

Meeting	PLANNING COMMITTEE
Time/Day/Date	6.30 pm on Tuesday, 4 December 2018
Location	Council Chamber, Council Offices, Coalville
Officer to contact	Democratic Services (01530 454512)

AGENDA

Item		Pages
1.	APOLOGIES FOR ABSENCE	
2.	DECLARATION OF INTERESTS	
	Under the Code of Conduct members are reminded that in declaring disclosable interests you should make clear the nature of that interest and whether it is pecuniary or non-pecuniary.	
3.	MINUTES	
	To confirm and sign the minutes of the meeting held on 6 November 2018.	3 - 6
4.	PLANNING APPLICATIONS AND OTHER MATTERS	
	Report of the Planning and Development Team Manager.	7 - 10

Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
A1	18/01534/OUT: Mixed use development comprising B1 (Office) premises and residential development of 6 no. dwellings, garaging and associated infrastructure (outline - access only) Crusher Yard Site Pipeyard Lane Works Pipeyard Lane	Permit	11 - 20

MINUTES of a meeting of the PLANNING Committee held in the Council Chamber, Council Offices, Coalville on TUESDAY, 6 November 2018

Present: Councillor N Smith (Chairman)

Councillors R Adams, R Boam, J Bridges, R Canny, J G Coxon, D Harrison, G Jones, J Legrys and M Specht

In Attendance: Councillors J Geary, R Johnson and T J Pendleton

Officers: Mr C Elston, Mr D Gill, Mrs C Hammond and Mr J Mattley

32. APOLOGIES FOR ABSENCE

Apologies were received from Councillor R Ashman as he was attending the meeting as Ward Member.

33. DECLARATION OF INTERESTS

There were no interests declared.

34. MINUTES

Consideration was given to the minutes of the meeting held on 2 October 2018.

It was moved by Councillor J G Coxon, seconded by Councillor R Adams and

RESOLVED THAT:

The minutes of the meeting held on 2 October 2018 be approved and signed by the Chairman as a correct record.

35. PLANNING APPLICATIONS AND OTHER MATTERS

Consideration was given to the report of the Planning and Development Team Manager.

36. A1 18/01333/FUL: RETROSPECTIVE PLANNING APPLICATION FOR THE CHANGE OF USE OF DWELLING TO HOLIDAY LET AND RETENTION OF OUTBUILDING The Grange 69 Church Street Donisthorpe Swadlincote Derby DE12 7PX

Officer's Recommendation: PERMIT subject to S106 Agreement

The Planning and Development Team Manager presented the report to Members

Ms A McManus, Agent, addressed the Committee highlighting that there had only been 3 complaints about the use of the property, 2 of which were on the same night and the party was asked to leave. She stated that the site manager was on call 24hrs a day and was 30 minutes away, that all the correct safety certificates were in place and that the restored property would provide high quality accommodation for tourists wishing to visit the area.

Councillor R Ashman, Ward Member, addressed the Committee highlighting that a number of residents had raised concerns over the use of the property, that as the application was retrospective would the applicant abide by the conditions set and that no staff were present during the duration of the occupation to control noise levels and behaviour especially at night. He asked that should Members be minded to approve the

application residents were provided with information about how to complain and to ensure that all fire and health and safety regulations were complied with.

In determining the application, Members had sympathy for the neighbouring residents and felt that a member of staff should be on site 24hrs a day to supervise the guests; however it was felt that there were no material planning reasons to refuse the application. Further consideration would need to be given to the precise wording of the condition in relation to outdoor activity between the hours of 11pm and 9am.

It was moved by Councillor J Bridges and seconded by Councillor G Jones.

Councillor M Specht requested the recorded vote.

The Chairman then put the motion to the vote. A recorded vote having been requested, the voting was follows:

Motion to permit the application in accordance with the officer's recommendation and authority be delegated the Planning and Development Team Manager to consider the wording of the conditions (Motion)	
Councillor Ron Adams	For
Councillor Russell Boam	For
Councillor John Bridges	For
Councillor Rachel Canny	For
Councillor John Coxon	For
Councillor Dan Harrison	For
Councillor Geraint Jones	For
Councillor John Legrys	Against
Councillor Nigel Smith	For
Councillor Michael Specht	For
Carried	

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Planning and Development Team Manager and authority be delegated to consider the wording of the conditions

37. A2
18/01334/LBC: RETENTION OF INTERNAL ALTERATIONS TO STAIRCASE
 The Grange 69 Church Street Donisthorpe Swadlincote Derby DE12 7PX

Officer's Recommendation: PERMIT

It was moved by Councillor J Bridges and seconded by Councillor R Canny.

Councillor M Specht requested a recorded vote.

The Chairman then put the motion to the vote. A recorded vote having been requested, the voting was follows:

Motion to permit the application in accordance with the officer's recommendation (Motion)	
Councillor Ron Adams	For
Councillor Russell Boam	For
Councillor John Bridges	For
Councillor Rachel Canny	For

Councillor John Coxon	For
Councillor Dan Harrison	For
Councillor Geraint Jones	For
Councillor John Legrys	For
Councillor Nigel Smith	For
Councillor Michael Specht	For
Carried	

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Planning and Development Team Manager.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 7.06 pm

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APPENDIX B

**Report of the Planning and Development Team Manager
to Planning Committee**

4 December 2018

PLANNING & DEVELOPMENT REPORT

PLANNING COMMITTEE FRONT SHEET

1. Background Papers

For the purposes of Section 100(d) of the Local Government (Access to information Act) 1985 all consultation replies listed in this report along with the application documents and any accompanying letters or reports submitted by the applicant, constitute Background Papers which are available for inspection, unless such documents contain Exempt Information as defined in the act.

2. Late Information: Updates

Any information relevant to the determination of any application presented for determination in this Report, which is not available at the time of printing, will be reported in summarised form on the 'UPDATE SHEET' which will be distributed at the meeting. Any documents distributed at the meeting will be made available for inspection. Where there are any changes to draft conditions or a s106 TCPA 1990 obligation proposed in the update sheet these will be deemed to be incorporated in the proposed recommendation.

3. Expiry of Representation Periods

In cases where recommendations are headed "Subject to no contrary representations being received by [date]" decision notices will not be issued where representations are received within the specified time period which, in the opinion of the Head of Planning and Infrastructure are material planning considerations and relate to matters not previously raised.

4. Reasons for Grant

Where the Head of Planning and Infrastructure report recommends a grant of planning permission and a resolution to grant permission is made, the summary grounds for approval and summary of policies and proposals in the development plan are approved as set out in the report. Where the Planning Committee are of a different view they may resolve to add or amend the reasons or substitute their own reasons. If such a resolution is made the Chair of the Planning Committee will invite the planning officer and legal advisor to advise on the amended proposals before the a resolution is finalised and voted on. The reasons shall be minuted, and the wording of the reasons, any relevant summary policies and proposals, any amended or additional conditions and/or the wording of such conditions, and the decision notice, is delegated to the Head of Planning and Infrastructure.

5. Granting permission contrary to Officer Recommendation

Where the Head of Planning and Infrastructure report recommends refusal, and the Planning Committee are considering granting planning permission, the summary reasons for granting planning permission, a summary of the relevant policies and proposals, and whether the permission should be subject to conditions and/or an obligation under S106 of the TCPA 1990 must also be determined; Members will consider the recommended reasons for refusal, and then the summary reasons for granting the permission. The Chair will invite a Planning Officer to advise on the reasons and the other matters. An adjournment of the meeting may be necessary for the Planning Officer and legal Advisor to consider the advice required

If The Planning Officer is unable to advise at Members at that meeting, he may recommend the item is deferred until further information or advice is available. This is likely if there are technical objections, eg. from the Highways Authority, Severn Trent, the Environment Agency, or other Statutory consultees.

If the summary grounds for approval and the relevant policies and proposals are approved by resolution of Planning Committee, the wording of the decision notice, and conditions and the Heads of Terms of any S106 obligation, is delegated to the Head of Planning and Infrastructure.

6 Refusal contrary to officer recommendation

Where members are minded to decide to refuse an application contrary to the recommendation printed in the report, or to include additional reasons for refusal where the recommendation is to refuse, the Chair will invite the Planning Officer to advise on the proposed reasons and the prospects of successfully defending the decision on Appeal, including the possibility of an award of costs. This is in accordance with the Local Planning Code of Conduct. The wording of the reasons or additional reasons for refusal, and the decision notice as the case is delegated to the Head of Planning and Infrastructure.

7 Amendments to Motion

An amendment must be relevant to the motion and may:

1. Leave out words
2. Leave out words and insert or add others
3. Insert or add words

as long as the effect is not to negate the motion

If the amendment/s makes the planning permission incapable of implementation then the effect is to negate the motion.

If the effect of any amendment is not immediately apparent the Chairman will take advice from the Legal Advisor and Head of Planning and Infrastructure/Planning and Development Team Manager present at the meeting. That advice may be sought during the course of the meeting or where the Officers require time to consult, the Chairman may adjourn the meeting for a short period.

Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of. The amendment must be put to the vote.

If an amendment is not carried, other amendments to the original motion may be moved.

If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendment, or if there are none, put it to the vote.

8 Delegation of wording of Conditions

A Draft of the proposed conditions, and the reasons for the conditions, are included in the report. The final wording of the conditions, or any new or amended conditions, is delegated to the Head of Planning and Infrastructure.

9. Decisions on Items of the Head of Planning and Infrastructure

The Chairman will call each item in the report. No vote will be taken at that stage unless a proposition is put to alter or amend the printed recommendation. Where a proposition is put and a vote taken the item will be decided in accordance with that vote. In the case of a tie where no casting vote is exercised the item will be regarded as undetermined.

Mixed use development comprising B1 (Office) premises and residential development of 6 no. dwellings, garaging and associated infrastructure (outline - access only)
Crusher Yard Site Pipeyard Lane Works Pipeyard Lane
Newbold Coleorton Coalville Leicestershire LE67 8JP

Report Item No
A1

Application Reference
18/01534/OUT

Grid Reference (E) 439880
Grid Reference (N) 319345

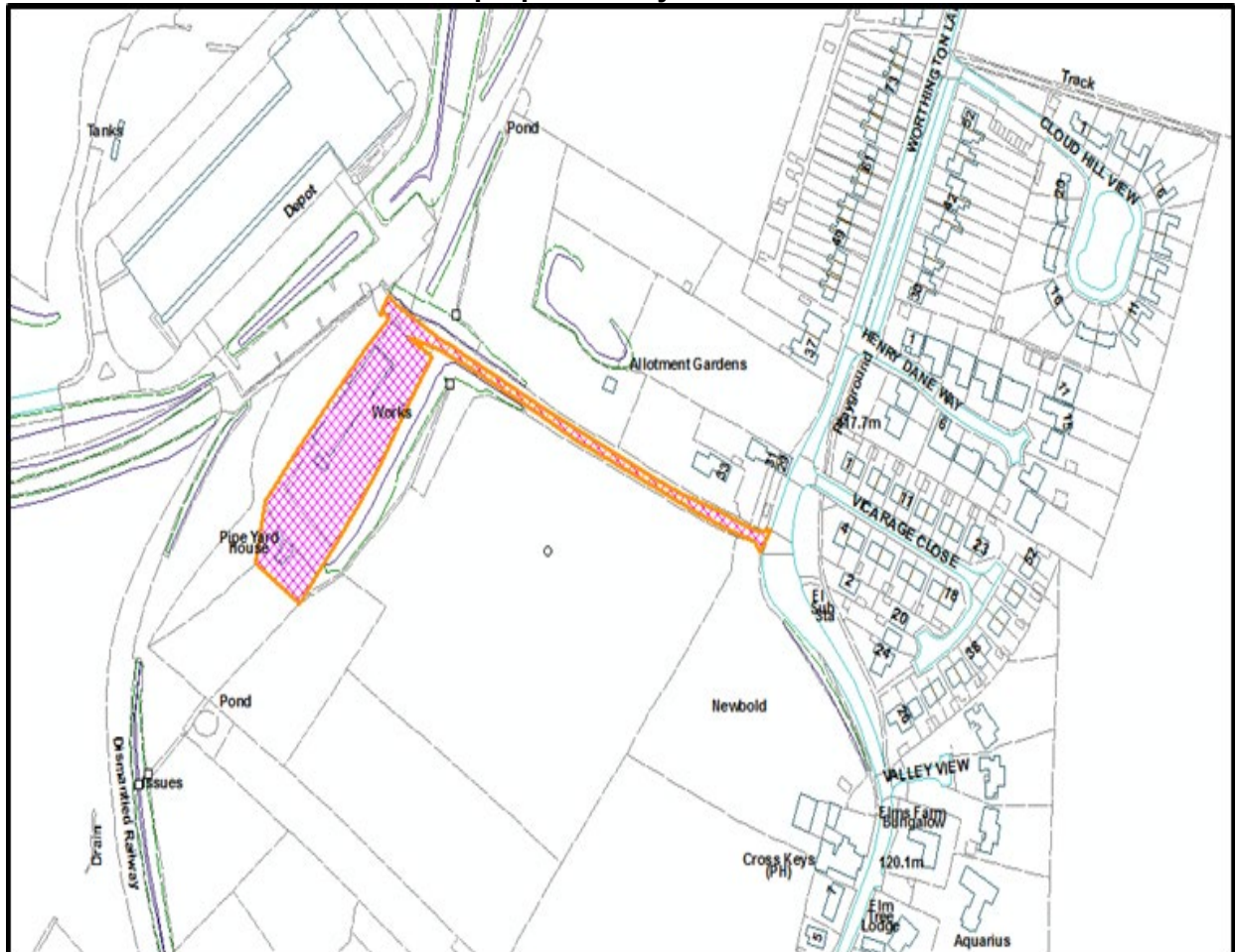
Date Registered:
22 August 2018
Consultation Expiry:
3 October 2018
8 Week Date:
17 October 2018
Extension of Time:
None Agreed

Applicant:
Mr S Stewart

Case Officer:
Hannah Exley

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Call In

The application is brought to the Planning Committee at the request of Councillor Boam because there is local support for the application and the proposal would reduce the impact of heavy goods vehicles passing through the village, which represents a highway gain.

Proposal

Outline planning permission is sought for a mixed use development comprising B1 (office) premises and residential development consisting of six dwellings, garaging and associated infrastructure on 0.59 of a hectare of land that is currently in commercial use as a crushers yard. With the exception of means of access, the outline application reserves all other matters for consideration at a later date.

The site lies within an existing employment area with the main part of the employment site being occupied by TNT and being accessed off Melbourne Road. The application site is located to the west of the built up area of Newbold and is accessed by Pipeyard Lane which is an unadopted road off Worthington Lane.

Consultations

A petition with 27 signatures has been received, stating support for the proposal. No comments have been received from Worthington Parish Council and all statutory consultees have raised no objections.

Planning Policy

The majority of the site lies within an area defined as a Primary Employment Area but the access to the site from the public highway falls outside the Limits to Development on the Policy Map to the adopted Local Plan. The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The site lies within an area defined as a Primary Employment Area under Policy Ec3 of the adopted Local Plan and whilst the office (B1) element of the proposal would be policy compliant, the proposed housing element would not accord with Policy Ec3. There is a shortfall of new employment land allocated in the Local Plan and therefore, proposals that would increase this deficit will generally be resisted.

However, a review of employment sites as part of the Local Plan review has indicated that whilst the TNT part of the employment allocation is likely to remain viable for employment use, the Pipeyard Works part of the allocation is nearing the end of its active lifespan. In these circumstances, the site is likely to be removed from the allocation in the Local Plan Review. This is a material planning consideration and it is considered that it would be unreasonable to seek to resist the current application solely on the basis of the current allocation.

As a result, it is not considered that a reason to refuse the application on the basis of the loss of employment land and the development being contrary to Policy Ec3 could be justified in this case and the principle of the proposed mixed use development is therefore, supported.

The scheme does not give rise to any significant material impacts upon highway safety and it is considered that a scheme could be developed within the site that would not result in any

significant material impacts on the occupiers of neighbouring dwellings, visual amenity and the character of the area, tree and ecology, drainage and flood risk, land contamination or stability. Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

RECOMMENDATION:- PERMIT, subject to conditions.

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

MAIN REPORT

1. Proposals and Background

Outline planning permission is sought for a mixed use development comprising B1 (office) premises and residential development consisting of six dwellings, garaging and associated infrastructure on 0.59 of a hectare of land that is currently in commercial use as a crushers yard. With the exception of means of access, the outline application reserves all other matters for consideration at a later date.

The site lies within an existing employment area with the main part of the employment site being occupied by TNT and being accessed off Melbourne Road. The application site is located to the west of the built up area of Newbold and is accessed by Pipeyard Lane which is an unadopted road off Worthington Lane.

The application submission was accompanied by a Protected Species Survey, Bat Survey, Coal Mining Risk Assessment, Highways Report and a Planning, Design and Access Statement was provided during the course of the application.

Relevant Planning History:

18/00753/OUT - Mixed use development comprising B1 (office) premises and residential development of 6 no. dwellings, garaging and associated infrastructure (outline - access only) (Withdrawn)

The remainder of the planning history for the site relates to applications for development associated with the industrial use of the site (refs: 04/01795/FUL, 75/0004/P, 75/0308/P, 75/1895/P, 81/0552 and 99/0488).

2. Publicity

10 neighbours notified.

Site Notice displayed 7 September 2018.

3. Summary of Consultations and Representations Received

The following summary of representations is provided.

Leicestershire County Council - Highways has no objection subject to conditions.

Leicestershire County Council - Ecology has no objection subject to conditions.

NWLDC Environmental Protection has no environmental observations at the outline stage but highlights the need for the applicant to consider noise mitigation at the detailed reserved matters stage due to the close proximity of the industrial estate.

NWLDC Environmental Protection Contaminated Land Officer has no objection subject to conditions.

NWLDC Street Action Team advises that bins would need to be presented at the public highway for collection.

Coal Authority has no objection subject to conditions.

No comments have been received from Worthington Parish Council, Severn Trent Water, Leicestershire County Council - Archaeology. Members will updated via the Update Sheet should any additional consultation responses be received.

With respect to comments from the County Archaeology, in considering the earlier application for the same proposal, the County Archaeologist raised no objections.

Third Party Representations

A petition with 27 signatures has been received, stating support for the scheme on the basis that the scheme will have a positive impact on the village. Within the petition, the following additional comments are made in support of the application proposal:

- job opportunities for the area;
- environmental benefits;
- good idea for the village;
- more housing for the village.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2018)

The policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF. The following paragraphs of the NPPF are considered relevant to the determination of this application:

- Paragraphs 7, 8, 9, 10, (Achieving sustainable development)
- Paragraphs 11, 12 (The Presumption in Favour of Sustainable Development)
- Paragraph 56 (Planning conditions and obligations)
- Paragraph 109 (Promoting sustainable transport)
- Paragraphs 127, 130 (Achieving well-designed places)
- Paragraph 118 (Making effective use of land)
- Paragraph 79 (Delivering a sufficient supply of homes)
- Paragraph 178 (Ground conditions and pollution)
- Paragraph 175, 178 (Conserving and enhancing the natural environment);
- Paragraph 199 (Conserving and enhancing the natural environment).

Adopted North West Leicestershire Local Plan (2017)

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

- S1 - Future Housing and Economic Development
- S2 - Settlement Hierarchy
- S3 - Countryside
- D1 - Design of New Development
- D2 - Amenity
- Ec3 - Existing Employment Areas
- IF4 - Transport Infrastructure and New Development
- IF7 - Parking Provision and New Development
- EN1 - Nature Conservation
- CC2 - Water - Flood Risk
- CC3 - Water - Sustainable Drainage Systems

Other Policies/Guidance

- National Planning Practice Guidance
- Leicestershire Highways Design Guide
- Good Design for North West Leicestershire SPD - April 2017
- The Habitats Regulations (The Conservation of Habitats and Species Regulations 2017)
- Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)

5. Assessment

In accordance with the provision of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, includes the adopted Local Plan (2017).

With the exception of the part of the site within Pipeyard Lane which provides access to the site from the public highway, the site lies within an area defined as a Primary Employment Area (PEA) under Policy Ec3 of the adopted Local Plan. Policy Ec3 is split into three parts and because the application site falls within a Primary Employment Area, parts 1 and 2 are relevant.

Part 1 of Policy Ec3 states that sites within the PEA will be retained for employment generating uses with classes B1, B2 and B8, and that in addition, planning permission will be given for Class B1 (light industrial and office) use subject to the proposed development not resulting in significant harm to the amenity of nearby residents and significant harm to the general environment. Part 2 of Policy Ec3 states that other uses will only be permitted within the PEA where they are small scale or ancillary to the above uses or maximise job outputs and are compatible with the character and function of the area and with other nearby uses and policies in this Local Plan. Whilst the office (B1) element of the proposal is compliant with part 1, the proposed housing element would not be compliant with either part 1 or part 2 of Policy Ec3.

The site was identified in the 2010 Assessment of Employment Sites and as a result of the recommendations in that study, the site was allocated in the adopted Local Plan (along with the adjoining TNT factory site) as an Existing Employment Area under Policy Ec3. As set out in the Local Plan, there is a shortfall of about 39 hectares of new employment land allocated, compared to the identified need. The loss of any further existing allocated employment land to non-employment uses will therefore increase this deficit and will generally be resisted.

Initial work on an update to the 2010 Assessment of Employment Sites produced in November 2018 as part of the Local Plan review has indicated that the vast majority of allocated existing employment sites in the district are likely to remain viable for employment use for at least the next 25 years. This includes the TNT factory, which is part of the Ec3 allocation to which this application relates. However, the update has also identified that the Pipeyard Works part of the Ec3 allocation is nearing the end of its active lifespan. This is due to a number of factors including its rural location, small scale and highly constrained access. As a result, the Planning Policy team advise that there is little reason to allocate the Pipeyard Lane site in the Local Plan Review, and although this would result in a small (0.63ha) loss of existing employment land across the district, this is expected to be an 'exception' with very few further losses of employment sites expected.

Given that the emerging evidence is suggesting that the Pipeyard Works is nearing the end of its active employment lifespan, and is likely to be removed from the allocation in the Local Plan Review, it is considered that it would be unreasonable to seek to resist the current application solely on the basis of the current allocation. Although the application would still be contrary to the provisions of Policy Ec3, in this instance it is considered that significant weight should be given to the material considerations outlined above, given the specific circumstances of this site. Therefore, on balance, it is not considered that a reason to refuse the application on the basis of the loss of employment land and the development being contrary to Policy Ec3 could be justified in this case and the principle of the proposed mixed use development is therefore, supported.

Pipeyard Lane provides access to the site from Worthington Lane and this part of the site lies outside the limits to development, where the principle of using previously developed land for residential development is considered acceptable under the provisions of Policies S2 and S3 of

the Local Plan. Policy S3 is subject to six criteria and the proposal would not conflict with criterion (ii), (iii) or (v) as the development would not result in the coalescence of settlements or ribbon development and the proposal would not undermine the vitality and viability of existing centres. With regard to criteria (iv) and (vi), whilst the site is located over 200m from Worthington Lane, it would be no further from the centre of the settlement than existing residential development located towards the southern end of the settlement. It is considered that the site is reasonably well-related to existing development within the village, such that a reason for refusal could not be justified on this ground. As for criterion (vi), the proposed dwellings would be as accessible as existing development within the village and there would also be trade-off between vehicular movements associated with the existing industrial use of the site, such that the proposal would be no more unsustainable than the existing situation in terms of vehicle movements.

Consideration of the impacts of the development on neighbouring residential amenities and surrounding environment (as required by Policies Ec3 and S3) are provided below in the relevant sections of the report.

Access and Highway Considerations

Details of means of access to the site is included for consideration at this stage and would be provided via the existing vehicular access at the junction with Pipeyard Lane and Worthington Lane. The County Highways Authority has been consulted on the application and advises that whilst the access does not fully accord with the Leicestershire Highways Design Guide in terms of access width and radii, the previous use of the site access in connection with the Crusher Yard is noted and the application proposal would not generate a significant level of HGV movements. The County Highways Authority advises that there have been no recorded personal injury collisions within excess of 700m of the site access in the last five years and therefore, the County Highways Authority has no concerns regarding safety at this location.

Both the applicant and the County Highways Authority have carried out an analysis of trip generation connected with the proposal, which indicates a total of 57 trips per day for the proposed uses. Given the likely volume of trips, the County Highways Authority is satisfied that no further analysis of trips associated with the site is required.

Overall, therefore, access is considered to be acceptable. The proposal is considered acceptable in relation to the Leicestershire Highways Design Guide and Policies IF4 and IF7 of the adopted Local Plan.

Layout

Layout, design and appearance are not included for consideration within this application. However, when having regard to the site location plan provided, it is considered that the site is of a sufficient size to be able to accommodate the proposed development with acceptable landscaping and access arrangements and which would have an acceptable relationship with the surrounding area. At this outline stage, the proposal is therefore considered to comply with the provisions of Policy D1 of the adopted Local Plan.

Impact upon Residential Amenity

The application is in outline and as such scale, siting, landscaping and appearance are to be considered at the reserved matters stage. There are currently no residential properties surrounding the site and therefore, the main issue in respect of residential amenities on this site would be the relationship between the dwellings and different uses proposed on the site. When having regard to the site of the site and the indicative details submitted, it is considered that a suitably designed development could be achieved on this site that would not have a detrimental

impact upon residential amenities.

As such the impact on residential amenities, particularly in terms of privacy, loss of sunlight and daylight and overbearing form, will be a primary consideration at the reserved matters stage when the scale, layout and appearance are presented for approval.

The site lies within an existing employment area with the main part of the employment site being occupied by TNT and being accessed off Melbourne Road. The application site is located to the west of the built up area of Newbold and is accessed by Pipeyard Lane. The site is surrounded by perimeter fencing and there is a substantial landscape strip between the application site and the remainder of the employment site, which along with the location of the site within a dip in the landscape provides a visual and noise buffer between the two parts of the employment site. The Council's Environmental Protection Team have been consulted on the application and raise no objection subject to appropriate noise mitigation being provided in the detailed design of the proposals to protect the amenities of the occupiers of the proposed dwellings, which can be secured by condition.

In terms of impacts on wider residential amenities, the proposed development would also have the effect of reducing the amount of Heavy Goods Vehicles passing through the village and this has been identified by residents supporting the scheme.

Overall, the proposal is not considered to result in significant impacts upon surrounding residential amenity. Therefore, the proposed development is considered to be in accordance with Policies Ec3 and D2 of the adopted Local Plan.

Impact on Character and the Countryside

The need for good design in new residential development is outlined not only in Policy D1 of the adopted Local Plan, but also the Council's Good Design SPD and Paragraphs 127 of the NPPF.

The main part of the site is located approximately 220m to the west of the main built up area of the settlement of Newbold. The site occupies a hollow in the landscape and is well screened by mature landscaping beyond the site boundaries. When viewed from the village, the site is also set against the backdrop of the industrial site to the west. Although the site is separated from the settlement, the topography of the surrounding landscape, existing mature landscaping and industrial buildings are such that the site would not occupy a prominent location within rural landscape. Therefore, notwithstanding the distance of the site from the settlement, it is considered that the site could be developed with an office and housing development without detracting from the openness of the wider countryside.

Whilst the site is located at a distance from the main built up area of Newbold, any new development on the site should reflect the positive characteristics of existing development within the settlement. Whilst the indicative details as shown are not considered an appropriate approach to the layout, scale and appearance of the buildings on this site, it is considered that both a B1 (light industrial) use and residential use comprising six dwellings could be achieved on the site without adversely affecting the character and appearance of the locality or countryside beyond in accordance with Paragraph 127 of the NPPF and Policies Ec3, D1 and S3 of the adopted Local Plan.

Trees and Ecology

There are no trees on the site but there are unprotected trees around the perimeter of the site that could be affected by development within the application site. The trees may be a constraint to developing parts of the site and therefore, this will need to be considered further at the

reserved matters stage and the trees will need to be protected during construction works.

The County Council Ecologist has raised no objections to the application on the basis of the findings of the ecology report given that most of the site is of low ecology value, being hardstanding and there was no evidence of protected species found within the buildings or on the site. The County Ecologist considers that there is a risk of Great Crested Newts (GCNs) being present on the site as there are plenty of ponds in the locality and with former industrial/mining land being good for GCNs. However, subject to precautionary working practices being adopted, the County Ecologist considers that any risk can be minimised to acceptable limits.

Overall, and subject to conditions, the development would accord with Policy En1 of the Local Plan, the aims of Paragraph 175 of the NPPF and Circular 06/05.

Drainage and Flood Risk

The site lies within flood zone 1 and is not identified as a site with a critical drainage issue on the Environment Agency's Surface Water Flooding Maps. It is highlighted on the application forms that surface water run-off would be addressed by the provision of a sustainable drainage system and in the circumstances that the site is not within flood zones 2 or 3, nor a critical drainage area, it is anticipated that any surface water run-off solution identified would not further exacerbate any localised flooding issue. As a result of this the development is considered to be compliant with Paragraph 163 of the NPPF, as well as Policies Cc2 and Cc3 of the adopted Local Plan.

Land Contamination

The Council's Environmental Protection Team have raised no objections to the development with regards to ground contamination or land instability, subject to conditions. Accordingly, subject to the imposition of conditions, it is considered that the proposal would comply with Paragraph 178 of the NPPF.

Coal

The site lies within the Coal Authority Referral Area and accordingly a Coal Mining Risk Assessment accompanied the application submission. The report identifies that the remnants of previous mining activity and the potential for surface instability associated with both shallow underground workings and mine entries. The Coal Authority has been consulted on the application and advise that any reserved matters application submission should avoid siting built development within influencing distance of any recorded mine entries on or off the site, as this has the potential to be dangerous and pose significant risks to the development and the occupiers. The Coal Authority advises that the detailed report submitted is sufficient to demonstrate that the application site is, or can be made safe and stable for the development and subject to a condition requiring the submission of a scheme of intrusive site investigations for the mine entries and the shallow coal mine workings prior to the reserved matters application, the Coal Authority raises no objection.

Other

The site is located at the end of Pipeyard Lane approximately 220m from Worthington Lane, the nearest adopted highway. Whilst Pipeyard Lane is capable of accommodating refuse collection vehicles due to the unadopted nature of the road, the occupiers of the proposed dwellings would be required to present their bins at the public highway for collection. No details of a bin storage area have been provided at this stage but there is a layby adjoining Worthington Lane at this point where bins could be sited. The applicant has a right of access over Pipeyard Lane but does not own the lane and therefore, there is no scope in this instance for an indemnity

agreement to enable Council refuse vehicles to go down to the residential development.

Whilst it is accepted that this is not an ideal arrangement for bin collection as this would require residents to move their bins a significant distance, it is not considered that there is any policy justification to warrant a refusal of permission on this ground.

Conclusion

The site lies within an area defined as a Primary Employment Area under Policy Ec3 of the adopted Local Plan and whilst the office (B1) element of the proposal would be policy compliant, the proposed housing element would not accord with Policy Ec3. There is a shortfall of new employment land allocated in the Local Plan and therefore, proposals that would increase this deficit will generally be resisted.

However, a review of employment sites as part of the Local Plan review has indicated that whilst the TNT part of the employment allocation is likely to remain viable for employment use, the Pipeyard Works part of the allocation is nearing the end of its active lifespan. In these circumstances, the site is likely to be removed from the allocation in the Local Plan Review. This is a material planning consideration and it is considered that it would be unreasonable to seek to resist the current application solely on the basis of the current allocation.

As a result, it is not considered that a reason to refuse the application on the basis of the loss of employment land and the development being contrary to Policy Ec3 could be justified in this case and the principle of the proposed mixed use development is therefore, supported.

The scheme does not give rise to any significant material impacts upon highway safety and it is considered that a scheme could be developed within the site that would not result in any significant material impacts on the occupiers of neighbouring dwellings, visual amenity and the character of the area, tree and ecology, drainage and flood risk, land contamination or stability. Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

RECOMMENDATION - PERMIT, subject to the following condition(s):

Conditions

1. Time limit (outline)
2. Matters for subsequent reserved matters approval
3. Levels as REM
4. Noise mitigation scheme as REM
5. Approved plans
6. B1 use only (non-residential element of the scheme)
7. Access arrangements
8. Off-site highway works
9. Vehicular visibility splays
10. Land Contamination (assessment)
11. Land contamination (verification)
12. Coal Authority
13. Tree protection
14. No site clearance during Great Crested Newt breeding season
15. Precautionary working practices (Ecology)