

UPDATE SHEET

PLANNING COMMITTEE – 2 July 2019

**To be read in conjunction with the
Report of the Interim Head of Planning and Infrastructure to
Planning Committee**

- (a) Additional information received after the publication of the main reports;**
- (b) Amendments to Conditions;**
- (c) Changes to Recommendations**

A1 **18/01890/OUTM** **Employment development for uses B1 (c), B2 and B8 (outline with details of part access included).**
Land East of Regs Way, Coalville.

Additional information received:

In response to questions raised at the Committee Briefing in respect of highway safety the County Highways Authority (CHA) have been approached and they have responded as follows:

1) *An application was refused for the change of use of a dwelling to B1 offices at Forest House on Bardon Road, in close proximity to the site, which was purely on highway safety grounds and as such are you able to advise on the differences between the applications?*

- The decision on the application at Forest House was made prior to the NPPF and as such there was no presumption in favour of sustainable development. Moreover, there was no detailed technical supporting evidence and given the absence of this evidence, as well as the care and attention that is required to gain access to the A511, a reason for refusal was advised. In contrast the technical information accompanying this application has dealt with matters of access with care and attention accompanied by engineering appraisals, Road Safety Audits and traffic analysis and as such the proposed access is considered acceptable.

2) *What is the speed limit on Bardon Road (A511) at the point of the site access?*

- The relevant section of Bardon Road, i.e. that adjacent to the site access, is 50mph which transitions into a 40mph zone near to the Birch Tree Roundabout.

3) *Would the CHA seek to reduce the speed limit on this part of Bardon Road (A511)? If not why not?*

- It is not necessary to reduce the speed limit on this part of Bardon Road to make the development acceptable in planning terms.

4) *Has the ability to provide a vehicular access from Regs Way or an additional 'arm' onto the Birch Tree Roundabout been explored?*

- The CHA comments outline that the provision of an access from Regs Way has been investigated and discounted given the topography of the application site in relation to the highway and the need to pass through a Local Wildlife Site and Flood Zone. The topography of the application site in relation to the Birch Tree Roundabout would also discount the provision of an access in this position.

Ellistown and Battleflat Neighbourhood Plan

The Ellistown and Battleflat Neighbourhood Plan (EBNP) received a majority 'yes' vote at Referendum on the 27th June 2019 and as such the District Council will shortly 'adopt' the Neighbourhood Plan in line with Neighbourhood Plan Regulations and Council procedures. It is, however, the case that the National Planning Practice Guidance (NPPG) states that a neighbourhood plan comes into force as part of the

statutory development plan once it has been approved at referendum, consequently the Policies of the EBNP are now a material consideration in the assessment of the application.

The following Neighbourhood Plan policies are considered relevant to this application:

Policy S2 – Land Outside of Ellistown Limits to Development.

Policy E2 – Support for New Employment Opportunities.

Policy E3 – Connecting Local Businesses and People to the New Economic and Employment Opportunities.

Policy NE2 – Biodiversity.

Policy NE3 – Trees and Hedgerows.

Policy GA1 – Road Safety and Congestion.

Policy GA3 – Walking and Cycling.

Policy CC1 – Sustainable Design and Construction.

Additional Comments from Ward Member

The Ward Member (Councillor Merrie) has also raised concerns in respect of the 'need' for the development, the requirement for the development to comply with the Policies of the EBNP and the highway safety impacts associated with vehicular movements at the Ellistown mini-roundabout (Beveridge Lane and Whitehill Road junction).

Additional Consultee Response

Lead Local Flood Authority (LLFA) have no objections subject to conditions.

The full contents of the correspondence received is available to view on the public file.

Officer comment:

It is considered that the comments raised by Members at the Committee Briefing is addressed by the CHA responses provided above.

In terms of the comments of the Ward Member it is considered that Policy Ec2 outlines that the provision of new employment land outside the defined Limits to Development is acceptable subject to the evidence demonstrating there is an immediate 'need' or 'demand'. In this circumstance it has been demonstrated that there is an immediate 'demand' for the further provision of employment land and consequently the application is acceptable in relation to Policies S3 and Ec2 of the adopted Local Plan.

The Council's Planning Policy Team have reviewed the EBNP and have determined that the most relevant policies are Policy S2 (Land Outside of Ellistown Limits to Development) and Policy E2 (Support for New Employment Opportunities). The EBNP can be viewed at the following link: https://www.nwleics.gov.uk/files/documents/ellistown_and_battleflat_neighbourhood_plan_referendum_version/Referendum%20Version%20Neighbourhood%20Plan.pdf

Policy S2 outlines that development outside the Ellistown Limits to Development will be carefully controlled in line with local and national strategic planning policies. In terms of local policies, this aligns with Policies S3 and Ec2 of the adopted Local Plan.

The Committee report concludes that the proposal is compliant with Policies S3 and Ec2 of the adopted Local Plan and consequently it accords with Policy S2 of the EBNP.

Policy E2 of the EBNP falls within a section of the EBNP titled 'Small Scale Employment Development' and the supporting text to the policy all relates to small-scale employment development. This suggests that the policy itself would just apply to small scale employment development, although the first part of the policy, and criteria (a) to (h) do not make this clear. The second part of the policy supports small scale employment development but does not include development of larger scale employment uses.

If we are to assume that Policy E2 was appropriate to be applied to larger scale development then it would be compliant as it is a form of commercial/employment related development appropriate to a countryside location (as can be demonstrated with its compliance with Policy S3 of the adopted Local Plan and Policy S2 of the EBNP) and there are also proven exceptional circumstances on the basis that it has been demonstrated, by the submission of evidence, that there is an immediate demand for additional employment floorspace in the District.

On the above basis the development is considered to be compliant with relevant Policies of the EBNP.

In terms of the movement of vehicles at the Ellistown mini-roundabout (Beveridge Lane and Whitehill Road junction) the CHA have outlined that in the peak hours there would be 20 vehicular movements at this junction associated with the proposed development. With regards to improvements to this junction a financial contribution of £100,000 was secured by the CHA in a unilateral undertaking as part of application reference 16/00393/VCIM (associated with the provision of the Amazon building on Beveridge Lane) and consequently funds are available to the CHA to mitigate transport impacts at this junction. It is understood that the CHA will be having discussions in the latter parts of 2019 to determine when these works will be undertaken. It is also the case that a weight restriction within Ellistown would prevent the movement of larger vehicles at this junction.

The conditions of the proposed by the LLFA would be included as part of any outline planning permission granted for the development.

RECOMMENDATION: No change to recommendation.

A2 **19/00747/REMM** **Reserved matters approval (access, appearance, landscaping, layout and scale) (outline planning permission 13/00956/OUTM) for the enabling works associated with Phases A1, A2 and A3 including the demolition of the buildings at Upper Grange Farm and The Bungalow; regrading of the land; installation of the Gateway, the street to the west of the Gateway, and junction of the street to the east of the Gateway; installation of surface and foul water drainage infrastructure; landscaping; and diversion of Public Rights of Way**
Land South of Grange Road, Hugglescote

Ellistown and Battleflat Neighbourhood Plan

As referred to under Item A1 above, the Ellistown and Battleflat Neighbourhood Plan has been supported at a referendum. That part of the application site south of the River Sence falls within the Plan area.

The following Neighbourhood Plan policies are considered relevant to this application:

Policy S1 – Ellistown Limits to Development
Policy S3 – South East Coalville Development Scheme
Policy NE2 – Biodiversity
Policy NE3 – Trees and Hedgerows
Policy GA3 – Walking and Cycling

Additional Consultee Responses

Hugglescote and Donington le Heath Parish Council advises that it has met with the developer and its agent and is now satisfied that the extent of the proposed development would not impact upon the areas of archaeological interest.

Whilst the Parish Council has some remaining concerns as to how the development can be undertaken without disturbing and damaging some of the surrounding archaeology, it advises that the developer has confirmed that this can be achieved.

The Parish Council requests the imposition of conditions in order to ensure that the area of archaeological interest is stoutly fenced off for the duration of the whole development, and to ensure that the developer engages with the Parish Council and allows frequent access for a member of the Parish Council to the site. [Or, alternatively, requests that the developer's construction management plan is amended to provide this.]

Leicestershire County Council Archaeologist has no objections subject to conditions.

National Forest Company confirms that the amended landscaping details are considered acceptable.

Comment

Insofar as the archaeological issues are concerned, it is noted that, following engagement with the developer, the Parish Council is now content in terms of the extent of the works in relation to the features of interest associated with the former grange. It is also understood that the developer has now provided further information to the Parish Council so as to seek to address its concerns over the robustness of the protection fencing proposed to be erected during construction works.

In terms of the comments of the County Archaeologist, it is noted that no objections are raised subject to the imposition of a condition requiring the implementation of a written scheme of investigation. It is also noted, however, that the archaeological mitigation for the site was secured at the outline stage (and, in particular, Condition 35 of the outline planning permission requires the submission and approval of a scheme for the protection of the archaeological remains associated with the former grange). As such, whilst further discussions with the developer and County Archaeologist will be necessary in order to establish the precise nature of any appropriate mitigation (and which will need to be agreed in order to comply with the provisions of the outline planning permission), addition of a further condition may not be required if this duplicates measures already secured at the outline stage.

Whilst the attachment of conditions requiring liaison with and access to the Parish Council in respect of archaeological issues would not meet the tests for conditions set out in the NPPF, the developer is aware of the Parish Council's requests in this regard.

In terms of the provisions of the Ellistown and Battleflat Neighbourhood Plan, the part of the site subject to the Neighbourhood Plan lies within Limits to Development as defined in the Plan (and, as such, the scheme would comply with Policy S1).

Of particular relevance within Policy S3 to these particular proposals are the requirements in respect of biodiversity conservation and enhancement (similarly reflected in the requirements of Policies NE2 and NE3), and the need for a high quality design and layout. It is considered that, for the reasons set out in the assessment of the main report relating to these matters, the scheme would comply with the provisions of the relevant elements of Policies S3, NE2 and NE3. The proposed enhancement of pedestrian routes forming part of the South East Coalville development would also, it is considered, reflect the requirements of Policy GA3.

Insofar as the proposed landscaping is concerned, it is noted that the National Forest Company is now content. The agent has also provided slightly amended landscaping plans in respect of the proposed "Gateway" street type, and confirms that the landscaping strip proposed to run adjacent to the back of footway forms part of the current reserved matters application. The landscaping shown would appear to comply with the street typology for the "Gateway" street type, and is therefore considered acceptable in this regard.

NO CHANGE TO RECOMMENDATION