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Meeting	<b>PLANNING COMMITTEE</b>
Time/Day/Date	6.00 pm on Tuesday, 1 December 2020
Location	Remote Meeting using Microsoft Teams
Officer to contact	Democratic Services (01530 454529)

## AGENDA

Item	Pages
<b>1. APOLOGIES FOR ABSENCE</b>	
<b>2. DECLARATION OF INTERESTS</b>	
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.	
<b>3. MINUTES</b>	
To confirm and sign the minutes of the meeting held on 3 November 2020.	<b>3 - 6</b>
<b>4. PLANNING APPLICATIONS AND OTHER MATTERS</b>	
Report of the Head of Planning and Infrastructure.	<b>7 - 10</b>

## Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
A1	<b>20/00330/FULM: Hybrid planning application seeking outline permission (access) for up to 3000m2 of B1, B2 or B8 floorspace. Full planning consent for 3 employment units (B1, B2) with associated access, structural landscaping engineering and drainage works</b>  Land At Stephenson Way Coalville Leicestershire LE67 8RL	<b>PERMIT subject to S106 Agreement</b>	<b>11 - 36</b>
A2	<b>20/00822/FUL: Change of use of two red brick agricultural buildings to dwelling-houses, erection of two double garages and agricultural machinery store/workshop, demolition of range of modern portal frame agricultural buildings and the removal of the proposed grain store from consent 15/01188/FUL</b>  Moor Lane Farm 58 Moor Lane Coleorton Coalville Leicestershire LE67 8FQ	<b>PERMIT subject to S106 Agreement</b>	<b>37 - 48</b>

MINUTES of a meeting of the PLANNING Committee held in the Remote Meeting using Microsoft Teams on TUESDAY, 3 November 2020

Present: Councillor N Smith (Chairman)

Councillors R Boam, D Bigby, R Canny, D Everitt, S Gillard, J Hoult, J Legrys and M B Wyatt

In Attendance: Councillors R Ashman

Officers: Mr C Elston, Mr J Mattley, Miss S Odedra, Mrs C Hammond, Ms J Davies, Mr T Delaney, Ms C Proudfoot and Mrs M Scott

#### **34. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor D Harrison.

#### **35. DECLARATION OF INTERESTS**

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

Councillor N Smith declared a pecuniary interest in item A1, application number 19/02102/FUL as the Ward Member who had called the application in and as a close personal friend of one of the landowners.

Councillor J Legrys declared a non-pecuniary interest in item A1, application number 19/02102/FUL as he knew one of the landowners, who was a fellow Councillor.

Councillors D Bigby, R Boam, R Canny, D Everitt, J Hoult, J Legrys and M B Wyatt declared that they had been lobbied without influence in respect of item A1, application number 19/02102/FUL but had come to the meeting with an open mind.

#### **36. MINUTES**

Consideration was given to the minutes of the meeting held on the 6 October 2020.

It was moved by Councillor J Legrys, seconded by Councillor J Hoult and

RESOLVED THAT:

The minutes of the meeting held on the 6 October be approved and signed by the Chairman as a correct record.

#### **37. PLANNING ENFORCEMENT UPDATE**

The Public Protection Team Leader presented the report to Members.

It was moved by Councillor J Legrys, seconded by Councillor D Bigby and

RESOLVED THAT:

The information in the report be noted.

#### **38. PLANNING APPLICATIONS AND OTHER MATTERS**

Consideration was given to the report of the Head of Planning and Infrastructure, as amended by the update sheet circulated at the meeting.

Having declared a pecuniary interest in the item, Councillor N Smith left the chair and the meeting and took no part in the consideration and the voting on the item thereon.

Councillor R Boam took the chair and Councillor G Hoult joined the meeting as substitute for Councillor N Smith.

**39. 19/02102/FUL: ERECTION OF THREE DETACHED DWELLINGS AND THREE DOUBLE GARAGES (ONE ATTACHED AND TWO DETACHED) WITH ASSOCIATED ACCESS, LANDSCAPING AND DRAINAGE**

Before the presentation, the Legal Advisor confirmed that the applicant was not a serving Councillor, but that Councillor Rushton was one of the landowners with an interest in the site.

The Senior Planning Officer presented the report to members.

Parish Councillor C Miles, on behalf of Packington Parish Council, addressed the committee highlighting concerns around the area of the site where the waste bins would be presented and the design and types of the proposed dwellings, adding that they would destroy the soft edge of the village. He also detailed concerns over the proposed drainage scheme and potential flooding. He noted that the Parish Council felt that the development was inappropriate and overbearing with a dangerous access.

Mr P Fleetham, objector, addressed the committee highlighting concerns that many issues had not been addressed correctly and on the number of objections that had been received. He outlined concerns over the highways safety impact the development would have and noted several highways polices that the proposal was contrary to.

In determining the application, members had regard to the error within the report where the word 'not' had been missed from the conclusion to refusal under the flood risk and drainage section of the report and update sheet. The Senior Planning Officer confirmed that a reason for refusal on flooding or drainage grounds could not be justified. Concerns were expressed over the bin storage on an un-adopted road and their visual impacts, flooding risks in the area, the size of the proposed dwellings, highways concerns and the maintenance of the private pumping system in the future.

A motion to permit the application in accordance with the officer recommendation was moved by Councillor J Hoult and seconded by Councillor S Gillard.

The Chairman put the motion to the vote. A recorded vote being required, the voting was as detailed below.

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Infrastructure.

<b>Motion to permit the application in accordance with the recommendation of the Head of Planning and Infrastructure (Motion)</b>	
Councillor Russell Boam	For
Councillor Dave Bigby	For
Councillor Rachel Canny	For
Councillor David Everitt	Against
Councillor Stuart Gillard	For
Councillor Jim Hoult	For
Councillor John Legrys	Against
Councillor Michael Wyatt	Against

Councillor Gill Hout	For
<b>Carried</b>	

The meeting commenced at 6.00 pm

The Chairman closed the meeting at 7.02 pm

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**APPENDIX B**

**Report of the Head of Planning and Infrastructure  
to Planning Committee**

**1 December 2020**

**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.

Hybrid planning application seeking outline permission (access) for up to 3000m<sup>2</sup> of B1, B2 or B8 floorspace. Full planning consent for 3 employment units (B1, B2) with associated access, structural landscaping engineering and drainage works  
Land At Stephenson Way Coalville Leicestershire LE67 8RL

Report Item No  
A1

Application Reference  
20/00330/FULM

Grid Reference (E) 441232  
Grid Reference (N) 315015

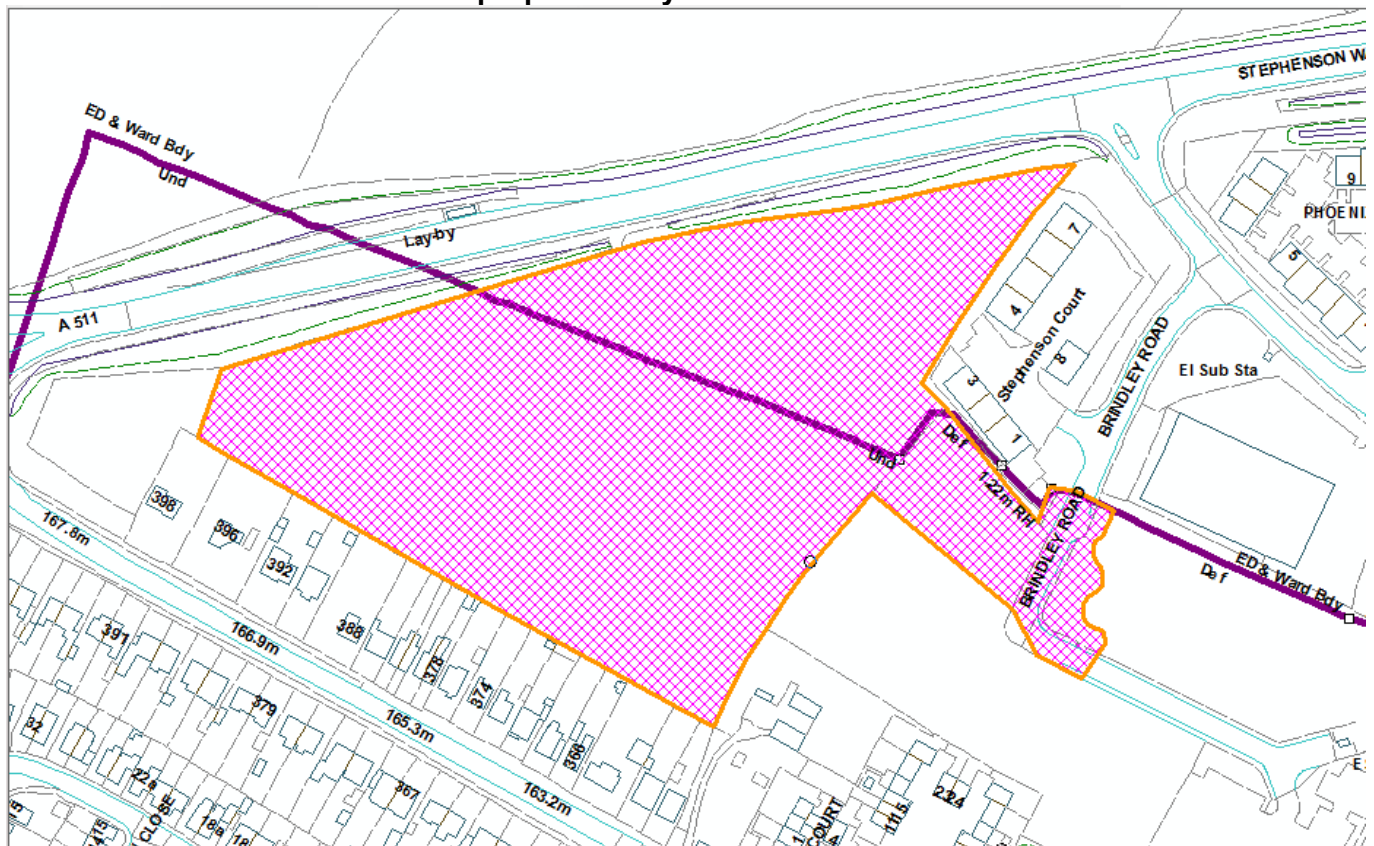
Date Registered:  
4 March 2020  
Consultation Expiry:  
28 September 2020  
8 Week Date:  
3 June 2020  
Extension of Time:  
29 January 2021

Applicant:  
Fleet Auction Group

Case Officer:  
James Knightley

Recommendation: PERMIT subject to S106 Agreement

### Site Location - Plan for indicative purposes only



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## **Executive Summary of Proposals and Recommendation**

### **Proposal**

This is a "hybrid" application (i.e. part full and part outline) seeking planning permission for (in full) the erection of units within the former Class B1(a) (offices) and within Class B2 (general industrial) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and (in outline) units within Classes B1, B2 and B8 (storage and distribution).

### **Consultations**

Members will see from the main report below that a number of objections have been received from nearby residents and from Swannington Parish Council in respect of the proposals. No objections on technical issues are raised by statutory consultees.

### **Planning Policy**

The site is located within Limits to Development as defined in the adopted North West Leicestershire Local Plan. Whilst the site is not specifically identified for employment development within the Local Plan, Policy Ec2 sets out criteria for assessment of employment development proposals on sites not allocated for this purpose

### **Conclusion**

The report below indicates that, whilst the site is not specifically identified for employment development within the adopted North West Leicestershire Local Plan, there is evidence to demonstrate that there is an immediate need or demand for the proposed development and, as such, the in-principle element of Policy Ec2 is capable of being met, and the principle of the development is therefore considered acceptable in land use terms. Whilst concerns have been raised by objectors regarding a range of issues, having regard to the supporting information submitted with the application and the advice of statutory consultees, it is considered that there are no technical issues that would indicate that planning permission ought to be refused.

### **RECOMMENDATION:-**

#### **PERMIT, SUBJECT TO SECTION 106 OBLIGATIONS, AND 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, the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.**

## MAIN REPORT

### Proposals and Background

This is a "hybrid" application (i.e. part full and part outline), seeking planning permission on a site of 3.31ha to the south of Stephenson Way (A511) for a range of employment uses; the full element of the development is intended to be used in association with the adjacent car auctions use (located to the east of the application site).

The full element of the application relates to three units located to the northern side of the site (adjacent to Stephenson Way), comprising the following:

*Unit 1:* Vehicle refurbishment workshop (within Class B2 (general industrial) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)), together with associated offices. The unit would be of approximate dimensions 80m by 43m (including roof projections) and 12.3m high. (NB The height figure is measured from finished floor level (FFL); the effective height would be greater in places (and, in particular, towards the building's eastern end) due to the FFL's relationship with external ground levels. The figure also excludes flues proposed to be installed to the building's roof.) The building would have a gross internal floorspace of 3,014sqm.

*Unit 2:* Vehicle repair workshop (Class B2), together with associated offices, of approximate dimensions 37m by 19m (including roof projections) and 8.1m high (above FFL). The building would have a gross internal floorspace of 508sqm.

*Unit 3:* Three storey office (within the (former) Class B1(a) (offices) for the purposes of the application). (Since the date of the submission of the application, changes to the Use Classes Order mean that the use would in future fall within the new Class E; under the transitional arrangements applying in respect of applications submitted prior to September 2020, the application is to be determined on the basis of the classes applying at the time the application was made.) The building would be of approximate dimensions 53m by 20m (including roof projections) and 15.2m high and would (physically) comprise two symmetrical units with independent stairwells and facilities (with, it is understood from the agent, the two sections in effect being used by different departments of the business). The building would have a gross internal floorspace of 1,950sqm.

The outline element of the application provides for additional development of units falling within Use Classes B1, B2 or B8 of maximum (total) floorspace of up to 3,000sqm on an area of the site of approximately 1ha; illustrative material submitted with the application indicates provision of 19 units of varying floorspace.

All matters are reserved in respect of the outline element of the application save for the proposed means of vehicular access to the site; all other "access" matters (i.e. including any other non-vehicular access into the site, together with proposed vehicular and non-vehicular routes through the site itself) are reserved for subsequent approval. The application proposes the regrading of this area of the site (i.e. so as to allow formation of site plateaux etc. as part of the site's overall cut and fill strategy); other matters (i.e. appearance, landscaping, layout and scale) would be reserved.

These cut and fill works would, in simple terms, provide for a number of development plateaux for the various proposed site plots. The plateau levels would allow for FFLs of between 154.15mAOD (i.e. metres above ordnance datum) and 159.85mAOD (for the plots on the full application part of the site), with the higher plots being sited towards the western and southern parts of the site. Whilst FFLs of proposed units on the outline element of the site are not available at this stage, the submitted material indicates the intention of forming plateaux of 157.00 and 158.00mAOD in these areas of the site. Given the site's current topography (which has a general "fall" towards the north eastern part of the site), cut and fill to between approximately plus or minus 5 to 6 metres of existing levels (and varying throughout the site given existing and proposed plateau levels) is proposed. A landscaped bund is also proposed to the south western boundary adjacent to existing residential properties on Ashby Road.

Access to the development would be provided via a new roundabout on Brindley Road (in effect, serving this site and the applicant's existing car auction operations adjacent to the application site).

The majority of the site is currently in agricultural use. However, part of the site (and including part of the proposed site access arrangements) forms part of an adjacent site with the benefit of planning permission for a vehicle inspection facility and associated vehicle storage, granted in March 2019 (ref. 18/01974/FUL); the proposed access to the development the subject of the current application would cross the northern part of the vehicle inspection / storage site (and, in effect, precluding use of some of the storage space for larger vehicles in that part of the site).

The application is referred to the Planning Committee for a decision at the request of Councillor Allman.

## 2. Publicity

29 neighbours notified.

Site Notice displayed 16 March 2020.

Press Notice published Leicester Mercury 18 March 2020.

## 3. Summary of Consultations and Representations Received

**East Midlands Airport** has no objections subject to conditions

**Environment Agency** has no objections subject to conditions

**Leicestershire County Council Archaeologist** has no objections

**Leicestershire County Council Ecologist** has no objections subject to conditions

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

**Leicestershire County Council Local Highway Authority** has no objections subject to conditions and Section 106 obligations

**Leicestershire County Council Mineral Planning Authority** has no objections

**Leicestershire Police** - no comments received

**National Forest Company** has no objections subject to conditions

**North West Leicestershire District Council Environmental Protection** has no objections subject to conditions

**Severn Trent Water** - no comments received

**Swannington Parish Council** objects on the following grounds:

- Concern is expressed as to why the separation between industrial / commercial property and residential property is being eroded by this application when there are more suitable brownfield / derelict factories etc. nearer the centre of Coalville that could be used to help regenerate the town centre infrastructure
- Understands that the land was previously identified for development by North West Leicestershire District Council and Leicestershire County Council as part of a regional development plan, however, the traffic issue was a major issue - access and overflowing traffic / parking can only be made worse with the plans as they stand
- Over-dominant and obtrusive
- Close proximity of the development would create excessive noise, and light pollution, effectively "moving" homes onto an industrial estate

### **Third Party representations**

53 representations have been received (and including from Leicestershire County Council's Strategic Property Services team in its capacity as a neighbouring landowner), objecting on the following grounds:

#### *Procedural Issues*

- Additional time is required to comment and determination of the application should be put in abeyance given difficulties for residents in being able to liaise with one another due to Covid-19
- Insufficient publicity undertaken
- EIA screening needs to be publicly available
- Development should be considered as EIA development and a full EIA assessment provided
- Flawed transport and air quality assessments

#### *Principle of Development*

- Loss of green space
- Loss of trees
- No need for the development
- Existing vacant employment sites within the area
- Bardon more suitable area for employment development
- Greenfield site
- Loss of ancient agricultural land
- Site within the National Forest
- Previously developed sites should be developed instead

#### *Transportation Issues*

- Unsafe to allow for access to the development via the existing junction of the A511 Stephenson Way with the Stephenson Industrial Estate access road (Telford Way)

- Existing queues at A511 / Telford Way junction would be exacerbated
- Pollution from queuing vehicles
- Increased traffic on Ashby Road
- Increased use of nearby roundabout
- Impact on the condition of local roads (potholes etc.)
- Site should be accessed directly from the A511
- Site should be accessed from the Hoo Ash roundabout
- Potential obstruction of accesses to other businesses on the industrial estate
- Vehicular movements within the site should be included within the Transport Assessment
- Transport Assessment does not consider congestion peaks
- Proposed roundabout is flawed in design terms

*Ecological, Biodiversity, Habitat and Tree Issues*

- Loss of wildlife and habitats / ecological impacts
- Adverse impact on archaeology (including from the proposed cut and fill measures)
- Ecological survey work insufficient

*Other Environmental Issues*

- Noise / disturbance (including effects on neighbours working shifts)
- Incorrect assumptions / methodology within submitted noise reports
- Use of unsuitable language by employees near residential property
- Increased risk of flooding of the site and nearby properties and highways
- Pollution / impact on air quality
- Potential for pollution from leaking fuel
- Air quality assessment not up-to-date
- Adverse impacts on health
- Fire hazard
- Smell / fumes
- Harmful impacts from employees smoking
- Light pollution
- Inappropriate landscaping
- Landscaped bund will attract litter
- Rodents

*Other Matters*

- Increased crime rate (including during construction, and increased susceptibility of properties on Ashby Road to burglary)
- Antisocial behaviour
- Loss of property value
- Council should not be selling off its land
- Loss of view
- Visual impact
- Proposed units unsightly / poorly designed / out of character
- Adverse impact on the appearance of this entrance to the town
- Loss of privacy
- Overlooking of nearby properties from proposed landscaped bund
- Bin stores and smoking shelters too close to residential property
- Overbearing
- No screening by trees in winter months
- Hybrid application approach is confusing
- Unclear as to how cut and fill operations would be undertaken on the full application



section of the site only

Full details of representations are available for inspection on the file.

#### 4. Relevant Planning Policy

##### National Policies

###### *National Planning Policy Framework 2019*

The following sections of the National Planning Policy Framework (NPPF) are considered relevant to the determination of this application:

Paragraphs 8, 11 and 12 (Achieving sustainable development)  
 Paragraphs 47, 54, 55 and 56 (Decision-making)  
 Paragraphs 80 and 82 (Building a strong, competitive economy)  
 Paragraphs 86 and 87 (Ensuring the vitality of town centres)  
 Paragraphs 102, 103, 106, 108, 109, 110 and 111 (Promoting sustainable transport)  
 Paragraphs 117 and 118 (Making effective use of land)  
 Paragraphs 124, 127, 128, 130 and 131 (Achieving well-designed places)  
 Paragraphs 148, 150, 153, 155, 157, 158, 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)  
 Paragraphs 189, 190, 192, 197, 198 and 199 (Conserving and enhancing the historic environment)

Further advice is provided within the MHCLG's Planning Practice Guidance.

##### Adopted North West Leicestershire Local Plan (2017)

The application site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy S1 - Future housing and economic development needs  
 Policy S2 - Settlement Hierarchy  
 Policy D1 - Design of new development  
 Policy D2 - Amenity  
 Policy Ec2 - New Employment sites  
 Policy Ec5 - East Midlands Airport: Safeguarding  
 Policy Ec8 - Town and Local centres: Hierarchy and management of Development  
 Policy Ec9 - Town and Local centres: Thresholds for Impact Assessments  
 Policy IF1 - Development and Infrastructure  
 Policy IF4 - Transport Infrastructure and new development  
 Policy IF7 - Parking provision and new development  
 Policy En1 - Nature Conservation  
 Policy En3 - The National Forest  
 Policy En6 - Land and Air Quality  
 Policy He1 - Conservation and enhancement of North West Leicestershire's historic environment  
 Policy Cc2 - Flood Risk  
 Policy Cc3 - Sustainable Drainage Systems

### Other Policies / Guidance

Good Design for North West Leicestershire Supplementary Planning Document (SPD)

Leicestershire Highway Design Guide (Leicestershire County Council)

Leicestershire Minerals and Waste Local Plan (Leicestershire County Council)

## 5. Assessment

### Approach to Determination and Principle of Development

Insofar as the principle of development is concerned, and in accordance with the provisions 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 North West Leicestershire Local Plan.

Paragraph 11 of the NPPF provides that plans and decisions should apply a presumption in favour of sustainable development and that, for decision-taking, this means:

- "...c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".

Paragraph 12 of the NPPF provides that "The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan...permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed".

In effect, therefore, it is necessary to consider whether the development complies with the policies of the adopted Local Plan (when considered as a whole) and, if not, whether (in accordance with NPPF Paragraph 12), other material considerations indicate that planning permission ought to be granted (and whether Paragraph 11 subsections (c) or (d) are applicable). For the purposes of applying the tests in the NPPF, the view is taken that the adopted North West Leicestershire Local Plan is up-to-date.

In terms of the site's status within the adopted North West Leicestershire Local Plan, it is noted that the site lies within Limits to Development, and is not identified for this employment development (or any other specific use) within the adopted Plan. Policy Ec2 (subsection (2)) provides that *"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."*

As such, in order to comply with the *principle* of development requirements of Policy Ec2, it would be necessary to demonstrate that there was an immediate need or demand for additional employment land within the District that could not otherwise be met by allocated sites (and, if that could be shown, that the criteria in (2)(a), (b) and (c) above would also be met). Based on the Local Planning Authority's most recent employment land requirements and supply figures (April 2020 assessment) (and when factoring in an allowance for the potential loss of existing employment land to other uses), it is noted that:

- (i) there is currently a residual requirement of 19.6ha for B1(a) / B1(b) uses;
- (ii) the identified minimum requirement for B1(c) / B2 use has been met (and exceeded) by 17.4ha; and
- (iii) the identified minimum requirement for small B8 use has been met (and exceeded) by 12.0ha.

This results in an overall small residual shortfall of 0.2ha. As such, whilst Policy Ec2 only refers to an immediate need *or* demand, the view is taken that there is both an unmet need (albeit a small one) for the development (given the overall shortfall compared to the identified requirement) *and* a demand (generated by the applicant's requirements) and, as such, the in principle requirement element of Policy Ec2 would be met. Whilst only a need *or* a demand needs to be demonstrated (and whilst the extent of the shortfall in supply of employment land overall when compared to the need is limited), it is noted that the application includes proposed office development within Class B1(a), and which would assist in addressing the existing shortfall in this category. It is also acknowledged that the site lies within Limits to Development (and, being within Coalville, would also be within the Principal Town identified in the Policy S2 settlement hierarchy) so, in this sense, would be well placed in terms of suitability of locations where unmet need or demand for employment land could be delivered.

On this basis, it is agreed that the principle of development under Policy Ec2 (1) would be acceptable. Regard would still however need to be had to the requirements of Policy Ec2 (2) (a), (b) and (c) above. In terms of the criteria in these sections, the following conclusions are reached:

- (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*

The site is located within the existing Limits to Development of Coalville which, as a settlement, is well served by a range of bus services. Insofar as the site itself is concerned, there are no regular buses serving the existing industrial estate or this section of the A511, and the nearest bus stops are located on Ashby Road, approximately 800m (by the shortest walking route) from the centre of the site. This section of the A511 is also served by an existing cycle track. Whilst the distance from the nearest bus stops to the site would, it is considered, have some detrimental impact on the attractiveness of public transport as a mode of travel for employees and visitors, it is nevertheless accepted that use of the bus would still be a viable option for accessing the site. For its part (and as set out in more detail within the relevant section below), the County Highway Authority raises no objections to the proposals on accessibility grounds,

albeit considers that a range of measures to improve the attractiveness of public transport for employees are required, and requests the provision of Section 106 obligations in respect of travel packs and bus passes for employees, together with other measures to secure the implementation of the development's Travel Plan.

*(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*

The site is located adjacent to the A511 which connects the A42 and M1 and as a result, it is considered that the site would perform well under this criterion.

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

Residential Amenity:

For the reasons set out in more detail below, the scheme is considered acceptable in terms of its impacts on the amenities of nearby residents (and would comply with Local Plan Policy D2).

Wider Environment:

Further assessment of this issue is set out under Design and Landscape below. In addition (and as stated above), it is acknowledged that the site lies within Limits to Development.

*Other Matters Relating to the Principle of Development*

The proposed development includes proposed office development; offices are a main town centre use as defined within the NPPF and, as such, the sequential approach would normally need to be applied (Paragraph 86); Local Plan Policy Ec8 sets out that proposals for main town centre uses will be expected to be located within the District's town and local centres unless a sequential approach has been followed.

The MHCLG's Planning Practice Guidance makes it clear that it is for the applicant to demonstrate compliance with the sequential test, but that the sequential test should also recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. In this instance, the applicant considers that a normal sequential assessment would not be appropriate, advising that the additional office building is proposed in order to aid in the expansion of the business's operation. In particular, the agent confirms that the manner in which the business operates requires the business's office-based staff to be on site in order to receive the vehicle deliveries, to ensure they are positioned correctly within the site to be processed through the various procedures during refurbishment, and to catalogue them for advertising. From a sequential assessment perspective, therefore, the agent advises that the uses need to be located together so as to ensure operational efficiency going forward and to ensure that they are within close proximity to the existing business and on a single site. In particular, the agent advises that the office needs to be in a position close to the existing premises due to vehicle deliveries and the need to move cars between the two sites to ensure effective parking and site management whilst they await refurbishment. In this case, it is accepted that, given the specific operational requirements of the applicant and the need for office-based staff to be located adjacent to the existing operations, requiring the applicant to undertake a full sequential assessment of alternative sites (and including those in sequentially preferable locations (i.e. better related to an existing centre)) would not serve any particular purpose.

Insofar as the impact is concerned, it is noted that Policy Ec9 requires office development outside of town and local centres to be subject to an assessment of impact (with the floorspace threshold being 1,000sqm for the Coalville area). However, it is also noted that the policy was

adopted prior to the publication of the 2018 revision of the NPPF in (and which, along with the 2019 version, no longer requires impact assessments for office development). The Local Plan is clear (in Paragraph 8.72) that the rationale behind the policy was based on the then NPPF; given that the 2012 NPPF has now been superseded (and the approach to impact assessment for office development changed), it is accepted that, insofar as office development is concerned, Policy Ec9 is not in accordance with the current version of the NPPF, and the carrying out of an impact assessment would not be necessary.

On the basis of the above, therefore, it is considered that the proposals would comply with the requirements of Local Plan Policy Ec2, together with other matters relevant to the principle of development.

### **Detailed Issues**

In addition to the issues of the principle of development, consideration of other issues relevant to the application is set out in more detail below.

### **Means of Access, Highways and Transportation Issues**

As set out in the introduction above, the application is a hybrid application. However, both the full and outline elements of the hybrid application include the detail of the proposed vehicular access into the site from Brindley Road. Given the interrelationship between means of access, highways and transportation issues and Policy Ec2 of the Local Plan, assessment of some of these issues is already set out under Principle of Development above. In terms of other issues relating to means of access, highways and transportation, however, the following conclusions are reached, having regard to the advice of the County Highway Authority:

#### *Site Access:*

As set out above, the proposed vehicular access would be via a new roundabout on Brindley Road, with the access road passing through the site of an existing vehicle storage area; the proposed roundabout would be located on the southern section of Brindley Road, which is not within the public highway. Whilst the junction would not be within the public highway (and, therefore, not directly a matter of concern for the County Highway Authority), the County Council nevertheless notes that the layout has been designed to accommodate the swept paths of large HGVs satisfactorily and that it would not expect it to create concerns for the adopted section of Brindley Road.

#### *Highway Safety*

The County Highway Authority notes that the submitted Transport Assessment has considered the history of personal injury collisions (PICs) in the vicinity of the site for the five year period from June 2014 to June 2019, and the study area adopted includes the junctions of A511 Stephenson Way / Telford Way and Telford Way / Brindley Road.

The County Highway Authority advises that the only recorded PIC resulted in slight injury, a vehicle turning right from Telford Way colliding with a westbound vehicle. Given that only one accident has been recorded, the County Highway Authority agrees with the Transport Assessment's conclusion that there is not a significant PIC history in the vicinity of the proposals.

*Impact on the Wider Highway Network*

The County Highway Authority is content with the submitted Transport Assessment's vehicle trip generation prediction figures, comprising 134 and 131 two-way vehicle trips for the morning and evening peak hours respectively, of which 5% would be HGVs; given the location of the site, all vehicular trips to and from the site would be via the A511 Stephenson Way / Telford Way / Brindley Road route. Traffic flow impacts have been undertaken having regard to existing and predicted future conditions (including the impacts of other committed development in the area), and the County Council is satisfied that these have been calculated robustly.

In terms of impacts on affected junctions, these include the Telford Way / Brindley Road junction and, of particular importance, the A511 Stephenson Way / Telford Way junction. Both junctions have been predicted (within the Transport Assessment) to work well within operational capacity. In terms of the modelling of the key A511 Stephenson Way / Telford Way junction (using PICADY), this can be summarised as follows for the predicted scenario in 2024 (with the development operational):

Morning peak hour:

- Well within operational capacity
- Maximum ratio of flow to capacity (RFC) of 0.13, with an average delay of 6 seconds per vehicle on the right turn into Telford Way

Evening peak hour:

- Well within operational capacity
- Maximum RFC of 0.23, with an average delay of 11 seconds per vehicle on Telford Way.

The County Highway Authority advises that the above results have been achieved using the direct input method of traffic flow entry in PICADY, which can be considered acceptable at a junction subject to moderately high traffic flows in a future year scenario. The County Council confirms that it has checked both the geometry and flow inputs to the models and the model build-up, and is content that the junction has been modelled correctly. However, the County Highway Authority advises that, in order to be able to consider operation at the junction in more detail, it requested that the applicant also provide the results of PICADY modelling using the synthesised peak and flat profile methods of traffic flow entry. The flat profile results were very similar to the above, but the synthesised peak results were, the County Council advises, significantly worse (and with the junction operating significantly above practical capacity, particularly in the evening peak).

Having regard to the differences in the predicted scenarios, the County Highway Authority advises that, in reality (and given daily variations in flows), the actual operation would be likely to be somewhere between that predicted by the different models, particularly given the robust use of 85th percentile trip rates. On this basis, the County Highway Authority advises that it would not expect the proposed development to result in a significant impact at the junction which would warrant mitigation measures.

Whilst the County Highway Authority raises no objections in respect of the impacts on the A511 Stephenson Way / Telford Way junction (on either highway safety or junction capacity issues), it is noted that a number of third parties (including nearby residents and Leicestershire County Council's Strategic Property Services team) have raised concerns in respect of this issue.

Further to these concerns, the County Highway Authority notes that there is not a significant

personal injury collision record at the junction, and comments that, whilst it can be congested at peak times, the proposed development is, in the County Highway Authority's view, unlikely to exacerbate the existing situation to an unacceptable level. Insofar as suggestions that the development ought more appropriately to be accessed direct from the A511 are concerned, the County Highway Authority advises that a new access solely for this site onto the A511 would not meet the tests of Policy IN5 of the Leicestershire Highway Design Guide which seeks to restrict new accesses on certain classes of road. A new access would, the County Highway Authority advises, also create a new conflict point on a busy and important part of the Leicestershire road network. A new arm onto the Hoo Ash roundabout would also not be possible due to the size of the junction, nor appropriate given that the roundabout already has five arms.

Insofar as the impacts on the highway network further afield are concerned, the submitted Transport Assessment acknowledges the contribution that the development would, with other wider growth, impact upon the Hoo Ash roundabout, and confirms that the developer would make a reasonable and proportionate financial contribution towards improvement works at the roundabout. For its part, the County Highway Authority confirms that a contribution will be required, but that it would need to be made towards the wider Coalville Transportation Infrastructure Contribution Strategy (which relates to a number of improvements along the A511 corridor between Junctions 22 and 13 of the M1 and A42 respectively) rather than a specific improvement (and in accordance with the requirements of Local Plan Policy IF4). Having regard to similar off-site transportation contributions sought towards improvements within the wider Coalville area in respect of other non-residential developments, it is considered that a contribution of £175,705 would be appropriate; the applicant is agreeable to making this contribution.

#### *Internal Layout*

The County Highway Authority considers that the proposed levels of parking provision across the site (115 for the full elements and 72 shown indicatively for the outline part of the site (including disabled spaces)) would be appropriate when considered against the relevant standard as set out in the Leicestershire Highways Design Guide (a maximum of 164 (plus disabled) spaces). The County Highway Authority is also satisfied in terms of provision of internal manoeuvring arrangements (including submitted vehicle swept path analysis).

#### *Transport Sustainability*

As set out under the assessment of the proposals against Local Plan Policy Ec2 above, the County Highway Authority raises no objections to the scheme in respect of its accessibility, and confirms that it considers the development to be accessible by foot, cycle and by public transport.

In terms of the Framework Travel Plan submitted in support of the application, the County Highway Authority acknowledges that the Framework Travel Plan forms the basis of individual Travel Plans to be developed for each unit, and considers the identified Travel Plan targets to be acceptable; the County Highway Authority also supports the proposed appointment of a site-wide Travel Plan co-ordinator and individual Travel Plan managers for the different employers. Nevertheless, the County Highway Authority takes the view that the Framework Travel Plan would benefit from additional measures, and requests that a more detailed Framework Travel Plan be submitted and agreed prior to first occupation.

*Transportation Contributions / Obligations*

As referred to above, the County Highway Authority requests the provision of a number of measures intended to secure the sustainability of the proposed development, as well as an appropriate contribution towards Coalville Transportation Infrastructure Contribution Strategy. The County Highway Authority also requests that the Local Planning Authority give consideration to how the impact of construction works on the road network would be managed; in this regard, it is considered that it would be appropriate to include obligations within any Section 106 agreement so as to ensure that a scheme of measures to mitigate the impacts of the construction process on the road network (potentially including, for example, a scheme of construction traffic routeing, together with any other measures considered appropriate by the County Highway Authority) is implemented. The contributions requested therefore include:

- A contribution towards the Coalville Transportation Infrastructure Contribution Strategy (with the sum to be agreed by the Local Planning Authority (and, as set out above, a sum of £175,705 would be considered appropriate));
- Provision of Travel Packs for new employees in accordance with details first agreed in writing by the County Highway Authority (or, alternatively, payment of a commuted sum to Leicestershire County Council (£52.85 per pack) in order to supply the packs)
- Provision of six month bus passes to new employees (or, alternatively, payment of a commuted sum to Leicestershire County Council (£360 per pass) in order to supply the passes)
- Appointment of a Travel Plan Co-ordinator (and Travel Plan Managers) from commencement of development until 5 years after first occupation (or first occupation of the relevant unit, as applicable)
- Payment of a Framework Travel Plan monitoring fee to Leicestershire County Council (£11,337.50)
- Compliance with a construction traffic mitigation strategy in accordance with details first submitted to and agreed in writing by Leicestershire County Council

Paragraph 56 of the NPPF sets out the Government's policy in respect of planning obligations and, in particular, provides 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.

It is considered that the contributions sought by Leicestershire County Council in this regard would meet the relevant policy and legislative tests above.

On the basis of the above contributions / obligations, and subject to a number of conditions, the County Highway Authority raises objections to the scheme, and the proposals are considered acceptable in terms of means of access, highways and transportation issues.

**Flood Risk and Drainage**

Local Plan Policy Cc2 sets out a number of criteria in terms of flood risk against which proposals will be considered; Policy Cc3 sets out the requirements for the implementation (and management / maintenance) of Sustainable Drainage Systems (SuDS). The application is accompanied by a Flood Risk Assessment and Drainage Strategy Report (FRA), setting out how foul and surface water is proposed to be accommodated, and assessing the existing flood risk to the site along with any resulting flood risk associated with the proposed development.



Insofar as river flooding is concerned, the application site lies within Flood Zone 1 (i.e. at low risk), and is considered to meet the requirements of the flood risk sequential approach. In terms of other sources of flood risk, the FRA indicates that the site is also at low or no risk from tidal, canal, groundwater, sewer, surface water, reservoir or other sources of flooding. Insofar as surface water risk in particular is concerned, it is noted that the lowest parts of the site (towards the north west) are currently subject to ponding water; the FRA notes that, whilst the development proposals would result in an increase in the impermeable area onsite, provided that careful mitigation was included within the development design, the risk of surface water flooding could be adequately managed on-site. The proposals include underground storage tanks for surface water prior to discharging to an existing surface water sewer on Brindley Road (or, alternatively, to an existing sewer on Telford Way via a proposed SuDS / wetland area in the north eastern part of the site), limiting surface water runoff to the existing greenfield runoff rate of 9.7 litres per second and attenuating surface water runoff for storm events of up to a 1 in 100 year plus 40% climate change event. The agent advises that the drainage strategy is indicative at this stage, and that the precise proposals would be agreed (i.e. by way of condition) in conjunction with the Lead Local Flood Authority (LLFA); for its part, the LLFA raises no objections subject to conditions.

Insofar as the amenity impacts of the proposed SuDS features are concerned, the District Council's Good Design for North West Leicestershire SPD provides that careful attention will need to be afforded to the softer design of headwalls to attenuation basins and seeks to avoid steeply sided SuDS features (and which, as a result, require the use of safety fencing, thus reducing their usefulness as open space). Based on the submitted site sections, the profile of the proposed SuDS basin would appear to be around 1:2 and, as such, it could be the case that safety fencing would be necessary. In this instance, however, given that the SuDS features would not form part of any *public* open space (and given the likely limited visibility of them from public viewpoints), this is not considered unacceptable in design terms.

Insofar as foul drainage is concerned, the FRA indicates that this could be either via a gravity solution into the existing private network within the industrial estate (depending on capacity), or pumping into the public network. A condition would need to be attached to any planning permission granted in order to ensure that satisfactory provision was made.

Having regard to the above, the proposed development is considered acceptable in flood risk and drainage terms, and would meet the relevant requirements of Local Plan Policies Cc2 and Cc3.

### **Residential Amenity**

Policy D2 of the North West Leicestershire Local Plan provides that proposals for development should be designed to minimise their impact on the amenity and quiet enjoyment of both existing and future residents within the development and close to it, and provides that proposals will be supported where they do not have a significant adverse effect on the living conditions of existing and new residents through loss of privacy, excessive overshadowing and overbearing impact, nor generate a level of activity, noise, vibration, pollution or unpleasant odour emission, which cannot be mitigated to an appropriate standard. The policy also requires that external lighting schemes should be designed to minimise potential pollution from glare or spillage of light.

The site is adjacent to existing residential property to the south west of the site, and concerns have been raised by a number of residents of dwellings on Ashby Road. Having regard to the

requirements of Local Plan Policy D2, the following conclusions are reached in respect of various elements of residential amenity issues:

*Noise*

The application is accompanied by an Environmental Noise Report which considers the noise impacts of the proposals (based on the assumption of warehouse use, including associated vehicular movements and typical plant etc.).

In terms of existing noise climate, the report indicates that this is attributable to road traffic noise in the local area, together with other noise emanating from the existing industrial estate, and these existing noise conditions are taken into account when determining background sound levels at nearby dwellings. Based on the findings of the assessment, the report concludes that the relevant daytime and night time internal criteria (BS 8233) would be achieved at the nearest residential properties when windows are open, subject to the implementation of mitigation measures recommended. These measures include the construction of a 2m high solid barrier to a section of the south western boundary (and which would be located at the lower edge of a proposed National Forest planting bund), and the selection of all fixed mechanical services plant so as to achieve the noise limit criteria specified in the report.

In terms of activity noise levels assessed in accordance with BS 4142, the report concludes that the proposals would result in a "low" impact at the nearest existing residential properties, and would be unlikely to give rise to noise disturbance. In coming to this view, the report notes that the predicted noise levels at the dwellings from the proposed development would be significantly below the existing ambient and background noise climate and, as a result, would be unlikely to be noticeable.

For its part, the District Council's Environmental Protection team raises no objections on noise grounds subject to the proposed mitigation measures identified being secured by way of a condition, and subject to hours of use also being controlled under condition. In addition to the potential impacts identified in the submitted Environmental Noise Report, the District Council's Environmental Protection team has identified the potential for noise impacts from refrigerated vehicles parked overnight; it is considered that this could be addressed by way of condition so as to ensure that any parked refrigerated vehicles did not cause unacceptable nuisance by virtue of their emitted noise levels and / or hours of use.

Given the assumption of warehouse use set out within the Environmental Noise Report (and given the potential for different noise impacts to arise from, say, a B2 use compared to a B8 use), it is considered that, in addition to hours of use being controlled under condition, it would be appropriate to also attach a condition ensuring that none of the units the subject of the outline element of the scheme are used for purposes other than B8 unless additional information to demonstrate the relevant unit's noise impacts has been provided (and which would then inform any limitations that may be required in respect of hours of operation).

*Other Residential Amenity Impacts*

In terms of the impacts on neighbouring occupiers arising from the proposed buildings themselves, the nearest building the subject of the full element of the application would be in excess of 50m from any dwelling (32m approx. from the nearest garden) and, as such, the principal effects would be likely to be from those units the subject of the outline element of the application. Given the outline nature of this part of the development, a full assessment of the impacts in terms of issues such as overlooking, loss of light and overdominance would need to

be undertaken at any subsequent reserved matters stage. However, based on the (illustrative) information provided at this time, the shortest distance between proposed units and existing dwellings would be somewhere in the order of 35m (or around 13m between proposed units the nearest garden).

The application is also accompanied by cross sections showing existing residential properties in relation to the proposed units (including units proposed under both the full and outline elements of the application). Insofar as the outline application units are concerned, the submitted sections indicate that, having regard to (i) the change in levels between the existing dwellings and the proposed plateau levels on the application site and (ii) the construction of the landscaped bund between, the roofs of the units would be lower than the top of the bund and, as such, their impacts would be considered to be relatively limited in this regard. For the full element of the scheme, the submitted levels details and sections show that the top of Unit 3 (the proposed three storey office unit) would be approximately 0.5m above the ridge of no. 396 Ashby Road. On this basis (and given the separation distances involved - in the case of the distance between 396 Ashby Road, this would be over 50m), it is considered that undue loss of amenity by way of overlooking, loss of light and overdominance would be unlikely to result.

Local Plan Policy D2 also provides that proposals for external lighting schemes should be designed to minimize potential pollution from glare or spillage of light, that the intensity of lighting should be necessary to achieve its purpose, and that the benefits of the lighting scheme must be shown to outweigh any adverse effects. The District Council's Environmental Protection team had requested submission of a detailed lighting scheme with the application. In response, however, the applicant has requested that this be addressed by way of a condition; the District Council's Environmental Protection team is content with this approach. It is also considered that, given the hybrid nature of the scheme, it would be reasonable to take this approach (i.e. given that the detailed layout of the outline element is not yet known). It is also considered that, in principle, there is no reason to suggest that a suitable lighting scheme could not be designed in this instance, and attachment of a condition would be considered appropriate.

On the basis of the above, therefore, it is considered that the requirements of Local Plan Policy D2 would be met, and that the scheme is capable of being accommodated on the site whilst protecting neighbouring residents' amenity.

### **Design and Landscape**

The need for good design is set out within Policy D1 of the North West Leicestershire Local Plan, together with the Good Design for North West Leicestershire SPD and relevant sections of the NPPF and Planning Practice Guidance. The application is supported by a Design and Access Statement explaining the applicant's rationale for the scheme as proposed, and setting out the principal design considerations. The scheme has been the subject of extensive discussions during the course of the application's consideration between officers (including the District Council's Urban Designer) and the agent. Issues where amendments have been sought include in respect of the site layout and the design of the buildings themselves (including how they relate to one another and the surrounding area).

Insofar as the site layout is concerned, amendments have been sought in order to try to introduce a stronger landscape framework within the site (and, in particular, to the proposed car parking areas serving the full element of the scheme). Further information has also been sought in order to demonstrate the visual impacts of the proposals when viewed from the northern side of the site (i.e. how the scheme will appear from the A511). Given the site's prominent location on a key gateway into the town, officers have encouraged the applicant to follow a design

approach that would deliver a scheme of distinct character (and, in accordance with the approach required under the District Council's Good Design for North West Leicestershire SPD for non-residential development, have suggested using the National Forest as a means of introducing character).

In response, the applicant has amended the proposed refurbishment workshop and office buildings (Units 1 and 3) so as to incorporate elements of timber to the upper sections of the buildings' elevations; it is considered that this would assist in reinforcing the National Forest identity of the development (and, accordingly, the identity of the town as a settlement within the National Forest).

Further information has also been provided to demonstrate the proposed structural landscaping to this direction. The applicant's landscape consultant advises that the proposed landscaping adjacent to the A511 would be expected to have become established within 5 to 10 years of planting, and to have reached maturity within around 10 to 15 years; the landscaping would, the consultant advises, take approximately 20 years to reach the level of maturity indicated in the submitted illustrative material. As would be expected with a development of this scale, it is considered likely that, initially, the scheme would be fairly visible from the A511 until such time as the landscaping begins to mature. However, as a result of the improvements made to the proposed buildings' elevations, it is considered that unacceptable impacts would not result.

It is also noted that Unit 1 would incorporate a service yard to its western elevation (and which would be located adjacent to the A511). However, given the provision of landscaping (albeit more limited in this part of the A511 frontage than elsewhere adjacent to the main road), and given proposed levels (with the service yard set at a level approximately 2m lower than the adjacent road (although this varies along the length of the road)), the visual impact of this service yard (including parked HGVs etc.) is likely to be mitigated to some degree. The District Council's Urban Designer had also expressed concern regarding the visual impact potential boundary treatment to the A511 frontage, but the agent has confirmed that none is proposed to this part of the site.

The application is accompanied by an Arboricultural Impact Assessment (AIA) considering the implications of the proposed development on existing trees and hedgerows. In summary, the AIA sets out that, as a result of the development, two trees and a section of hedgerow (to form the site access; approximately 5m in length) would be removed. Of these, both of the trees (an ash and an oak) and the hedgerow affected by the access are identified as falling within retention category C (i.e. low quality). No trees falling within retention categories A or B are proposed to be removed in association with the development. Paragraph 175 of the NPPF provides that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient or veteran trees) should be refused. In this case, however, no trees identified within the AIA as being ancient or veteran would be affected. Based on the details within the AIA and the submitted ecological information, the District Council's Tree Officer takes the view that the oak would have the characteristics associated with a veteran tree with sufficient ecological value to classify it as category B3 rather than C, and that the tree's dimensions (890mm stem diameter and 2.8m circumference) would suggest the tree has a "locally notable" status and that there would be no reason to suggest that a tree in overall "fair" condition would not have a good life expectancy. However, the Tree Officer acknowledges that the oak is a significant constraint and, were the tree to be retained in any development, it would require open green space around it with radius equivalent to the tree's height (which, based on the survey, would equate to a minimum open space radius of 17m).

On the basis of the above (and given the proposed indicative layout of the outline part of the

site), it is accepted that the retention of the oak would not be practical without significantly affecting the developable area of the south eastern portion of the site. Having regard to the fact that the most important trees on the site would be retained (and (notwithstanding the potential for the oak to in fact be category B3) the limited quality of the trees and hedgerow that would be lost to the scheme), the development is considered acceptable in this regard.

Insofar as proposed landscaping is concerned, the scheme includes for a range of on-site tree planting. In accordance with the requirements of Local Plan Policy En3, the scheme also proposes National Forest planting, including significant areas of retained and proposed tree planting around the periphery of the site (and provision of additional tree planting within the proposed car parking areas in accordance with advice of the District Council's Urban Designer). The National Forest Company notes that, given the size of the application site (3.31ha), 20% of the site area (i.e. 0.66ha) should be provided as National Forest woodland planting and landscaping. The National Forest Company confirms it is content with the overall quantum and approach to National Forest planting set out on the submitted masterplan, and recommends that this be secured by way of a condition. The National Forest Company also recommends that the National Forest planting be undertaken in a comprehensive manner (and at an early stage in the overall site development) so as to achieve successful establishment of the woodland.

As such, following amendment, the scheme is considered to perform relatively well against the requirements of local and national policies in respect of design, and including Policy D1 of the North West Leicestershire Local Plan and the Good Design for North West Leicestershire SPD.

### **Ecology**

Local Plan Policy En1 presumes in favour of development that would conserve, restore or enhance biodiversity, and that proposals that would result in significant harm to a number of protected sites or areas will be refused unless that harm is unavoidable, and can be mitigated or compensated for; similar principles are set out in Chapter 15 (Conserving and enhancing the natural environment) of the NPPF. The application is accompanied by an Ecological Appraisal (and which has been assessed by the County Ecologist).

The Ecological Appraisal provides that there are no statutorily designated sites of international or national / regional nature conservation interest within 5km and 2km respectively of the site; the Nature Alive Local Nature Reserve (a designation at local level) is located 370m from the site. Insofar as non-statutory designations are concerned, the Appraisal identifies in particular 17 sites (including designated or candidate Local Wildlife Sites) within 1km of the site, and the closest being the Nature Alive site (identified as a candidate Local Wildlife Sites as well as a Local Nature Reserve). Given these sites' distance and isolation from the development site, the Appraisal concludes that they would not be expected to be directly or indirectly impacted. In terms of on-site habitats, the Appraisal identifies those of greater value on site as including two mature trees and the existing hedgerows (and indicates that these should be retained within proposals where feasible but that, where not, replacement planting should be provided). As discussed in more detail under Design and Landscape above, these trees would need to be removed in order to enable the proposed development to proceed, along with a short section of hedgerow. In terms of the impacts on habitat overall, the County Ecologist notes that the land is currently in arable use, and is of low value for wildlife; on this basis, she considers the re-use of the site for employment development to be acceptable. In particular, she recommends that the south-facing bank leading down to the site from Stephenson Way be allocated for wildflower grassland / pollinator habitat, rather than woodland. She also considers that the proposed SuDS feature would provide further opportunities for habitat creation, and should be designed to optimise wildlife value, designed to have a permanently wet or marshy base. Insofar as the

treatment of the landscaped area adjacent to then A511 is concerned, the suggested comments regarding how this be planted (and how its biodiversity value can be maximised) are noted (as is the NPPF's encouragement for minimising impacts on and providing net gains for biodiversity), but would need to be balanced against any issues associated with the extent to which the visual impact of the development could be mitigated by wildflower grassland / pollinator habitat when compared to woodland planting, and how successful the landscaping would be in terms of assimilating the development into this National Forest setting.

Insofar as the effects upon wildlife are concerned, the Ecological Appraisal concludes as follows:

*Badgers:*

Evidence of badger (in the form of latrines) indicates that badgers are active in the area and, therefore precautionary general mitigation with regards to badger is recommended prior to and during construction. The County Ecologist had initially raised concerns regarding the findings on badgers, and requested further survey work be undertaken; additional information was subsequently provided by the applicant's ecological consultant and a local badger group, and the County Ecologist's concerns have now been addressed.

*Bats:*

Given the site's status as an intensively managed arable field, it is of limited value to bats due to its lack of floral diversity, and is unlikely to support a rich source of invertebrates for foraging bats; linear features such as boundary hedgerows and field margins provide potential foraging and commuting opportunities for bats in the area. As far as can be viewed, the existing trees on the site do not include suitable features (i.e. knot holes, fissures or cracks, or woodpecker holes) with the potential to support roosting bats. Given the overall retention of the most suitable habitats for bats on site and the limited value of those to be lost, adverse effects on the local bat population can be avoided, providing appropriate mitigation is put in place (including landscaping, bat boxes and appropriate lighting).

*Birds:*

Much of the site is largely unsuitable for nesting birds, with the exception of hedgerows and areas of scattered scrub. Based upon the low suitability of arable habitats which form the majority of the site, the site's size, and expected retention of hedgerows, the proposals are not expected to significantly adversely impact on the breeding or wintering status of the local bird population likely to be using the site. To enhance the value of the site, it is recommended that bird boxes are placed on retained trees.

*Great Crested Newts (GCN):*

On-site terrestrial habitat offers some suitability for great crested newts as over-wintering and sheltering habitat, including along hedgerow bases and within the areas of scattered scrub and tall ruderal. The remainder of the site is considered to be largely unsuitable for GCN comprising arable land, and connectivity to habitats in the wider area is also limited by the surrounding road network and houses. No waterbodies were recorded within the boundary of the site; whilst a small area of standing water is occasionally present (i.e. after persistent rainfall) in the north eastern corner of the site, it is unlikely to support GCN. Two ponds are present within the surrounding 500m; there 29 records of GCN present within 1km of the site boundary, most of which were recorded within the Nature Alive site referred to above. Given the suitable terrestrial habitats for GCN surrounding the off-site ponds, the barriers to dispersal between these ponds and the site, as well as the overall unsuitability of the existing on-site arable habitats, the Ecological Appraisal concludes that the likelihood of GCN using the site is extremely low, and

that GCN do not present a constraint at the site, nor that mitigation is required.

*Reptiles:*

No evidence or incidental sightings of reptiles were recorded during the survey, and the majority of habitats on site are of limited suitability for reptiles.

*Hedgehogs:*

Hedgerows and areas of scattered scrub provided suitable habitats for hedgehogs, and it is recommended that all suitable hedgehog habitats are searched by a qualified ecologist prior to removal.

Following the submission of the additional information in respect of badgers referred to above, the County Ecologist raises no objections to the proposals subject to the imposition of conditions. On this basis, therefore, the submitted scheme is considered acceptable in ecological terms, meeting the requirements of Local Plan Policy En1, and providing suitable mitigation for the habitat affected, as well as appropriate measures for biodiversity enhancement.

**Historic Environment**

Policy He1 of the North West Leicestershire Local Plan sets out the approach to assessing the impact of development on heritage assets; similar principles are set out in Chapter 16 (Conserving and enhancing the historic environment) of the NPPF.

There are considered to be no designated heritage assets directly affected by the proposed development.

Insofar as non-designated assets are concerned (and in response to initial comments made by the County Archaeologist), an Archaeological Evaluation (including results of trial trenching undertaken on the site) has been submitted in respect of the proposals. A small number of finds were made, including pottery and an 18th century pipe fragment. It also found the remains of post-medieval boundary ditches which, the County Archaeologist advises, correlate with old maps and an undated pit.

Based on the results of the investigation, the Archaeological Evaluation concludes that there is very limited potential for significant archaeological deposits to be impacted by the proposed scheme. The County Archaeologist concurs with this view and advises that the application warrants no further archaeological action. The proposals are therefore considered to be acceptable in terms of the impacts on heritage assets, and would comply with the principles set out in Local Plan Policy He1.

**Other Matters**

*Engineering Works*

As set out in the introduction above, the proposed development incorporates the formation of a number of level plateaux across the site (and affecting both the full and outline application sections of the site as a whole). In addition, the proposed landscaped bund adjacent to properties on Ashby Road falls within the full section of the site (and, for much of its length, would be within a narrow section of the full application site between properties on Ashby Road and the outline section). Given the inter-relationship between the full and outline sections of the site, officers have queried whether (if the full permission part of the development were to be

commenced prior to the outline planning permission part), the full permission's plateau and bund formation works could be implemented independently of similar engineering works being carried out on the outline section (and given that any works permitted in outline only would be unable to progress until such time as reserved matters approval had been issued). In response, the agent has confirmed that it is anticipated that the full element of the scheme can be delivered independently but, in any event, would be reviewed with contractors prior to commencing operations and, if necessary, the reserved matters (or, alternatively, separate enabling works applications) would be submitted.

#### *Mineral Safeguarding*

It is noted that the site falls within a mineral consultation area, and the policies of the Leicestershire Minerals and Waste Local Plan and the NPPF presume against development that would sterilise mineral resources. However, the County Planning Authority is content that, whilst the proposed development may sterilise mineral (and Minerals and Waste Local Plan Policy M11 is therefore relevant), having regard to the nature, scale and location of the development, no significant mineral safeguarding concerns are raised.

#### *Ground Conditions*

In terms of ground conditions, Local Plan Policy En6 sets out the approach for determining proposals for development on land that is (or is suspected of being) subject to land instability issues or contamination. The Environment Agency advises that, whilst part of the development lies over a former landfill site, the configuration of the development would indicate that disturbance of the former landfill is likely to be limited. It also advises that, as the sensitivity of the groundwater beneath the site is low (classified as a Secondary B aquifer), risks to controlled waters are anticipated to be minimal, and no objections are raised subject to conditions. As such, the proposals are considered acceptable in terms of these issues, and no conflict would be considered to arise in respect of the relevant element of Policy En6.

#### *Air Quality*

Insofar as air quality is concerned, Local Plan Policy D2 seeks to ensure that impacts of development on residents' amenities are minimised (and including in respect of pollution); Policy En6 provides that development close to an Air Quality Management Area (AQMA) will be supported where an application is accompanied by a detailed assessment of the issues, and appropriate mitigation is identified. The application is accompanied by an air quality assessment considering the impacts of the development both during and following construction. In terms of construction works, the assessment recommends a range of measures to monitor and reduce the impacts in terms of dust and ambient PM<sub>10</sub> concentrations. Provided these are implemented, the assessment identifies that the residual impacts would not be significant. No significant impacts from construction vehicles' road traffic emissions are anticipated. In terms of the operational phase, whilst the assessment considers the impact of traffic emissions on the Coalville AQMA (located approximately 2.5km to the south east of the application site), having regard to the traffic data in respect of the proposed development, the level of trip generation is considered to fall below the relevant criteria and, as such, further detailed assessment is not considered necessary. The District Council's Environmental Protection team confirms it is content with the submitted assessment, and raises no objections. On this basis it is accepted that the proposals would not prevent sustained compliance with, limit values or national objectives for pollutants, and that the development would be acceptable in air quality terms, complying with the relevant element of Policy En6.

#### *Agricultural Land Quality*

Concern has been raised regarding the loss of agricultural land to the proposed development. Whilst it is acknowledged that the site lies within Limits to Development, 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 to be classified as "Urban" and not, therefore, BMV. Even if it was, however, given the limited size of the site (the loss of 20 or more hectares of BMV agricultural land is generally considered significant), the extent of any BMV loss to non-agricultural uses would not be considered unacceptable.

### **Overall Planning Balance, Contribution to Sustainable Development and Conclusions**

In accordance with the provisions 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 North West Leicestershire Local Plan. Whilst not allocated for new employment (or any other specific form of development), the site is located within Limits to Development as defined in the adopted Local Plan and is within the area identified as the District's Principal Town under the settlement hierarchy provided in Policy S2; Policy Ec2 sets out the approach to considering applications for employment development on unallocated sites.

It is considered that the proposals can be shown to be in accordance with the requirement for such development to have an immediate need or demand (and with both being met) and, as such, the in-principle element of Policy Ec2 is considered to be satisfied. For the reasons set out in the detailed assessment above, it is also considered that the scheme would perform relatively well against the other criteria under Policy Ec2 (2) (a), (b) and (c).

In addition to the need to determine the application in accordance with the development plan, regard also needs to be had to other material considerations (and which would include the requirements of other policies, such as those set out within the National Planning Policy Framework). As set out above, the NPPF contains a presumption in favour of sustainable development. Having regard to the three objectives of sustainable development, it is concluded as follows:

#### **Economic Objective:**

It is considered that the proposals would perform well in this regard, contributing to continued economic growth (and also assisting in meeting an identified shortfall of employment land within Class B1(a)).

#### **Social Objective:**

The economic benefits associated with the proposed development would, by virtue of the positive effects of employment opportunities created by the development, also be expected to provide some social benefits and, hence, the impacts of the proposed scheme would also be considered to be positive insofar as the social objective is concerned. The NPPF refers to the need to foster a well-designed and safe built environment; the scheme is considered to be acceptable in terms of its design, and would provide for a safe form of development.

Environmental Objective:

Whilst the site would be approximately 800m walking distance from the nearest bus stops, given the proposed implementation of other measures to encourage public transport use by employees etc., the scheme has the potential to contribute positively in terms of the movement towards a low carbon economy. The scheme would also, it is considered, perform relatively well in terms of other aspects of the environmental objective, and including in respect of its associated biodiversity enhancements and mitigating and adapting to climate change. Whilst the site is greenfield (and use of previously-developed land is the preferred approach as set out in NPPF Paragraph 117), it is considered that the scheme would represent an effective use in terms of it helping meet a need for sites for this type of use.

Overall, it is considered that the proposed development would comply with the provisions of the development plan as a whole, and would benefit from the presumption in favour of sustainable development. There are no material considerations which indicate the determination of this application other than in accordance with the development plan, and approval is therefore recommended.

**RECOMMENDATION- PERMIT, subject to Section 106 Obligations, and subject to the following conditions**

- 1 Time limits (for full and outline elements)
- 2 Details of reserved matters
- 3 Approved plans
- 4 Materials
- 5 Hard surfacing
- 6 Landscaping
- 7 Levels
- 8 External lighting
- 9 Foul and surface water drainage
- 10 Construction Environmental Management Plan
- 11 Noise mitigation (and including further assessment of any unit in respect of the outline element of the scheme not proposed to be used for B8 purposes)
- 12 Hours of use (and including in relation to proposed individual unit use in respect of the outline element of the scheme)
- 13 Refrigerated vehicles
- 14 Outside storage

- 15 Travel Plans
- 16 Provision of site access
- 17 Parking and servicing areas
- 18 Cycle parking
- 19 Boundary treatment
- 20 Contaminated Land
- 21 Ecology
- 22 Biodiversity enhancement
- 23 Tree / hedgerow protection measures
- 24 Limitation of office building to use solely ancillary to the main vehicle auctions use of the site (and adjacent site)
- 25 Limitation on use of other office elements as ancillary to the principal B8 use of the relevant unit
- 26 Limitation on other Class E uses
- 27 Details of proposed gatehouse, security barrier, bin stores and smoking shelters
- 28 Details of flues and any other externally site plant / machinery

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Change of use of two red brick agricultural buildings to dwelling-houses, erection of two double garages and agricultural machinery store/workshop, demolition of range of modern portal frame agricultural buildings and the removal of the proposed grain store from consent 15/01188/FUL  
Moor Lane Farm 58 Moor Lane Coleorton Coalville  
Leicestershire LE67 8FQ

Report Item No  
A2

Application Reference  
20/00822/FUL

Grid Reference (E) 440550  
Grid Reference (N) 316676

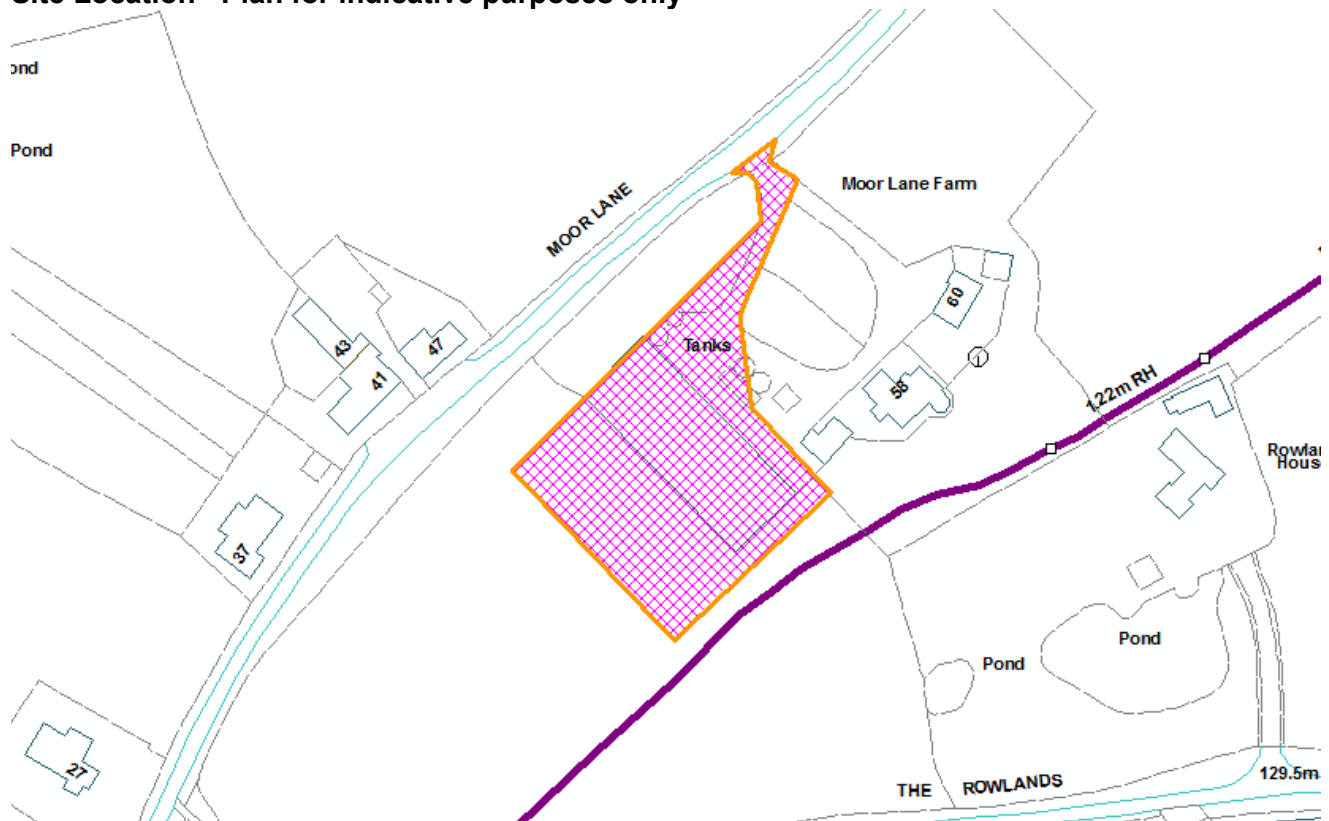
Date Registered:  
2 June 2020  
Consultation Expiry:  
29 September 2020  
8 Week Date:  
28 July 2020  
Extension of Time:  
4 December 2020

Applicant:  
Webster

Case Officer:  
Hannah Exley

Recommendation:  
PERMIT subject to S106 Agreement

#### 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 as the planning agent is related to a serving councillor (Councillor Blunt) and contrary representations to the recommendation to permit the application have been received from Coleorton Parish Council.

### **Proposal**

Full planning permission is sought for the conversion of two red brick agricultural buildings permitted under application 15/01188/FUL to dwelling-houses, erection of two double garages and agricultural machinery store/workshop on 0.67 of a hectare of land at Moor Lane Farm, Moor Lane, Coleorton. The application also includes the demolition of a range of modern portal frame agricultural buildings and a legal agreement is currently being prepared to prevent the implementation of a grain store previously approved under application 15/01188/FUL on adjoining land.

Access to the site would be via the existing vehicular access off Moor Lane which currently serves the farm site, as well as No.s 58 and 60 Moor Lane. The applicant resides at No.58 Moor Lane which lies to the north east of the application site.

### **Consultations**

No letters of neighbour representation have been received but Coleorton Parish Council have raised objection. All statutory consultees who have responded have raised no objections.

### **Planning Policy**

The site lies 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**

Reasons for refusal relating to the partial conflict with criteria (vi) (the development is or will be made accessible by a range of sustainable transport) of Policy S3 and development of a greenfield site could not be justified in this case when having regard to the visual benefits of reducing built development at the site (including a grain store that is extant but not implemented) and securing a group of new/converted buildings that respect the scale and character of existing development in the locality. The site is not isolated and there would be some limited economic benefits. As well as these benefits, neighbouring residents would benefit from the removal of large agricultural vehicles from the site for neighbouring residents and highway safety due to the cessation of the agricultural use of the site. These matters are considered to weigh positively in the balance and outweigh the partial conflict with S3 criterion (vi), and the land/ buildings forming greenfield land in this case. As such, a reason for refusal on the basis of partial conflict with Policy S3 criterion (vi) cannot be justified in this case. The proposal would not have an unacceptable impact upon the design and the character of the area, neighbouring residential amenities, drainage and flood risk and ecology. The proposed access is also considered acceptable from a highway safety perspective. There are no other relevant material planning considerations that indicate planning permission should not be granted and therefore, subject to conditions, it is recommended that outline planning permission be granted.

**RECOMMENDATION:-**

**PERMIT,**

**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

Full planning permission is sought for the conversion of two red brick agricultural buildings to dwelling-houses, erection of two double garages and agricultural machinery store/workshop on 0.67 of a hectare of land at Moor Lane Farm, Moor Lane, Coleorton. The application also includes the demolition of a range of modern portal frame agricultural buildings and a legal agreement has been signed to prevent the implementation of a grain store previously approved under application 15/01188/FUL on adjoining land.

Access to the site would be via the existing vehicular access off Moor Lane which currently serves the farm site, as well as No.s 58 and 60 Moor Lane. The applicant resides at No.58 Moor Lane which lies to the north east of the application site.

The agent has confirmed that it is the applicant's intention to retire from arable farming and to let out their land to be contract farmed. Mr. Alan Webster is of retirement age being 68 years old and Mr. Brian Webster who is 64 years old is due to retire having had two knee replacements and long-term health issues. They will however still be responsible for the maintenance of hedgerow, boundaries, ditches, headlands, uncultivated areas and woodland and, as such, will keep an active role in their maintenance. They will have a requirement to retain machinery in order to do so.

The application has been amended since the original submission with the scale of the new development having been reduced and the design and external appearance of the buildings amended following concerns raised by officers.

The application submission was accompanied by a Design and Access Statement, Bat Survey and Structural Calculations for the building to be converted to two dwellings.

#### Relevant Planning History:

20/00400/FUL - Conversion of agricultural buildings into two dwellings, erection of two no. detached garages with accommodation above, erection of machine store and demolition of portal framed agricultural buildings and grain stores (Withdrawn following requests for amended plans)

15/01188/FUL - Proposed erection of agricultural grain/machinery store and agricultural farm office/workshop (Permitted)

15/00266/OUT - Erection of three dwellings (Outline- access and layout) -Refused for the following reason:

*'The proposed dwellings would be situated in an area of Coleorton whereby access to appropriate services would be fairly limited and as a result the dwelling would not be situated within a sustainable settlement. The application site is also on unallocated Greenfield land located outside the limits to development of Coleorton, as defined on the Proposals Map to the North West Leicestershire Local Plan. Policy S3 of the adopted North West Leicestershire Local Plan provides a presumption against non-essential residential development in the countryside. The NPPF also outlines that socially, development should provide the supply of housing required to meet the needs of present and future generations with accessible local services and the support of their health, social and cultural well being. Although the scheme would be considered acceptable in terms of the economic strand of sustainable development the scheme*



*would fail the environmental and social strands as it would create a development whereby future occupants would be heavily reliant on the private car to access the most basic of services, thereby leading to greater vehicular emissions and not supporting the approach to a low carbon economy. Insufficient local services to serve the basic needs of future residents would also lead to such residents being socially isolated. An approval, therefore, would be contrary to the environmental and social strands of sustainability enshrined within the NPPF, as well as Policies S3 and H4/1 of the adopted Local Plan.'*

## 2. Publicity

8 Neighbours have been notified.  
Site Notice displayed 12 June 2020.

## 3. Summary of Consultations and Representations Received

The following summary of responses is provided.

**Coloerton Parish Council** raise objection on the following grounds:

- 1) Outside the limit to development;
- 2) Contrary to housing policy as defined in the Local Plan.
- 3) Additional vehicles (related to the property will have a detrimental impact on the local environment/narrowness of the lane.

**Leicestershire County Council - Highways** has no objections subject to conditions.

**Leicestershire County Council - Ecology** has no objections, advising that no surveys are required.

**NWLDC Environmental Protection** has no environmental observations subject to contaminated land conditions.

**Severn Trent Water** request a note to applicant with regard to foul sewer connections.

### Third Party Representations:

No letters of neighbour representation have been received.

## 4. Relevant Planning Policy

### National Planning Policy Framework (NPPF) (2019)

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 117, 118 (Making effective use of land)  
Paragraphs 127, 130 (Achieving well-designed places)

Paragraph 163 (Planning and Floodrisk)  
Paragraph 175 (Conserving and enhancing the natural environment)  
Paragraph 178 -180 (Ground conditions and pollution)

The policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF.

**Adopted North West Leicestershire Local Plan (2017)**

The following Local Plan policies 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 En1 - Nature Conservation  
Policy IF4 - Transport Infrastructure and New Development  
Policy IF7 - Parking Provision and New Development  
CC2 - Water - Flood Risk  
CC3 - Water - Sustainable Drainage Systems

**Other Guidance**

-National Planning Practice Guidance  
-Leicestershire Highways Design Guide  
-Good Design for North West Leicestershire SPD

**5. Assessment**

*Principle of Development*

In accordance with the provisions 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 North West Leicestershire Local Plan (2017).

The site is located outside the Limits to Development as defined by the adopted Local Plan and where Policy S3 of the adopted Local Plan allows for the re-use and adaptation of buildings for housing subject to compliance with criteria (i)-(vi) and compliance with Policy S2 of the adopted Local Plan. Policy S3 also allows for the erection of agricultural buildings subject to compliance with criteria (i)-(vi).

As set out above, Policy S2 is also relevant to the determination of the application and contains a settlement hierarchy which guides the location of future development with settlements further up the hierarchy able to take more growth. This part of Coleorton is specified as a Small Village with very limited services and facilities and where development will be restricted to conversions of existing buildings or the redevelopment of previously developed land or affordable housing in accordance with Policy H5 of the adopted Local Plan.

Paragraph 170 of the NPPF highlights the need to recognise the intrinsic character and beauty of the countryside but does not specifically preclude development within the countryside.

The proposal would not result in an isolated dwelling in planning terms given that there are other dwellings immediately to the north east, to the east and to the west on the opposite side of Moor

Lane. The land is not previously developed as it was last in agricultural use. The land is therefore, greenfield and the buildings currently cited on the land are for agricultural use. The proposal would result in the removal of existing buildings and an overall reduction of built development on the site.

*Existing and proposed Gross External Areas (GEA) in square metres*

<b>New/Converted Buildings</b>	Existing GEA	Proposed GEA
Red brick building to be converted	235.5	235.5
Proposed Garages x2	0	87.1
Proposed Machinery store	0	106.3
<b>Buildings to be demolished:</b>		
Existing steel portal framed buildings	835.4	0
	<b>Total GEA</b>	<b>Total GEA</b>
	1,070.9	428.9

In addition to the above, the application would secure the non-implementation of an approved agricultural building on the adjacent field with a GEA of 558 square metres.

The concept of new development being directed to locations that minimise reliance on the private motorcar is also contained within the NPPF. In respect of the accessibility of services, there is a small shop/post office (Lower Moor Road - 1500m away), bus stops (with the nearest being off The Moor and a stop further away off Ashby Road which provide services between Leicester-Coalville-Burton and Leicester-Castle Donington, there are two public houses on The Moor (The Angel and The Kings Arms- the nearest 770m away), a school (Viscount Beaumont's Church of England Primary School, School Lane - 1600m away). Majority of the services identified would not be within a reasonable walking distance for future occupiers of the dwellings. Furthermore, in order to reach these services on foot or on bicycle, the future occupiers would need to travel 500m along Moor Lane which has no formal footways and is poorly lit from the application site to The Moor. It is considered that the nature of the pedestrian route would be unattractive for use by pedestrians and as such would be prohibitive to any future resident as a means of access to these services by sustainable means. Overall, it is considered that residents of the proposed dwellings would be dependent on the private car to reach services and to meet their day to day needs.

In terms of environmental sustainability, as set out in more detail below the proposal would not result in any unacceptable impacts on the natural or built environment. There would also be limited economic benefits which would include local construction jobs and helping to maintain local services in the area.

Notwithstanding the allowance for residential conversion schemes under criteria (e) of Policy S3 and within the provisions of Policy S2, the site is not accessible by a range of sustainable transport options and, as a result, the proposed development of the site for housing as proposed would conflict with the provisions of criterion (vi) of Policy S3.

In the overall balance, the proposal would not result in isolated dwellings in planning terms and would have some limited economic benefits, and although the proposal would generate vehicular movements along narrow/winding roads, there is some trade off with the existing agricultural movements to and from the site, including that by large farm vehicles. The proposal would not have an unacceptable impact on the natural or built environment and would have the

benefit of removing a range of modern agricultural buildings of limited merit from the site which would result in a visual improvement for the appearance of the site and a significant reduction in built development which would be beneficial to the visual amenities of the wider rural landscape. The design of the new buildings on the site would respect the scale and character of existing buildings to be retained, and the scale of ancillary accommodation would be subservient to the dwellings proposed. These matters are considered to weigh positively in the balance and outweigh the partial conflict with S3 criterion (vi), and the land/ buildings forming greenfield land. As such, a reason for refusal on the basis of partial conflict with Policy S3 criterion (vi) could not be justified in this case.

### **Design and Impact on the Character of the Countryside**

Policy D1 of the adopted Local Plan (2017) outlines that support will be given to proposed developments which are well designed and as a minimum offer a good standard of design with this Policy being expanded within the Council's adopted Good Design for North West Leicestershire Supplementary Planning Document (2017). Paragraph 127 of the NPPF specifies that local distinctiveness should be promoted and reinforced and that planning decisions should address the integration of new development into the built environment. Paragraph 130 outlines that permission should be refused for development of poor design.

The application site occupies a set back position on the southern side of Moor Lane, along with two other dwellings. Beyond that, the southern side of the road is predominantly occupied by fields until the nearest road junction with Limby Hall Lane to the north east and until public footpath M88 which connects Moor Lane to The Rowlands to the south west of the site. Whilst there are a greater number of dwellings located on the northern side of Moor Lane, the character of residential development remains that of sporadic groups of dwellings. Whilst there is some variety in design, dwellings are predominantly two-storey gabled cottages with brick or rendered appearance.

The proposal includes the conversion of an existing two-storey agricultural dwellings into two dwellings. The proposal would utilise existing openings and false bricked up openings such that new openings are only required within the central section of the building which is currently an open covered area and would be enclosed with new brickwork. The six large arched openings which are a feature of the building and would be retained through the use of glazing within the arches, and it is considered that the proposed conversion scheme would retain the character of the existing building.

The application as originally submitted included the provision of garage accommodation within converted/extended sections of the large portal framed buildings that exist on the site forward of the brick building to be converted to dwellings. Officer concerns were raised that the proposed garage accommodation would appear visually dominant and out of keeping with the scale/narrow form of the dwellings to which they would be associated, and this would be particularly noticeable given the prominence of this existing structure forward of the dwelling on the site. As such, it was the view of officers that the buildings that were proposed to be retained for garaging and a machine store were of no architectural merit and would appear visually incongruous against the converted brick dwelling. Concern was also raised about the remoteness of parking from plot 2 and the outlook from unit 2 from principal windows with the large building proposed to be retained as a machinery store.

Amended plans have been received during the course of the application which now show the wholesale demolition of the large range of steel portal framed buildings (with a Gross External Area of 835.4m<sup>2</sup>) on the site forward of the converted dwellings. The new garage

accommodation proposed is now a simple double garage for each dwelling which is closely related to the associated dwelling. The proposed machine store/workshop is located adjacent to the garage on plot 2 and would have the appearance of a traditional agricultural building with two open bays for a machine store and an enclosed workshop for machinery repair. The layout of the amended proposals creates a small courtyard of development around a gravelled circulation space, which is characteristic of agricultural sites and considered appropriate in this rural setting. The removal of the modern steel framed buildings on the site also represents a significant visual improvement for the appearance of the site (which is clearly visible from Moor Lane) and the wider rural landscape. Where the site abuts the fields beyond the site, post and rail fencing with native hedgerow planting is proposed along the boundary which is considered appropriate for this setting and essential to prevent the encroachment of the site into the wider countryside beyond.

In addition to the above, the application proposal also includes the non-implementation of a large agricultural grain store located within the field to the south-west of the application site. This building would have a floor area of 558.0 square metres and overall ridge height of 8.17 metres with it being constructed from concrete wall panels with PVC coated steel sheeting coloured dark green and grey fibre cement sheeting on the roof. A section 106 agreement is currently being prepared to secure this and the non-implementation of the previously approved grain store would also have significant visual benefits for the wider rural landscape. This is also a material consideration in the determination of this application.

Taking the above into account, it is considered that the scheme is appropriate and the proposal would accord with Criterion (i) of Policy S3, Policy D1 of the adopted Local Plan, the Council's adopted Good Design SPD, as well as Paragraphs 127 and 130 of the NPPF.

### **Impact on Neighbouring Residential Amenities**

The properties that would be most immediately affected by the proposed development would be No.s 58 and 60 Moor Lane located to the north east of the site. Whilst there are properties directly opposite that face the development site, given the set back nature of the site in relation to the highway, these dwellings are sited at sufficient distance away in order to prevent any significant overbearing, overshadowing or overlooking impacts on these properties arising from the development.

No.s 58 (applicant's dwelling) and 60 Moor Lane are located to the north east of the application site and are two storey dwellings. The proposals would remove a range of existing modern, modern steel framed buildings and remove the associated agricultural activities/movements requiring large agricultural vehicles to move to and from the site (due to it being the main hub of the arable farming enterprise) which would reduce noise and disturbance to the occupiers of these dwellings. Whilst there would be some agricultural maintenance activities that would remain as set out in background section of the report, these would be lower key and unlikely to give rise to any significant noise and disturbance. With regard to the converted dwellings and new development proposed, it is considered that these would be sited at sufficient distances from the proposals to prevent any significant overbearing, overshadowing or overlooking impacts upon these neighbouring dwellings.

The proposal would introduce a machinery store and workshop building on land forward of proposed plot 2 but given the suggested low-key use of the building arising from the cessation of the farming business on this site, it is not considered that this is likely to give rise to any significant noise and disturbance that would be detrimental to neighbouring residential amenities.

No objections have been received from the Council's Environmental Protection team and overall the proposed development is considered compliant with Policy D2 of the adopted Local Plan and provisions of the Good Design SPD.

### **Highway Safety**

Concern has been raised by Coleorton Parish Council about the additional vehicles related to the proposals that would have a detrimental impact on highway safety given the narrow nature of Moor Lane.

The application is for two new dwellings and access to the site would be via an existing vehicular access off Moor Lane that is shared by No.s 58 and 60 Moor Lane. Moor Lane is an adopted, unclassified, single track road subject to a 30mph speed limit. The County Highways Authority has been consulted on the application and advises that whilst Moor Lane is a single track road, it is noted that the supporting information indicated that such agricultural sites typically generate approximately 30 vehicular movements per day. Therefore, there is currently the potential for two-way vehicular movements at the site, and whilst the agricultural use of the site will not cease altogether, there would be a reduction in large agricultural vehicles using the site. In addition to this, it is also noted that there are a number of existing residential dwellings located on Moor Lane, and therefore, the County Highways Authority considers that it would be unreasonable to seek to advise refusal of the application due to the width of Moor Lane.

The amended plans demonstrate parking provision in accordance with the Leicestershire Highways Design Guide and there is sufficient space within the site to enable turning such that vehicles can enter and leave the site in a forward direction. The County Highways Authority notes that the proposal includes a workshop within the machinery store but recognises that this would be used to maintain agricultural equipment associated with the maintenance of land. There is sufficient space within the site to allow vehicles/equipment to be manoeuvred/turned within the site to ensure such vehicles can leave the site in a forward direction. The County Highways Authority also confirm that there have been no recorded personal injury collisions within the last five years within 500m of the site and, therefore, there are no pre-existing highway safety concerns regarding this location. Subject to a condition concerning parking and turning, the County Highways Authority has no objections to the proposal.

Having regard to the above, the highway safety aspects of the scheme are considered acceptable and the proposal is considered acceptable in relation to the Leicestershire Highways Design Guide, Policies IF4 and IF7 of the adopted Local Plan and the provisions of the NPPF.

### **Ecology**

The County Ecologist has been consulted on the application and advises that no ecological surveys will be required given that the older agricultural buildings proposed for demolition are not suitable for bats and the other agricultural buildings are very new and there is very low probability of bat roosting. The County Ecologist raises no objection to the proposals. On the basis of these conclusions, it is considered that the proposal is unlikely to adversely affect protected species and, therefore, it complies within the aims of Paragraph 175 of the NPPF, Circular 06/05 and Policy En1 of the adopted Local Plan.

### **Drainage and Floodrisk**

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 layout plan that surface water run-off would be addressed by the provision of a soak-away 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. It is also noted that the circulation areas within the site are proposed to be surfaced with gravel which is permeable. As a result, the development is considered to be compliant with Policies Cc2 and Cc3 of the adopted Local Plan and Paragraph 163 of the NPPF.

Insofar as foul drainage is concerned, it is indicated that this would be discharged to the mains sewer and this would seem feasible given that there is a foul sewer that is routed through the site. 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.

### **Conclusions**

Reasons for refusal relating to the partial conflict with criteria (vi) of Policy S3 and development of a greenfield site could not be justified in this case when having regard to the visual benefits of reducing built development at the site (including a grain store that is extant but not erected) and securing a group of new/converted buildings that respect the scale and character of existing development in the locality. The proposal would not result in isolated dwellings in planning terms and there would be some limited economic benefits, as well as the benefit of removing large agricultural vehicles from the site for neighbouring residents and highway safety due to the cessation of the agricultural use of the site. These matters are considered to weigh positively in the balance and outweigh the partial conflict with S3 criterion (vi), and the land/ buildings forming greenfield land in this case. As such, a reason for refusal on the basis of partial conflict with Policy S3 criterion (vi) could not be justified in this case. The proposal would not have an unacceptable impact upon the design and the character of the area, neighbouring residential amenities, drainage and flood risk and ecology. The proposed access is also considered acceptable from a highway safety perspective. There are no other relevant material planning considerations that indicate planning permission should not be granted and therefore, subject to conditions, it is recommended that outline planning permission be granted.

### **RECOMMENDATION - PERMIT, subject to a legal agreement and the following condition(s):**

- 1 Time Limit
- 2 Approved Plans
- 3 Removal of pd rights
- 4 Levels as shown
- 5 Materials and Finishes
- 6 Landscaping and Boundary Treatments as shown
- 7 Parking and turning as shown

- 8 Contaminated Land
- 9 Contaminated Land - Remediation