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Meeting	<b>PLANNING COMMITTEE</b>
Time/Day/Date	6.00 pm on Tuesday, 9 March 2021
Location	Remote Meeting using Microsoft Teams
Officer to contact	Democratic Services (01530 454529)

<b>AGENDA</b>		<b>Pages</b>
<b>Item</b>		
<b>1.</b>	<b>APOLOGIES FOR ABSENCE</b>	
<b>2.</b>	<b>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.</b>	<b>MINUTES</b>	
	To confirm and sign the minutes of the meeting held on 9 February 2021.	<b>3 - 6</b>
<b>4.</b>	<b>PLANNING APPLICATIONS AND OTHER MATTERS</b>	
	Report of the Head of Planning and Infrastructure.	<b>7 - 10</b>

## Index of Applications to be Considered

<b>Item</b>	<b>Application Number and Details</b>	<b>Recommendation</b>	<b>Page</b>
<b>A1</b>	<b>20/01823/FUL: Erection of office development (class E(g)) including new vehicular access</b>  Land South Of A512 Between Loughborough Road And Moor Lane Coleorton LE67 8FQ	<b>Permit</b>	<b>11 - 28</b>
<b>A2</b>	<b>20/00689/FUL: Formation of new vehicular access (retrospective)</b>  Willow House Rempstone Road Griffydam Coalville LE67 8AP	<b>Refuse</b>	<b>29 - 36</b>

MINUTES of a meeting of the PLANNING Committee held in the Remote Meeting using Microsoft Teams on TUESDAY, 9 February 2021

Present: Councillor N Smith (Chairman)

Councillors R Boam, D Bigby, A J Bridgen, D Everitt, J Houlton, J Legrys, M B Wyatt, R Ashman (Substitute for Councillor S Gillard) and G Houlton (Substitute for Councillor D Harrison)

In Attendance: Councillors R Canny, A C Saffell, M D Hay and C A Sewell

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

## **52. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors S Gillard and D Harrison.

## **53. DECLARATION OF INTERESTS**

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

Councillor R Ashman declared a non-pecuniary interest in item A1, application number 19/01496/OUTM, as in his capacity as Portfolio Holder he had met with the developers, always in the presence of officers, and he had also met with Councillors R Canny and T Saffell (Ward Members) about the application.

Councillor D Bigby declared a non-pecuniary interest in item A1, application number 19/01496/OUTM, as he had previously made personal, public statements about the development of warehouses in general.

Members declared that they had been lobbied without influence in respect of the following applications but had come to the meeting with an open mind.

Item A1, application number 19/01496/OUTM

Councillors R Ashman, D Bigby, A Bridgen, J Legrys and N Smith.

## **54. MINUTES**

Consideration was given to the minutes of the meeting held on 13 January 2021.

It was moved by Councillor J Legrys, seconded by Councillor A Bridgen and

RESOLVED THAT:

The minutes of the meeting held on 13 January 2021 be approved and signed by the Chairman as a correct record.

## **55. PLANNING ENFORCEMENT UPDATE**

The Street Protection Team Leader presented the report to members.

A number of members thanked officers of the Environmental Protection Team for the report before them and for the work that they were carrying out. One member expressed disappointment with the service, as they were aware of a number of issues that were still outstanding.

It was moved by Councillor A Bridgen, seconded by Councillor J Hoult and

RESOLVED THAT:

The information in the report be noted.

## 56. 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.

### 57. A1

**19/01496/OUTM: DEVELOPMENT OF UP TO 92,500 SQ M GIA OF STORAGE AND DISTRIBUTION UNITS (B8), INDUSTRIAL UNITS (B2) AND LIGHT INDUSTRIAL UNITS (B1C); SERVICE YARDS AND PARKING AREAS; NEW VEHICULAR ACCESSES OFF TRENT LANE / STATION ROAD AND RYECROFT ROAD WITH ASSOCIATED EARTHWORKS, DRAINAGE AND ATTENUATION FEATURES AND OTHER ASSOCIATED WORKS (OUTLINE, ALL MATTERS RESERVED EXCEPT FOR THE PRINCIPAL MEANS OF VEHICULAR ACCESS TO THE SITE).**

Land South Of Junction 1 Of The A50 Castle Donington Leicestershire

**Officer's Recommendation: Refuse**

The Chairman drew member's attention to the significant change to the recommendation for the application, as detailed in the update sheet.

The Legal Advisor provided advice to the members on the options that were available to members in determining how they progressed with the consideration of the item.

Some members raised concerns over the short period of time the committee had been given to consider the change to the recommendation and sought clarity on the timeline for the changes that had been made. They also asked whether the applicant could demand that the application be deferred, how soon the application would be reported back to committee and whether the application should be considered at the same time as another development in the vicinity.

Officers advised members on the reasons for now recommending deferral of the application, the timeline of the request from the applicant to defer and the advice that had been sought following the request. It was noted that the timings for bringing the application back before committee would depend on how soon the applicant could submit the proposed changes and the length of time officers would need to assess them. It was highlighted that the applicant would be encouraged to submit the revised landscaping proposals they were now offering as soon as possible however a deadline for submission could not be stipulated as it was not normal practice. Members had regard to the fact that the amended application and any other application in the area would be considered when they were ready, and not necessarily at the same meeting.

A motion to defer the application in accordance with the officer recommendation as set out in the update sheet was moved by Councillor M Wyatt and seconded by Councillor R Ashman.

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

RESOLVED THAT:

The application be deferred, in accordance with the recommendation of the Head of Planning and Infrastructure as set out in the update sheet.

<b>Motion to defer the application in accordance with the recommendation of the Head of Planning and Infrastructure, as set out in the update sheet (Motion)</b>	
Councillor Nigel Smith	For
Councillor Russell Boam	For
Councillor Dave Bigby	For
Councillor Alexander Bridgen	For
Councillor David Everitt	For
Councillor Jim Hout	For
Councillor John Legrys	For
Councillor Michael Wyatt	For
Councillor Robert Ashman	For
Councillor Gill Hout	For
<b>Carried</b>	

The meeting commenced at 6.00 pm

The Chairman closed the meeting at 6.31 pm

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**APPENDIX B**

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

**9 March 2021**

**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 list of the proposed planning 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.

Erection of office development (class E(g)) including new vehicular access

Report Item No  
A1

Land South Of A512 Between Loughborough Road And Moor Lane Coleorton Coalville Leicestershire LE67 8FQ

Application Reference  
20/01823/FUL

Grid Reference (E) 441191  
Grid Reference (N) 317346

Date Registered:  
25 November 2020  
Consultation Expiry:  
28 January 2021  
8 Week Date:  
20 January 2021  
Extension of Time:  
12 March 2021

Applicant:  
Mr J Golby

Case Officer:  
Hannah Exley

Recommendation:  
PERMIT

Site Location - Plan for indicative purposes only



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

### **Call In**

The application is brought to the Planning Committee at the request of Councillor Boam due to concerns about the acceptability of the development of a greenfield site for commercial/industrial development given the location outside the Limits to Development and the availability of other sites within the District, and the highway safety implications of additional traffic on the adjoining highway network.

### **Proposal**

Approval is sought for the erection of an office development (class E(g)) on 0.2 hectares of land currently used as grassland for grazing horses. The building would be single storey and would be located along the southern boundary of the site with a 3m offset between the building and the existing mature hedgerow which occupies the boundary. The building would be finished with timber to the external walls and lead composite metal roofing with powder coated grey aluminium windows and doors.

Access to the site will be via an existing agricultural access off Moor Lane which will be widened to accommodate a 6m wide access road. Parking for 9 vehicles including 2 disabled spaces would be provided either side of the access road into the site with a new pedestrian link created to the A512 to the north through a break in the hedgerow.

A network of attenuation ponds are proposed within the site that will be seeded and maintained as seasonally wet grassland and although not within the application site, the application also details the provision of new landscaping within a 1.33 hectare site immediately to the west of the site which is owned by the applicant where additional landscaping is proposed to create 5 species rich wildflower meadows and an orchard.

The proposal will include sustainable technologies and building materials to enhance the environmental performance of the development.

### **Consultations**

A total of 17 letters of representation have been received raising objection to the proposals and a letter has been received from Coleorton Heritage Group requesting archaeological investigations. Coleorton Parish Council raise objection and Swannington Parish Council raise objection but state that their concerns can be overcome by conditions. All other statutory consultees have raised no objections.

### **Planning Policy**

The site is located outside the Limits to Development on the Policy Map to the adopted Local Plan. The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

### **Conclusion**

The principle of the development is acceptable as the proposed small-scale employment generating development would accord with Policy S3(k) of the adopted Local Plan. The proposal is not considered to have any significant detrimental impacts on the rural character of the surrounding area, National Forest, residential amenities, highway safety, drainage, flood risk, trees, ecology and would preserve the setting of the Grade II listed Smock Mill. There are no other relevant material planning considerations that indicate that planning permission should

not be granted. The proposal is deemed to comply with the relevant policies in the adopted Local Plan, the advice in the NPPF and the Council's Good Design SPD. It is therefore recommended that the application be permitted.

**RECOMMENDATION:- PERMIT SUBJECT TO THE IMPOSITION OF CONDITIONS**

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

## MAIN REPORT

### 1. Proposals and Background

Approval is sought for the erection of an office development (class E(g)) on 0.2 hectares of land currently used as grassland for grazing horses. The building would be single storey (6m in height) and would have an external floor area of 189m<sup>2</sup> (21m by 9m). The building would be located along the southern boundary of the site with a 3m offset between the building and the existing mature hedgerow which occupies the boundary. The building would be finished with timber to the external walls and lead composite metal roofing with powder coated grey aluminium windows and doors.

Access to the site will be via an existing agricultural access off Moor Lane which will be widened to accommodate a 6m wide access road. Parking for 9 vehicles including 2 disabled spaces would be provided either side of the access road into the site with a new pedestrian link created to the A512 to the north through a break in the hedgerow.

A network of attenuation ponds are proposed at the northern and eastern boundaries of the site that will be seeded and maintained as seasonally wet grassland out-falling into the open ditch course at the eastern boundary of the site. A single pond is proposed at the western boundary of the site adjacent to the building that will out-fall into the open ditch course at the southern boundary of the site.

Although not within the application site, the application also details the provision of new landscaping within a 1.33 hectare site immediately to the west of the site which is owned by the applicant. Within this area, landscaping is proposed including the reinforcement of existing hedgerows, reinstatement of historic hedgerow patterns to create 5 species rich wildflower meadows and an orchard of apple, pear, damson and plum trees. The applicant has advised that he would be agreeable to a condition requiring the planting of the 1.33 hectare site.

In terms of sustainable technologies/building materials the applicant has advised that the company is committed to providing the following:

- a. Solar PV on the southern roof elevation;
- b. Air source heat pumps;
- c. The building will be insulated to the level required under Building Regulation +20%;
- d. The building will be run on electric only with an electric boiler and synchronised heating system (Bluetooth) that only heats rooms as they are being used;
- e. 3no. electric car charging points and provision for electric bike charging;
- f. All timber will be sustainably resourced;
- g. All external surfacing will be reclaimed. This will include reclaimed stone for the parking area and access, and paving setts and slabs for the access pathways; and
- h. All sub-base materials will be recycled where possible.

The site lies outside the Limits to Development as defined on the Policy Maps to the adopted Local Plan and the Grade II listed Smock Mill lies over 200m to the south/south-west of the application site.

The application submission was accompanied by a Planning and Design Statement, Landscape and Heritage Statement, Highways Report, Flood Risk Assessment and Drainage Strategy, Extended Phase 1 Habitat Survey, Agricultural Land Classification Report and a Tree Survey. During the course of the application, a Refuse Tracking Plan has been provided at the request

of the County Highways Authority. Amended plans have also been provided at the request of officers following comments received from the Council's Tree Officer.

**Relevant Planning History:**

Planning permission was refused under application 79/0859 for the erection of dwelling on the land that forms both the red and blue land on the current application drawings. The reasons for refusal were in relation to development being outside the Limits to Development and not a form of development that was considered acceptable under the provisions of the then adopted Local Plan and County Structure Plan. The visual impact of a dwelling on the site were also cited within the reason for refusal as was the suitability of Moor Lane and Loughborough for means of vehicular access to the development. The decision was appealed and was upheld by the Planning Inspector.

**2. Publicity**

3 neighbours notified.

Site Notice displayed 11 December 2020.

Press Notice published Leicester Mercury 9 December 2020.

**3. Summary of Consultations and Representations Received**

The following summary of responses is provided. All responses from statutory consultees and third parties are available to view in full on the Council's website.

**Swannington Parish Council** raise objection due to the development being outside limited to development but that this objection would be overcome if conditions were imposed requiring:

- 1) Planting to be undertaken before the development commences;
- 2) A Grampian condition which requires landscaping as shown within the blue land in the applicant's control to be implemented; and
- 3) That a condition is added to the site regarding future development.

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

- 1) This application is outside the limits of development.
- 2) There are concerns about the accessibility of the proposed development and the additional traffic that it will drive toward the village.
- 3) The development would not be in keeping with, or sympathetic to the aesthetics of the village.
- 4) The placing of the development is a concern regarding the impact on flooding in the village.
- 5) There are concerns that the proposed development is on historical ground, once the site of Coleorton Workhouse.

**Leicestershire County Council - Highways** has no objection subject to conditions and notes to applicant.

**Leicestershire County Council - Ecology** advise that the significant ecological enhancements and habitat creation on this site are welcomed and will achieve a net gain in biodiversity. No objection subject to conditions and notes to applicant.

**Leicestershire County Council - Local Lead Flood Authority (LLFA)** refers the Authority to Standing Advice.

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

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

**NWLDC - Tree Officer** advises that the amended plans are acceptable and sufficient details for tree protection are shown on the submitted drawings.

**NWLDC - Conservation Officer** refers the item to the case officer to make a judgement.

**NWLDC - Planning Policy** advise that the proposal accords with Policy S3(k) but it will be necessary to consider the detailed requirements of Policy S3 (i-vi) before reaching a final conclusion on the appropriateness of the proposal.

No comments have been received from **Severn Trent Water**.

### **Third Party Representations**

17 letters of neighbour representation have been received, raising objection on the following grounds:

#### *Principle*

- the site is outside the limits to development contrary to countryside policy S3.
- loss of a greenfield site.
- there is plenty of existing office space available within the local urban areas.
- commercial development is not necessary in this location.
- the site is unsustainable and users would visit the site by car.

#### *Amenities*

- harm to the rural landscape.
- harm to local amenity as Moor Lane is well used by walkers, dog walker, horse riders etc as an alternative to the busy A512.
- harm to local way of life.

#### *Highway Safety*

- Moor Lane is a single track road and is not suitable for increased traffic or larger vehicles.
- the site and adjacent fields are waterlogged and additional hard surfacing would not be suitable in this location.
- increased use of the dangerous junction with the A512 where it is difficult to pull out onto the main road due to poor visibility, the speed of traffic and the need to cross over the lanes when turning left towards Ashby.
- there have been accidents including a fatality at the end of the road.
- vehicles waiting to exit Moor Lane restrict vehicles entering Moor Lane from the A512 and this is a concern given the likely increase in traffic.
- the passing bay along Moor Lane between the site and the A512 is often obstructed by parked vehicles and is frequently not useable.
- conflict between the additional vehicles and pedestrians, cyclists and horse riders using Moor Lane.



- concern about the additional traffic using Preston's Lane as a rat run.
- the A512 is heavily trafficked and this part of the road is straight and is where vehicle overtaking at speed occurs.

*Flood Risk*

- the surrounding land has been flooded due to ditches/waterways being blocked resulting in flood water getting close to properties on Preston's Lane and this needs to be considered.

*Heritage Assets*

- the site is one of historical/ archaeological interest and should be subject to archaeological assessment.
- impact on views of Hough Mill.

*Other*

- concern about future conversion to a residential dwelling.
- approval would set a precedent for further similar commercial/industrial developments.
- permission was refused on this site historically due to historic mining activity.

A letter has also been received from Coleorton Heritage Group providing the following comments:

- the field may be the site of a pre-1834 workhouse, after which Moor Lane was originally named and may hold buried archaeological remains and therefore, the development site should be subject to archaeological investigation.

#### **4. Relevant Planning Policy**

##### **National Policies**

##### **National Planning Policy Framework (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 127, 130 (Achieving well-designed places)  
Paragraph 118 (Making effective use of land)  
Paragraph 79 (Delivering a sufficient supply of homes)  
Paragraphs 80, 83-84 and 88 (Building a strong, competitive economy)  
Paragraph 163 (Meeting the challenge of climate change, flooding and coastal change)  
Paragraph 178 (Ground conditions and pollution)  
Paragraph 175, 178 (Conserving and enhancing the natural environment);  
Paragraph 189-190/199 (Conserving and enhancing the historic environment).

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

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

S1 - Future Housing and Economic Development.

S2 - Settlement Hierarchy.  
 S3 – Countryside.  
 D1 - Design of New Development.  
 D2 – Amenity.  
 Ec3 - Existing Employment Areas.  
 IF4 - Transport Infrastructure and New Development.  
 IF7 - Parking Provision and New Development.  
 EN1 - Nature Conservation.  
 EN3 - National Forest.  
 He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment.  
 CC2 - Water - Flood Risk.  
 CC3 - Water - Sustainable Drainage Systems.

**Other Policies/Guidance**

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

**5. Assessment**

**Principle and Sustainability**

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

The site falls outside the Limits to Development where development is restricted except for certain circumstances which includes criterion (k) which allows for small-scale employment generating development.

In this case, the applicant is a firm of Landscape Architects (Golby & Luck Ltd) which was established in 2013. The firm is currently based in Ibstock and are unable to expand in their current premises owned by Davidsons, and as result, the company wishes to relocate to purpose built offices on the application site. The Local Plan does not define 'small scale' for the purposes of applying S3(k) and, therefore, this falls to be a matter of judgement based on the circumstances of the proposal. In this case, the business currently employs 6 staff which is within the 'micro-business' category in the official labour market statistics published by Nomis (on behalf of the Office of National Statistics) being firms which employ fewer than 10 people. A study being produced for the Local Plan Review on start-up workspace uses this same definition. On this basis, it is considered reasonable to make a judgement that the business is small scale.

Turning to the size of the building itself, this will be single storey and will provide some 160sqm of new office floorspace. To provide some context for judging its scale, the start-up study referred to above suggests that start-up workspace would typically be up to 50sqm in size with a degree of shared facilities. This is a baseline measure for premises, for the smallest, most embryonic businesses. The application proposal, in contrast, is for a mature, established business which is seeking permanent, self-contained premises. In these circumstances, and taking the size of the building and the size of the firm in the round, it is considered reasonable to conclude that the proposal qualifies as 'small scale'.

Criterion (k) states that the development should be employment generating. In this case, the proposal would transfer an existing business and so would not directly result in additional jobs being generated, at least not initially. It will however help to sustain an established business and retain it in the District and the supporting documents talk of growth plans in the future with an intention to grow the practice steadily over the next 5 years up to between 9-12 staff. The agent advises that half of this growth would come through the engagement of professional staff and half through taking on trainees through the apprentice scheme at Stephenson College. The agent advises that this growth plan is reflected in the existing staffing structure which contains 4 professional staff, with 2 having come through the apprentice scheme. Proximity to the college in this location is also noted as another reason why the site works for the end user.

Furthermore, the NPPF provides a degree of support for the proposal as it requires planning decisions to support rural business growth including through the construction of well-designed new buildings. It also recognises that meeting the needs of local businesses in rural areas can mean developing sites which are removed from existing settlements, as in this case. Overall, the NPPF urges that *"significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development"*. Usually, office developments would be subject to a sequential test to see if there are any more sustainable sites available within defined centres. However, paragraph 88 of the NPPF specifically states that the sequential approach should not be applied to applications for small scale rural offices or other small scale rural development.

In addition to the above, comments have been made about the need for additional office development in this location. North West Leicestershire District Council monitors the provision of employment land within the district to ensure that there is an adequate supply of land available to support the needs of businesses and residents. The Authority Monitoring Report published in December 2020 sets out the latest position in respect to employment land need/supply as at 01 April 2020. Whilst the supply of industrial and small-scale distribution land has surpassed the requirements as set out in the adopted Local Plan, a significant residual requirement (amounting to 19.6 ha by 2031) for additional office space remains. The proposed development would make a modest contribution to meeting this existing shortfall in office space and would facilitate the retention of an existing company within the District.

In addition to the above, the end user would be a landscape architectural practice and the application development and the landscaping of the adjacent land would allow the company the opportunity to showcase their work, with their intention that the wider land would be a 'best practice' example of landscape restoration, exhibiting the benefits of historic hedgerow restoration, working SUDS facilities (both open and below ground), meadow restoration, and orchard production.

The applicant advises that they would like to use the wider site to cultivate three different types of meadow mix within each of the new fields proposed to be restored and review how they perform and what types of management they best respond to. Meadow grass mixtures are increasingly used on development sites, with varying degrees of success and the applicant considers that the use of meadow mixes within the development is only likely to increase with requirements for bio-diversity net gain as set out in the NPPF and the emerging Environment Bill.

Overall, it is considered that the proposal accords with Policy S3(k) and the policy provides that developments in accordance with S3(k) will be supported where:

- (i) the appearance and character of the landscape, including its historic character and features such as biodiversity, views, settlement pattern, rivers, watercourses, field patterns, industrial heritage and local distinctiveness is safeguarded and enhanced;
- (ii) it does not undermine, either individually or cumulatively with existing or proposed development, the physical and perceived separation and open undeveloped character between nearby settlements either through contiguous extensions to existing settlements or through development on isolated sites on land divorced from settlement boundaries;
- (iii) it does not create or exacerbate ribbon development;
- (iv) built development is well integrated with existing development and existing buildings, including the re-use of existing buildings, where appropriate;
- (v) the development will not seriously undermine the vitality and viability of existing town and local centres; and
- (vi) the proposed development is accessible, or will be made accessible, by a range of sustainable transport.

The proposal would not conflict with criterion (ii), (iii) or (v) as the development would not result in the coalescence of settlements or ribbon development and the proposal would not undermine the vitality and viability of existing centres given that there is a shortfall of B1 employment land within the District and that the plan doesn't limit B1 uses to town centre locations. With regard to criteria (iv) and (vi), with development to the north and east, it is considered that the site is reasonably well-related to existing development

In considering criterion (vi), regard must also be had to the provisions of the NPPF which is supportive of a more flexible approach to considering sustainability for employment uses in rural areas. Paragraph 84 provides that *"Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist."*

Whilst the site would not be served by facilities such as a shop, school or community facilities, unlike housing development, these are not services that would be essential to the users of the site for employment purposes. The proposed development would be accessible by sustainable means as the nearest east and westbound bus stops are located within 200m on the A512 Loughborough Road and are served by hourly services between Coalville and Swadlincote. It is also noted that there are infrequent bus services operating between Ashby de la Zouch and Loughborough which would serve bus stops located on Zion Hill, approximately 450m north of the site. The application proposal includes improvements to pedestrian access with the provision of a new pedestrian route from the site onto the A512 and, therefore, pedestrians using the site would not need to walk long Moor Lane which has no footways. The site is not isolated and is well related to existing development to the north and east of the site on the opposite sides of the road. As is explained in the 'Design and Impact on Heritage' section of this report, the development is considered acceptable in relation to its rural surroundings, and the County Highways Authority is satisfied that the development would not have an unacceptable impact on local roads as detailed in the 'Highway Safety' section below. On balance, when having regard to the above and the more flexible approach to the location of employment uses in rural areas as advocated through the NPPF, it is considered that the proposal would be

sustainable for the purposes of criterion (vi). Consideration of the impacts of the development on the character and appearance of the surrounding landscape (as required by Policy S3(i)) is provided below in the relevant sections of the report.

Overall, subject to consideration of the impacts of the development on the surrounding landscape, the proposed development would accord with the provisions of Policy S3 of the adopted Local Plan and provisions of the NPPF.

### **Design and Impact of Heritage Assets**

The proposed development must also be considered against section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which states that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Policy He1 of the adopted Local Plan and the advice in the NPPF require heritage assets to be preserved and enhanced. Where development results in harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The need for good design in new development that is in keeping with its surroundings is also outlined not only in Policy D1 of the adopted Local Plan, but also within paragraph 127 of the NPPF. The site also lies within the National Forest and the suitability of the development within the context needs to be considered.

Located approximately 230m the south/south-west of the site, upon land which is elevated above Moor Lane, lies the Grade II listed Smock Mill. There are few buildings fronting Moor Lane between the site and the listed building, although there is an equestrian development of timber construction set back from the road opposite the site and a vehicular access to a residential property known as Milburn which fronts Mill Lane. The landscape is predominantly agricultural/paddock land and the modest appearance and simple, linear form of the proposed development would not be inconsistent, in terms of its general form and external materials (timber and metal sheeting to the roof), with an agricultural building. The applicant has also advised that there will be no machinery on the site and that the business is strictly a consultancy practice.

When having regard to the single storey nature of the proposal and the design and form of the proposed building, it is not considered that the proposed building would appear out of keeping within the surrounding rural landscape within the National Forest. Existing hedgerows would be retained and enhanced and new hedgerow/tree planting is proposed on the site and on adjoining land along with wild flower planting, which would also assist with the assimilation of the development into its surroundings. The extent of landscaping proposed reflects the landscape led approach that has been employed in developing this site and reinforces the character of the site within the National Forest. Glimpsed views of the listed building are available from Loughborough Road through gaps in the tree coverage and the proposed development would be visible within the setting of the heritage asset. However, when having regard to the design and scale of the proposed and how the proposal would assimilate into the wider rural landscape, it is not considered that the proposed development would be harmful to the setting of the heritage asset.

As set out in the background section of this report, the applicant has stated a commitment to incorporating a range of sustainable technologies within the building and sustainably sourced materials which would improve the environmental credentials of the building/site and can be secured by condition. The proposal would accord with the provisions of Policy D1 which is supportive of development with sustainable design and construction methods.

In view of the above, it is considered that the development would be in keeping with the rural

character of its surroundings and the setting of the listed building would be preserved and would result in no harm to the designated heritage asset. As a result, the proposal would be compliant with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies He1, D1 and En3 of the Local Plan and the advice contained in the NPPF.

### **Archaeology**

Comments have been raised by local residents and the Coleorton History Group about the potential for below ground archaeology on this site. The Leicestershire and Rutland Historic Environment Record (HER) notes that the application area lies within a larger area of post-medieval archaeological interest. This includes open cast mining, brickyards, mills and colliery's all within the local historic environment. The development proposals include works (e.g. foundations, services and landscaping) likely to impact upon those remains. The County Archaeologist advises that the developer will be required to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and recommends that conditions be imposed to secure a programme of archaeological mitigation including, as necessary, intrusive and non-intrusive investigation and recording.

Overall, subject to conditions, it is considered that the proposal would accord with the provisions of paragraphs 189-190 and 199 of the NPPF.

### **Residential Amenities**

The triangular application site is bound on two sides by highways and the proposed single storey building would be located at sufficient distance from the nearest neighbouring residential properties; No. 202 Moor Lane 40m to the east of the site and No. 122 Loughborough Road 30m to the north of the site. To the west is an open field. In terms of movements to and from the site, there would be additional comings and goings as a result of the proposal but given the distance from neighbouring properties and the small-scale nature of the proposed development, it is considered unlikely that these would be detrimental to neighbouring residential amenities. Indeed, Class E(g) uses are those which can be carried out in a residential area without detriment to its amenity.

Overall, it is considered that the proposals would not have any significant detrimental impact upon the amenities of neighbouring residential properties and the proposal is considered to be acceptable in relation to Policy D2 of the adopted Local Plan.

### **Highway Safety**

Concern has been raised by local resident and Coleorton Parish Council about the highway safety implications of the development which are summarised in the representations section of this report. The advice of the County Highways Authority has been sought and the following comments have been provided.

The site is located on a parcel of land that sits between the A512 Loughborough Road and Moor Lane, Coleorton. The proposal seeks to use an existing access onto Moor Lane, which is an adopted, unclassified road subject to a 40mph speed limit. The carriageway width of Moor Lane is approximately 4m, narrowing to approximately 3m at the point of the proposed site access. Whilst Moor Lane at this point is therefore not suitable for two-way vehicular movements, the County Highways Authority note that this is an existing through route linking the A512 and The Moor.

The existing site access serves an area of the grassland which is used for horse grazing; the County Highways Authority note this extant use of the access. The ADC Infrastructure

Highways Report accompanying the application includes the proposed access and highway works as shown on the submitted drawings. The proposed site access would be 6m in width with a 7.5m kerb radii which accords with LHDG standards. The submitted drawings include a swept path analysis for refuse vehicles and demonstrates that such vehicles could access the site and turn within the access, therefore, enabling them to access the A512 in forward gear.

The County Highways Authority also notes that the drawings demonstrate that if a large car is waiting to exit the junction of Moor Lane onto the A512, there is sufficient space for a large car to enter Moor Lane without obstructing the A512. The submitted drawings demonstrate that visibility splays of 2.4m x 120m to the southwest and 2.4m x 45m towards the junction with the A512 can be achieved and when considering the speed of vehicles, coupled with the narrow width of Moor Lane, these visibility splays are considered to be acceptable.

It is noted that the site access is proposed to be served by a gate and the submitted drawings state that this will remain open during office hours. Typically, for accesses serving commercial uses, gates should be set back 15m from the highway boundary but the submitted drawings identifies that the gate will be setback approximately 5.5m from the highway boundary, and 7.8m from the edge of the carriageway. On balance, when having regard to the scale of the development, the impact that a 15m setback distance would have on the design of the site and moreover, the types of vehicles anticipated to access the site, the County Highways Authority advise that the proposal is acceptable on the basis that a car waiting whilst operating the gate, would not obstruct Moor Lane.

The County Highways Authority note that the Applicant has submitted a Stage 1 Road Safety Audit (RSA) dated September 2020 in connection with the proposed development. The RSA identified one problem within the report relating to overgrown vegetation which could restrict visibility and it is recommended that the vegetation should be cleared to ensure adequate visibility and the County Highways Authority find this approach acceptable.

Local concern has been raised about the development increasing the risk of road traffic accidents. In response to this, the County Highways Authority has advised that there has been one recorded Personal Injury Collision (PIC) within 500m of the site within the last five years and current year to date. The incident occurred in 2016 at the junction of the A512 Loughborough Road and Church Hill and was recorded as 'slight' in severity. Whilst outside of the typical 500m study area, it is noted that there was a fatal incident that occurred on the A512 Loughborough Road in 2018. The County Highways Authority has also been advised of a road traffic accident that occurred on Loughborough Road in December and has confirmed that no details regarding this incident have been received from the Police to date; noting that this would only occur if the incident resulted in a personal injury. The County Highways Authority advise that whilst any incident that occurs is one too many, if this was a personal injury collision, and would therefore, be considered as part of an assessment of highway safety, as there have been no other injury collisions it is important to note that this would have been considered as an isolated incident.

Upon consideration of the above, the County Highways Authority do not consider that the development proposal would exacerbate the likelihood of further such incidents occurring.

With regard to the likely increase in traffic on adjoining highways, the County Highways advises due to the quantum of development proposed, no assessment of trip generation is required. However, information has been provided by the applicant in ADC Infrastructure Report which states that the applicant employs seven members of staff (this is in fact now 6) and outlines the following:

*"Staff work office hours, arriving in the morning and departing in the evening. However, start and finish times are flexible, so the traffic movements are spread, and there isn't an influx at, say, 9am. There will be some coming and going during the day, for lunch, or site visits and meetings, or visitors, but the numbers will be relatively small. The tidal flow in particular is important, as it means there will be few occasions when staff are arriving at the same time as others are departing. Hence, the width of Moor Lane will not cause a problem, as speeds will be low, visibility adequate, and there are the passing places mentioned above."*

The County Highways Authority agrees with the above statement and does not consider that the level of trip generation associated with the proposals would be detrimental to the surrounding highway network. However, the County Highways Authority note that any potential future intensification of use of the site could have a detrimental impact, therefore, advise that the use of the site should be restricted by condition.

With regard to pedestrian access to the site, it is noted that there is currently a lack of existing footways on Moor Lane. The proposal includes a new pedestrian access directly onto the A512 and an uncontrolled tactile crossing point to the north side of Loughborough Road. The drawings demonstrate that visibility splays of 1.3m x 160m either side of the crossing point on the northern side of Loughborough Road and 2.0m x 160m either side on the southern side of Loughborough Road can be achieved.

As outlined above, a Road Safety Audit has been undertaken in respect of the proposals and no problems were identified in relation to the proposed uncontrolled pedestrian crossing. The County Highways Authority consider that the level of pedestrian trips generated by the development would be minimal but note that a safe and suitable pedestrian access would assist in providing opportunities for sustainable modes of travel, therefore potentially reducing the traffic impact of the development. Subject to conditions to secure the off-site highway works and appropriate hardbound materials for the pedestrian route, the County Highways Authority finds this element of the proposals acceptable.

With regard to parking provision, in accordance with the Highway Standards, parking is shown to be provided on the basis of one space per 25sqm. This equates to 7 standard parking spaces and two disabled persons parking spaces.

Overall, therefore, subject to conditions, the highway safety aspects of the scheme are acceptable and the impact of development traffic is not considered severe in the context of Paragraph 109 of the NPPF. The proposal is considered acceptable in relation to the Leicestershire Highways Design Guide and Policies IF4 and IF7 of the adopted Local Plan and provisions of the NPPF.

### **Flood Risk and Drainage**

Local concern has been raised about the development leading to flood risk problems with flooding on Preston's Lane being identified as an issue along with flooding due to drainage channels being blocked outside the site.

The application site is greenfield site totalling 0.2ha in size. It is within Flood Zone 1 (low risk of fluvial flooding) and has areas at high and medium risk of surface water flooding towards the western side of the site and outside No. 202 Moor Lane indicating a surface water flow path on the site but no development is proposed in these areas.

The application details that foul drainage will be discharged to the mains sewer and that connection is viable. Surface water run-off will be controlled through a range of on-site



measures which are detailed below.

The applicant has provided a Flood Risk Assessment (FRA) which identifies that soil conditions on the site appear to be impeding drainage and that the underlying ground conditions appear relatively impermeable in areas, such that use of infiltration drainage systems would be limited. The document specifies that an attenuation basin with a capacity of 80m<sup>2</sup> is required to receive run-off from the impermeable areas on the site to ensure that there is no increased risk of flooding elsewhere due to the development.

In terms of on-site surface water management, the applicant has put forward a drainage strategy for the site that has been designed to secure betterment on site. An attenuation pond proposed in the eastern corner of the site secures the requirement for on-site attenuation as specified in the FRA. Two other, smaller ponds are proposed along the northern and western boundaries of the site which provide a further 35 cubic metres of storage capacity and a small tank under the parking spaces to the right of the site entrance that would also provide a further 55 cubic metres of storage. In addition, the drainage plan shows a gully drain running across the entrance road to trap any surface water running towards Moor Lane and this will discharge into the underground tank. As part of the construction of the access, the drainage plan also shows that the existing culvert pipe will be replaced with a pipe of larger diameter in order to secure a better flow in the roadside ditch and reduce the risk of a blockage.

It is also noted that except for the initial access drive, the car park would be surfaced with permeable materials and that the applicant proposes to introduce additional landscaping on the land to the west of the site which should assist in slowing water flows to the west in the direction of Preston's Lane which is located over 500m from the site.

In the circumstances that the site is not within flood zones 2 or 3, nor a critical drainage area, and when having regard to the drainage solution being proposed by the applicant which includes requirements above those recommended in the FRA, it is anticipated that any localised flooding issue would not be exacerbated by the proposed development. As a result of this the development is considered to be compliant with Paragraph 163 of the NPPF, as well as Policies Cc2 and Cc3 of the adopted Local Plan.

### **Ecology and Trees**

The application submission was accompanied by an Extended Phase 1 Habitat Survey and is considered satisfactory by the County Ecologist.

There are some timber buildings on site which are unlikely to be suitable for roosting bats so bat surveys are not required. Records show a pond within the wider site which could potentially support Great crested newts (GCN). The County Ecologist has advised that if GCNs were found in the pond, it would be acceptable for mitigation to follow Natural England's 'flexible approach' which avoids the need for licensed trapping and relocation, but requires precautionary working/method statement and habitat enhancement for GCNs. This would be either new/enhanced terrestrial habitat, or a new pond with good foraging around, and connected to other ponds with habitat. The County Ecologist advises that there is scope for such provision within the site and that GCN surveys would need to be carried out in spring 2021, noting that a precautionary working/method statement and habitat enhancement for GCNs will be required. The County Ecologist also advises that it is acceptable for the grassland surveys to be carried out at an appropriate time of year in 2021.

Subject to conditions to secure the required surveys and precautionary working practices, the County Ecologist considers that the proposal would give rise to significant ecological

enhancements and habitat creation on this site and the development would certainly achieve a net gain in biodiversity.

Trees overhanging the north-eastern corner of the site are protected by Tree Preservation Order (T202) and these are the only trees which represent a constraint to the development. Following an amendment to the design of the largest attenuation pond, the Council's Tree Officer is satisfied that the measures set out to protect the trees during construction can be achieved as all the development now falls outside the root protection area of the protected trees.

A comprehensive hedgerow planting scheme has also been submitted which covers both the red-line application site and the field to the west which is also owned by the applicant. This incorporates a mixture of native tree and hedgerow species plus a new orchard. The Council's Tree Officer considers the proposed planting to be appropriate for the area and once established will be of value to the local tree cover.

The site lies within the National Forest and although the site is under the threshold where tree planting is required, the applicant has put forward landscape proposals for both the site and land to the west of the site that is within their ownership. Within the latter area, landscaping is proposed including the reinforcement of existing hedgerows, reinstatement of historic hedgerow patterns to create 5 species rich wildflower meadows and an orchard of apple, pear, damson and plum trees. The applicant has advised that he would be agreeable to a condition requiring the planting of the 1.33 hectare site. The proposed landscape scheme is considered in keeping with the local context and is supported by the Council's Tree Officer and County Ecologist.

Overall, subject to conditions to secure the required ecology surveys/precautionary working practices and tree protection during construction, the proposal would accord with Policies En1 and En3 of the adopted Local Plan the aims of Paragraph 175 of the NPPF and Circular 06/05.

### **Other**

Comments have been received about the coal mining history of the site. Whilst there are areas at high risk of former coal mining activity within the wider area, the application site lies within an area at low risk of coal mining where there are no recorded entries of coal mining related hazards. In accordance with advice from the Coal Authority, it is recommended that a note to applicant should be imposed highlighting the actions to be taken should unrecorded coal mining related hazards be unveiled during the works.

With regard to concerns about the proposal setting a precedent for future development, it is a fundamental principle of planning legislation that each application is considered on its own merits. As for concerns about the conversion of the office to a dwelling, a condition would be recommended in relation to the removal of permitted development rights.

### **Conclusions**

The principle of the development is acceptable as the proposed small-scale employment generating development would accord with Policy S3(k) of the adopted Local Plan. The proposal is not considered to have any significant detrimental impacts on the rural character of the surrounding area, National Forest, residential amenities, highway safety, drainage, flood risk, trees, ecology and would preserve the setting of the Grade II listed Smock Mill. There are no other relevant material planning considerations that indicate that planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the adopted Local Plan, the advice in the NPPF and the Council's Good Design SPD. It is therefore recommended that the application be permitted.

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

**Conditions:**

1. Time limit
2. Approved plans
3. Materials
4. Tree protection
5. Hard/Soft Landscaping including off-site
6. Programme of archaeological work
7. Great Crested Newts survey and precautionary working/method statement
8. Grassland survey
9. Highways - access and visibility
10. Highways - off-site works
11. Highways - parking and turning
12. Highways - surfacing
13. Highways - specified use only
14. Contaminated land
15. Contaminated land - verification
16. Details of lighting
17. Details of sustainable technologies
18. Levels
19. Removal of pd rights for conversion to dwelling/extensions to building

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Formation of new vehicular access (retrospective)

Report Item No  
A2

Willow House Rempstone Road Griffydam Coalville LE67 8AP

Application Reference  
20/00689/FUL

Grid Reference (E) 440501  
Grid Reference (N) 318424

Date Registered:  
11 May 2020

Consultation Expiry:  
23 February 2021

Applicant:  
Mr S Cleaver

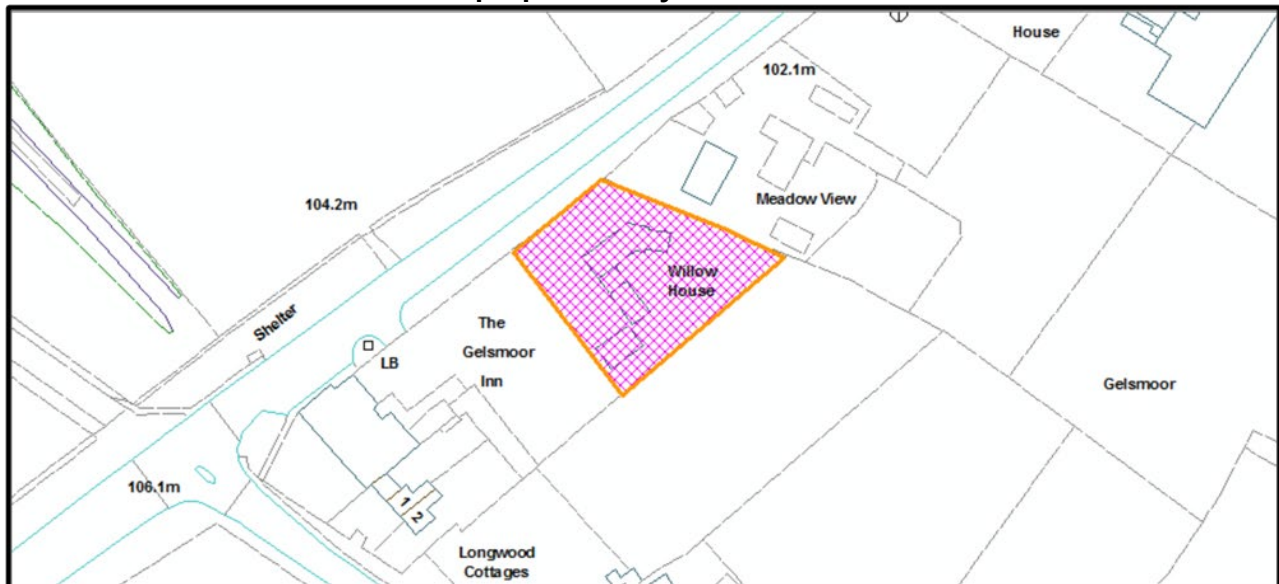
8 Week Date:  
6 July 2020

Case Officer:  
Anna Edwards

Extension of Time:  
9 February 2021

Recommendation:  
REFUSE

Site Location - Plan for indicative purposes only



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

### **Call In**

The application has been called in by Councillor Boam for the highway safety aspects of the proposal to be considered further.

### **Proposal**

Full permission is sought for formation of new vehicular access (retrospective) at Willow House, Rempstone Road, Griffydam.

### **Consultations**

No objections have been received from members of the public. Leicestershire County Council Highways Authority advised refusal of the application. Worthington Parish Council did not respond during the course of the application.

### **Planning Policy**

The site lies outside the Limits to Development as defined in the adopted Local Plan.

### **Conclusion**

The formation of a new vehicular access is considered to have an unacceptable impact upon highway safety and conflicts with the NPPF, Policies IF4 and IF7 of the North West Leicestershire Local Plan and the advice contained within the Leicestershire Highways Design Guide. It is therefore recommended that the application be refused.

### **RECOMMENDATION - REFUSE**

**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

Planning permission is sought for the formation of a new vehicular access at Willow House, Rempstone Road, Griffydam. The access has already been formed and completed and is therefore retrospective. Submission of this application is a result of a planning enforcement investigation. The site is located outside Limits to Development, as defined by the Local Plan. Rempstone Road is a classified B road.

The subject dwelling was granted planning permission under references 13/00825/OUT and 14/00085/REM. The dwelling is for the sole use of employees (and their dependents) of the adjacent public house, The Gelsmoor Inn, Rempstone Road. The existing access to the Gelsmoor Inn and access to the dwelling was/is via the public house carpark.

It is noted that pre application advice was sought from the Local Highway Authority (LHA) by the applicant in 2015. The response from the LHA sent on 11th May 2015 detailed the LHA objection to the creation of a new access onto Rempstone Road, stating, *“the highway authority seeks to resist new accesses onto high speed A and B roads, as evidence shows us that turning traffic on high speed roads leads to accidents. Indeed, our records indicate there have been 2 injury accidents close to the site”*.

The proposal seeks retrospective approval for direct access onto the B5324 Rempstone Road, which is subject to a 50mph speed limit. Amended plans were received during the course of the application and re-consultation with the LHA was undertaken. Precise details and measurements of the proposal are available to view on the submitted amended plans received on 5th February 2021.

The need for independent access to the dwelling has been provided by Highways Access Solutions (HAS) in their letter dated 5th February 2021. The statement provided that the access was created for the sole use of the client’s family / dependents (including their own private vehicle). The statement goes on to highlight that *“their motivation for creating the access is that they have a young family and have, during the past few years, found that their family relying on access via the Gelsmoor Inn car park is not only periodically inconvenient, but detracts from their family rights to privacy and to their residential amenity”*.

This application was due to be considered at the (6th) October 2020 planning committee meeting but a decision to defer was made to allow the applicant to engage with a highway consultant. Members of the planning committee agreed with this approach. Following the deferral, a highways consultant (Highways Access Solutions (HAS)), has been acting on behalf of the applicant. A letter dated 16th October 2020 from HAS was submitted to the LPA, alongside several drawings, and reconsultation was undertaken with the LHA. The LHA responded on the 10th November 2020 and concluded that *“whilst the submission discusses the access geometry and potential amendments that could be made, it remains that the application is contrary to Policy IN5 as it would permit an additional access onto a B classified road subject to a 50mph speed limit.”* Subsequently, HAS submitted an email in response, dated 25th November 2020, alongside drawings demonstrating vehicular visibility to the west and east of the site access. The LHA was re-consulted on the additional information and in their response dated 14th December 2020 it was deemed that the application is still contrary to Policy IN5, despite demonstration of visibility splays, with the LHA continuing to advise that the application be refused. A final letter from HAS was submitted (dated 5th February 2021) along

with the revised 'Rev A' drawings, numbered HAS/20-054/01A through to /16A (drawing 09 is withdrawn). Again, reconsultation was undertaken with the LHA and in their response of the 22nd February 2021 it was concluded that a safe and suitable access had not been demonstrated and as such the development remained contrary to Policy IN5 of Part 1 of the LHDG.

### **Relevant Planning History**

13/00825/OUT- Erection of manager's dwelling together with offices and ancillary staff accommodation in association with adjoining Gelsmoor Inn (Outline Application - All Matters Reserved). Permitted

14/00085/REM- Erection of managers dwelling together with offices and ancillary staff accommodation (Reserved Matters to Outline Planning Permission 13/00825/OUT). Permitted

14/000647/VCU- Variation of condition 2 of planning permission 14/00085/REM to provide a detached garage and store. Permitted

17/00619/FUL - Single storey rear extension and balcony. Permitted

E/20/00034/UDDOM -Enforcement Enquiry

## **2. Publicity**

1 Neighbours have been notified.  
Site Notice displayed 22 May 2020.

## **3. Summary of Consultations and Representations Received**

The following summary of responses is provided. All responses from statutory consultees and third parties are available to view in full on the Council's website.

No representations have been received from members of the public.

**Worthington Parish Council** No response has been received from the Parish Council at the time of writing this report.

**Leicestershire County Council Highway Authority** have advised refusal of the application based on highway safety grounds.

## **4. Relevant Planning Policy**

### **National Policies**

*National Planning Policy Framework (2019)*

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.

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

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



S3 - Countryside  
 D1 - Design of new development  
 D2 - Amenity  
 IF4 - Transport Infrastructure and new development  
 IF7 - Parking provision and new development

**Other Policies and Guidance**

National Planning Practice Guidance - March 2014  
 Leicestershire Highways Design Guide (Leicestershire County Council)  
 Good Design for North West Leicestershire SPD - April 2017

**5. Assessment**

**Principle of Development**

The application site is located outside the limits to development in the adopted Local Plan. Policy S3 of the adopted Local Plan states that extensions and alterations to dwellings are considered to be acceptable in principle within the countryside, subject to all other planning matters being addressed.

**Design and Impact upon Character**

The application details the formation of a vehicular access constructed from tarmac and block pavers. A 1.9 metre high, curved top, timber boarded gate has also been erected to the access (set back from the highway). The access and gate arrangement are considered to be acceptable and appropriate in relation to the visual amenity of the existing dwellinghouse and the surrounding area.

Overall, the proposal is considered to have an acceptable design that would be in keeping with the character and appearance of the existing property and the surrounding area. Therefore, the proposal is considered to be in accordance with Policy D1 of the adopted Local Plan, the Council's Good Design SPD and the advice contained in the NPPF.

**Impact on Residential Amenities**

Consideration has been given to the impact of the development on surrounding residential properties. The surrounding residential properties are considered to be a sufficient distance away from the development and are therefore unlikely to be significantly affected in terms of impact upon residential amenity.

Overall, the proposals are not considered to result in significant impacts upon surrounding residential amenity. Therefore, the proposed development is considered to be in accordance with Policy D2 of the adopted Local Plan and the Council's Good Design SPD.

**Highway Considerations**

Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The County Highway Authority has recommended that the application is refused on the following grounds:

1. The proposal, if permitted, could lead to the creation of an access onto a busy, high-

speed, Class B road, contrary to policy IN5 of the Leicestershire Highway Design Guide, where turning manoeuvres could lead to dangers for highway users.

2. The applicant has failed to demonstrate that a safe and suitable vehicular access would be provided and the proposal, if permitted, could consequently result in a substandard access onto a Class B road, leading to dangers for highway users.

Highways Access Solutions (HAS) on behalf of the applicant, in their letter dated 5th February 2021, has challenged the LHA as they consider that *“Policy IN5 does not impose any absolute obligation for an objection. Its clear intent is to allow LCC to prevent the creation of isolated accesses on sections of high-speed road where motorists would not expect to encounter emerging vehicles.”* HAS goes on to state that, *“Simply stating that any new access is an unacceptable hazard is not, in my opinion, reasonable. This is especially the case where the access is located amongst a grouping of numerous other business, residential land agricultural accesses). If accesses designed in accordance with the relevant LCC geometric standards are deemed unacceptably hazardous simply by their presence, the only logical conclusion any Officer can reach is that Policy IN5 prohibits in perpetuity the creation of any new access on a high-speed road. Any such suggestion would clearly prevent numerous justifiable and necessary developments across the entire county. Noting the above, I ask that you disregard Policy IN5 as a reason for objection”.*

The proposal seeks direct access onto B5324 Rempstone Road, which is subject to a 50mph speed limit. The following is taken from Section IN5 of the Leicestershire Highway Design Guide (LHDG (available at <https://resources.leicestershire.gov.uk/lhdg>)):

*Figure 1: Extract from Section IN5 of the Leicestershire Highway Design Guide*

**Access to A- and B-class roads**

1.30 We will normally apply restrictions on new accesses for vehicles and the increased use of existing accesses on:

- roads with a speed limit above 40 mph (that is 50mph, 60mph or 70mph) or where measured vehicle speeds are in excess of 40mph;
- roads with a speed limit of 40mph or less which are essentially rural in nature;
- routes where the access would affect bus-corridor or bus-priority measures being put in place;
- roads that are at or near capacity (cannot carry more traffic); and
- roads where there is an existing problem with road safety.

This development proposal is therefore contrary to Section IN5 of the LHDG, which seeks to resist new accesses onto a high-speed class B road, or any site which raises concerns regarding highway safety. The LHA withhold that the proposal should be refused on the grounds that the application is contrary to policy IN5 of Part 1 of the LHDG.

In addition to the proposal being contrary to Policy IN5, it is considered by the LHA that a safe and suitable access has not been demonstrated. Whilst the LHA are satisfied that appropriate visibility splays of 2.4m x 215m visibility splays are achievable, subject to the relocation of an existing advance directional sign which could be secured by way of planning condition, they maintain that the access width should be 5.5 metres to allow for two way movements, as the access is located on a high speed Class B Road. The submitted drawing HAS/20-054/04 Rev A demonstrates that the access width is 4.4 metres. It is therefore considered by the LHA that a safe and suitable access has not been demonstrated.

Whilst it is noted that planning conditions could be used to provide for acceptable visibility splays and to ensure that the gates open inwards only, given the fundamental objection to the access in relation to Policy IN5 and the highway safety concerns associated with right hand turning manoeuvres on a high speed Class B road, it is considered that any suggested amendment to the access width would not overcome the objection.

Paragraph 108 of the National Planning Policy Framework 2019, states that it should be ensured that a safe and suitable access to the site can be achieved for all users. In this case, the proposal is contrary to Section IN5 of the LHDG and the applicant has not demonstrated that the access is safe and suitable. The LHA advise that the residual cumulative impacts of the development are severe in accordance with the NPPF and advises refusal of this planning application.

On balance, the proposal is therefore considered to be unacceptable in relation to Policies IF4 and IF7 of the adopted Local Plan as well as the Leicestershire Highways Design Guide and paragraph 108 and 109 of the NPPF.

### **Conclusion**

The formation of a new vehicular access is considered to have an unacceptable impact upon highway safety and conflicts with the NPPF, Policies IF4 and IF7 of the North West Leicestershire Local Plan and the advice contained within the Leicestershire Highways Design Guide. It is therefore recommended that the application be refused.

### **RECOMMENDATION - REFUSE, due to the following reasons;**

- 1 The proposal could lead to an unacceptable increase in turning traffic using an access onto a busy, high-speed, Class B road where the turning manoeuvres could lead to dangers for highway users, which would not be in the interests of highway safety. The proposal therefore conflicts with the NPPF, Policies IF4 and IF7 of the North West Leicestershire Local Plan and the advice contained within the Leicestershire Highways Design Guide.
- 2 The proposal fails to achieve highway safety standards relating to access width. The applicant has failed to demonstrate that a safe and suitable vehicular access would be provided and the proposal, if permitted, could consequently result in a substandard access onto a Class B road, leading to dangers for highway users. The proposal therefore conflicts with Policies IF4 and IF7 of the North West Leicestershire Local Plan and the advice contained within the Leicestershire Highways Design Guide.

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