

Meeting	PLANNING COMMITTEE
Time/Day/Date	6.30 pm on Tuesday, 12 February 2019
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 8 January 2019.	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	18/01764/FULM: Employment development including the erection of four buildings for Use Class B1c/B2/B8 purposes Land At Bardon Road Coalville Leicestershire	PERMIT subject to S106 Agreement	11 - 22

MINUTES of a meeting of the PLANNING Committee held in the Council Chamber, Council Offices, Coalville on TUESDAY, 8 January 2019

Present: Councillor N Smith (Chairman)

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

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

Officers: Mrs S Grant, Miss E Mattley, Mr J Mattley, Mr A Mellor and Mrs M Meredith

43. APOLOGIES FOR ABSENCE

There were no apologies for absence received.

44. DECLARATION OF INTERESTS

In accordance with the Code of Conduct, Members declared the following interests:

Councillors J G Coxon and G Jones declared a non pecuniary interest in item A1, application number 18/01973/FULM as members of Ashby de la Zouch Town Council.

Councillor J Legrys declared a non pecuniary interest in item A2, application number 18/01599/OUTM having been lobbied without influence and having attended a parish council meeting where this item had been discussed.

Councillor R Adams declared that he had been lobbied without influence in respect of item A2, application number 18/01599/OUTM.

Councillor N Smith declared a non pecuniary interest in item A3, application number 18/02002/FUL as the ward member. He would leave the meeting during consideration of the item.

45. MINUTES

Consideration was given to the minutes of the meeting held on 4 December 2018.

It was moved by Councillor D Harrison, seconded by Councillor R Adams and

RESOLVED THAT:

The minutes of the meeting held on 4 December 2018 be approved and signed by the Chairman as a correct record.

46. PLANNING APPLICATIONS AND OTHER MATTERS

Consideration was given to the report of the Planning and Development Team Manager, as amended by the update sheet circulated at the meeting.

47. 18/01973/FULM: ERECTION OF 25 NO. DWELLINGS AND ASSOCIATED INFRASTRUCTURE

The Senior Planning Officer presented the report to members, and explained that an additional letter of representation had been received since the update sheet had been printed which set out objections on the basis of increased density, the fact that the proposals represented a new application and that some of the original assessments

required updating. She advised that no new material objections had been raised in this letter.

Mr M McCrea, objector, addressed the meeting. He expressed concerns regarding the percentage increase in the number of dwellings, the various modifications to the layout of the site, traffic, flooding and sewage capacities, the impact of additional traffic on Butt Lane, and the fact that conditions imposed by the planning inspector who permitted the original application on appeal had not been observed.

Mr I Pickering, applicant's agent, addressed the meeting. He explained that the revised proposals entirely fit within original boundary of site and the aim was to improve the housing mix on the site. He added that the required infrastructure had been put in place in order to avoid any flooding issues.

Cllr S McKendrick, ward member, addressed the meeting. She expressed concerns regarding the intensification of the development, the fact that site was now outside the limits to development, vehicle movements on and off site, the impact upon Butt Lane, highways concerns expressed by local residents, local reports of flooding and the adequacy of drainage. She emphasised the need ensure conditions were clear and detailed to ensure adequate public transport provision, sufficient wheel cleaning, the development of a construction vehicle movement scheme, an adequate drainage scheme and consideration of some traffic control measures.

In determining the application, members had regard to the proposed conditions to be imposed should permission be granted, the impact on the density of the site, the fact that the site was now outside the limits to development, the proximity and coalescence of Woodville, the planning inspector's comments when permitting the original application at appeal, the improved housing mix, whether there was any loss of the area of separation and the possibility to extend provision at Blackfordby school.

Councillor N Smith emphasised that any future extension to the school should be in keeping with the existing building.

The officer's recommendation was moved by Councillor M Specht and seconded by Councillor G Jones.

The Chairman then put the motion to the vote. A recorded vote being required, the voting was as follows:

Permit the application (Motion)	
Councillor Ron Adams	Against
Councillor Robert Ashman	For
Councillor Russell Boam	For
Councillor Rachel Canny	For
Councillor John Coxon	Against
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 recommendation of the Planning and Development Team Manager.

48. 18/01599/OUTM: ERECTION OF 9 DWELLINGS INCLUDING ASSOCIATED ACCESS AND PARKING ARRANGEMENTS (OUTLINE - MEANS OF ACCESS AND LAYOUT FOR APPROVAL)

The Planning and Development Team Manager referred members to the update sheet and clarified that the comments had been received from Hugglescote and Donington le Heath Parish Council.

The Senior Planning Officer presented the report to members.

Councillor R Johnson, ward member, addressed the meeting. He expressed concerns regarding safe access and egress, the fact that the application site was now in a conservation area, the width of the access and the negative impact on the character of the conservation area.

In determining the application, members had regard to the concerns regarding the width of the access, landscaping matters, the possible options relating to bin collection, and the fact that should the conditions not be met, any subsequent variation application would be subject to full consultation with the ward member and the parish council, and there was the opportunity for the application to be reported back to the Planning Committee if deemed necessary.

The officer's recommendation was moved by Councillor J G Coxon and seconded by Councillor G Jones, with the inclusion of a note to the applicant in respect of the proposed kerb edging on the private drive.

The Chairman then put the motion to the vote. A recorded vote being required, the voting was as follows:

Motion to permit the application (Motion)	
Councillor Ron Adams	Against
Councillor Robert Ashman	For
Councillor Russell Boam	For
Councillor Rachel Canny	Against
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 recommendation of the Planning and Development Team Manager subject to a note to the applicant in respect of the proposed kerb edging on the private drive.

49. 18/02002/FUL: CONVERSION AND EXTENSION OF EXISTING BUILDING TO ONE RESIDENTIAL DWELLING

Being the ward member whose ward was affected by the application, Councillor N Smith left the meeting prior to consideration of this item and took no further part in the meeting.

Councillor R Ashman took the chair.

The Planning and Development Team Manager presented the report to members.

Mr A Large, applicant's agent, addressed the meeting. He highlighted that the site was within the limits to development in a sustainable village and a new use of the building was required to ensure its future use. He added that there were no objections from statutory consultees and he asked members to follow the officer's recommendation.

In determining the application, members had regard to the current condition of the site, visibility splays at the junction and the options and implications of the removal of permitted development rights.

Subject to the removal of permitted developments rights, the officer's recommendation was moved by Councillor J Legrys and seconded by Councillor R Adams.

The Chairman then put the motion to the vote. A recorded vote being required, the voting was as follows:

Motion to permit the application (Motion)	
Councillor Ron Adams	For
Councillor Robert Ashman	For
Councillor Russell Boam	For
Councillor Rachel Canny	For
Councillor John Coxon	For
Councillor Dan Harrison	For
Councillor Geraint Jones	For
Councillor John Legrys	For
Councillor Nigel Smith	Conflict Of Interests
Councillor Michael Specht	For
Carried	

RESOLVED THAT:

The application be permitted in accordance with recommendation of the Planning and Development Team Manager subject to a Section 106 Agreement and the removal of permitted development rights.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 7.58 pm

APPENDIX B

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

12 February 2019

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 Planning and Development Team Manager are material planning considerations and relate to matters not previously raised.

4. Reasons for Grant

Where the Planning and Development Team Manager 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 Planning and Development Team Manager.

5. Granting permission contrary to Officer Recommendation

Where the Planning and Development Team Manager 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 Planning and Development Team Manager.

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 Planning and Development Team Manager.

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 Planning and Development Team Manager/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 Planning and Development Team Manager.

9. Decisions on Items of the Planning and Development Team Manager

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.

Employment development including the erection of four buildings for Use Class B1c/B2/B8 purposes

Report Item No
A1

Land At Bardon Road Coalville Leicestershire

Application Reference
18/01764/FULM

Grid Reference (E) 444409
Grid Reference (N) 312830

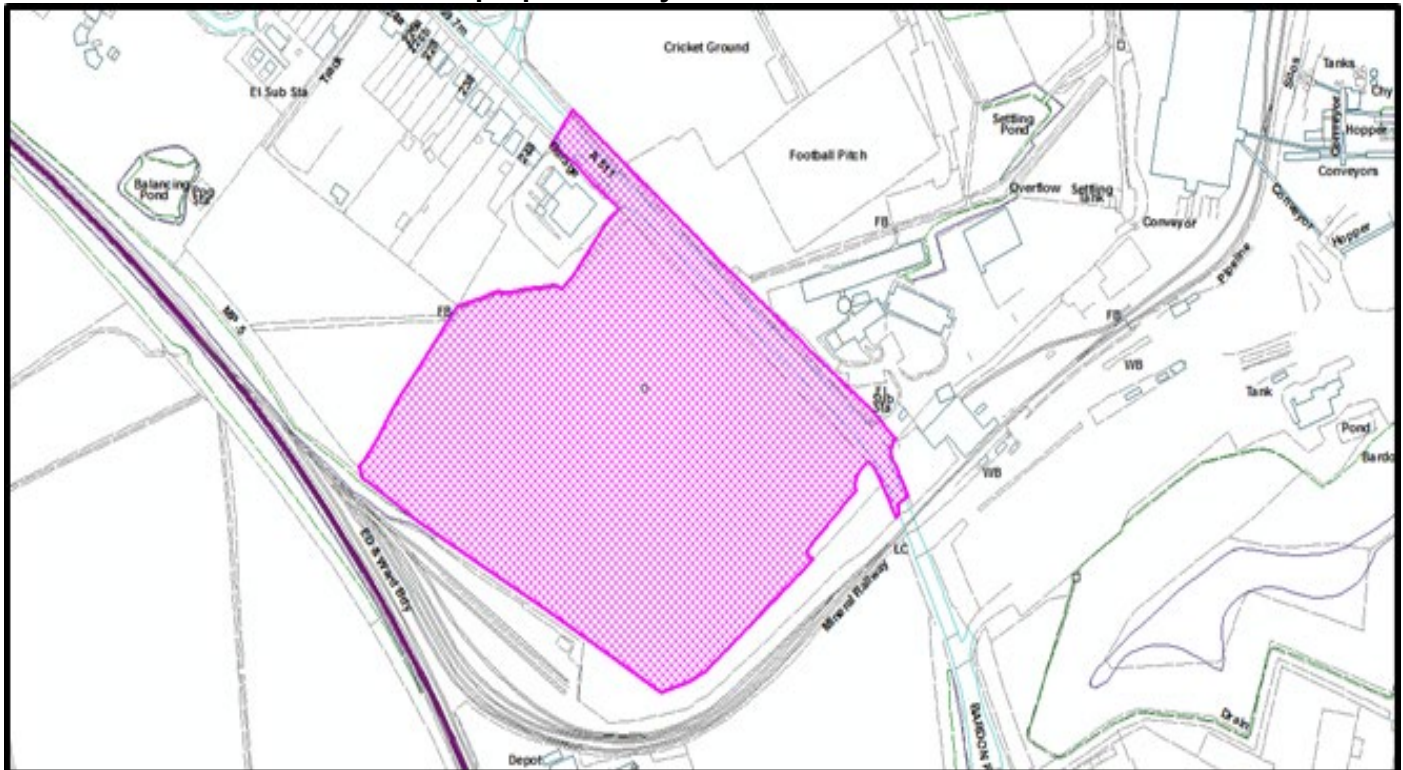
Date Registered:
20 September 2018
Consultation Expiry:
18 October 2018
8 Week Date:
20 December 2018
Extension of Time:
None Agreed

Applicant:
Mr Ian Dunckley

Case Officer:
James Mattley

Recommendation:
PERMIT subject to S106 Agreement

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application is called in to the Planning Committee by Councillor Specht on the basis of an over supply of B8 units in the Local Plan, highway safety concerns and an overbearing impact on the street scene.

Proposal

This is a full planning application for employment development including the erection of four buildings for Use Class B1c/B2/B8 purposes on land off Bardon Road in Coalville.

Consultations

Objections have been received from two neighbours. No objections have been received from any statutory consultee who have responded during the consultation process.

Planning Policy

The application site is located outside the Limits to Development in the adopted North West Leicestershire Local Plan.

Conclusion

The key issues in relation to the application are considered to be:

- The principle of the development;
- Highway safety;
- Design and landscaping.

The report below looks at these details, and Officers conclude that the details are satisfactory. The proposals meet the requirements of relevant NWLDC policies, including the adopted Good Design for North West Leicestershire SPD, and the NPPF (2018).

RECOMMENDATION - PERMIT, SUBJECT TO A LEGAL AGREEMENT AND 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, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

Planning permission is sought for an employment development including the erection of four buildings for Use Class B1c/B2/B8 purposes on land off Bardon Road, Coalville. The application site which measures 5.13 hectares is located to the south-west of Bardon Road and is bounded to the south by a mineral railway line. The entrance to Bardon Hill Quarry is located across from the site.

A total of four units of varying sizes are proposed as set out below:

Unit 1 - 53,770 square feet (4995 square metres)

Unit 2 - 92,000 square feet (8547 square metres)

Unit 3 - 22,200 square feet (2062 square metres)

Unit 4 - 21,250 square feet (1974 square metres)

The application seeks permission for a flexible consent for the use of three buildings - Units 2, 3 and 4 - between B1c/B2 and B8. Unit 1 would facilitate a B2 use only. Two site layout drawings for each Unit - each drawing shows the parking layout to suit the relevant occupation of the buildings for both B1c/B2 and B8 occupiers.

Unit 1 is proposed to be occupied by Winbro Group Technologies and Unit 2 is proposed to be occupied by CMS Ceper. Winbro specialise in the manufacture of aero and industrial gas turbines. They have existing offices on Whitwick Business Park and a manufacturing base on the Hermitage Industrial Estate. Winbro want to retain their Coalville base but wish to bring both the manufacturing and head office parts of the business under one building. CMS Ceper is a large manufacturer and supplier of crusher, screen and asphalt plant spare parts and service supplying worldwide to the mining, quarry, demolition and recycling industries. They have existing offices and a manufacturing base on the Hermitage Industrial Estate and are looking to expand their current business.

The proposed development would be accessed via a new traffic-controlled signal T-junction on the A511.

The application is accompanied by a transport assessment, ecology report, phase 1 desktop study, travel plan, planning statement, noise and vibration assessment, heritage assessment, flood risk assessment and drainage strategy, employment land availability assessment, design and access statement, lighting assessment, coal mining report and air quality assessment. Letters of support in relation to the application have also been submitted by Winbro Group Technologies and CMS Ceper.

2. Publicity

4 neighbours notified.

Press notice published in the Leicester Mercury.

Site notice displayed on the site.

3. Summary of Consultations and Representations Received

Coal Authority has no objections.

County Archaeologist raises no objection subject to conditions.

County Ecologist has no objections subject to conditions.

County Footpath Officer raises no objections subject to conditions.

County Highway Authority raises no objection subject to conditions.

Lead Local Flood Authority has no objections subject to conditions.

National Forest Company raises no objection subject to conditions.

NWLDC Conservation Officer identifies no harm arising from the development.

NWLDC Contaminated Land Officer raises no objections to the application.

NWLDC Environmental Protection Officer raises no objections subject to conditions.

NWLDC Air Quality Officer raises no objections.

A total of 2 representations have been received making the following comments:

- commercial development in a residential area;
- area is becoming an industrial park;
- more traffic congestion on Bardon Road.

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 8 and 10 (Achieving sustainable development);
Paragraphs 11 and 12 (Presumption in favour of sustainable development);
Paragraphs 38 - 42, 44, 47, 54 and 55 (Decision-making);
Paragraphs 80 - 83 (Building a strong, competitive economy);
Paragraphs 91, 92 and 98 (Promoting healthy and safe communities);
Paragraphs 103 - 105, 108 - 110 (Promoting sustainable transport);
Paragraphs 124, 126, 127 and 130 (Achieving well-designed places);
Paragraphs 149, 155, 163 and 165 (Meeting the challenge of climate change, flooding and coastal change);
Paragraphs 170, 175, 178, 180 and 181 (Conserving and enhancing the natural environment).

Adopted North West Leicestershire Local Plan (2017):

The North West Leicestershire Local Plan forms the development plan and the following policies of the adopted Local Plan are relevant to this application:

Policy S1 - Future Housing and Economic Development Needs
Policy S2 - Settlement Hierarchy
Policy S3 - Countryside
Policy D1 - Design of New Development
Policy D2 - Amenity
Policy Ec2 - New Employment Sites
Policy IF4 - Transport Infrastructure and New Development
Policy IF7 - Parking Provision and New Development
Policy En1 - Nature Conservation
Policy En3 - The National Forest

Policy CC2 - Water - Flood Risk

Policy CC3 - Water - Sustainable Drainage Systems

Other Guidance

National Planning Practice Guidance;

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);

The Community Infrastructure Levy Regulations 2010;

Leicestershire Highways Design Guide;

Good Design for North West Leicestershire SPD - April 2017.

5. Assessment

Principle of the Development

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

This application proposes to erect four industrial units for employment purposes. The application site lies outside the defined Limits to Development within the adopted Local Plan. New employment land is considered to be an appropriate form of development permitted in the countryside by Policy S3 of the adopted Local Plan subject to compliance with paragraph 2 of Policy Ec2 of the Local Plan. Policy Ec2 specifies the following:

(2) Where evidence indicates an immediate need or demand for additional employment land (B1, B2 and B8) in North West Leicestershire that cannot be met from land allocated in this plan, the Council will consider favourably proposals that meet the identified need in appropriate locations subject to the proposal:

(a) Being accessible or will be made accessible by a choice of means of transport, including sustainable transport modes, as a consequence of planning permission being granted for the development; and

(b) Having good access to the strategic highway network (M1, M42/A42 and A50) and an acceptable impact on the capacity of that network, including any junctions; and

(c) Not being detrimental to the amenities of any nearby residential properties or the wider environment.

In terms of the need for additional employment land, when assessed against the employment land requirements identified in the HEDNA, the Local Planning Authority currently has an overall employment land shortfall of approximately 5.4ha (to 2031, which is the end of the Plan period for the adopted Local Plan), or 21.6ha (to 2036, which would be the end of the Plan period for the Local Plan review). The shortfall is in relation to non-strategic B1, B2 and B8 uses - i.e those which are less than 9000 square metres.

Whilst the majority of this need is calculated as being B1a/b (and, therefore, not the particular employment uses the subject of this application (i.e. B1(c), B2 and B8)), the development of this site would help to meet the overall employment requirement. In addition, two local companies have already been identified as end users of two of the units proposed; these companies are CMS Ceper Ltd and Winbro Group. These companies have been based in Coalville for 26 and 23 years respectively, and have an established presence in the global market. These companies have supported the proposals through the design process to ensure that the premises will be appropriate for the needs of their expanding

businesses. CMS Ceper Ltd and Winbro Group are looking to expand or relocate from their current premises in Coalville as the existing sites are not suitable for their future growth. The development of the proposed units would also provide these companies with long term security (current leases end at the end of 2018). There is therefore a specific immediate need for these companies to find new premises within the district (to maintain their current local workforce).

An Employment Land Availability Assessment accompanies the application, demonstrating that no suitable units are available within the Coalville area for either company to relocate to. CMS Ceper Ltd and Winbro Group have provided letters of support, which accompany this application. CMS Ceper state that due to extensive local recruitment of a highly skilled workforce, it is essential to the company's success that the company stays in the Coalville area. Having assessed this evidence, it would appear to be robust and there does not appear to be any more sequentially preferable, suitable sites of a similar size and functionality that are currently available.

As a result of a demonstrable identification of an immediate need, it is considered appropriate to judge this application against the provisions of Policy Ec2(2). Given its close proximity to the Coalville urban Area (it adjoins the settlement boundary) and its location on the main route out of Coalville, the A511, which is well served by public transport), criterion a) would be met. Likewise, as the site is on the A511 which leads directly to the M1, and provided that the Highways Authority are satisfied that the impact on the network is acceptable, then criterion b) is considered to be satisfied. The scheme is considered to have an acceptable impact upon residential amenities and the wider environment. These matters are considered in more detail in the relevant sections of the report below.

In terms of wider economic and social benefits of the scheme, the NPPF states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

The proposal represents a capital investment in the local area of Coalville. As well as protecting and creating jobs in the construction phase, the development would safeguard local jobs by enabling the expansion of existing businesses located in the Coalville area.

The site is in a sustainable location on the edge of the urban area of Coalville, near to other employment uses. The proposal is considered to be in accordance with the NPPF which seeks to focus development in locations which are sustainable and Policy S2 of the Local Plan which states that the Principal Towns including Coalville Urban Area will take more growth than those lower down the settlement hierarchy.

In its social role, the proposals would make a contribution to the provision of new jobs and safeguarding of existing jobs in the locality. The new jobs will provide employment opportunities that are well related to the existing residential development off Bardon Road and the wider area and for the significant level of new development that will be brought about by the South East Coalville development.

With regard to the environmental role, the site is identified as countryside in the adopted Local Plan and the proposal would result in development on a greenfield site. However, the Local Plan has identified a shortfall of 66 hectares of land for employment purposes and it is inevitable that there will be a need for greenfield sites to be released to meet future needs. Further issues in respect of the environmental dimension of sustainable development are considered in more detail within the relevant sections below.

On the basis of the above, the scheme is considered to be acceptable in principle and would be in accordance with Policy S2 and Ec2 of the Local Plan and the advice in the NPPF. It is

necessary to consider other matters including in respect of highway safety, residential amenity, design, flooding/drainage, ecology and trees.

Means of Access, Highways and Transportation Issues

Site Access

The applicant has proposed that development would be accessed via a new traffic-controlled signal T-junction on the A511. The Transport Assessment indicates that other options have been explored with the County Highway Authority prior to the submission of the application. The layout of the proposed traffic-controlled signal T-junction has been designed to work with the highway improvements that are soon to be implemented by Aggregate Industries at their site accesses on the A511. Those improvements include the upgrading of the mineral railway line level crossing to provide barriers on the A511 and the provision of a right hand turn lane.

In relation to this the County Highway Authority requested that the applicant undertake a more detailed analysis of the impact of the site access on queueing on the A511 and the interaction with the nearby level crossing, the need for a toucan crossing and the submission of a Stage 1 Road Safety Audit. Following the submission of additional information the County Highway Authority now raises no objections subject to conditions and notes to applicant.

Impact on the Wider Highway Network

The proposed development would generate approximately 101 light vehicle movements (by staff and visitors) and 30 HGV movements in a peak hour. This traffic is assigned to the highway network, and the impact of the additional trips has been considered at the following study area junctions:

- o Junction 1: A511 Whitwick Road roundabout
- o Junction 2: A511 Broom Leys traffic signal crossroads junction
- o Junction 3: A511 Bardon Road roundabout
- o Junction 4: A511 Birch Tree roundabout
- o Junction 5: A511 Beveridge Lane roundabout
- o Junction 6: A511 Flying Horse roundabout

Although once distributed across the highway network traffic increased associated with the development are modest, it is concluded that the proposed development would have a material impact at all six study area junctions along the A511 corridor. This is because all six junctions are already identified as requiring improvements as part of the Coalville Transport Strategy. As a result, the developer would make a reasonable and proportionate financial contribution towards the improvement works in keeping with the Coalville Contribution Strategy, to be used towards improvement works at each of these locations. A transport contribution of £272,316 has been calculated which the applicant has agreed to pay.

Accessibility of the Site

It is noted that the site has good public transport links with the nearest east and west bound bus stops being situated within 300m of the proposed site access served by an hourly service between Coalville and Leicester. Whilst these are generally accessible by existing footways, an extension of the existing footway on the southwest side of Bardon Road would be required in order to provide a pedestrian connection to the site and is proposed as part of the scheme. The scheme proposes a toucan crossing which would also allow pedestrians/cyclists to access the footway/cycleway located on the northern side of Bardon Road.

The application is accompanied by a Travel Plan. The overall objective of the Travel Plan is to minimise the number of new car trips generated by staff and visitors travelling to and from the proposed development, by promoting and supporting the use of alternative modes of

travel (walking, cycling, public transport and car sharing). It includes targets as well as measures and incentives to achieve the targets and methods for monitoring the travel patterns at the site.

Parking Provision

The submitted scheme indicates provision of 196 car parking spaces, together with 45 lorry parking bays. The County Highway Authority considers that this level of provision is generally in accordance with the advice in the Leicestershire Highways Design Guide. However, the CHA requested further information regarding lorry servicing, the usability of some parking spaces and disabled person parking provision.

Amended plans have been received to address all of these issues and the CHA now raise no objections to this element of the proposal subject to conditions.

Highway Conclusion

On the basis of the above, therefore, no objections are raised in respect of the application by the County Highway Authority, and the development is considered acceptable in terms of highways issues. In terms of highway-related Section 106 obligations other than those relating to the Transportation Infrastructure contributions strategy referred to above, the County Highway Authority requests obligations in respect of travel packs and bus passes.

On this basis, as well as taking into account the CHA has no objections, the proposal would accord with Policy IF4 and IF7 of the adopted Local Plan as well as Paragraphs 105, 108 and 109 of the NPPF.

Design and Visual Impact

The need for good design in new development is outlined not only in Local Plan Policy D1, but also paragraphs 124 of the NPPF that outlines that good design is a key aspect of sustainable development.

The proposed development is located to the south west of the A511 and the Aggregates industries railway line is located adjacent to the south western and south eastern boundaries. Bardon Quarry is located over the road to the east and an existing petrol filling station is located immediately to the north. The site falls from east to west and the development proposals provide two level platforms at higher and lower levels to respect this land level difference.

Pre-application advice has been sought regarding the acceptability of the design of the units and the wider visual impact. At the pre-application advice stage the Local Planning Authority emphasised that a high quality form of development would be required given the site prominence as a key gateway into the town. Key considerations were the creation of a National Forest inspired identity using structural landscaping and ensuring a strong architectural response within the buildings, particularly those elements which are prominent from Bardon Road.

In terms of the design of the proposed buildings they would include for curved roofing structures, composite cladding, timber cladding and contemporary glazing on prominent elevations. The use of different types of cladding helps to break up the massing of the buildings and the glazing features provide for focal points. The scheme also includes for 1.5 metre high landscaped bunds along the site frontage and between Unit 3 and the petrol filling station. These would be planted with semi-mature trees and smaller fruiting/flowering trees in order to provide for an instant landscaping impact and to help with the creation of a National Forest inspired identity.

The Council's Urban Designer concludes that a number of improvements have been secured to the elevations of the building since the original pre-application advice and, subject to the

implementation of a quality landscaping scheme and other relevant design conditions, a good design can be expected.

In terms of design, therefore, it is considered that the proposal, subject to suitable conditions, is appropriate and would not detract from the character and appearance of the surrounding area. The requirements of Local Plan Policies D1, the Good Design SPD and the advice contained in the NPPF are considered to be met by the scheme.

Air Quality

The application is accompanied by an Air Quality Assessment as the site is located approximately 1 km south east of the Coalville Air Quality Management Area (AQMA).

The assessment states that the impacts from road traffic emissions associated with the operation of the Proposed Development have been assessed at 14 nearby receptors where impacts are expected to be greatest. The overall impact associated with the operational road traffic emissions of the Proposed Development is judged to be negligible at these receptors. As such the report concludes that the overall operational air quality impacts of the development are judged to be not significant.

The Council's Environmental Protection Team originally raised objections to the scheme on the basis that the report did not show the impact of four affected properties with the Coalville AQMA and further information was requested in respect of the modelling in the report. Following the submission of an addendum to the Air Quality Assessment, the Council's Environmental Protection Team now raise no objections to the proposal.

The scheme is considered to be acceptable in relation to Policy D2 of the Local Plan and paragraph 181 of the NPPF.

Residential Amenity

Whilst the nearest neighbour is approximately 60 metres away from the boundary with the application site, it is considered that the site nevertheless has the potential to result in noise to residential property and, as such, the application is accompanied by a noise impact assessment. The report concludes that the predicted noise levels at the dwellings from the proposed development are significantly below the existing ambient and background noise climate and, consequently, are unlikely to be noticeable. The existing ambient and background noise climate includes traffic along Bardon Road, the quarry over the road, rail traffic and a 24 hour petrol service station adjacent to the site.

The District Council's Environmental Protection team raises no objections to the proposals from the noise point of view subject to the imposition of conditions relating to the recommendations contained in the noise impact assessment.

Overall the proposed development would be considered compliant with Policy D2 of the adopted Local Plan and Paragraph 180 of the NPPF.

Public Footpath

An existing public right of way (N59) runs through the application site and would be impacted upon as part of the proposed development. The submitted plans indicate that a section measuring approximately 80 metres of the public right of way would be diverted to the west of Unit 3.

The County Footpath Officer has no objections to the proposal subject to certain planning conditions and subject to an application being made to the Council to divert the Public Footpath under the Town and Country Planning Act 1990. The applicant has made such an application and this is currently being considered by the District Council. On this basis the proposal would comply with Paragraph 98 of the NPPF.

Flooding and Drainage

The application is accompanied by a Flood Risk and Drainage Statement which specifies that the application site lies wholly within Flood Zone 1. The report concludes that the risk of flooding on the development site is reduced to low or very low. The report also demonstrates that a suitable Sustainable urban Drainage System can be implemented as part of the development and that runoff rate will be restricted through appropriate attenuation.

The Lead Local Flood Authority have been consulted on the application and they note that there is a surface water flow path of low to medium risk adjacent to the northern boundary of the site but that the impacts of the proposal can be dealt with through appropriate planning conditions and notes to applicant.

It is considered that the proposal would comply with Policies Cc2 and Cc3 of the adopted Local Plan, as well as Paragraph 163 of the NPPF, and would ensure the development would not exacerbate any localised flooding impact.

Insofar as foul drainage is concerned, it is indicated that this would be discharged to the mains sewer and again a connection would need to be agreed with Severn Trent Water under separate legislation. Given the above conclusion it is considered that the foul drainage can be met by the existing sewerage system in place. On this basis the proposed development would accord with Paragraph 180 of the NPPF.

Ecology and Trees

The application is accompanied by an Ecological Appraisal identifying the likely ecological impacts of the development of the site. The County Council Ecologist has reviewed the submitted report and concludes that the land is in arable use and is of low ecology value.

The County Ecologist identifies two main impacts: the loss of hedgerow along the site frontage and the loss of an Ash tree within the site that has a Kestrel nest. Whilst these impacts are unavoidable, the loss of these features can be mitigated through replacement hedgerow planting and through the provision of Kestrel nest-boxes in suitable locations as set out in the submitted Ecological Appraisal.

There are a limited number of trees on the site with the majority of them located on the site boundaries. The County Ecologist and the Council's Tree Officer both consider that the planning layout and landscaping plans are acceptable and provide for adequate mitigation for the loss of hedgerow. No objections are raised subject to the inclusion of relevant planning conditions including in respect of the retention of existing trees along the boundaries of the site.

The proposal is considered to comply with Policy En1 of the adopted Local Plan, Paragraph 175 of the NPPF and Circular 06/05.

Developer Contributions

Paragraph 54 and 56 of the NPPF set out the Government's policy in respect of planning obligations and, in particular, provide that planning obligations should be:

- necessary to make the proposed development acceptable in planning terms;
- directly related to the proposed development; and
- fairly and reasonably related in scale and kind to the proposed development.

Equivalent legislative tests are contained within Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010.

The contributions set out under Means of Access, Highways and Transportation Issues above, a financial contribution of £272,316 towards the improvement works in keeping with

the Coalville Contribution Strategy, travel packs (can be supplied by LCC at a cost of £52.85 per pack) and 6 month bus passes (can be supplied through LCC at an average of £360 per pass) are considered to meet the relevant tests. No other contributions have been requested and the applicant is agreeable to paying the requested contributions.

Other

In terms of the loss of agricultural land, Paragraph 170 of the NPPF provides that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst others, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services, including the economic and other benefits of the Best and Most Versatile (BMV) agricultural land. Footnote 53 to Paragraph 171 suggests that, where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be used in preference to those of a higher quality. BMV agricultural land is defined as that falling within in Grades 1, 2 and 3a of the Agricultural Land Classification.

Whilst detailed information on the agricultural land quality is not available, on the basis of the Provisional Agricultural Land Classification, the site would appear likely to be within Grade 3, although the subgrade (i.e. 3a or 3b) (and, hence, whether the land would be BMV) is not known. Even if it was, however, given the limited size of the site, the extent of any BMV loss to non-agricultural uses would not be considered significant (normally considered to be 20 hectares or more).

The application is accompanied by a lighting assessment. An external lighting design forms part of the application. The proposed lighting scheme is appropriate to the development, meeting the operational needs of the facilities and modern employment site but does not result in over lighting to the detriment of the amenity of the local area and biodiversity interests.

The Council's Waste and Recycling team have been consulted on the application and note that there is no statutory provisions for North West Leicestershire District Council to collect commercial waste. However, the response provided indicates that if the District Council were employed to collect the waste from this development the proposed roads would be suitable for the Council's waste collection vehicles.

Conclusion

As set out above, the site is considered suitable in principle for the proposed development. Whilst the site is outside Limits to Development, the Council's Local Plan does allow for new employment sites where evidence indicates an immediate need or demand. In this instance, evidence shows a shortfall in non-strategic employment sites and a local need identified by two local companies. The need for and the benefits of the development in terms of stimulating economic growth are in this case considered to outweigh any harm arising from the site's location in the countryside. On balance it is considered that the proposal would constitute sustainable development.

Subject to conditions, the proposal is not considered to have any significant detrimental design, highway safety issues, residential amenity, air quality, ecology, trees, flooding, drainage or heritage impacts. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the Local Plan, the advice in the NPPF and the Council's Good Design SPD. It is therefore recommended that planning permission be granted subject to the conditions listed below, and subject to planning obligations to secure the various transportation-related contributions as set out above.

RECOMMENDATION - PERMIT, subject to a legal agreement and subject to the following conditions:

1. Timeframe for commencement.
2. Approved plans.
3. Control of planning uses.
4. Retention of trees.
5. Two Kestrel boxes.
6. Grass snakes.
7. Badger survey.
8. Bat survey.
9. Light spillage.
10. Access provided.
11. Off-site highway works
12. Parking to be provided.
13. Cycle parking.
14. Hard surfacing for access
15. Travel plan.
16. Landscaping.
17. Aftercare.
18. Materials.
19. In accordance with noise survey.
20. Hard surfacing across the site.
21. Boundary treatments.
22. Details of retaining walls.
23. Conditions ensuring parking layouts are either B1(c)/B2 or B8.