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Meeting	PLANNING COMMITTEE
Time/Day/Date	6.00 pm on Tuesday, 4 October 2022
Location	Council Chamber, Council Offices, Coalville
Officer to contact	Democratic Services (01530 454529)

AGENDA		Pages
Item		
1.	APOLOGIES FOR ABSENCE	
2.	DECLARATION OF INTERESTS	
	Under the Code of Conduct members are reminded that in declaring interests you should make clear the nature of that interest and whether it is a disclosable pecuniary interest, registerable interest or other interest.	
3.	MINUTES	
	To confirm and sign the minutes of the meeting held on 1 September 2022	3 - 4
4.	PLANNING APPLICATIONS AND OTHER MATTERS	
	Report of the Head of Planning and Infrastructure.	5 - 8

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A1	22/00801/FUL: Erection of an agricultural store to be used for cattle and general purpose Rainbow Crescent, 7 The Moorlands, Coleorton, LE67 8GG	Permit	9 - 18
A2	22/00356/FUL: Erection of a small-scale office development (class E(g)) with associated highway access, car parking, and landscaping Land South Of A512 Between Loughborough Road And Moor Lane, Coleorton, LE67 8FQ	Permit	19 - 56
A3	21/01615/FUL: Change of use to a shop (Use Class E) and associated works Former Castle Donington Library, Delven Lane, Castle Donington, DE74 2LJ	Permit	57 - 70

MINUTES of a meeting of the PLANNING Committee held in the Council Chamber, Council Offices, Coalville on THURSDAY, 1 September 2022

Present: Councillor R L Morris (Chairman)

Councillors J Bridges, D Everitt, D Harrison, J Hoult, J Legrys, J G Simmons, M B Wyatt and J Geary (Substitute for Councillor D Bigby)

In Attendance: Councillors V Richichi and A C Saffell

Officers: Mr C Elston, Mr D Jones, Mrs C Hammond, Ms N Swan and Mr L Marshall

15. APOLOGIES FOR ABSENCE

Apologies were received from Councillors D Bigby, R Boam and A Bridgen.

16. DECLARATION OF INTERESTS

There were no interests declared.

17. MINUTES

Consideration was given to the minutes of the meeting held on 2 August 2020

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

RESOLVED THAT:

The minutes of the meeting held on 2 August 2022 be approved and signed by the Chairman as a correct record.

18. 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.

19. A1 22/00546/OUT: ERECTION OF UP TO SEVEN DWELLINGS (OUTLINE- ACCESS AND LAYOUT ONLY)

Land West Of Ashby Road, Packington Ashby De La Zouch, LE65 1TD

Officer's Recommendation: Permit

The Senior Planning Officer presented the report to members.

Mr Wildgoose, objector, addressed the committee highlighting that originally the land had been sold with permission for one single storey dwelling and anything that was to be built should remain single storey to prevent overlooking and would be in keeping with existing dwellings. He raised concerns over highway safety and the additional congestion that would be added to the road from the development. He felt that the access to the site should have been in the other direction.

Mr Large, agent, addressed the committee, highlighting that the site was within the Limits to Development, that there were no objections from statutory consultees, and it would be located in a sustainable village. Following a community engagement event, the application had been amended to include increased screening and an indicative scheme for single height dwellings. He also noted that following concerns raised by residents over past

flooding issues, a comprehensive drainage design was included, along with high level screening and planting schemes.

In determining the application concerns were raised by some members over the removal of mature trees and hedgerows on the site and, what could be done to protect them. It was noted that it was hoped that no trees or hedgerows would be removed until after the reserved matters application was submitted.

Members had regard to the condition in relation to the ecological mitigation plan, which requires a scheme of works to be submitted and agreed, in line with the Section 106 agreement, that there were no statutory objections to the application, it was within the Limits to Development and that the reserved matters application would only come back to committee should it be called in, with merit by the Ward Member. It was also noted that the site abutted the conservation area but did not fall within the area and there were not Tree Preservation Orders on the site.

A motion to permit the application, but to not permit any removal of any mature trees until the reserved matters stage was moved and seconded, but following advice from the Legal Adviser, that it would not be lawful, the motion was removed from the table.

The recommendation to permit the application in accordance with the officer's recommendation was moved by Councillor D Harrison and seconded by Councillor J Hout.

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.

Motion to permit the application in accordance with the recommendations of the Head of Planning and Infrastructure (Motion)	
Councillor Ray Morris	For
Councillor John Bridges	For
Councillor David Everitt	Against
Councillor Dan Harrison	For
Councillor Jim Hout	For
Councillor John Legrys	Against
Councillor Jenny Simmons	For
Councillor Michael Wyatt	Against
Councillor John Geary	For
Carried	

The meeting commenced at 6.00 pm

The Chairman closed the meeting at 6.50 pm

APPENDIX B

Report of the Head of Planning and Infrastructure to Planning Committee

4 October 2022

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 an agricultural store to be used for cattle and general purpose

**Report Item No
A1**

**Rainbow Crescent, 7 The Moorlands, Coleorton, Coalville,
Leicestershire, LE67 8GG**

**Application Reference
22/00801/FUL**

**Grid Reference (E) 439878
Grid Reference (N) 315478**

**Date Registered:
9 June 2022**

**Consultation Expiry:
13 July 2022**

**Applicant:
Mr Jessop**

8 Week Date:

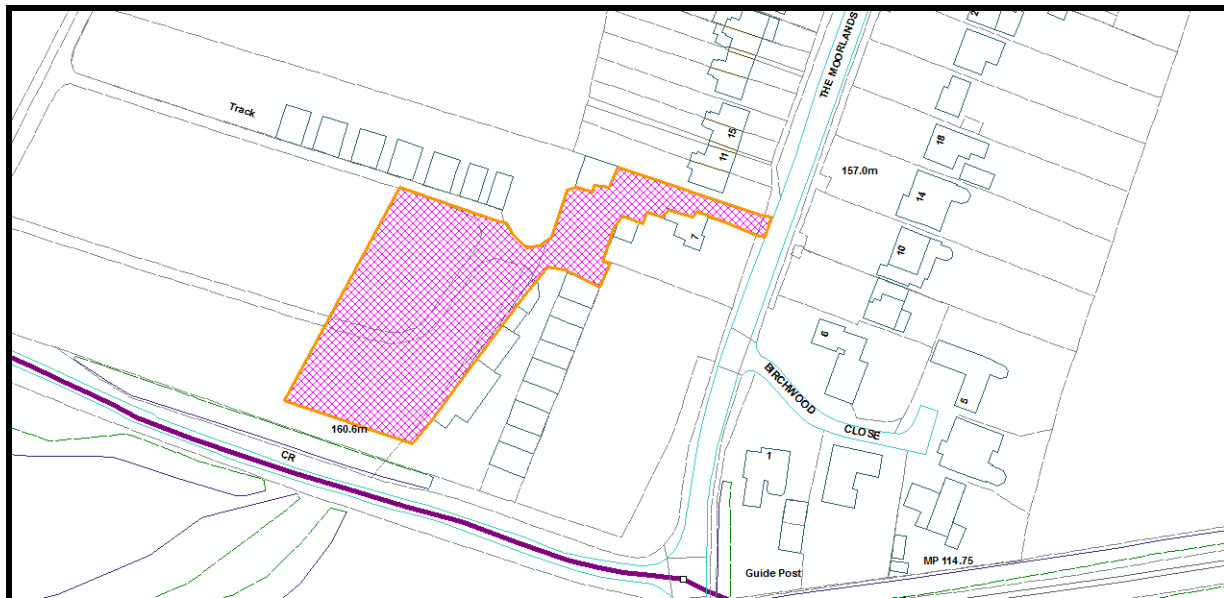
7 October 2022

**Case Officer:
Hannah Exley**

**Extension of Time:
7 October 2022**

**Recommendation:
PERMIT**

Site Location - Plan for indicative purposes only



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This application is brought to the Planning Committee for determination under the requirement of the constitution as the agent for this scheme is related to an Elected Member of the Council.

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

1. Standard time limit
2. Plans
3. External Materials
4. Lighting and control of light spill

MAIN REPORT

1. Proposals and Background

Approval is sought for the erection of an agricultural store to be used for cattle and general agricultural purposes on land to the rear of 7 The Moorlands, Coleorton. The site is located to the rear of No. 7 The Moorlands and is adjoined by an un-named road (hereafter known as Farm Town Lane) to the south. Precise measurements of the proposal are available to view on the submitted plans. The proposed agricultural development would not qualify as permitted development under the Town and Country Planning (General Permitted Development) Order (as amended) due to the building being used for the keeping of animals.

The site lies outside the Limits to Development as defined on the Policy Maps to the adopted Local Plan.

The application submission was accompanied by a Design and Access Statement and provides the following information in respect of the need for the proposed agricultural building:

The farming business have been operating from the site for 3 generations and run a beef suckler cow herd, alongside commercial game rearing. With the addition of an extra 10 acres which has just been taken on by C.A.Jessop & Son, the farm now manage a total of 187 acres, all of which is down to grass.

Last year, the applicant successfully acquired consent for the erection of a machinery store which has now been erected as per the submitted plans. The following application is for the erection of a cattle and general-purpose store due to the applicant losing existing building facilities on tenanted land and the farming enterprise continuing to expand. C.A.Jessop & Son are also starting to rear their own pedigree stock bulls up to 20 months as a way of diversifying their existing farming practice and generating an additional income.

The store is predominantly for the purpose of housing all cattle throughout the winter months, including calving which takes place early spring, as well as a general store. The applicants intend to also rear their own pedigree stock bulls until 20 months old as a way of generating a different avenue of income. The proposed building will also provide them with enough space to keep these separate from the main herd.

Currently, the applicant utilises a building on tenanted land which is 60 x 60 (ft) (18.3m x 18.3m) with a 20 x 30 (ft) (6.1m x 9.1m) lean-to, for the housing of most of his cattle. Due to the expiration of a previous agreement and the sale of the smallholding on which the building is located, they will no longer be permitted to house the cattle in this location. C.A.Jessop and Son, therefore, require a building which will be able to house all of their existing and proposed cattle.

Over the winter just gone, the applicants were required to bring a number of their cattle inside the newly erected machinery store, due to the harsh conditions created by the cold and the extremely strong winds which come from a south-western direction every year. Most cattle are housed in the tenanted store, which is to be lost this year, however, before being relocated inside, some are managed in an uncovered pen just south of the machinery store. The building will also help with the storing of bales, equipment, and other materials throughout the year.'

Planning History:

21/00331/AGP- Erection of an agricultural building for machinery, implement and fodder store (Permitted and implemented)

15/00543/FUL- Removal of existing timber framed workshop/garage/store and replace with an agricultural implements store and workshop (Permitted but not implemented)

09/00175/FUL- Retention of use of land for the mixed use of land for the stationing of livestock shelters and for the breeding and rearing of livestock upon the land and within those shelters and for an agricultural use (Permitted and implemented).

2. Publicity

4 Neighbours have been notified.
Site Notice displayed 17 June 2022.

3. Summary of Consultations and Representations Received

The following summary of responses is provided.

Coloerton Parish Council has no comments.

NWLDC Environmental Protection

Has no objections to make on the granting of this planning permission. The proposed use would not negatively impact on its environment by way of noise, light, odour or other disturbance.

Leicestershire County Council - Highways

Advise that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe.

Leicestershire County Council - Local Lead Flood Authority

Refers the Authority to Standing Advice.

Third Party Representations

One letter of neighbour representation has been received, raising objection on the following grounds:

- the claim within the Design and Access Statement that the building would be hardly visible due to vegetation is incorrect and the building would be visible from many locations in the surrounding area;
- the proposed development would add considerably to the built form on the application site, would further erode the openness on remainder of the site and diminish the amenity of the current grassland;
- there has been a noticeable intensification of vehicular activity at the site and this has led to an increase in mud on adjoining highways;
- the Design and Access Statement does not assess the external impacts of the expansion of the enterprise as a result of the development;

- the impacts of the proposal on the access is unclear and there is another gated access to the site which is not included in the application;
- insufficient information has been provided to assess the impacts of the proposal.

All responses from statutory consultees and third parties are available to view in full on the Council's website.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2021)

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

Paragraphs 8 and 10 (Achieving sustainable development);
Paragraphs 11 and 12 (Presumption in favour of sustainable development);
Paragraphs 38, 45 and 47 (Decision-making);
Paragraphs 55 and 56 (Planning conditions and obligations);
Paragraphs 84 and 85 (Supporting a prosperous rural economy)
Paragraphs 104, 105, 108 and 110 (Promoting sustainable transport);
Paragraphs 126, 127, 130, and 135 (Achieving well-designed places);
Paragraphs 174, 175, 176, 180 (Conserving and enhancing the natural environment); and
Paragraph 159, 167 (Meeting the challenge of climate change, flooding and coastal change).

Adopted North West Leicestershire Local Plan 2021

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
En1 - Nature Conservation
CC2 - Water - Flood Risk

Other Policies and Guidance

National Planning Practice Guidance.
Good Design for North West Leicestershire Supplementary Planning Document - April 2017.
Leicestershire Highways Design Guide.
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 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 (2021).

The site is located within Limits to Development within the countryside as defined by the Local Plan. Policy S3 of the Local Plan states that, amongst other things, development will be permitted that is essential for the long term operation of agriculture. The NPPF is also supportive of the sustainable growth and expansion of all types of business and enterprise in rural areas.

Policy S3 which states that development in accordance with criteria a-s would be supported, subject to satisfying criteria i-vi as set out below:

(i) The appearance and character of the landscape, including its historic character and features such as biodiversity, views, settlement pattern etc. are safeguarded and enhanced.

For the reasons discussed later in this report, it is considered that the appearance and character of the landscape would be safeguarded.

(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.

The site does not create or exacerbate ribbon development, nor undermine the physical or perceived separation between nearby settlements.

(iv) built development is well integrated with existing development and existing buildings. The proposal building would be well related to other existing buildings on the site.

and

(v) the development will not seriously undermine the vitality and viability of existing town and local centres.

Given the nature of the proposal, this criterion is not considered to be relevant.

(vi) the proposed development is accessible, or will be made accessible by a range of sustainable transport.

On the basis that the proposed works relate to proposals to a new farm building on an existing farm site and the proposal would enable the farming enterprise to operate from one rather than multiple sites, it is not considered that the development would lead to an increase in vehicular movements and does not need to be accessible by a range of sustainable transport.

Additionally, it is noted that 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.

On the basis of the above, the principle of the proposed development would be acceptable and the application would therefore accord with Policy S3 of the adopted Local Plan and the NPPF.

Design and Visual Impact

Concern has been raised by a local resident in respect of the visual impact of the proposal and the cumulative impact of the building alongside other buildings on the site on the rural environment.

The site lies to the rear of No.7 Moorlands which is a residential property connected with the agricultural use of the application site. The proposed building would be located approximately 70m from the public highway on the Moorland beyond existing agricultural buildings of a lower height. Land levels are general flat on and around the location of the proposed building. There is a dense, mature hedgerow along The Moorlands which along with the existing buildings on the site, would provide some screening for the building but given the height of the proposed building (7.5m to the ridge), the proposed buildings would be visible in medium views from the highway above the hedgerow and the existing buildings.

The road to Farm Town lies to the south of the wider site and the boundary with this highway is occupied by a belt of mature trees. The trees provide significant screening for the development site and would provide similar screening for the proposed building. However, it is noted that in the winter months the screening would be reduced as the trees are without leaves and glimpses of the building between the trees would be visible. The building would also be visible in distant views when travelling from Farm Town in an easterly direction along the lane where a gap in tall vegetation has been created by a field access and lower hedgerow boundary.

There are no public footpaths which cross the application site and therefore, public views of the proposals would be from the public highway and the building would be viewed in the context of other agricultural buildings of varying sizes that are present at the site, the largest being a storage building with concrete and green profiled sheeting to the elevations which is located to the north of the proposed building. This existing building measures 24.5m by 12.4m in floor area with eaves and ridges heights of 4.27m and 6.12m respectively. The proposed building would measure 48.9m by 15.4m in floor area with eaves and ridge heights of 5.2m and 7.5m respectively and would represent the largest building on the site.

Whilst the building would be visible within some open and more glimpsed views from public vantage points, the proposed building would be well related to existing buildings on the site and the position of the building would serve to enclose the area where buildings are currently sited to provide a farmyard area between the buildings. This arrangement currently doesn't exist as buildings face onto an open field. The proposed arrangement would create a clearer distinction between the built up part of the farm and the more open field areas of the farm.

The lower part of the building would be constructed of concrete panels with timber cladding above and fibre cement sheeting to the roof. The building would have the appearance of a typical agricultural building and would not appear out of keeping with other buildings on the site or within an agricultural landscape generally.

Overall, the proposed agricultural building would be visible in medium to long views but would when having regard to location of the building within the context of other farm buildings, the presence of some vegetation along the highway boundaries and the agricultural appearance of the building, it is considered that the building would not appear unduly prominent from surrounding views and would not be detrimental to the present rural character of the site or the

surrounding countryside. Therefore, subject to conditions in respect of external materials, the proposal is considered to be in accordance with Policies S3 (Criterion i) and D1 of the adopted Local Plan.

Highway Safety

The current access arrangements would remain unchanged and the proposal would not remove any parking available at the site. Additional information has been sought during the course of the application about vehicular movements to and from the site as a result of the proposed development. The applicant's agent has confirmed that there would be a net reduction in vehicle movements to and from the site (even with the applicant starting to rear his own pedigree sock bulls). This is due to the fact that currently the applicant has cattle at both the application site and a tenanted 3 acre site at the applicant's grandparent's smallholding, which he will soon be losing due to the smallholding being sold. The proposal would allow all cattle to be housed at the one location, where the applicant also runs a game rearing business and which is his main place of work.

The County Highways Authority has been consulted on the application and advises that the site is located on The Moorlands which is a classified C road subject to a 30mph speed limit and the proposed development would utilise the existing site access off The Moorlands to which no alternations are proposed.

The County Highways Authority advise that visibility is restricted at the site access in both directions; to the north by virtue of the location of the splay within neighbouring land and to the south by a boundary fence on land within the applicant's control. Whilst an intensification of the use of the access would raise highway concerns, the County Highways Authority note that the building would provide undercover housing for cattle that are already on the site and would reduce two-way traffic to and from the site due to the relocation of cattle on another site to the application site. On the basis of the above submitted information, the County Highways Authority conclude that the existing access arrangements can adequately accommodate the proposed development and the impacts on the road network would not be severe in the context of Paragraph 111 of the NPPF.

Overall, the highway safety aspects of the scheme are considered acceptable and the proposal is considered acceptable in relation adopted IF4 and IF7 of the adopted Local Plan and the NPPF.

Drainage and Flood risk

The site lies within Flood Zone 1 (which has the lowest risk of flooding) as defined on the Environment Agency's Surface Water Flood Maps. Furthermore, the building would be open on one side and partially open on two sides and therefore, flood water could occupy the space within the building in the unlikely event of a flood.

With regard to surface water management, the Local Lead Flood Authority have referred the Authority to Standing Advice. The application site is identified as being at low-high risk from surface water flooding. Whilst the majority of the building would be located in an area of low risk, part of the building would be in an area at high risk of surface water flooding. The building is likely to have a base that is not permeable but is fully open to ground level on one side and two sides are partially open to ground level and therefore, water could pass through the building. The building would occupy land which is a mixture of grass, loose aggregate and mud and therefore is currently permeable. The building would be at a distance from nearby

residential properties and there is surrounding land which is not subject to surface water flooding where surface water could disperse. The nearest neighbouring properties are not currently at risk of surface water flooding; with the areas of high risk areas being in the southern part of the site and the residential properties located to the north/north-east of the site. On this basis, it is considered that the new build would not deflect floodwater onto another person's property or raise flood levels by a significant amount locally.

Overall, it is not considered that the proposal would result in any increase in flood risk to the site or would not further exacerbate any localised flooding issue and accordingly the application is considered to accord with Local Plan policy Cc2 and paragraph 163 of the NPPF.

Ecology

The site would occupy land that is currently part of an open field although parts of the application site on which the building would be located is occupied by external storage (predominantly hay bales and loose aggregate). Much of the ground is disturbed by marks made by vehicular movements.

The County Ecologist has been consulted on the application and advises that there should be a minimum 5 metre buffer provided between the proposed building and the adjacent woodland which is a Local Wildlife Site and that there should be no lighting in addition to that already on the site, and there should be no light-spill onto the adjacent woodland. The proposed building would be located more than 5m from the adjacent woodland and no lighting is shown on the submitted drawings. Furthermore, lighting could be controlled by an appropriately worded condition.

The site and adjacent land provides a suitable habitat for badgers but the County Ecologist has no records of badger activity in the vicinity of the proposed development. The County Ecologist advises that the applicant must be made aware that badgers and their setts (tunnels and chambers where they live) are protected by law and this can be achieved through a note to applicant.

Whilst the mandatory requirement for 10 percent Biodiversity Net Gain has not yet been enacted through the Environment Bill (expected 2023), paragraph 180(d) of the NPPF sets out a requirement to minimise impacts on and provide net gains for biodiversity. In this case, whilst no calculations have been provided, as set out above the building would be sited on disturbed land or areas of loose aggregate which have low biodiversity value. The proposal is for an agricultural building which due to its open sided nature would provide opportunities for nesting birds which would provide a biodiversity net gain on-site. Overall, it is considered that the proposals would comply with the provisions of paragraph 180(d) of the NPPF.

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.

Conclusions

The principle of the development is acceptable. The proposal is not considered to have any significant detrimental impacts on the rural character of the locality, residential amenity, ecology, flood risk, and highway impacts. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the adopted Local Plan and the advice in the NPPF. Accordingly

the application is recommended for planning permission, subject to the imposition of planning conditions.

Erection of a small-scale office development (class E(g)) with associated highway access, car parking, and landscaping

**Report Item No
A2**

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

**Application Reference
22/00356/FUL**

**Grid Reference (E) 441135
Grid Reference (N) 317387**

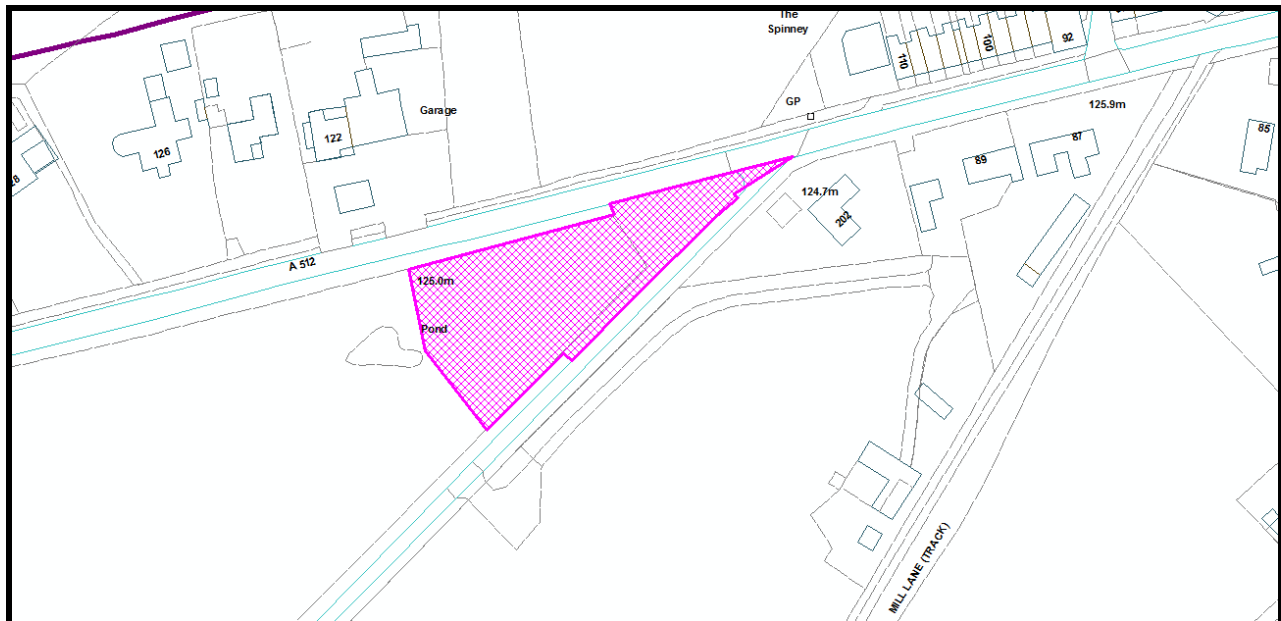
**Date Registered:
8 March 2022
Consultation Expiry:
24 June 2022
8 Week Date:
3 May 2022
Extension of Time:
7 October 2022**

**Applicant:
Mr Jonathan Golby**

**Case Officer:
Hannah Exley**

**Recommendation:
PERMIT**

Site Location - Plan for indicative purposes only



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The application is brought to Planning Committee at the request of Councillor Boam due to the proposed office use being in a countryside location where highway safety matters also raise concerns. A previous similar case was also determined by the Planning Committee.

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

1. Time limit
2. Approved plans
3. Materials
4. Tree protection
5. Hard/Soft Landscaping including off-site
6. Programme of archaeological work
7. Precautionary working/method statement for Great Crested Newts
8. Biodiversity Net Gain
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. Land levels
19. Removal of permitted development rights for conversion to dwelling/extensions to building

MAIN REPORT

1. Proposals and Background

Approval is sought for the erection of an office development (class E(g)) on 0.2 of a hectare 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 162.8m² (218.5m by 8.8m) and an internal floor area of 149m². The building would be located along the southern boundary of the site with a 4m 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 metal sheet roofing and double glazed window/door units which the elevations show to be finished in a grey colour.

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 be designed as a rain garden 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. The overarching strategy that has guided the development is a desire to respond to the setting and rural context of the site and to secure a landscape led approach towards developing the site. This stems from the applicant's business as a landscape architectural practice and inherent within the design of the scheme/a requirement for the development is having a site through which the applicant can showcase best practice in landscape restoration, exhibiting the benefits of historic hedgerow restoration, working SUDS facilities, meadow restoration, and orchard production. The application site and the adjacent land fulfils this requirement for the applicant's business.

In terms of sustainable technologies/building materials the applicant has advised that the company is committed to providing the following in the interest of making the scheme as sustainable as possible:

- 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 plus 20 percent;
- 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. 4no. electric car charging points and provision for electric bike charging;
- f. All timber will be sustainable 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 above specifications for the building are in excess of any planning policy requirement but reflect the fact that the proposed development is required by the applicant for their business and is not a speculative development with an unknown end-user.

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.

Planning History:

Members may recall that a similar application for office development at the site (20/01823/FUL) was reported to the 09 March 2021 meeting of the Planning Committee and was refused on the following ground:

Policy S3(k) of the adopted Local Plan (2017) allows for small-scale employment generating development. In the opinion of the Local Planning Authority, the proposal would not constitute a small-scale employment generating development and therefore, would not accord with Policy S3 of the Local Plan and would result in the unnecessary development of a greenfield site in the countryside without justification. Furthermore, the NPPF requires that Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. The proposed development is not considered to be a small-scale rural office or small-scale rural development (for which no sequential test is required) and therefore, in the absence of a sequential test, insufficient evidence exists to demonstrate that the proposal would not be harmful to the vitality and viability of existing town centres/primary shopping areas, contrary to provisions of the NPPF.

A copy of the previous officer report is attached as an appendix to the Agenda for Members information.

The main differences between the current proposal and that previously refused are as follows:

- The size of the building has been reduced from 189m² to 162.8m² (externally measured), from 160m² to 149m² (internally measured);
- Highway improvement works are proposed at the junction of Moor Lane and Loughborough Road (A512) to enable vehicles to turn left onto the road without crossing into the lane of oncoming traffic;
- Confirmation of the biodiversity enhancement measures and expected net gain potential for the site.

2. Publicity

15 neighbours notified.

Site Notice displayed 31 March 2022.

Press Notice published Derby Evening Telegraph 6 April 2022.

3. Summary of Consultations and Representations Received

The following summary of responses is provided.

Swannington Parish Council

Raise objection due to the site being outside the Limits of Development. However, in general terms the Parish Council does not object to the actual plan subject to the following conditions being imposed (as suggested by the applicant) as part of any planning permission granted:

1. Planting to be undertaken before the development commences;
2. Inclusion of a Grampian condition whereby the whole site is linked to other land in the ownership of the applicant;
3. Inclusion of a condition regarding future development at the site.

The Parish Council would like to understand what mitigation has been or will be put into the plans to meet the concerns raised by the Parish Council and local residents about the traffic issues? Does the later application meet highway requirements. Perhaps there is a way of working with the developer to improve the highway and safety issues on this site?

Coleorton Parish Council

Raise objection due to the site being outside the Limits to Development.

Leicestershire County Council – Highways

Has no objection subject to conditions and notes to applicant.

Leicestershire County Council – Ecology

Has no objection subject to conditions.

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 Economic Development

Advise that there are no comparable offices currently available on freehold within the district based on size of unit required.

NWLDC - Head of Environmental Protection

Advise that the proposed use would not negatively impact on its environment by way of noise, light, odour or other disturbance.

NWLDC Contaminated Land

No response has been received to the current proposal but in respect of planning application 20/01823/FUL advice was given that the development would have no environmental

observations subject to contaminated land conditions and these comments are considered to be equally applicable to the current proposal.

NWLDC - Tree Officer

Has no arboricultural objections to the proposal.

NWLDC - Conservation Officer

Identifies no harm to the setting of the nearby listed building.

NWLDC - Planning Policy

Advises that the proposal accords with Policy S3(k) and on this basis there is no policy objection to the application, subject to the development according with the site specific criteria (i) to (vi) of Policy.

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

Third Party Representations

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

Principle

- the site is outside the Limits to Development and the proposal would be contrary to the Local Plan policies;
- loss of a greenfield site;
- commercial development is out of keeping in this residential area;
- commercial development is not necessary in this location;
- the proposal would not constitute a small scale employment generating development and the business plans to expand;
- the site is unsustainable and users would visit the site by car;
- there are many options for a company of this type and size, in far more suitable locations, easily accessible by robust public transport links;
- Coleorton is not a sustainable village and no longer has a shop or Post Office;
- loss of open countryside;
- the application cannot be described as being located in the Coalville Growth Corridor, as it is not positioned along the A511;
- there is plenty of existing office space available within the local urban areas;
- more office space is not needed with more employees working from home.

Amenities

- harm to the openness of the rural landscape;
- harm to local amenity as Moor Lane connects people to a rural footpath network/woodland and is well used by walkers, dog walker, horse riders, families walking, children bike riding, joggers etc as an alternative to the busy A512;
- extended glazing within the building to provide high levels of natural light would not be sympathetic to a rural setting with the associated light pollution.

Highway Safety

- Moor Lane is a single track road with no footpaths or passing places and it is not suitable for increased traffic or larger vehicles;
- the junction of the Moor and the A512 is an accident blackspot with fatalities occurring;
- the proposed improvements to visibility at the junction of Moor Lane and the Loughborough Road are irrelevant, as visitors and staff will turn right out of the site access and choose the traffic free short cut along Moor Lane to The Moorlands, rather than using the busy A512,
- increased commercial traffic along Moor Lane will increase the risk of accidents along Moor Lane;
- increased use of the A512 where accidents have occurred in the past;
- local bus services have been reduced in recent years and therefore the employees are likely to travel to the site by car;
- conflict between the additional vehicles and pedestrians, cyclists and horse riders using Moor Lane;
- the Road Safety Audit is inadequate due to being undertaken outside of peak times;
- in the absence of cycle parking or shower facilities within the building, cycling to work would not be an option.

Flood Risk

- the site is prone to waterlogging/flooding and puddles develop across the full width of Moor Lane close to the junction with the A512.;
- additional hard surfaces would produce additional run-off and exacerbate flooding of Moor Lane and adjacent land.

Heritage Assets

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

Trees/Ecology

- the junction improvements works will affect the viability of mature protected trees by altering their access to rainfall through the addition of impervious road surface material;
- loss of habitat.

Other

- undesirable precedent for other commercial activities to access the lane in the future;
- the site is within Coleorton, not Swannington and should be publicised accordingly;
- nothing has changed of any consequence since the previous application;
- the benefits of the proposal are far outweighed by the conflict with policy and damage to local amenities and the greenfield site and the application should be refused;
- despite the building and highway changes proposed, the previous reason for refusal for the previous application has not been satisfactorily addressed.

All responses from statutory consultees and third parties are available to view in full on the Council's website.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2021)

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

Paragraphs 8, 11 and 12 (Achieving sustainable development);
 Paragraphs 47, 55, 56 and 57 (Decision-making);
 Paragraph 55, 56 (Planning conditions and obligations);
 Paragraphs 81, 83 and 84 (Building a strong, competitive economy);
 Paragraphs 105, 107, 108, 109, 110, 111, 112 and 113 (Promoting sustainable transport);
 Paragraphs 119, 120 and 124 (Making effective use of land);
 Paragraphs 124, 127, 128, 129 and 130 (Achieving well-designed places);
 Paragraphs 174, 175, 176, 180 (Conserving and enhancing the natural environment);
 Paragraph 183 (Ground conditions and pollution);
 Paragraphs 197 and 199-202 (Conserving and enhancing the historic environment);
 Paragraph 159, 167 (Meeting the challenge of climate change, flooding and coastal change).

Adopted North West Leicestershire Local Plan (2021)

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
 CC2 - Water - Flood Risk
 CC3 - Water - Sustainable Drainage Systems

Other Policies/Guidance

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

5. Assessment

In accordance with the provision of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, includes the adopted Local Plan (2021).

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.

As set out in the background section of this report, planning permission (20/01823/FUL) has previously been refused for a similar development on the ground that the proposal would not constitute a small-scale employment generating development and therefore, would not accord with Policy S3 of the Local Plan and would result in the unnecessary development of a greenfield site in the countryside without justification. Furthermore, as the development was deemed to be more than a small-scale development, in the absence of a sequential test, it was also concluded that insufficient evidence had been provided to demonstrate that the proposal would not be harmful to the vitality and viability of existing town centres/primary shopping areas.

Therefore, key to the determination of this application is whether the revised proposal qualifies as a 'small-scale' employment generating development for the purposes of Policy S3(k).

In this case, the applicant is a firm of Landscape Architects (Golby and 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, the housing developer. The applicant advises that this was only ever a short term option as the landlord Davidson Ltd continues to rapidly expand and need the office space that they currently occupy. As a result, the applicant needs to relocate the company to purpose built offices on the application site. Since the previous application was refused, the company has opened up a small office in York with two members of staff due to their inability to expand in the current premises. Rather than taking the business elsewhere, the company would prefer to expand the business within the District of North West Leicestershire (where they have existing business contacts and a source of new staff through apprenticeship schemes at Stephenson's College).

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. The official labour market statistics published by Nomis (on behalf of the Office of National Statistics) sets out categories for different size businesses. The 'small-scale' category as determined by Nomis includes firms employing between 10-49 people and the micro-business category includes firms which employ fewer than 10 people. In this case, the business currently employs 6 professional staff which is within the micro-business category. If the business were to expand up to 12 employees in the future, as indicated in the supporting statement, this would take the business into the small-scale category.

With respect to the size of the building itself, this will be single storey and will provide 149sqm of new office floorspace (internally measured). It is noted that the size of the building has been reduced since the previously refused proposal which was 160sqm (internally measured).

To provide some context to these figures, the start-up workspace study prepared for the Local Plan Review 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. For planning purposes, the definition of major development is additional

floorspace of 1,000sqm or more, or a site of 1 hectare or more. This proposal, at 149sqm (internally measured) on a site of 0.2Ha is substantially below this threshold.

Whilst the adopted Local Plan for North West Leicestershire does not define small-scale rural offices/development, the supporting information with the application notes that the adopted Local Plans for neighbouring authorities do define small scale rural offices. Policy DM21 of the adopted Local Plan for Hinckley and Bosworth Local Plan defines small-scale rural offices as being development of no more than 1,000 square metres on a single site with no individual premises exceeding 200 square metres. Similarly, Policy CS9 of the Charnwood Local Plan 2011-2028 Core Strategy sets out provisions for planning decisions relating to town centres and shops. This policy is clear that the impact of town centre uses in other locations (rural beyond Loughborough and the defined district centres) should only be assessed for proposals that exceed 200sqm.

Whilst the policies of other Authorities are not relevant to the determination of this application, in the absence of a defined threshold within Policy S3(k), it is useful to have an awareness of how small-scale rural office/development is being interpreted by other Local Planning Authorities. The proposed development with a footprint of 162.8m² (externally measured) and 149m² (internally measured) would constitute a small-scale office development under the threshold used by the identified neighbouring authorities.

Taking the above factors in the round including the reduced size of the building and the number of existing and expected employees, it is considered that a reasonable judgement is that the proposed development would be 'small scale' for the purposes of applying the policy.

Criterion (k) also requires 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 up to 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. Since the refusal of the previous application, the applicant has advised that the company has had to seek expansion opportunities outside of the District with a new office having been created in York to serve the northern client base. The creation of the new office in York has arisen due to the inability of the company to expand in the current premises in Ibstock. Overall, it is considered that the development would generate employment within the District and, therefore, would accord with this requirement of Policy S3(k).

Additionally, it is noted that 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. In such circumstances, the NPPF identifies that 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). As set out in the highway, design and amenity considerations below in this report, the proposal is considered acceptable in respect of these matters and accordingly would comply with the provisions of the

NPPF. The comments made by the objectors in terms of the sustainability of the site are addressed in a later paragraph towards the end of this heading.

Usually, office developments (as town centre uses) would be subject to a sequential test to see if there are any more sustainable sites available within defined centres. It was on this ground that planning permission was previously refused due to the absence of such an sequential assessment. The revised application is not accompanied any assessment of more sustainable sites. However, paragraph 89 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. As set out above, it is considered that the revised proposal would qualify as small-scale rural office development. Therefore, it is not considered that a sequential approach should be applied to this proposal and nor is it considered that it would be reasonable to request a sequential assessment, when having regard to the content of the NPPF.

In addition to the above, comments have been received from local residents about the need for additional office development in this location. In this regard, 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. Planning Policy Team have been consulted on the application and have provided the following information:

The position at April 2021 compared with the requirements in the HEDNA (Housing and Economic Development Needs Assessment) is set out below (taken from Table 11 in the 2020/21 Authority Monitoring Report):

	Offices	Industry	Smaller B8	TOTAL
Requirements 2011-2031 (not including B8) 44.7	3.3	16.8	64.8	
Completions 2011-2021	9.7	5.5	9.9	25.0
Under construction 31.03.21	0.4	0.3	0.0	0.7
Allocated	5.3	5.3	5.3	15.9
With permission (31.03.21)	8.9	13.4	15.4	37.8
Residual requirement up to 2031	20.4	-21.2	-13.8	-14.6

There is an outstanding need for some 20.4Ha of 'office' development within the District. The proposal, if granted, would make a modest contribution to this requirement for office development.

Updated evidence of employment land requirements has been prepared for the Local Plan Review. The North West Leicestershire: The Need for Employment Land (November 2020) study has been prepared by the firm Stantec (the Stantec study). It provides an assessment of the future need for office, industrial and smaller distribution land/floorspace for the period to 2039.

The following information is adapted from Table 7 the Local Plan Review: Development Strategy Options and Policy Options (Regulation 18) consultation document published in January 2022 and shows the residual requirement for additional 'office floorspace' at 31 March 2021 compared with the Stantec requirements:

A	Stantec Requirement (2017 - 39)	57,000sqm
B	Losses allowance (2023 - 39)	2,400sqm

C	Flexibility Margin	11,285sqm
D	Total Requirement (A+B+C)	70,685sqm
E	Net completions (2017 - 2021)	12,784sqm
F	Net permissions at 31/03/2021	23,986sqm
G	Allocation (Money Hill)	31,980sqm
H	Total Supply (E+F+G)	68,750sqm
	Residual requirement(+)/surplus(-)	
	(2021-39) H-D	1,935sqm

Based on this information, the Local Plan Review would need to allocate new sites sufficient for up to 1,935sqm of 'office floorspace'.

Planning Policy officers consider the Stantec study to be a robust piece of work prepared by competent, knowledgeable consultants. It has not yet been subject to third party scrutiny through the Local Plan Review Examination process, and therefore, very little weight can be attributed to it in the determination of planning applications. The table above also includes additional allowances for flexibility and the future losses of employment land to other uses and these could change as the Local Plan Review advances. Whilst the amounts may change, it is considered that the assumption that there will be a need for additional office floorspace up to 2039 is a reasonable one.

To summarise, there is currently an identified shortfall of land for office development within the District amounting to 20.4ha and evidence suggests that there will be a need to allocate new sites of sufficient size to enable the provision of 1,935sqm of office floorspace within the District. The Economic Development and Regeneration team have been consulted twice on the application (in both May and September 2022) and have advised on both occasions that they have reviewed the current availability of office space in the District circa 149sqm and have found that there are no comparable offices currently available on freehold based on size of unit required. To rent there is some managed workspace provision with space to rent but nothing comparable for a single occupation premises as required by the applicant.

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;
- (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 Class E(g)

employment land within the District and that the plan doesn't limit Class E(g) light industrial/office uses to town centre locations. Furthermore, as a small-scale business there is not requirement for a sequential approach towards the location of the development. 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, as previously discussed, is supportive of a more flexible approach to considering sustainability for employment uses in rural areas.

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. 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). As is explained in the 'Design and Impact on Heritage' section of this report, the development is considered acceptable in terms of the impacts on the character and appearance of the surrounding rural landscape (as required by criteria S3(i)).

To summarise, the development would be small-scale, it would be employment generating and would accord with the requirements of adopted Local Plan Policy S3(k) and criteria (i)-(vi). As a small-scale rural development, the proposal would not trigger a requirement for a sequential test and the development would comply with the provisions of the NPPF in this regard. Additionally, there is currently a shortfall of office development within the District and the development would make a small contribution to this deficit whilst allowing an existing business to grow and expand within the District. Subject to all other matters being addressed, the development is considered acceptable in principle.

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 development 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 building and how it 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. The Conservation Officer identifies no harm to the setting of the listed building.

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.

It is noted that in considering the previous application (20/01823/FUL), that the design and appearance of the building within the rural landscape and the setting of the listed building were found to be acceptable and the current proposal is for a smaller building of similar design.

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 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.

It is noted that in considering the previous application (20/01823/FUL), that the archaeological implications of the development were found to be acceptable and the current proposal is for a development of similar layout. Overall, subject to conditions, it is considered that the proposal would accord with the provisions of paragraphs 194-195 and 200 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 at 40m to the east of the site and No. 122 Loughborough Road at 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. Furthermore, given the low-key office nature of the proposed use, it is not considered necessary to restrict opening hours for the development.

It is noted that in considering the previous application (20/01823/FUL), that the impact of the development on residential amenities was found to be acceptable and the current proposal is for a development of similar layout and reduced scale. 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 residents and Swannington 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 current proposal is different to that previously received in that the footprint of the building has been reduced from 160m² to 149m² (internally measured) and that the applicant has put forward a junction improvement scheme in respect of the Moor Lane and A512 Loughborough Road junction to address concerns raised by local residents. The junction improvements proposed include the widening of the junction and provision of a 5m radii on the western side of the junction. This would allow vehicles to turn left out of the junction onto the A512 without needing to stray into the opposite lane of oncoming traffic travelling along the A512 in an easterly direction. Swept path analysis has been provided to demonstrate that the re-alignment of the junction would achieve this.

It is noted that in considering the previous application (20/01823/FUL), that the impact of the development on highway safety was found to be acceptable and the current proposal is for a development of similar layout and reduced scale. It must also be noted, that the County Highways Authority have advised that the proposed mitigation works are not necessary to make the development acceptable from a highway safety perspective and these have only been proposed by the applicant to appease both Parish Council and local resident concerns with the scheme.

With regard to the proposed development, 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 have been two recorded Personal Injury Collision (PIC) within 500m of the site within the last five years and current year to date. The first PIC occurred in 2021 at the junction of A512 Loughborough Road and Church Hill and was recorded as 'slight' in severity. The second PIC occurred in 2022 at the junction of Zion Hill and Nottingham Road 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 in 2018. The County Highways Authority have given consideration to the circumstances of each of the above incidents and do not consider that there is any evidence to suggest 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. In considering the previous application, the County Highways Authority did 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 noted that any potential future intensification of use of the site could have a detrimental impact, therefore, advised that the use of the site should be restricted by condition. The County Highways Authority maintains this viewpoint in respect of the current proposal.

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 satisfactory visibility splays can be achieved in both directions. As outlined above, an 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, sufficient 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, subject to conditions, the highway safety aspects of the scheme are acceptable and the impact of development traffic on the road network would not be severe in the context of Paragraph 111 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.

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 80m³ 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 (40 cubic metres). 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.

It is noted that in considering the previous application (20/01823/FUL), that the impact of the development on flood risk was found to be acceptable and the current proposal is for a development of similar layout and reduced scale with the same drainage strategy.

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

In respect of on-site ecology, 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 Newt (GCN). The application submission was accompanied by an Extended Phase 1 Habitat Survey (dated September 2021) which is considered satisfactory by the County Ecologist. The report identifies that the potential for GCN's is low on the majority of the site which is overgrazed grassland of low quality but GCN could be present within drainage ditches around the field boundaries. Therefore, precautionary working practices around the site margins to protect amphibians would be required. It is also recommended that as part of landscaping works, biodiversity enhancements should be incorporated and such landscaping proposals have been incorporated in the layout.

Whilst the mandatory requirement for 10 percent Biodiversity Net Gain (BNG) has not yet been enacted through the Environment Bill (expected 2023), paragraph 180(d) of the NPPF sets out a requirement to minimise impacts on and provide net gains for biodiversity. In this case, the applicant advises that central to this proposal has been the aim of providing a resource for best practice. The development would secure in excess of 10 percent (approximately 30 percent) on-site BNG provision within the red line application site area. The biodiversity calculations undertaken have been verified by the County Ecologist and the on-site proposals would comply with and exceed the provisions of paragraph 180(d) of the NPPF.

In addition to the above, the end user of the development would be a landscape architectural practice and the application site and the landscaping of the adjacent land owned by the applicant would allow the company the opportunity to showcase 'best practice' for landscape restoration, exhibiting the benefits of historic hedgerow restoration, working SUDS facilities (both open and below ground), meadow restoration, and orchard production. The applicant is willing to provide the additional landscape restoration works to the adjacent land in the ownership of the applicant prior to the occupation of the building to improve the appearance of the wider landscape. It is also the applicant's intention to use this land to form a BNG bank site through the creation of wildflower meadows on which BNG would be secured for 30 years. The wildflower meadows would be provided following the purchase of biodiversity credits; the BNG bank being a scheme for providing off-site BNG for other developments which are unable to secure BNG on site). Calculations undertaken and verified by the County Ecologist show that the suggested landscape works would secure an approximately 1300 percent increase in biodiversity on the wider field on top of the 30 percent that would be secured within the development site.

The applicant also has a BNG bank site at the other end of Moor Lane that they have committed to securing Biodiversity Net Gain on over the next 30 years. Whilst this is not related to the current proposal, it demonstrates the commitment of the company to biodiversity enhancement in the locality. The company are also working across the County in the delivery of BNG habitat banks, with sites identified in Blaby, Charnwood, Harborough, Rutland and Hinkley & Bosworth and NWLDC, and are in discussions with the National Forest Company about delivering BNG habitat banks on their land. The proposed landscape/biodiversity enhancement works on the adjoining land would be integral to the operations of the landscape practice that seek to occupy the proposed building.

In respect of the impact of the development on trees, the 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. With the exception of the junction improvement works, all the remainder of the development falls outside the root protection area of the protected trees.

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 tree and hedgerow planting within the site and land to the west of the site that is in the applicant's ownership. Within the latter area, landscaping is proposed including the reinforcement of existing hedgerows, reinstatement of historic hedgerow 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.

As set out above, the junction improvement works would affect existing trees and therefore, a tree survey accompanied the application submission. The Council's Tree Officer advises that the additional proposed highway improvement works for the A512/Moor Lane junction will require the removal of two of the smaller trees from the existing group. Neither of these trees (an oak and multi-stem ash) are included within the TPO which was made to protect four mature oaks and a horse chestnut. The Council's tree Officer has visited the site and does not consider that the removal of the two trees would result in any significant loss of amenity, noting that the resulting minor loss of tree cover will be more than adequately mitigated through the proposed new tree planting as shown in the proposed layout for the development.

Overall, the proposal would give rise to significant ecological enhancements and habitat creation on this site. Subject to conditions to secure the required precautionary working practices, biodiversity net gain and tree protection during construction, the proposal would accord with Policies En1 and En3 of the adopted Local Plan the aims of Paragraphs 174-175/180 of the NPPF and Circular 06/05.

Other

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.

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.

APPENDIX 1

Previous committee report from 9th March 2021 for new office development on land at Moor Lane and A512, Coleorton – to be read in connection with Item A2

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 189m² (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 80m³ 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

Change of use to a shop (Use Class E) and associated works

Report Item No
A3

Former Castle Donington Library, Delven Lane, Castle
Donington, Derby, DE74 2LJ

Application Reference
21/01615/FUL

Grid Reference (E) 444570
Grid Reference (N) 327159

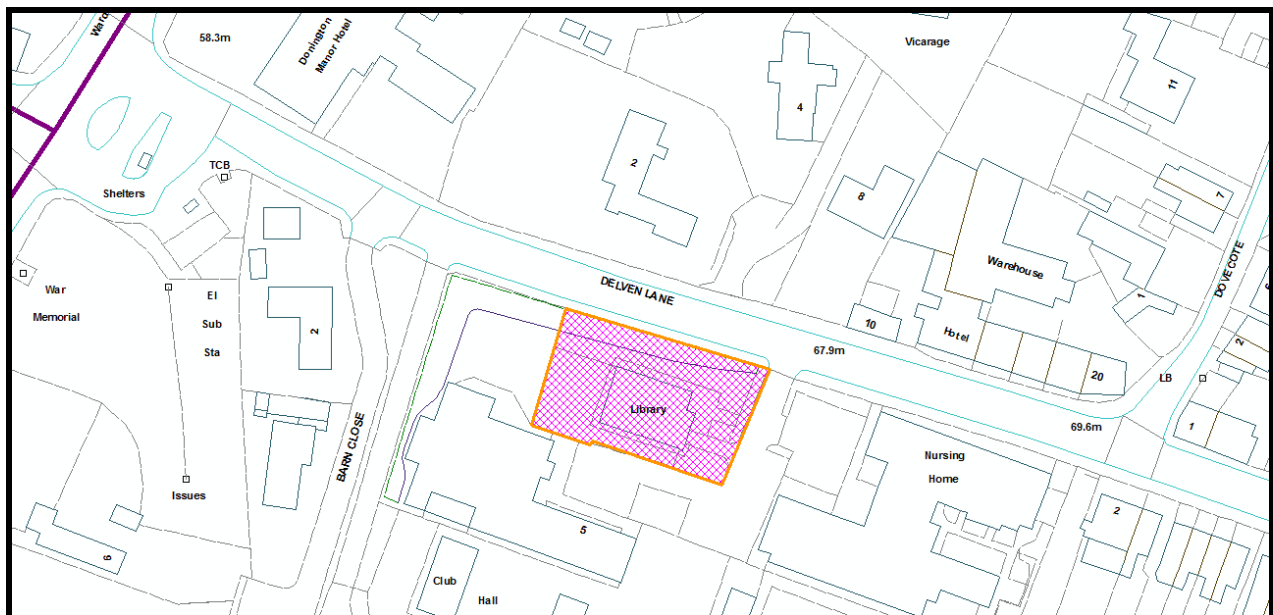
Date Registered:
13 October 2021
Consultation Expiry:
14 February 2022
8 Week Date:
8 December 2021
Extension of Time:
None Agreed

Applicant:
Liluben Odedra

Case Officer:
Jen Wallis

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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The application is brought to Planning Committee at the request of Councillor Saffell due to the proposed retail use being outside the designated Village Centre and the allocation of Convenience Stores already up to the maximum allowed in Castle Donington, so this site is not required. Also due to concerns on visual impact and access for emergency vehicles.

RECOMMENDATION - PERMIT, subject to the following conditions:

- 1 - time period
- 2 - approved plans
- 3 - opening hours
- 4 - parking
- 5 - cycle parking
- 6 - delivery Management Scheme
- 7 - use class restriction
- 8 - delivery hours
- 9 - colour of box and roller shutters
- 10- Retention of existing trees on site

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the retrospective change of use of the former Castle Donington Library (Use Class F1 - Learning and non-residential institutions of the Town and Country Planning (Use Classes) Order 1987 (as amended)) on the south side of Delven Lane in Castle Donington into a retail shop (Class E - Commercial, business and service). Immediately to the south lies the Dovecote Veterinary Hospital. This shares a vehicular access with the library off Delven Lane, as well as Castle Donington Care Home and Castle Donington Bowls Club.

The site is located within the Limits to Development of Castle Donington, as defined by the Policy Map to the adopted North West Leicestershire Local Plan and has been operating as a Spar store for approximately a year.

A separate application for advertisement consent for adverts that have been installed on the building, is also currently under consideration (Planning Application Ref: 21/02028/ADV).

Precise measurements of the proposal are available to view on the submitted plans.

Planning History

All previous planning history is related to its former use as a Public Library (Use Class F1) and not relevant to the current proposal.

21/02028/ADV Installation of various non-illuminated signage - Pending Consideration

2. Publicity

26 neighbours notified.

Press Notice published Derby Evening Telegraph 27 October 2021.

3. Summary of Consultations and Representations Received

Castle Donington Parish Council

Has raised concerns about the proposal relating to

- Applicant has knowingly been operating the store without the necessary consents
- Need - there is no need for an additional retail store in the locality
- Sequential Test - although one has been carried out there is still considered to be no need.
- Highways - insufficient parking, unsuitable access for delivery vehicles, high level of congestion, danger to pedestrians. A covenant restricts the number of parking spaces to 1 space.
- Loss of Trees - two trees were removed from the forecourt of this building unlawfully being in the conservation area - what enforcement action will the Council be taking?

North West Leicestershire DC Policy Team

Request a Sequential Test including a Walkover of the Town Centre to establish the availability or otherwise of suitable premises.

Leicestershire County Council Highway Authority

Consider that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe.

Appropriate conditions recommended.

North West Leicestershire District Council's Environmental Protection Team

No objections to make on the granting of this planning permission. The proposed use would not negatively impact on its environment by way of noise, light, odour or other disturbance.

Ward Member

Councillor Saffell, objects to the proposal on the grounds that the retail use is outside the designated Village Centre and allocation of Convenience Stores is already up to the specified maximum and as such, there is no need for this site. There should be no Roller Shutter Doors in the Conservation Area. Also concerned that this use in this location is not practical because the traffic generated particularly that of delivery lorries severely restricts access for emergency vehicles (Ambulances) to both The Nursing Home and the Vets Hospital

Third Party Representations

Four letters of neighbour representation have been received raising concern on the following grounds:

- The SPAR outlet already now displays considerably more advertising & signage than has been applied for (wall mounted banners, Pop up 'A-frame' boards and bright red cardboard barricades) - these are unstable, move around in high winds and look unsightly in the conservation area
- Two trees have been removed from the foreground of the building. These were relatively small specimens and were considered to be more ornamental. These two mature trees have been ripped out unlawfully and for the sole purpose of adding car parking space
- This Developer has ploughed on regardless of what appears to be a toothless Planning & Control process. Please can you provide some re-assurance that the planning and legal issues that arise from this behaviour are being addressed
- Access - Already busy with the driveway serving a Vets, Residential Care Home, and the Bowls Club. Traffic regularly queues from the traffic lights on the main road all the way up the hill past the Nursing Home on Delven Lane. Very large numbers of school children walk past to and from St Edward's Primary School and Castle Donington College. Since the shop has opened, parking at the entrance to the site has become heavily congested and dangerous
- Parking - inadequate parking provision for the shop and delivery vehicles often block Delven Lane and the access to the Vets and Nursing Home, park inconsiderately on the pavement as well as parking on our land - Parish Council is applying for double yellow lines on Delven Lane as a result.
- Impact on Conservation Area
- On the balance of a low level of need for the proposed convenience store and the

increased pedestrian and safety risks that this application presents it should be rejected.

A separate objection has been submitted by JLL on behalf of Dovecote Veterinary Hospital raising the following concerns:

- Transport and highway impacts of the development - the shop generates significant trip numbers/deliveries that the area is unable to accommodate. The unauthorised use of the library as a shop is exacerbating an already strained parking situation and leading to the unacceptable use of neighbouring occupiers car parking and turning areas
- Parking - very limited detail has been provided with concern to parking in the original proposal and the proposal may fall below the adopted parking standards.
- Access - no operational parking provided for deliveries and no scope on the site to accommodate it. As a result, the delivery vehicles block road traffic, and the capability to access the other occupiers. Specifically, the vehicles are blocking access to the veterinary hospital which deals with a wide range of emergencies. Additionally, not only do emergency patients need to access the site, but also vital deliveries of oxygen gas cylinders and other sensitive apparatus.
- Impact on the Castle Donington Conservation Area - the application has no regard for its proximity to the Conservation Area and appears to have no consideration for minimising impact on heritage - the advertisements are considered to be inappropriate to the area context and would have a detrimental impact on visual amenity.
- Loss of a Community Facility - Local Plan Policy IF2 states that the loss of such services will be resisted unless an appropriate alternative is provided, or there is demonstrable evidence that the facility is no longer required and/or viable and that suitable alternative community uses have been considered.

4. Relevant Planning Policy

National Planning Policy Framework (2021)

The following sections of the NPPF are considered relevant to the determination of this application:

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 7 - Ensuring the vitality of town centres
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
Section 14 - Conserving and enhancing the historic environment

Adopted North West Leicestershire Local Plan (2021)

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:

S2 - Settlement Hierarchy
D1 - Design of new development
D2 - Amenity
IF4 - Transport Infrastructure and new development
IF7 - Parking provision and new development
EC8 - Town Centres: Hierarchy and Management of Development
EC9 - Town and Local centres: Thresholds for Impact Assessments

EN1 - Nature Conservation
EN6 - Land and Air Quality

Other Policies and Guidance

National Planning Practice Guidance.
Planning (Listed Buildings and Conservation Areas) Act 1990
Leicestershire Highway Design Guidance.
Good Design for North West Leicestershire SPD - April 2017.

5. Assessment

Principle of Development

The site is located within the defined Limits to Development for Castle Donington, a Key Service Centre. However, it is located outside of the defined Castle Donington Local Centre. The site is therefore considered to be an out of centre location for main town centre purposes.

National Policy

Paragraph 87 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge-of-centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out-of-centres sites be considered.

Paragraph 88 of the NPPF states that when considering edge-of-centre and out-of-centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge-of-centre sites are fully explored.

The NPPF also provides a definition of an Edge of Centre Site: For retail purposes, this is a location that is well connected to, and up to 300 metres from, the primary shopping area.

The Planning Practice Guidance states that it is not necessary to demonstrate that a potential town centre or edge-of-centre site can precisely accommodate the scale and form of development being proposed, rather to consider what contribution more central sites are able to make individually to accommodate the proposal.

Planning Practice Guidance (Paragraph: 010 Reference ID: 2b-010-20190722, revised 22/7/19) specifically mentions that the suitability, accessibility, availability, and viability of locations should all be considered.

Planning Practice Guidance (Paragraph: 011 Reference ID: 2b-011-20190722, revised 22/7/19) requires that consideration be given to flexibility in the format and/or scale of the proposal.

Paragraph 90 of the NPPF also states that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default

threshold is 2,500m² of gross floorspace).

Local Plan

Policy EC8 'Town Centres: Hierarchy and Management of Development' of the Local Plan states that proposals for retail and other main town centre uses will be expected to be located within town and local centres. Development outside of the defined town and local centres will only be permitted if it can be demonstrated that a sequential approach has been followed which favours sites in a defined centre, then edge-of-centre and then out-of-centre. New retail and town centre uses should be of a scale appropriate to the role, function and character of the settlement and not undermine the balance of hierarchy.

Policy EC9: 'Town and Local centres: Thresholds for Impact Assessments' of the Local Plan indicates that an assessment will be needed for retail, leisure and office development that are over 500 sqm where they are outside Castle Donington's defined Local Centre.

North West Leicester Planning Policy Team has provided the following comments on the planning submission and how it addresses the above policies:

Policy EC9: Town and Local Centres: Thresholds for Impact Assessment of the local Plan identifies the threshold of 500 sqm gross for retail and leisure development outside of Castle Donington. This proposal falls below this threshold and as such an impact assessment is not required.

Sequential Test

The site is located approximately 60m from the edge of the defined Castle Donington Local Centre Boundary and therefore is considered an Edge of Centre site given that it is located within 300m from the town centre boundary (although it will be suggested that consideration also be given to the accessibility of the site). Given the edge-of-centre location of the proposal site, any application proposal must be supported by an assessment of sequentially preferable sites, firstly looking at sites within the town centre.

As a general summary, the submitted sequential test provides the following:

- *A walkover of the town centre (undertaken on behalf of the applicants although the date is unknown) has been carried out of Castle Donington and did not identify any vacant ground floor level premises although it notes that there may be units available at upper floor levels. However no physical advertisements were visible.*
- *Local agents and websites were then assessed to ascertain if any town centre premises were available for retail. (e.g. Right Move, Property Link, Zoopla, Prime Location, Boxpod and Move Hut). A property was found, but details of the actual address were not provided but it related to a takeaway which was being sold as an ongoing business including premises. The size of the unit is significantly smaller than the application building and this has been discounted as the sale relates to the premise and business and is a takeaway and not a retail unit. No other premises were found to be available for retail use within the town centre.*
- *No other premises were found to be available at ground floor level. It is acknowledged that some upper floors maybe available but a retail function requires a ground floor premises.*
- *The Assessment also suggest that the town centre is tightly drawn with limited development opportunities. Combining this with low vacancy rates and that there are quite a number of residential premises within the local centre, this limits the opportunities for finding premises within the defined centre.*

- *Therefore, as no premises exist within the town centre, the sequential approach moves onto edge of centre. Although the site is beyond the town centre boundary, it is adjacent to the boundary, being a matter of a few seconds walk from the site into the town centre designation. Therefore, the site occupies an edge of town centre site which is sequentially the next most preferable for commercial uses. The site therefore occupies a sustainable location, on the edge of the town centre which can be accessed just as easily using non-car modes of transport as sites within the town centre.*

The Council's Planning Policy Team has raised some concerns about the conclusions of the submitted Sequential Test. These are set out below:

A survey of premises was undertaken in June/July 2021 by Council officers and a number of vacant premises at ground floor level were observed. This is different to the results of the survey undertaken on behalf of the applicants although the date of their survey is unknown. However, it is appreciated that this information is only correct at a point in time and circumstances will change. It is therefore suggested that it be advisable for the case officer to undertake a walkover of the local centre themselves, so that they have an up to date picture regards vacant properties. A search, using local agents, identified no premises as being available within the Castle Donington Local Centre.

However, it is also suggested that consideration is also given to the sustainability of the site and its relationship/linkages with the defined local centre. There is no direct pedestrian access from the site to the defined local centre, walking routes to get to the local centre would most likely follow Dovecote/Apiary Gate or Delven Lane/High Street. Therefore, there is conflict with the advice in the PPG regarding accessibility of edge of centre sites to the town centre concerned. This may impact on use of non-car modes when accessing the site from the local centre and consideration will need to be given to whether it is unlikely that people using the town centre would then walk to this shop.

A further survey of premises was then undertaken in July 2022 by Council Officers and a number of vacant premises at ground floor level were observed. These included the following premises:

- 28 Borough Street - this appeared to be empty at the time of the survey but is a very small unit and therefore unsuitable for the use.
- 7 Market Street (Former Vape Vibes) - this appeared to be empty at the time of the survey but is a very small unit and therefore unsuitable for the use.
- Former HSBC Bank, 13 Market Street - this appeared to be empty at the time of the survey and is of a more significant size with a ground floor measuring around 90sq.m. plus some small narrower rear additions, totalling around 65 sq.m.

Therefore, as the existing shop premises measures 190sq.m, none of the above vacant units would fully meet the current requirements, although the former HSBC Bank is the closest to this if some flexibility (i.e. reduction in products sold/internal layout etc) in the shop format is made. Whilst this store is closest in size, it would be 35 sq.m smaller than the SPAR premises and would not meet their current retail requirements and under national retail policy requirements, the HSBC building has to be dismissed as a potentially preferable sequential site

Turning to the issue of sustainability and location of the proposed store, the main entrance is located some 60 meters from the boundary of the Local Centre Boundary, identified in the Castle Donington Inset in the adopted Local Plan, and close to the main town bus stops at the junction of Delven Lane and High Street. Whilst, NWLDC's Planning Policy Team have raised

concerns about connectivity, the core of the town centre (the start of Borough Street) is only 300m away and there is a choice of routes via either Delven Lane /High St or via Dovecote/Apiary Gate to get there on foot. Both routes have footpaths on either side of the routes for their whole length. Therefore, the site is accessible to the town centre for residents to make linked trips.

Conversely, the floorspace of the building - 190 sq.m (Gross)/ 136 sq.m total net sales floorspace is somewhat small and the store performs more of a local shopping function (e.g. where people stop to and from their way home to collect basic items), rather than a town/village centre function. Indeed, there appears to be a large footfall of pedestrian traffic along Delven Way to and from the nearby schools, who may use this facility when travelling to and from these schools. In addition, Delven Way serves two quite large housing estate, Hallam Fields/Stonehill and Eastway/Moira Drive, and this road forms the main access to them. People travelling by bus and alighting at the Delven Lane/High Street bus stops will also walk along Delven Way and past the store on their way to and from home. This store provides a local function serving the area immediately surrounding it and is not a store or facility which would attract visitors from further afield or detract from town centre uses.

An objection has been raised by the Ward Councillor that the capacity for retail in Castle Donington would be exceeded by the proposed store. There have been two retail capacity reports commissioned by the Local Authority, in 2019 and an update report in 2020. In the 2019 report no convenience goods development was identified for Castle Donington. However, the update report in 2020, which took into account revised population forecasts and expenditure forecasts, found that there was some requirement for additional convenience space in Castle Donington. The requirement set out in the report is as follows:

- By 2021 356sqm gross
- By 2026 441sqm gross
- By 2031 511 sqm gross
- By 2036 578 sqm gross

This report states that by 2021 there is a need for 356sqm floor area of convenience space in Castle Donington. As this proposed store has a gross floor area of 190sqm it contributes towards the identified convenience retail need in Castle Donington as identified in the 2020 Retail Capacity Report

As the site is outside of the defined centre it is subject to the sequential test, which as outlined above, the sequential test has been satisfied and there are no alternative/suitable units for a store of this size within the town centre. Therefore, it has been identified that there is a need for this size of convenience store within Castle Donington and there are no suitable units within the town centre.

Although this proposal does not fully comply with guidance in Policy EC9, the store unit of 190 sq.m is well below the threshold for an Impact Assessment on Castle Donington Town Centre and due to its size, performs more of a function of a local shop rather than a retail unit that will be in direct competition with the town centre retail functions. Therefore, on balance, for the reasons set out above the continuation of the use of this building as a retail store is considered to be acceptable.

In addition, the proposal will result in the loss of a Community Facility Local Plan. Policy IF2 relates to community and cultural facilities and states that the loss of such services will be resisted unless an appropriate alternative is provided, or there is demonstrable evidence that

the facility is no longer required and/or viable and that suitable alternative community uses have been considered. In this instance, the library was closed by its former owner Leicestershire County Council who provides the statutory library service for the County and the site sold and an alternative library facility was provided on Bondgate. On this basis the proposal is considered to comply with Policy IF2 as an appropriate alternative was provided to serve the area

As such, when balancing the issues set out above, the principle of development is considered to be acceptable in relation to Policy EC8, subject to all other planning matters being addressed.

Design and Appearance

The existing building comprises the former Castle Donington library building, which is located on the south side of Delven Lane.

The site lies within part of the Castle Donington Conservation Area, although the building itself being of a 1960s flat roofed utilitarian design, does not make a positive contribution to the character or appearance of the conservation area. It is the setting around the building, which is characterised by grass with semi-mature cherry trees or similar that make the more positive contribution to the areas character and setting.

No changes to the existing building design will result from this proposal, apart from the installation of new adverts to the fascia of the building on the elevation facing Delven Lane and the elevation facing the access road that runs in front of the main entrance to the building and these are the subject of a separate advertisement consent application which is also currently being considered. The only changes are the creation of a widened block paved parking area in front of the building entrance, which was created following the removal of two cherry trees on the building frontage.

The building is located within part of Castle Donington Conservation Area. The proposed development must therefore be considered against section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

The previous adverts and overall design of the library was more restrained in nature, following a 'Leicestershire County Council' corporate theme, demonstrated by the use of green painted fascias around the top of the building and predominantly white/green coloured signage. The fascia has now been painted white and the fascia signs installed mainly to the upper fascia of the building on part of the elevation facing Delven Lane and the elevation facing the access road that runs in front of the main entrance to the building. The changes made reflect the Spar corporate branding and other than the advertisements that have been installed on the premises, (which are subject to a separate advertisement consent application where their impact are considered separately) little has changed to its exterior.

The main exterior change (other than the advertisements referred to above) involves the introduction of an enlarged block paved parking area, in front of the building entrance. The removal of the two trees to create these spaces was unfortunate, and their loss has opened up views of the frontage of the former library building. However, this building and the car parking spaces will still be partially screened and framed by the remaining trees that surround the site and are therefore not visually prominent when viewed from public areas, particularly from Delven Lane. The block paved parking spaces also match the design of other similar parking areas that have been created in front of the residential home opposite and the Dovecote

Veterinary Hospital further along the access road.

Above the main entrance is a boxed roller shutter. Whilst a roller shutter is not visually attractive it would not be highly prominent on this building due to its siting which is screened from the public highway by landscape features and would not be out of character on this relatively modern addition in the Conservation Area. The building itself is a flat roof former county library and it does not contribute positively to the character and appearance of the Conservation Area and it is not similar in terms of its design or impact to any buildings within the old part of the Conservation Area. Therefore, the roller shutter is not considered to be harmful in this location to the Conservation Area and a condition can be imposed to ensure that the roller shutters and boxing are painted green, to tie into the colour scheme of the existing building to minimise the impact of the roller shutters even more

The proposal has been discussed with the Conservation Officer who has raised no objection to the proposal.

Overall, it is considered that the proposal would result in a neutral impact on the character and appearance of the conservation area, given the presence of the surrounding trees, thus maintaining the character of the conservation area.

Taking the above into account, it considered that the scheme is appropriate and would comply with the NPPF, Policies D1 and HE1 of the adopted Local Plan and the Planning (Listed Buildings and Conservation Area) Act 1990.

Impact upon Residential Amenity

Environmental Protection has raised no objections to the granting of this planning permission. The proposed use would not negatively impact on its environment by way of noise, light, odour or other disturbance.

However, to prevent possible problems early in the morning or late into the evening, given the proximity to residential properties, a condition to restrict the hours of opening from 07:00 to 22:00 daily is suggested. The hours of delivery can also be controlled and restricted via means of a condition.

Therefore, in respect of amenity the proposed scheme is considered to be acceptable in relation to Policies D2 of the adopted Local Plan.

Highway Considerations

The concerns of local residents and the Parish Council relating to highway safety and parking problems in the locality is recognised.

The Highways Team at Leicestershire County Council were consulted on this scheme, and they haven't raised any objections to it. However, as specific concerns were raised by the Parish Council and local residents, the case officer decided to reconsult with Highways to discuss their thoughts on these specific concerns which included the safety of the access, general highway safety generated by the development in the surrounding area and the impact of the use on the surrounding businesses who share the internal access road into the site. The Highway Authority have considered the above concerns and are satisfied that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other

developments, the impacts on the road network would not be severe.

The above highway assessment indicates that the proposal is considered to be acceptable on highway safety and parking grounds and they continue to be supportive of this scheme.

To try to address issues relating to deliveries, a condition requiring a Delivery Management Scheme to be drawn up and submitted to the Council for approval is suggested. This will ensure that deliveries are timed to avoid busy times and that smaller delivery vehicles are used where possible.

To encourage more sustainable means of transport to the shop, a condition will be applied requiring that 2 no. cycle hoops are provided on the shop forecourt.

Matters in relation to vehicles badly parked and not allowing access for other users of other premises who share the access road are not matters that can be considered or controlled under planning legislation.

Therefore, in respect of highway safety the proposed scheme is considered to be acceptable in relation to Policies IF4 and IF7 of the adopted Local Plan.

Comments on Consultation Responses

Objectors have made reference to the presence of a covenant preventing no more than 1 parking space being provided at the former library building, and request that this is now enforced.

Covenants are applied under Land and Property Law and need to be enforced by the owner of the Covenant should they decide to do so and the Council has no powers in its enforcement. This is a totally separate piece of legislation that is outside planning law and is not a material planning consideration that would carry any weight in this, or any other decision made by the Council on Planning matters

It is regrettable that the two trees on the frontage were removed to create the enlarged parking area, and the use of the shop commenced before planning permission was granted. The planning recommendation is based solely on a consideration of policies in the development plan plus any relevant material planning conditions and is not influenced by previous events. In response to a comment made by an objector, whilst the applicant removed the trees without firstly seeking consent from the Council, their loss is considered as part of this scheme and should planning permission be granted, it would not be appropriate to seek to prosecute the applicant for their removal.

The Ward Councillor has also commented that he has spotted that the most recent site plan as submitted by the applicant is missing a further tree which already exists on site and he has questioned if this means that the tree is to be removed, and if it was this would not be acceptable as it would cause harm to the visual appearance of the surrounding area which is designated as a Conservation Area. The case officer has subsequently checked this point with the applicant who has confirmed that this was an error in the plans, and a new site plan has been submitted showing the tree as being retained on site. It is further considered that due to the fact that two trees have already been removed on site, that a condition is imposed to retain the other existing trees on site in the interest of the visual amenity of the area. Should the applicant wish to remove any tree in the future, he would have to apply to the Council for planning permission to do so and as such there would be control over any loss.

Conclusion

The principle of the development is acceptable. The proposal is not considered to have any significant detrimental design, residential amenity, heritage assets or highway impacts. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the adopted Local Plan, the Design SPD and the advice in the NPPF and other national planning policy. It is therefore recommended that the application be permitted.

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