangerous as it is too close to the mini roundabout in Edith Weston,
- the access and egress from the A6003 at Manton is especially dangerous given the length of articulated vehicles and sight lines; also the junction of Normanton Park Road with A606 on the route to the A1 would need to be improved with appropriate signposting,
- the site will be manned during the day but permission is sought for 24 hour operation -- movements of lorries during the night is obtrusive, and there are already examples lorries queuing to gain access before the site is manned,
- there is no environmental assessment, and
- there is no application for a change of use of the former golf clubhouse.

Public Protection No objection to the development