

Employment development for uses B1 (c), B2 and B8 (outline with details of part access included)

Report Item No
A1

Land East Of Regs Way Coalville Leicestershire LE67 1GH

Application Reference
18/01890/OUTM

Grid Reference (E) 444908

Grid Reference (N) 312433

Date Registered:

12 October 2018

Consultation Expiry:

15 November 2018

8 Week Date:

11 January 2019

Extension of Time:

13 March 2019

Applicant:

Joanne Neville

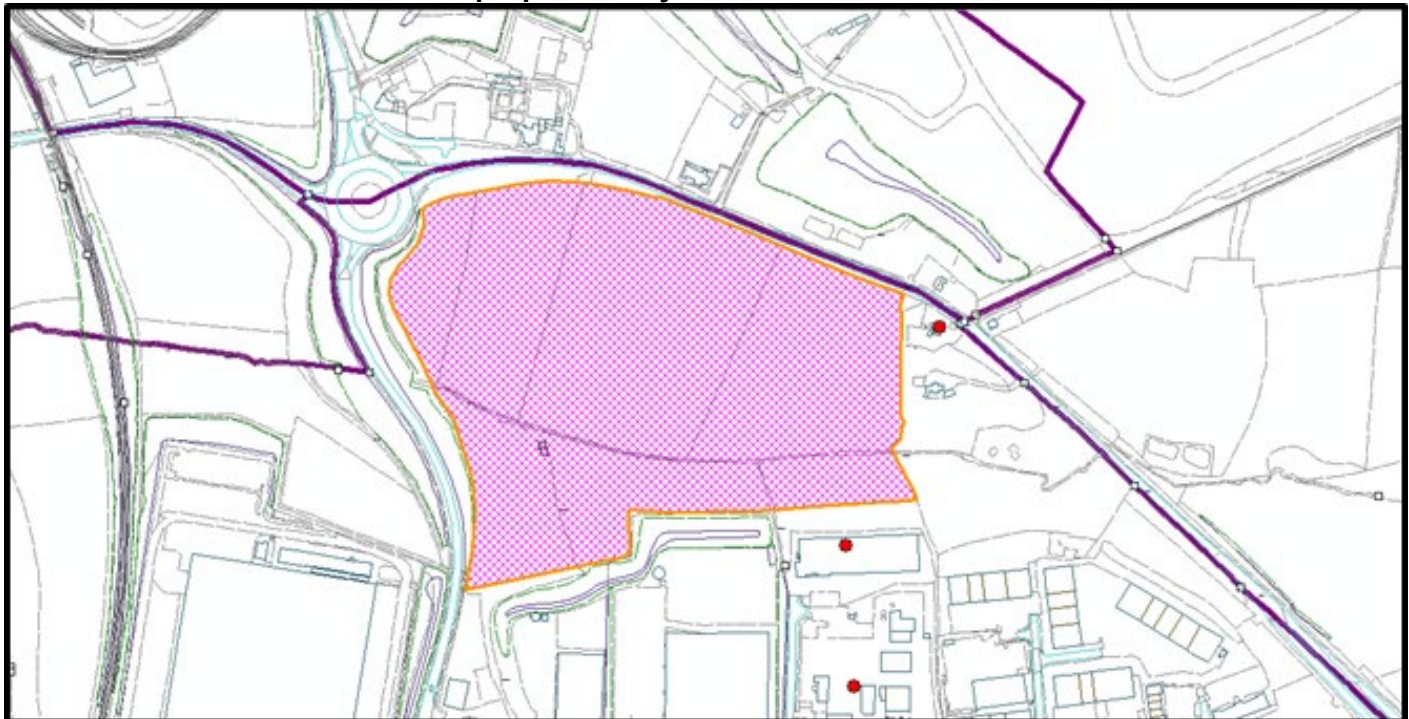
Case Officer:

Adam Mellor

Recommendation:

PERMIT subject to S106 Agreement

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application is called in to the Planning Committee by Councillor Merrie on the basis that the application site is outside the defined Limits to Development, is not included in land allocated for employment purposes, highway safety concerns, ecology concerns, flood risk concerns and adverse impacts to the setting of a heritage asset.

Proposal

Outline planning permission with means of part access for approval is sought for an employment development for B1(c), B2 and B8 uses on land to the east of Regs Way, Coalville.

Consultations

Objections have been received from third parties. No objections have been received from statutory consultees who have responded during the consultation process with a revised response from the Lead Local Flood Authority awaited.

Planning Policy

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

Conclusion

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

- The principle of the development and need for employment land;
- Landscape and visual impacts;
- The impact on heritage assets;
- Highway safety;
- Ecology; and
- Drainage and flood risk.

The report below looks at these details, and Officers conclude that the details are satisfactory. The proposals meet the requirements of relevant NWLDC policies, including the adopted Good Design for North West Leicestershire SPD, and the NPPF (2019).

RECOMMENDATION - PERMIT, SUBJECT TO A LEGAL AGREEMENT AND CONDITIONS AND NO OBJECTIONS BEING RAISED BY THE LEAD LOCAL FLOOD AUTHORITY.

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

MAIN REPORT

1. Proposals and Background

Outline planning permission is sought for an employment development for uses within the B1(c), B2 and B8 use classes with means of part access for approval at land to the east of Regs Way, Coalville. The 15.59 hectare site, developable area of 11.15 hectares, is situated to the east of Regs Way and south of Bardon Road (A511) and is outside the defined Limits to Development. At present the land is utilised for agricultural purposes with Bardon Hill Quarry being set to the north of the site and industrial premises on the Bardon Industrial Estate being set to the south, the Grade II listed St Peter's Church is also set to immediate north of the site on the opposite side of Bardon Road (A511).

Amendments have been made to the scheme as originally submitted, following the receipt of relevant consultees responses, and it is proposed that vehicular access into the site would be achieved via the provision of a new 'left-in left-out' T junction onto Bardon Road (A511).

Although the layout is not for approval at this stage, that which has been submitted demonstrates how six units could be provided on the site with such units having a combined floor space of 33,119 square metres. It is outlined that the units would be utilised for purposes within use classes B1(c) (business - light industrial), B2 (general industrial) or B8 (storage or distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

The application is accompanied by a planning statement, design and access statement, design guidance document, economic impact assessment, heritage statement, landscape and visual appraisal, transport assessment, travel plan, flood risk assessment and sustainable drainage strategy, hydraulic modelling technical note, noise assessment, air quality assessment, ecological appraisal, arboricultural assessment, phase 1 geo-environmental assessment and phase 2 geo-environmental assessment. Throughout the course of the application additional documents have been received to address consultee responses and reconsultation has been undertaken on these documents.

No recent or relevant planning history was found.

2. Publicity

12 Neighbours have been notified.
Site Notice displayed 31 October 2018.
Press Notice published Leicester Mercury 31 October 2018.

3. Summary of Consultations and Representations Received

The following summary of representations is provided.

No Objections from;

Highways England.
Leicestershire County Council - Archaeology.
Natural England.
NWLDC - Conservation Officer.
NWLDC - Environmental Protection.

NWLDC - Planning Policy.

No Objections, subject to condition(s) from;

Environment Agency.

Leicestershire County Council - Ecology.

Leicestershire County Council - Highways Authority.

National Forest Company.

Third Party Representations

Two third party representations have been received objecting to the application with the comments raised summarised as follows:

Principle of Development

- The application site is outside the defined Limits to Development and there is no requirement for such development given the amount of land already allocated for such uses.

Air Pollution

- The proposed development will add to air pollution when combined with the existing commercial premises in the area.

Residential Amenity

- Proposed scale of development will impact adversely on residential amenities.

Highway Safety

- New access onto Bardon Road (A511) will compromise highway safety given the volume of vehicular movements on the highway, speed of vehicles and accident record.
- Provision of parking within the site to serve the church at the weekend would be beneficial.
- Damage is done to vehicles parked outside the church

Heritage and Visual Impacts

- Development will impact adversely on historic buildings in the area and alter the character of the area given the land is utilised for agriculture.
- A contribution should be made to provide toilet facilities within the church to offset the harm to the heritage asset.

Others

- Inadequate public consultation has been undertaken on the application.
- Construction of cycle path/footpath has resulted in flooding issues at the church.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2019)

The following sections 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);
Paragraph 34 (Development contributions);
Paragraphs 38, 39, 40, 41, 42, 44 and 47 (Decision-making);
Paragraphs 54, 55, 56 and 57 (Planning conditions and obligations);
Paragraphs 80, 81 and 82 (Building a strong, competitive economy);
Paragraphs 92 and 98 (Promoting healthy and safe communities);
Paragraphs 105, 106, 108, 109, 110 and 111 (Promoting sustainable transport);
Paragraphs 122 and 123 (Making effective use of land);
Paragraphs 124, 126, 127 and 130 (Achieving well-designed places);
Paragraph 142 (Protecting green belt land - the National Forest);
Paragraphs 155, 163 and 165 (Meeting the challenge of climate change, flooding and coastal change);
Paragraphs 170, 175, 178, 179 and 180 (Conserving and enhancing the natural environment);
and
Paragraphs 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 of the NPPF and should be afforded full weight in the determination of this application:

Policy S1 - Future Housing and Economic Development Needs;
Policy S2 - Settlement Hierarchy;
Policy D1 - Design of New Development;
Policy D2 - Amenity;
Policy Ec2 - New Employment Sites;
Policy IF4 - Transport Infrastructure and New Development;
Policy IF7 - Parking Provision and New Development;
Policy En1 - Nature Conservation;
Policy En2 - River Mease Special Area of Conservation;
Policy En3 - The National Forest;
Policy En6 - Land and Air Quality;
Policy He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment;
Policy Cc2 - Water - Flood Risk; and
Policy Cc3 - Water - Sustainable Drainage Systems.

Other Policies

National Planning Practice Guidance.

Good Design for North West Leicestershire Supplementary Planning Document - April 2017.

Leicestershire Highways Design Guide (Leicestershire County Council).

Planning (Listed Buildings and Conservation Areas) Act 1990 - Section 66.

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System).

5. Assessment

Principle of Development 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 application is in outline form but the illustrative masterplan submitted in support of the application outlined that six industrial units for employment purposes (B1(c), B2 and B8 uses) would be provided. The application site lies outside the defined Limits to Development as defined by the Policies Map to the adopted Local Plan.

Policy S3 outlines the types of development deemed acceptable outside the defined Limits to Development which includes *"employment land in accordance with the provisions of Policy Ec2"* (criterion (s)). It would also be necessary to comply with criteria (i) to (vi) of Policy S3.

Policy Ec2 of the adopted Local Plan states the following:

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

- (a) Being accessible or will be made accessible by a choice of means of transport, including sustainable transport modes, as a consequence of planning permission being granted for the development; and*
- (b) Having good access to the strategic highway network (M1, M42/A42 and A50) and an acceptable impact on the capacity of that network, including any junctions, and*
- (c) Not being detrimental to the amenities of any nearby residential properties or the wider environment."*

Policy S1 of the adopted Local Plan required a review of the adopted Local Plan to commence within 3 months of adoption, which is now underway, with one of the key reasons for a review being the fact that there is a shortfall of 29 hectares of employment land supply (B1, B2 and small scale B8) within the adopted Local Plan when compared with the Housing and Economic Development Needs Assessment (HEDNA). It is important to note, however, that this need identified small scale B8 (under 9000 square metres) and not strategic B8 (over 9000 square metres).

It is considered that the key phrase of Policy Ec2 is *"where evidence indicates an immediate need or demand"* and as part of the consideration of the application an Employment Land Analysis has been provided by the applicant to demonstrate compliance with Policy Ec2.

The Employment Land Analysis identifies that the current demand for B1c, B2 and small scale B8 within the District is 10.5 hectares and it is considered that only two sites are realistically

available for such uses which are a site at Bardon Road, Coalville (granted under application reference 18/01764/FULM) which approved 4.4 hectares of B2/B8 development and land to the rear of the Charnwood Arms, Beveridge Lane, Bardon which has permission for 1.14 hectares of B1c/B2 and small scale B8 development. On the basis of this analysis any business looking for new build premises within the District for B1c/B2 and small scale B8 uses currently has limited options.

If these two available sites are subtracted from the 10.5 hectares immediate demand, this gives a total immediate unmet demand of 4.96 hectares. Using a standard plot ratio of 40%, this equates to an immediate unmet demand of 19,840 square metres.

The developable site area is 11.15 hectares with the proposed floor spaces of the units totalling 33,119 square metres which would be less than what would be expected for a site of this size albeit it is acknowledged that the site constraints have limited the overall size of units which could be provided.

Although the proposed floor space would exceed the figure of 'immediate demand' outlined within the Employment Land Analysis it has, nevertheless, been demonstrated that there is an immediate demand with the approach used for the analysis being robust and credible. As such the proposal would help to deal with an existing shortfall although as the application is an outline application it would be important to ensure that any B8 unit provided is of a size which is less than 9000 square metres given that the demand is for 'small scale' B8 and not 'strategic' B8 development. A condition would be imposed on any permission granted to ensure that this is the case.

On the basis that a 'immediate demand' for employment land has been demonstrated within the area it is considered appropriate to judge the application against criteria (a) to (c) of Part (2) of Policy Ec2.

In terms of criteria (a) of Part (2) of Policy Ec2 it is considered that the close proximity of the site to the Coalville Urban Area, it's positioning on a main route towards Coalville (Bardon Road (A511)) and the accessibility of the site via public transport would ensure compliance with this criteria. Compliance with criteria (a) of Policy Ec2 also ensures compliance with criteria (vi) of Policy S3 of the adopted Local Plan which has similar requirements.

The positioning and accessibility of the site on Bardon Road (A511) also ensures that the site has good access to the strategic highway network given that the A511 has direct links to the M1 and A42/M42. As the County Highways Authority (CHA) or Highways England (HE) have no objections to the application, as outlined in the 'Accessibility' section of this report below, the development will also have an acceptable impact on the capacity of the highway network. On this basis compliance with criteria (b) of Part (2) of Policy Ec2 is ensured.

With regards to criteria (c) of Part (2) of Policy Ec2 an assessment of the impacts of the development on residential amenity and the wider environment are undertaken within the '*Residential Amenity*' and '*Impact Upon The Visual Landscape*' sections of this report below where it is concluded that such impacts would not be significantly adverse. On this basis the proposal complies with criteria (c) of Part (2) of Policy Ec2.

In terms of wider economic and social benefits of the scheme, Paragraph 80 of the NPPF states that "*significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development.*" Paragraph 81 indicates that planning policies should be "*flexible enough to accommodate*

needs not anticipated in the plan" (criteria (d)).

It is considered that the proposal represents a capital investment in the local area of Coalville with the site being within a sustainable location due to its close proximity to the urban area of Coalville, as well as the Bardon Industrial Estate. As such it is in accordance with the NPPF which seeks to focus development in locations which are sustainable and Policy S2 of the adopted Local Plan which states that the Principal Town, which comprises the Coalville Urban Area, will take more growth than those lower down the settlement hierarchy.

Socially, as well as economically, the development would contribute to the provision of new jobs in the locality, within the construction and operational phases, with such employment opportunities being well related to areas of residential growth within the immediate area (including development off Bardon Road and within the South East Coalville expansion)

With regard to the environmental role, the site is identified as countryside in the adopted Local Plan and the proposal would result in development on a greenfield site. However, the adopted Local Plan has identified a shortfall of land for employment purposes and, as such, it is inevitable that there will be a need for greenfield sites to be released to meet future needs. It is also the case, as outlined above, that Policy S3 of the adopted Local Plan does not preclude employment development being brought forward on greenfield sites should a 'demand' be demonstrated. Further issues in respect of the environmental objective of sustainability are considered in more detail within the relevant sections below.

On balance the conflict with the environmental objective, in this instance, would be outweighed by the positive social and economic aspects of the development and consequently it would be acceptable in principle and would accord with the aims of Policies S2, S3 and Ec2 of the adopted Local Plan and the guidance within the NPPF.

Other issues associated with the development are assessed in more detail in the relevant sections of this report below.

Loss of Agricultural Land

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

Information which accompanies the application does not detail the agricultural quality of the application site but on the basis of the ALC map for the East Midlands Region it would likely be within Grade 3 (Good to Moderate), however the ALC map does not specify whether the Grade 3 land falls within 3a (BMV) or 3b (not BMV) classification.

Whilst the NPPF does not suggest that the release of smaller BMV sites is acceptable, the magnitude of loss of agricultural land is considered to be low where less than 20 hectares of BMV would be lost. Given that the developable site area (11.15 hectares) would fall below this threshold it is considered that a reason to refuse the application in the context of criteria (b) of

Paragraph 170 of the NPPF could not be substantiated. It could also be argued, from an economic perspective, that the land would be more valuable for employment purposes than its current agricultural use.

Impact Upon The Visual Landscape

As discussed earlier in this report the application site in policy terms lies outside the Limits to Development, and is therefore within an area designated as countryside.

Criteria (i) of Policy S3 of the adopted Local Plan outlines that development will be supported where the appearance and character of the landscape is safeguarded and enhanced.

Paragraph 170 of the NPPF outlines that planning decisions should protect and enhance valued landscapes (criteria (a)) as well as recognise the intrinsic character and beauty of the countryside (criteria (b)).

For clarity, Landscape and Visual Impacts will be considered separately below.

Landscape Impacts

Landscape impacts are the effects of a proposed development on the fabric, character and quality of the landscape and is concerned with the degree to which the proposed commercial development will become a significant or defining characteristic of the landscape.

A Landscape and Visual Appraisal (LVA) has been submitted in support of the application and in terms of the visual envelope for the site this is broadly defined as follows:

"To the north, views are limited by the combination of layers of vegetation between the site and Bardon Road heading north, the slight rise and fall in topography at the traffic island and the infrastructure associated with the quarry at Bardon Hill;

To the east, the visual envelope is restricted by the existing built form at Forest House and its surrounding vegetation and the fall in topography;

To the south, views are limited by the existing, industrial edge of Bardon Industrial Estate; and

To the west, some mid-distance views are available but restricted by the combination of Upper Grange Farm and layers of vegetation."

As undeveloped agricultural land the provision of the development will have an urbanising impact on the landscape. Although this is the case due regard has to be given to whether such an impact would be significantly adverse to the landscape character of the area in the context of the location of the development and whether such impact could be mitigated.

The site lies immediately to the north of the Bardon Industrial Estate, which comprises numerous large and medium sized industrial and commercial premises with associated transport infrastructure, with St Peter's Church and The Birch Tree Public House being located to the north of the site on the opposite side of Bardon Road (A511). Bardon Quarry, which forms a prominent feature in the landscape and comprises numerous industrial buildings and quarrying equipment, an extensive quarry void and an internal road network, sits beyond the church to the north with residential properties at the edge of the settlement of Coalville being set to the north-west. Permission also exists for the creation of employment development on land off Bardon Road (application reference 18/01764/FULM), set to the north-west of the application

site, which will effectively fill the gap between the Bardon Quarry Mineral railway line and the Shell petrol station. To the immediate west the emerging South East Coalville expansion is being undertaken on land beyond the Leicester to Burton railway line. With regards to the east two residential properties (Forest Lodge and Forest House) lie adjacent to the site boundary with Bardon Road (A511) segregating the site from the wider agricultural fields set to the north-east.

Within the site hedgerows, currently defining field boundaries, would be lost to facilitate the development but the majority of vegetation to the outer boundaries of the site could be retained with the only exception being hedgerows around where the vehicular access onto Bardon Road would be formed. Vegetation within the Bardon 22 Grassland Local Wildlife Site (LWS) to the south of the River Sence would also be retained.

As part of the development it is also proposed that additional landscaped areas would be created throughout the site in the form of buffer planting, green corridors, woodland blocks and tree belt planting with the reduction in the existing land levels seeking to 'sink' the development into the site so as to reduce its overall impact.

Given that the application is in outline form with only part access for approval, the precise details of the appearance and scale of buildings to be created on the site, the finished site levels and landscape strategy are not for approval but it is considered that at the reserved matters stage, should outline permission be granted, it could be ensured that the impacts to the landscape are adequately mitigated.

Overall, and in the context of the environment in which the development would be set which comprises significant urban influences, it is considered that any impacts to character of the landscape would be localised and subsequently it would not be sufficiently harmed so as to refuse the application in this respect.

Visual Impacts

Visual impacts concerns the degree to which the proposed development will become a feature in particular views and the impact this has upon the people experiencing these views. The LVA submitted in support of the application includes an assessment of visual effects.

Photographs from eight representative viewpoints are included within the LVA with these eight locations being as follows:

- 1) View from Bardon Road opposite Forest House, looking west;
- 2) View from Bardon Road at the north-eastern corner of the site, looking south-west;
- 3) View from Bardon Road adjacent to St Peter's Church, looking south-west;
- 4) View from public footpath to the north of Bardon Road near Bardon House, looking south;
- 5) View from the northern edge of the traffic island at Bardon Road and Regs Way, looking south-east;
- 6) View from Grange Road, at the entrance to Louella Stud, looking east;
- 7) View from public footpath at Upper Grange Farm, looking east;
- 8) View from Regs Way, looking north-east.

With regards to the experiences from these viewpoints it is considered that from the west (viewpoints nos. 6 and 7) existing industrial premises within the Bardon Industrial Estate and off Grange Road are visible along with the infrastructure within Bardon Quarry.

From the north (viewpoints no. 4) Bardon House is visible with partial views of industrial premises at the Bardon Industrial Estate also being visible. The Public Right of Way (PROW) N59 from where these views are gained is substantially enclosed by vegetation.

In terms of the north-east (viewpoints 2 and 3) it is shown that the quality of the northern boundary hedgerow varies and as such filtered and partial views can be established across the site from Bardon Road as well as St Peter's Church. Whilst this viewpoint demonstrates the open nature of the application site the upper elements of larger industrial premises within the Bardon Industrial Estate are clearly visible along with pylons.

From the east (viewpoint 1) Forest House is prominent with only a limited view of an existing industrial unit on the Bardon Industrial Estate. The existing vegetation to the Bardon Road boundary is shown to be dense and well established which restricts the views.

With regards to the north-west (viewpoint 5) existing industrial units at the Bardon Industrial Estate are visible along with the urban influences associated with the Birch Tree Roundabout. The difference in topography between the transport corridor at this point and the Bardon Industrial Estate are clearly demonstrated.

In terms of the south-west (viewpoint 8) St Peter's Church is clearly visible as is the wooded extent of Bardon Hill in the distance. Forest Lodge is also visible with views of the existing industrial units on the Bardon Industrial Estate being heavily filtered by the presence of vegetation. The topography of the application site is also visible.

As a result of the development the experiences at these viewpoints will alter but it is important to determine whether such changes are significantly adverse.

In terms of viewpoints 6 and 7 it is considered that the development would be viewed in association with existing industrial premises within the Bardon Industrial Estate with the land from which these views are provided also falling within the South East Coalville expansion site. Consequently over time the visibility of the development will reduce given the introduction of further urban influences. On this basis there would be no adverse impacts to the established views.

With regards to viewpoint 4 it is considered that limited views of the proposed development would be established from a partial section of PROW N59 given the extent of vegetation enclosing the PROW. In any event existing buildings at the Bardon Industrial Estate are visible in such views and consequently no adverse impacts to the established view would arise.

Within viewpoints 2 and 3 it is considered that although the development would become more 'pronounced' in views, given the proximity of the development to Bardon Road, urban influences within the landscape persist (including the upper areas of units at the Bardon Industrial Estate) and subject to the 'sinking' of the development into the ground and provision of an appropriate landscaping strategy it is considered that the impacts to the established view would not be significantly adverse.

As is the case above the development would be 'pronounced' in viewpoint 5 but the clear urban influences associated with the road infrastructure and signage at the Birch Tree roundabout and buildings at the Bardon Industrial Estate ensure that the existing view would not be adversely affected.

Whilst views from viewpoint 1, as experienced from Bardon Road, would not be adversely impacted on due to the presence of the established roadside landscaping the view from within the residential garden of Forest House, as well as Forest Lodge, would be altered. In views from the gardens of these properties development at Bardon Industrial Estate is visible, however urbanisation of the application site would bring industrial development closer to these residential properties. As is outlined above the topography of the land would be altered to lower the visible height of the buildings with the illustrative masterplan suggesting the provision of tree planting in close proximity to what would become a shared boundary with Forest House and Forest Lodge. In the context that existing views from the residential gardens of Forest House and Forest Lodge experience urban influences, with the South East Coalville expansion adding additional urban influences to such a view, it is considered that, subject to suitable mitigation, such a view would not be adversely impacted on.

It is considered that viewpoint 8 would be the most sensitive view given that significant urban influences are not present in such a view although the ability to view a wider open landscape is significantly reduced by the presence of mature trees with only Bardon Hill being a prominent feature in the wider landscape. As is outlined in the *'Impact on the Historic Environment'* section of this report below it is possible that a view of St Peter's Church and Bardon Hill from Regs Way could be framed by ensuring that buildings are positioned outside this 'vista' and that landscaping is introduced to 'frame' this view and ensure that it is maintained. Such mitigation would be secured when the layout and landscaping is submitted for consideration as part of a reserved matters, should outline consent be granted. As a consequence any adverse impacts to this view could be mitigated to an extent which would not justify a refusal of the application.

Summary - Impact upon the Visual Landscape

It is considered that the lack of statutory landscape designations on or around the site is significant in assessing the level of harm arising from the proposal. As such, although it is acknowledged that the land in question is currently undeveloped and there would be some change to the landscape character of the site, this is considered to not be significant and would be localised. On this basis the landscape could accommodate the development without its character being significantly harmed.

Visually the development would be viewed in connection with other significant urban influences within the landscape and any impact would be localised as a result of the mitigation proposed which would include a comprehensive landscaping strategy and alterations to the topography in order to 'sink' the buildings into the ground. Consequently people's experience of views towards features of interest within the landscape would not be significantly compromised.

On this basis the proposal accords with criterion (i) of Part (2) of Policy S3 of the adopted Local Plan as well as Policy D1 of the adopted Local Plan and Paragraphs 124 and 127 of the NPPF.

Impact on the Historic Environment

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority when considering whether or not to grant planning permission for development which affects a listed building, or its setting, to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest that the building may possess. Such an approach is also supported by Paragraphs 192, 193, 194, 196 and 200 of the NPPF.

In terms of heritage assets the application site lies to the south of St Peter's Church which is Grade II listed. Therefore the impact of the development on the fabric and setting of this

heritage asset should be given special regard by the 1990 Act.

The Council's Conservation Officer in their initial response identified two key views that contribute positively to the setting of the church:

- 1) From Regs Way looking north-east toward the church and the summit of Bardon Hill beyond, and;
- 2) From the church porch looking south to south-west through the boundary gate across the development site.

On the basis of the illustrative masterplan as initially submitted the Council's Conservation Officer concluded that there would be less than substantial harm to the significance of the church for the following reasons:

- 1) In the key view from Regs Way the buildings would be laid out to preserve a viewing corridor, although this would be undermined by the proposed screen planting. The 'existing' viewing corridor is framed by open agricultural land but the 'proposed' viewing corridor would be framed by buildings.
- 2) In the key view from the church porch no viewing corridor would be preserved.

It was also outlined that the provision of screen planting and ponds would not reflect the open and agricultural character of the church's immediate surrounding.

Subsequent revisions have been made to the illustrative masterplan in order to address the concerns of the Council's Conservation Officer with a site meeting being held to determine the precise location of the key view towards the church from Regs Way.

On the basis of the revised plans the Council's Conservation Officer has outlined that in terms of viewpoint 1 proposed landscaping would sever views of the eastern end of the church, that trees within the highway verge on Regs Way should be removed and that retaining structures would remain visible in association with unit 5. With regards to viewpoint 2 it is advised that unit 3 be rotated so as to be parallel with the internal access road, in order to better preserve the setting of the church, and that the restoration of hedgerows should extend along a greater portion of the site boundary with Bardon Road (A511).

Further revisions have been made to the illustrative masterplan, to address the comments raised, although it is noted that in terms of landscaping that which is shown on the plans is indicative given that landscaping is reserved for subsequent approval. Consequently at the reserved matters stage, should outline consent be granted, it could be ensured that the hedgerow along the site boundary is reinstated and that trees are not positioned in a manner which obstruct the view of the church from Regs Way.

Trees within the highway verge are not in the control of the applicant and consequently separate discussions would be undertaken with the County Council Highways Authority, outside the planning process, to ascertain if these trees can be removed. It is also the case that the most recent 'Site Finished Ground Strategy' does not require substantial retaining structures around unit 5, albeit the finished ground and floor levels would be a matter for consideration at the reserved matters stage. Unit 3 has also not been repositioned at this time, given that the layout

is not for approval, albeit the applicant has indicated that the suggested position would create difficulties with merging the internal access road with the finished floor level of unit 3.

In the main it is considered that it would be possible to bring a development forward at the reserved matters stage, should outline permission be granted, that would retain the key view into and out of the identified heritage asset. The Council's Conservation Officer has identified that any harm to the significance of the setting of the heritage asset would be 'less than substantial' and consequently Paragraph 196 of the NPPF is engaged within indicates that any harm should be weighed against the public benefits of the proposal. In the context of Paragraph 196 of the NPPF it is concluded that any harm would be mitigated by the public benefits of the provision of employment development within a sustainable location which would have positive economic and social impacts.

Overall the proposed development would be acceptable and accords with Policy He1 of the adopted Local Plan, Paragraphs 192, 193, 194 and 196 of the NPPF and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In terms of the request of St Peter's Church for a financial contribution to be sought for the provision of toilets it is considered that Paragraph 56 of the NPPF outlines that planning obligations should only be sought where, amongst other things, they are necessary to make the development acceptable in planning terms and directly related to the development. On the basis of the above conclusion the request for such a contribution would not be necessary nor would it be directly related to the development, consequently the request would not meet the tests outlined in Paragraph 56. Whilst such a contribution could not be secured as part of the planning process a note to the applicant would be included on any decision notice to make them aware of this request.

Design

The need for good design in new development is outlined not only in adopted Local Plan Policy D1, as well as the Council's Adopted Good Design for NWLDC SPD, but also Paragraphs 124 and 127 of the NPPF.

The Council's Principal Urban Designer has been consulted on the application and identified design principles which should be taken into account when developing the site. Such principles included the importance of views to and from St Peter's Church, the need to settle the buildings into the landscape and the need to ensure the levels strategy is correct in order to reduce the need for high level retaining structures. Whilst acknowledging these design principles it is noted that the application is in outline form with only part access for approval.

Matters associated with the importance of views to and from the church are discussed in more detail in the '*Impact on the Historic Environment*' section of this report above where the key views have been established. In progressing a layout of development at the reserved matters stage it would be ensured that these key views are preserved.

In terms of settling the buildings into the landscape it is considered that at the reserved matters stage an appropriate earthworks strategy could be submitted which ensures that the envisaged 'sinking' of the buildings into the ground, so as to lessen their visual impact, materialises and which provides an appropriate scale of development as well as limiting the provision/prominence of retaining structures. The submission of an appropriate landscaping strategy would also be secured, as discussed in the 'Landscaping' section of this report below, which would be agreed with the National Forest Company and County Council Ecologist to

ensure appropriate species of trees and plants are introduced.

The Council's Principal Urban Designer and National Forest Company have also commented that the indicative elevation information submitted does not suggest a design response which would be informed by the scheme's setting in the National Forest. It is considered that an appropriate note to the applicant could be imposed on any permission granted to make them aware that reconsideration would need to be given to the design of the units so as to ensure that they respond more positively to the context of their setting particularly given that appearance is not for approval at this stage.

Overall, and from an 'in principle' perspective, it is considered that at the reserved matters stage it could be ensured that the appearance, layout, scale and landscaping associated with the development responds positively to the design principles outlined within Policy D1 of the adopted Local Plan, the Council's adopted Good Design SPD and Paragraphs 124 and 127 of the NPPF.

Accessibility

The County Council Highways Authority (CHA) and Highways England have been consulted on the application with the assessment of the CHA being based on guidance within the Leicestershire Highways Design Guide (LHDG).

Site Access

It is proposed that a new vehicular access would be formed onto Bardon Road (A511) with such an access comprising a T junction with a priority 'left-in left-out' arrangement which would prevent vehicles turning right out of the site onto Bardon Road (A511). The submitted transport assessment identifies that alternative access arrangements onto Regs Way have been explored but they have been discounted given that flooding and ecological constraints on other areas of the site would prevent such accesses being delivered. The proposed site access has also been subject to an independent stage 1 road safety audit.

The site access would provide visibility splays compatible with the speed of traffic on the highway which have been adjusted to accord with the 85th percentile wet weather speeds experienced on Bardon Road.

Subject to conditions the CHA have no objections to the proposed vehicular access.

Impact on the Wider Highway Network

The proposed development would generate around 100 vehicle movements in the peak AM and PM hours. This traffic is assigned to the highway network, and the impact of the additional trips has been considered at the following study area junctions:

- Birch Tree roundabout;
- A511/Beveridge Lane roundabout;
- A511/Flying Horse roundabout;

In assessing the application the CHA have identified that whilst the Birch Tree roundabout would operate within capacity (although it is noted that during the peak PM timeframe the Birch Tree roundabout would begin to reach operational capacity) the A511/Beveridge Lane and A511/Flying Horse roundabouts would operate over capacity with significant queuing and delays, therefore the development would have a detrimental impact on the operation of the A511.

Whilst this impact has been identified the CHA have advised that the cumulative effects of development on the highway network within the Coalville Area has been assessed and a significant mitigation package of network improvements is planned to safeguard against rates of deterioration and optimise traffic flow, whilst maintaining safety on the A511 (this being known as the Coalville Transport Strategy). This strategy would also provide walking, cycling and bus service improvements.

As such the CHA consider that the impact of the development could be mitigated by the developer making a reasonable and proportionate financial contribution towards the improvement works to the above junctions in keeping with the Coalville Contribution Strategy. This contribution would total £591,875.00 which the applicant has agreed to pay.

Highways England have raised no objections and as such there is no adverse impact on the strategic highway network.

Accessibility of the Site

It is considered that the site would have good public transport links given that bus services run along Regs Way and Bardon Road (A511) with relevant bus stops associated with these services being within appropriate walking distances. Accessibility to these stops would be achieved via the proposed footway along the site access carriageway and the existing footway on the northern side of Bardon Road (A511) with this footway being designed to cater for both pedestrians and cyclists. The CHA have also identified that the relocation of bus stops on Bardon Road (A511) would be supported.

A travel plan has also been submitted in support of the application which has the objective of minimising the number of new car trips generated by staff and visitors to and from the development by promoting and supporting the use of alternative modes of travel (walking, cycling, public transport and car sharing). The plan includes targets as well as measures and incentives to achieve the targets and methods for monitoring the travel patterns to the site. The CHA have outlined that the travel plan is comprehensive although a change would be required so as to make reference to the 'choosehowyoumove' website as well as details of the travel plan coordinators being provided to the CHA when known. A condition would be imposed on any permission granted to secure a revised travel plan.

Parking Provision

The amount of off-street parking to serve the industrial buildings would be dependent on their floor space and end use which is not to be determined at this time. As such an assessment in relation to off-street parking would be undertaken at the reserved matters stage when the proposed level of floor space and end use is known. Given the overall site area there would be sufficient land available to ensure an appropriate level of off-street parking is provided.

Should the church wish to utilise parking at any of the units to be formed on the weekends then this would be a matter to discuss directly with any future occupants/tenant on the site. A note to the applicant would be imposed on any permission granted to make them aware of this request.

Highway Conclusions

Paragraph 109 of the NPPF outlines that development should only be refused on highway grounds where "there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." As outlined above the CHA and Highways England have no objection to the application subject to the imposition of conditions and the securing of a payment for highway improvement works in line with the Coalville

Transport Strategy and Coalville Contribution Strategy. Furthermore the CHA would also request Section 106 contributions towards travel packs, bus passes and monitoring of the travel plan.

Subject to the above being secured the proposal would accord with Policies IF4 and IF7 of the adopted Local Plan as well as Paragraphs 105, 108 and 109 of the NPPF.

Air Quality

The application is accompanied by an Air Quality Assessment as the site is located 1.5 kilometres to the south-east of the Coalville Air Quality Management Area (AQMA).

This assessment states that the impacts from dust emissions associated with the construction phase of the proposed development have the potential for a 'medium' impact at the 17 sensitive receptors without mitigation. However, the report recommends that site-specific mitigation measures are secured in accordance with Section 8.2 of the Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Dust from Demolition and Construction' which will reduce the significance of the impacts to the sensitive receptors during the construction phase. Such mitigation measures would be secured via the imposition of a condition on any permission granted.

In terms of the impacts associated with road traffic emissions from the operation of the development the report has concluded that such impacts would be negligible to the sensitive receptors and consequently no mitigation would be required in this respect. Whilst no mitigation is specifically necessary the report does recommend that the implementation of measures to promote sustainable transport could reduce the mean roadside concentrations of traffic-related pollutants, it is concluded in the 'Highway Safety' section of this report above that a travel plan would be secured via a condition on any permission granted which will assist in this respect.

As part of the consideration of the application the Council's Environmental Protection Team have been consulted and have raised no objections to the application.

Although noting the concerns of the third party in the absence of an objection from the Council's Environmental Protection Team it is considered that the development is acceptable in relation to Policy En6 of the adopted Local Plan and Paragraph 181 of the NPPF.

Residential Amenity

The nearest residential receptors to the application site include Bardon House and The Vicarage, both on Bardon Road, which are set to the north of the site as well as The Lodge, Woodside Cottages, Forest House and Forest Lodge, also on Bardon Road, which are set to the north-east and east of the site.

A noise assessment has been submitted in support of the application which has assessed the impacts to 11 sensitive receptors including noise from on-site noise generating activities as well as road traffic noise. It is outlined that the predominant noise sources in the area include road traffic noise from Bardon Road (A511), Beveridge Lane (B585) as well as noise from Bardon Quarry.

The assessment concludes that as the development is outline in nature there are no precise details on the location or type of noise generating sources given that the exact location of buildings is not for approval at this stage. On this basis a 'worst-case' scenario has been

adopted based on noise levels obtained at a development site which would be compatible with that proposed. Based on this assessment the operational development would not result in a 'significant adverse impact' to health or quality of life with the impact of off-site road traffic noise not being perceptible given that it would be absorbed into the existing levels of noise generated by vehicular movements on the highway network.

It is also concluded that the area around the application site is not highly prized for its tranquillity and recreational value in terms of noise and the operation of existing businesses would not be restricted as a result of the development.

As part of the consideration of the application the Council's Environmental Protection Team have been consulted and they have raised no objections based on the conclusions reached in the noise assessment which does not require any noise mitigation to be provided.

With regards to any lighting to be installed on the site it is considered that the imposition of a condition on any outline permission granted would ensure that precise details are provided at an appropriate time so as to ensure that no adverse impacts to residential amenity arise as a result of the provision of such lighting.

In terms of the impacts on neighbouring occupiers arising from the proposed buildings themselves, whilst an illustrative masterplan has been submitted, all matters except part access are reserved for subsequent approval. The supporting documents indicate that the proposed maximum height to the underside of the haunch within the buildings would be 12.5 metres.

The eastern boundary of the site would become shared with Forest House and Forest Lodge with these properties being set 17 and 21 metres, respectively, from this boundary. All other residential properties, identified above, lie on the opposite side of Bardon Road to the application site. On the basis of the illustrative masterplan the two units proposed within close proximity to the shared boundary, identified as 4a and 4b, would be set, at their closest points, 13 metres (unit 4b) and 36 metres (unit 4a) away from the shared boundary which would lead to total distances of 65 metres between unit 4a and the western elevation of Forest Lodge and 40 metres between unit 4b and Forest House.

Whilst it is accepted that buildings to the heights and floor-spaces proposed would be of some scale it is outlined that the land levels on the site would be reduced so as to 'sink' the units into the ground with additional landscaping being introduced in close proximity to the shared boundary with Forest House and Forest Lodge. Notwithstanding the anticipated scale of the units it is considered that, in principle, a form of development could be provided on the site which would not result in undue loss of amenity by virtue of overshadowing, overbearing or other residential amenity impacts. Clearly, careful consideration would need to be given to any detailed proposals for units 4a and 4b, as well as the wider earthworks strategy for the site, submitted at the reserved matters stage(s) so as to ensure appropriate relationships between the proposed units and existing dwellings are provided. However, as set out above, there is no reason to suggest that the eventual form of development proposed at the reserved matters stage(s) would necessarily result in undue loss of amenity to adjacent occupiers, and the scheme is, at this outline stage, considered acceptable in this regard.

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

Ecology

As originally submitted the County Council Ecologist raised objections to the application given the requirement for a 10 metre corridor of natural open space to be provided to the north of the River Sence, so as to allow otters (a protected species) to access the river, as well the retention of the local wildlife site (LWS) (Bardon 22 grassland) situated to the south of the River Sence.

Following amendments to the plans the County Council Ecologist has no objections subject to the imposition of conditions which secure the retention and appropriate management of the LWS, that the impact on Great Crested Newts (GCNs) is mitigated, that the corridor of natural open space is provided, that an updated badger survey is submitted and that light spill onto the River Sence is limited to 1lux or lower. Such conditions would be imposed on any permission granted.

Natural England have also raised no objections to the application.

Overall the proposed development would be compliant with Policies En1 and En2 of the adopted Local Plan, Paragraph 175 of the NPPF and Circular 06/05.

Landscaping

An arboricultural assessment submitted in support of the application identifies that 13 individual trees and 24 groups of trees (some of which comprise hedgerows) are present on the site with trees and hedges also being outside the boundaries of the site on land in the control of the County Highways Authority.

As a result of the development existing hedgerows which define the boundaries of the agricultural fields internally within the site would be removed with there also being impacts to the hedgerow to the northern boundary of the site so as to enable the provision of the vehicular access. Whilst such impacts would arise both the County Council Ecologist and National Forest Company consider that the retention of the Local Wildlife Site (LWS) and provision of landscaping as suggested by the illustrative masterplan would mitigate against the loss of the hedgerows.

Both the County Council Ecologist and National Forest Company would also consider it important for the planting to be provided to be of native species and that any earthwork bunds are left to vegetate naturally or planted with a neutral grassland wildflower mix.

Given that landscaping is not for approval at this stage due regard would be given to the requirements of the National Forest Company and County Council Ecologist should a reserved matters application associated with landscaping is submitted.

Overall the proposal would be compliant with Policies D1 and En3 of the adopted Local Plan.

Drainage and Flood Risk

The application is accompanied by a Flood Risk Assessment and Sustainable Drainage Strategy which identifies that land around the River Sence falls within Flood Zones 2 and 3 and that the area within the southern part of land within the ownership of the applicant is at a high risk of surface water flooding. The illustrative masterplan has been amended to ensure development is contained to land within Flood Zone 1 and which is not at risk from surface water flooding.

As part of the consideration of the application the Environment Agency (EA) have been consulted and initially they objected to the application in light of the details not demonstrating that there would be no ground raising within Flood Zones 2 and 3.

Following the receipt of further information the EA have removed their objection subject to the imposition of conditions which seek to ensure that there is no raising of land levels within Flood Zones 2 and 3, that the finished floor levels of the units are no lower than 164.1 metres above Ordnance Datum (AOD) and that land within Flood Zone 3 is retained as open natural amenity space. They have also requested that a revised remediation strategy(s) will be required should unidentified contamination be discovered during the construction phase. The imposition of such conditions will ensure that land designated to be flooded, when specific flooding events occur, will not be impacted on as a result of the development.

In terms of surface water drainage the Lead Local Flood Authority (LLFA) have been consulted and whilst not raising concerns to the application they have requested that the originally submitted sustainable drainage strategy is updated following revisions to the illustrative masterplan, supporting hydraulic calculations would also be required. Amended information has been submitted to address these concerns which is currently under consideration with the LLFA.

Whilst acknowledging that further comments are awaited from the LLFA it is considered that given they do not have concerns with the principle of the development the imposition of suitable conditions, which would be provided by the LLFA should their query be addressed by the revised information, would ensure that a suitable surface water drainage solution is provided during the construction of the development and throughout its lifetime that would not exacerbate any localised surface water flooding issue.

Subject to the imposition of the relevant conditions the proposal would accord with Policies Cc2 and Cc3 of the adopted Local Plan as well as Paragraph 163 of the NPPF.

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

Archaeology

The initial comments of the County Council Archaeologist indicated that the site is located within an area of archaeological potential formed within a valley adjacent to a water source. It was also outlined that previous archaeological investigations in the vicinity included a geophysical survey and trial trench scheme at an Iron Age Roman site to the west, along with similar investigations at a prehistoric earthworks site.

A heritage statement submitted in support of the application included a desk-based assessment for the archaeological potential of the site and following consideration of this document the County Council Archaeologist has confirmed that they have no objections to the application and that there is no requirement for further archaeological work to be undertaken. On this basis the proposal would comply with Policy He1 of the adopted Local Plan and Paragraph 199 of the NPPF.

Developer Contributions

A request has been made for Section 106 contributions towards transportation. These requests have been assessed against the equivalent legislative tests contained within the Community Infrastructure Levy (CIL) Regulations 2010 (CIL Regulations) as well as Policy IF1 of the adopted Local Plan and Paragraphs 34, 54 and 56 of the NPPF.

The requested development contributions are listed below.

Transportation

The contributions set out under the 'Accessibility' section of this report above include a financial contribution of £591,875.00 towards the improvement works in keeping with the Coalville Contribution Strategy, travel packs (which can be supplied by the County Highways Authority (CHA) at a cost of £52.85 per pack), 6 month bus passes (which can be supplied by the CHA at a cost of £360 per pass) and a travel plan monitoring contribution of £11,337.50. These contributions are considered to meet the relevant tests identified above and the securing of these contributions will assist in mitigating the impacts of the development on the highway.

No other contributions have been requested and the applicant is agreeable to paying the relevant contributions.

Subject to these contributions being secured within a Section 106 agreement the proposed development would be compliant with Policy IF1 of the adopted Local Plan and Paragraphs 34, 54 and 56 of the NPPF.

Other Matters

In terms of the comments raised by the third parties which have not been addressed above it is considered that any works undertaken to the cycle path/footpath would have been works carried out by the County Highways Authority (CHA) and consequently if such works have resulted in drainage issues at the church this would be a matter to take up with the CHA directly. Any damage caused to parked vehicles associated with the church would also have no direct relevance to the proposed development.

Conclusion

Whilst the site is outside the defined Limits to Development Policy S3 of the adopted Local Plan does allow for new employment sites where evidence indicates an immediate need or demand, with such an assessment being against Part (2) of Policy Ec2 of the adopted Local Plan. In this instance the submitted analysis has demonstrated there is an 'immediate demand' and consequently the proposal is compliant with Policies S3 and Ec2 of the adopted Local Plan. The need for and the benefits of the development, in terms of the economic and social objectives of sustainability, are considered to outweigh the conflict with the environmental objective, due to the site's location in the countryside. On balance it is considered that the proposal would constitute sustainable development.

Subject to conditions it is also considered that the proposal would not have any significantly detrimental impacts to the character and appearance of the visual landscape, the setting of heritage assets, highway safety, air quality, residential amenity, ecology, landscaping and archaeology, nor would the proposal exacerbate any localised flooding impact. There are no other relevant material planning considerations that indicate outline planning permission should not be granted and consequently the proposal is deemed to comply with the relevant policies of the adopted Local Plan, the Council's adopted Good Design SPD and the advice within the

NPPF.

It is therefore recommended that outline planning permission be granted subject to the conditions listed below, and subject to planning obligations to secure the various transportation-related contributions as set out above.

RECOMMENDATION - PERMIT, subject to a legal agreement and conditions and no objections being raised by the Lead Local Flood Authority;

- 1 Timeframe for reserved matters.
- 2 Approval of reserved matters details.
- 3 Approved plans.
- 4 Finished ground and floor levels as part of reserved matters.
- 5 Design code.
- 6 Limitation on floor space of B8 uses (small scale).
- 7 Access provided.
- 8 Revised Travel plan.
- 9 Flood mitigation measures.
- 10 Further remediation strategy.
- 11 Surface water drainage.
- 12 Biodiversity enhancements.
- 13 Updated badger survey.
- 14 Great Crested Newt mitigation.
- 15 Tree and hedge management and protection plan.