

UPDATE SHEET

PLANNING COMMITTEE – 3 SEPTEMBER 2019

**To be read in conjunction with the
Head of Planning and Infrastructure Report (and Agenda)**

This list sets out: -

- (a) Additional information received after the publication of the main reports;**
- (b) Amendments to Conditions;**
- (c) Changes to Recommendations**

A1	18/01443/FULM	<p>Part full / part outline planning application for the development of land, including the demolition of all existing on-site buildings and structures and levelling and re-grading of the site. Full consent sought for the construction of a Distribution Campus (Use Class B8), with ancillary offices (Use Class B1a), associated gatehouse and other ancillary uses, new electricity sub-station and new pumping station, creation of new accesses from the B5493, internal roadways, cycleways and footpaths, yard space, car parking and circulation, associated lighting and security measures, surface water attenuation and landscaping. Outline consent (with all matters reserved except vehicular access from the B5493 and re-grading of site) sought for additional Use Class B1c, B2 and B8 employment, with ancillary offices (Use Class B1a) and associated commercial and amenity uses</p> <p>Land At M42, Junction 11, Stretton-en-le-Field</p>
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Additional Consultee Responses

Clifton Campville Parish Council has no objections in principle, but makes the following points:

- As the development will result in congestion within Clifton Campville, a weight limit should be imposed
- Queries whether need for new housing to serve the development has been taken into account in the North West Leicestershire Local Plan (and would not therefore be required within neighbouring authority areas)
- Clifton Campville has a very limited amount of services such as shops, and a consideration within a Section 106 agreement should be allocated to the village
- Short, medium and long term effects on the A42, M42, A444 and the Tamworth Road need to be considered
- The slip road exit from the M42 onto the Tamworth road would benefit if it had an additional dedicated lane that solely facilitates access to the Tamworth Road

Harlaston Parish Council reiterates its previous objections, and also queries the accuracy of the submitted traffic modelling information

Newton Regis, Seckington and No Man's Heath Parish Council reiterates its previous objections, and makes the following additional points:

- Having Jaguar Land Rover (JLR) take over the majority of the site does not make this a better proposition
- The construction phase and the completed facility would have an impact on the lives of the Parish's residents and quiet rural community
- The Parish's residents will not see any benefits from this facility, only the loss of their countryside, increased noise, pollution and traffic with no benefits or job opportunities for local people

- Members need take the impact on real peoples' lives into account, and not just the wants of "big business" when making their decision
- Traffic congestion
- Parish Council should be allowed to address the Planning Committee

Packington Parish Council reiterates its previous objections, and considers that insufficient notice of the Planning Committee meeting has been provided in order to comment further

Snarestone Parish Council objects on the following grounds:

- Detrimental impact on surrounding villages
- Traffic calming solutions would be needed in surrounding villages
- Existing roundabout at Appleby Magna is very dangerous with most people driving in the wrong lane and is not set up for large vehicles
- Changes for rural communities (including those from HS2) can only be seen negatively with no benefits
- Other sites in existing in large industrial parks which have better transport links should be developed rather than building on agricultural land

Additional Third Party Representations

14 further responses have been received, objecting on the grounds set out in the main report, and as follows:

- One of the intended occupiers has recently reported increased losses and is in serious financial difficulty – as such it is not representative of a stable occupier for the proposed development
- Unsuitable location for shipping of parts overseas
- Decision should be delayed until after whatever happens with Brexit is implemented
- Proposals do not represent new jobs as they would be simply relocating existing staff
- Loss of jobs in occupier's existing sites
- Proposals based on developer greed – previous proposals for wind turbines were refused
- Land use should be determined by consultation, public involvement and statute framework
- Increased traffic associated with approved residential development schemes in Tamworth
- Objectors should be allowed to address the Planning Committee

Comments have been received from the Ashby de la Zouch Civic Society as follows:

- Site location of the proposed development is desirable as it would balance industrial development across the district taking pressure off Bardon and Castle Donington industrial sites for excessive expansion and would provide employment for residents of Measham, Tamworth and Swadlincote
- The District Council has been aware of the proposal since 2017 yet chose to prepare and approve a Local Plan with inadequate employment land allocated, allowing developers to drive the strategic location of industrial sites – the Council must now consider the oversupply of industrial sites and adjust its allocations in the Local Plan review
- Proposals should include solar panels
- Sustainable Travel Plans are inadequate and regular bus services should be provided along the A444 and Tamworth Road
- Proposed site accesses' designs are not adequate - the car and bus entrance should be from the A444 to minimise potential queuing on Tamworth Road, and

the road design should also consider the potential expansion of site for further industrial development

Other Matters

It is noted that the comments of the Lead Local Flood Authority are not listed in the Summary of Consultations and Representations Received. The section should read as follows:

Leicestershire County Council Lead Local Flood Authority has no objections subject to conditions

Applicant Comments

The applicant's agent comments as follows in respect of the Planning Committee report:

- Whilst the conclusions in respect of the impacts of the proposals on the appearance and character of the landscape set out in sections 5.5.17 to 5.5.19 (and, in particular, the performance in terms of criterion (i) of Local Plan Policy S3) are accepted, all other relevant connected in-principle policies are fully met and this degree of non-compliance (and any other minor non-compliance) is outweighed by the benefits of the proposals
- Following submission of further transportation information, Derbyshire County Council confirmed in January 2019 that it had no further comments
- Archaeological trial trenching referred to in section 5.8.27 of the report has (as confirmed in section 5.8.28) been undertaken
- The Travel Plan referred to in section 5.11.31 is a Framework Travel Plan
- The appendix (Employment Land Considerations report) refers to the 2018 version of the National Planning Policy Framework rather than the 2019 version
- The correct figure for the total number of trees proposed to be planted is now 29,725 (having been reduced in order to address comments made by Highways England and the District Council's Tree Officer in respect of overplanting)

Officer Comments

Further representations received in relation to the principle of and need for the development, impacts on highways and loss of countryside are addressed in detail in the main report.

In terms of the comments made by Clifton Campville Parish Council, it is noted that, whether or not a weight limit were imposed in the village would be a matter for Staffordshire County Council (albeit the applicant has indicated that it would have no objection to funding weight limit signage if required). However, it is noted that existing weight limits in the area would preclude access for HGVs from the site through to the A38 (and advance signage within Warwickshire advises drivers of this). Insofar as the request for contributions towards the village by way of a Section 106 agreement is concerned, it is not considered that such a contribution would be likely to meet the relevant legislative and policy tests for planning obligations. As set out in the main report (section 5.17.4), the developer is intending to establish a community fund, but (as confirmed in the report) this would not be a material planning consideration.

In terms of the suggestion regarding provision of an additional left turn lane on the M42 slip road (i.e. allowing direct access to the B5493), the agent advises that this was previously considered but that the modelling confirmed there was no need for or benefit from such a layout and it was therefore omitted (albeit, the agent confirms, the scheme as proposed would not preclude it being provided by others in the future should the

position change). As stated in the report, no technical objections have been received from Highways England or Leicestershire County Council.

Whilst the agent's comments in respect of the 2018 version of the NPPF are noted, the equivalent sections in the 2019 version are unchanged, so this is considered to have no implications on its findings. In terms of the clarification over the number of trees to be planted, it is noted that this would comply with the advice of the Council's Tree Officer in terms of the need for future thinning out, and that the planting proposed would still cover the same area and would not materially affect the overall degree of mitigation.

NO CHANGE TO RECOMMENDATION

Material Planning Considerations

When a decision is made on a planning application, only certain issues are taken into account; these are often referred to as 'material planning considerations'.

MATERIAL PLANNING CONSIDERATIONS:

Issues that may be relevant to the decision

(There may exist further material planning considerations not included here)

- Local, strategic, national **planning policies** and policies in the Development Plan
- Emerging new plans which have already been through at least one stage of public consultation
- **Pre-application planning consultation** carried out by, or on behalf of, the applicant
- **Government and Planning Inspectorate requirements** - circulars, orders, statutory instruments, guidance and advice
- **Previous appeal decisions** and planning Inquiry reports
- Principles of **Case Law** held through the Courts
- **Loss of sunlight** (based on Building Research Establishment guidance)
- **Overshadowing/loss of outlook** to the detriment of residential amenity (though not loss of view as such)
- Overlooking and **loss of privacy**
- **Highway issues:** traffic generation, vehicular access, highway safety
- **Noise or disturbance** resulting from use, including proposed hours of operation
- **Smells and fumes**
- Capacity of **physical infrastructure**, e.g. in the public drainage or water systems
- Deficiencies in **social facilities**, e.g. spaces in schools
- Storage & handling of **hazardous materials** and development of **contaminated land**
- Loss or effect on **trees**
- Adverse impact on **nature conservation** interests & biodiversity opportunities
- Effect on listed buildings and conservation areas
- **Incompatible or unacceptable uses**
- Local **financial considerations** offered as a contribution or grant
- **Layout and density of building** design, visual appearance and finishing materials
- Inadequate or inappropriate **landscaping** or means of enclosure

The weight attached to material considerations in reaching a decision is a matter of judgement for the decision-taker however the decision-taker is required to demonstrate that in reaching that decision that they have considered all relevant matters.

Generally greater weight is attached to issues raised which are supported by evidence rather than solely by assertion.

If an identified problem can be dealt with by means of a suitable condition then the Local Planning Authority is required to consider this rather than by issuing a refusal.

NON-MATERIAL PLANNING CONSIDERATIONS:

Issues that are not relevant to the decision:

(There exist further non-material planning considerations not included in this list)

- **Matters controlled under building regulations** or other non-planning legislation e.g. structural stability, drainage details, fire precautions, matters covered by licences etc.
- **Private issues between neighbours** e.g. land/boundary disputes, damage to property, private rights of access, covenants, ancient and other rights to light etc.
- **Problems arising from the construction period** of any works, e.g. noise, dust, construction vehicles, hours of working (covered by Control of Pollution Acts).
- Opposition to the **principle of development** when this has been settled by an outline planning permission or appeal
- **Applicant's personal circumstances** (unless exceptionally and clearly relevant, e.g. provision of facilities for someone with a physical disability)
- **Previously made objections/representations** regarding another site or application
- **Factual misrepresentation of the proposal**
- Opposition to **business competition**
- **Loss of property value**
- **Loss of view**

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