

**Erection of a road related storage, maintenance and management facility and associated site works (reserved matters to outline planning permission ref. 17/01081/OUTM)
Land Off Lountside Ashby De La Zouch Leicestershire**

**Report Item No
A1**

**Application Reference
21/00471/REMM**

**Grid Reference (E) 437388
Grid Reference (N) 317263**

**Date Registered:
30 June 2021**

**Consultation Expiry:
29 October 2021
8 Week Date:**

**Applicant:
Natalie Ternent**

**29 September 2021
Extension of Time:
29 October 2021**

**Case Officer:
James Knightley**

**Recommendation:
PERMIT**

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Call In

The application is referred to the Planning Committee for determination at the request of Councillor Harrison.

Proposal

This is a reserved matters application for the erection of a unit for use as a road related storage, maintenance and management facility.

Consultations

Objections are raised by a number of residents, by the Ashby de la Zouch Civic Society, on behalf of the operator of a nearby hotel, and by Ashby de la Zouch Town Council as set out in the report below.

Planning Policy

The application site lies outside of Limits to Development as defined in the adopted Local and Neighbourhood Plans.

Conclusion

The proposed development is considered to represent an appropriate form of development in accordance with the outline planning permission, and would provide for an acceptable standard of design to meet the Local Planning Authority's design objectives.

RECOMMENDATION:-

PERMIT, SUBJECT TO CONDITIONS

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies 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

This is a reserved matters application for the erection of a unit on a site of 2.4ha for use as a road related storage, maintenance and management facility. The application seeks reserved matters approval for the matters of access, appearance, landscaping, layout and scale.

The unit is intended to be occupied in the first instance by the operators of the adjacent road-related services in connection with the operation / administration of these services, as well as other service stations operated by the applicant elsewhere in the country.

Following the completion of a Section 106 obligation (in respect of a number of matters including employee travel packs and bus passes, bus stop improvements, implementation of waiting restrictions, construction traffic routeing, River Mease contributions and National Forest planting), outline planning permission was granted in August 2019 (ref. 17/01081/OUTM).

This reserved matters application seeks approval for a unit of approximate dimensions 60.0m x 60.0m by maximum height 10.3m above finished floor level (FFL).

The proposed unit would include ancillary office space, and two service yards, one located to the north western side of the unit, and a second one located to the north eastern part of the site. This north eastern service yard would incorporate vehicle and plant parking areas; as originally submitted, this part of the site was also proposed to be used for external storage of aggregates (advised by the applicant as proposed to be used for the storage of materials such as grit and other aggregates (e.g. sand) for use in external repairs / works at the applicant's network of service stations). However, in response to neighbour concerns, the applicant has removed this element of the proposals.

Two vehicular accesses are proposed, both served from Lountside. The principal car parking area to the front of the unit would be accessed from the existing estate road which serves the adjacent filling station and shop, coffee outlet and fast food restaurant. The second access would be created at the existing turning head at the north eastern end of Lountside, and would serve the proposed service yards.

2. Publicity

17 Neighbours have been notified.
Site Notice displayed 9 July 2021.
Press Notice published Leicester Mercury 14 July 2021.

3. Summary of Consultations and Representations Received

Ashby de la Zouch Town Council objects on the following grounds:

- Pollution / exposure to hazardous materials, including from aggregate storage / dust and lorry fumes
- Noise
- Increased traffic / risk of accidents
- Contrary to Local Plan policies as the proposals are not a road related services facility,

contrary to Policy T4b (a reference to the former policy for the site within the previous North West Leicestershire Local Plan), and as the site is allocated as countryside, not employment land

Environment Agency comments on the need to provide appropriate surface water drainage and the use of measures within the drainage systems to prevent pollution to controlled waters

Leicestershire County Council Lead Local Flood Authority has no objections

Leicestershire County Council Local Highway Authority has no objections subject to conditions

National Forest Company final comments awaited and will be reported on the update sheet

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

Third Party representations

Representations from residents of 6 nearby properties, from the Ashby de la Zouch Civic Society, and on behalf of the operators of an adjacent hotel have been received, objecting on the following grounds:

- No need for further employment development when empty units exist elsewhere
- Inappropriate development in the countryside
- Visual impact from Nottingham Road and nearby hotel
- Noise
- Impact on wildlife
- Scheme incompatible with approved ecological mitigation
- Loss of trees and hedgerows
- Congestion on Lountside
- Adverse impact on pedestrian safety
- Dust / adverse impact on air quality
- Odour
- Light pollution
- An Environmental Impact Assessment is required
- Pollution of River Mease from aggregates
- Insufficient capacity for additional sewage
- Insufficient sustainable transport serving the site
- An additional access to Nottingham Road is proposed
- Proposed development introduces a different use from that approved at outline stage
- Insufficient supporting information
- Proposals not in compliance with the outline planning permission
- If minded to permit, conditions should be attached in respect of lighting, noise and air quality

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

Paragraphs 8, 11 and 12 (Achieving sustainable development)

Paragraphs 47, 55 and 56 (Decision-making)

Paragraphs 109, 110, 111 and 112 (Promoting sustainable transport)

Paragraphs 126, 130 and 134 (Achieving well-designed places)

Paragraphs 153, 154 and 157 (Meeting the challenge of climate change, flooding and coastal change)

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

Adopted North West Leicestershire Local Plan (2021)

The application site lies outside of Limits to Development as defined in the adopted Local Plan. The following adopted Local Plan policies are considered relevant to this reserved matters application:

Policy S3 - Countryside

Policy D1 - Design of new development

Policy D2 - Amenity

Policy IF4 - Transport Infrastructure and new development

Policy IF7 - Parking provision and new development

Policy En3 - The National Forest

Policy En6 - Land and Air Quality

Adopted Ashby de la Zouch Neighbourhood Plan (2018)

The application site lies outside of Limits to Development as defined in the adopted Neighbourhood Plan. The following adopted Neighbourhood Plan policies are considered relevant to this reserved matters application:

Policy S1 - Presumption in favour of Sustainable Development

Policy S3 - Development Proposals Outside of the Limits to Development

Policy S4 - Design

Policy NE5 - Trees and Hedgerows

Other Policies / Guidance

Good Design for North West Leicestershire SPD

Leicestershire Highway Design Guide (Leicestershire County Council)

5. Assessment

The principle of development on this site for the proposed use was established by the grant of the original outline planning permission and, as a submission for reserved matters approval, the present application essentially seeks agreement of details in respect of the access, appearance, landscaping, layout and scale. Assessment of this application should therefore relate to the implications of the particular scheme proposed under this reserved matters application; issues relating to the principle of the development and associated issues (e.g. the impacts on the wider highway network) are not relevant to this application. As set out in the summary of representations above, concern is raised that the proposals fall outside the scope of the outline planning permission in terms of their size and impacts; it is not considered however that the scheme would conflict materially with the permission granted at outline stage. Whilst concern is raised regarding the associated external uses, the proposed external areas fall within the original application site and officers are satisfied that there is no reason to suggest that these would not be consistent with the principal use of the proposed development (and, it is noted, use of associated external parking and storage areas would normally be expected in association with uses of this or similar natures). For their part, the applicants confirm that any vehicles or plant parked or stored in the external areas would be solely for use by the applicants (or subcontractors working on their behalf) for the purposes of the operation / maintenance and administration of the business.

Insofar as the proposed reserved matters applied for are concerned, the following conclusions are reached:

Access

As set out above, the development is proposed to be accessed via two vehicular accesses from Lountside; one served from the existing estate road used to access the adjacent roadside services, and the other formed at the existing turning head at the end of Lountside. Whilst objection has been raised on the grounds of access being provided to Nottingham Road, this is not proposed.

In terms of the proposed north eastern access, the County Highway Authority had originally raised concerns regarding suitability for two-way movements but, following minor amendments to this junction and the submission of additional details in respect of swept paths and anticipated numbers of HGV movements through this junction, no objections are raised. In coming to this view, the County Highway Authority has also had regard to the private status of Lountside and the clear visibility for vehicles entering Lountside from the hotel access opposite.

Insofar as vehicle parking is concerned, following the submission of additional documentation in respect of parking standards, the County Highway Authority is content that, whilst the level of car parking proposed would slightly exceed the relevant standard, it would be acceptable.

Issues in respect of the scheme's impacts on the wider highway network, the suitability of the site in terms of sustainable location and its accessibility to public transport have in effect been dealt with at the outline stage. The scheme is therefore considered acceptable in terms of access and associated matters, and would comply with the relevant policies (including Local Plan Policies IF4 and IF7) referred to above.

Appearance, Layout and Scale

Whilst the site is located outside Limits to Development, as set out above, the principle of the development has already been established under the outline planning permission. However, Policies S3 of both the adopted Local and Neighbourhood Plans include criteria relating to the detailed design associated with development within the countryside. In terms of matters relevant at the reserved matters stage, Local Plan Policy S3 provides that developments will be supported where the appearance and character of the landscape is safeguarded and enhanced, and where built development is well integrated with existing development and existing buildings; Neighbourhood Plan Policy S3 requires development to respect the form, scale, character and amenity of the landscape and the surrounding area through careful siting, design and use of materials. Similarly, the scheme will also need to be considered against the design policies referred to above.

The scale of the proposed unit is as set out in the introduction above. Insofar as the height of the unit is concerned, it is noted that the supporting information submitted with the outline application indicated that the unit would be between one and two storeys in height, and between 5.0m and 8.5m. As set out above, the maximum height of the unit would be 10.3m above FFL. Whilst this would, on the face of it, be higher than that indicated at outline stage, the applicant takes the view that the indication of scale in the outline application's supporting information was intended to relate to the eaves rather than the ridge (and notes that the proposed building's eaves would be of a height of 8.5m). Whilst it is not accepted that this would necessarily be a logical interpretation of the application of the indicative maximum height, it is nevertheless acknowledged that, in any event, scale was a matter reserved for later approval and, as such, the effects of the scale proposed at this reserved matters stage should be assessed as part of this application.

By way of comparison with surrounding development, the closest section of the existing hotel is approximately 9.6m to ridge (above FFL), and the existing filling station canopies (for cars and HGV sections respectively) are 6.5m and 7.5m above ground level. Whilst details of proposed floor and external ground levels are not yet available (and would be able to be addressed by way of an appropriate condition), existing site levels for that part of the site where the unit would be erected are (generally) at a similar level (and, in places, approximately 1m above) those of the filling station, and approximately 3 to 4m below those of the hotel's FFL.

The site is currently well screened from Nottingham Road by established tree planting. Whilst the proposed unit would be taller than the adjacent filling station canopies (which are considered to be well screened by the existing vegetation), it is noted that the unit would be sited approximately 55m from the site boundary (compared to only around 6m in the case of the closest canopy) and, as such, the visibility of the unit beyond the trees would be likely to be limited to some extent from street level on Nottingham Road.

In terms of the size of the unit generally, it is noted that this complies with the maximum floorspace specified in the outline planning permission.

Insofar as the unit's appearance is concerned, officers have sought to engage with the applicants so as to secure improvements to the proposed elevations. In particular, officers raised concerns that the proposed unit as originally submitted was of a "standardised" employment unit design, and did not positively address the principal public realm-facing elevations (i.e. the southern and western elevations); officers therefore suggested that the applicants consider an approach along the lines taken in the development of the adjacent commercial units to the west which have been constructed using a more contemporary

approach, and making use of stone features as a means of introducing a distinct character. Officers also suggested setting the unit in from its western boundary so as to allow for additional landscaping adjacent to the service road serving the adjacent petrol station. For its part, the National Forest Company has suggested that the development take a more National Forest-inspired approach.

In response, the scheme has been amended including the relocation of the office elements of the unit to its south western corner, and by the introduction of enhanced architectural detailing wrapping around this south western corner (including blue brick detailing and brise soleil to the upper floor windows). Whilst this would not provide a more contemporary (or National Forest) approach to the unit as a whole (nor deliver a stronger landscape frontage to the service road), it is accepted that it would represent a significant enhancement over and above the originally submitted scheme, and would address the most prominent southern and western elevations more successfully. On the basis of these enhancements, it is accepted that a good standard of design would be achieved, in accordance with the relevant Local Plan, Neighbourhood Plan and SPD policies.

Whilst the unit incorporates car parking to its principal public realm-facing frontage, it is acknowledged that it would be set behind a substantial landscaped area, and the visual impact of the extent of hardstanding proposed would be expected to be mitigated to a reasonable degree. It is also noted that the plans indicate the construction of a substation within the landscaped area adjacent to Lountside. Whilst full details of this structure have not been provided at this point, it is considered that its impact would be likely to be reasonably well mitigated subject to provision of additional landscaping, and could be addressed by way of condition.

Landscaping

As set out above, the site is currently well screened from Nottingham Road by established tree planting (some of which was originally established as part of the landscape mitigation for the development of the commercial development to the south east of the site); a number of other smaller trees are currently located within the site. The application is accompanied by an Arboricultural Impact Assessment and Method Statement (AIA). The AIA identifies five principal groups of trees within the site plus four individual trees located off-site (within the grounds of the adjacent hotel). Three of the groups of trees and part of the two other groups of trees would need to be removed in order to accommodate the development. The three groups proposed to be removed are located adjacent to the Lountside side of the site; two of these groups are identified as being within Retention Category C (low quality) and one within Category U (unsuitable for retention regardless of the development).

Insofar as the existing trees adjacent to Nottingham Road are concerned, parts of these groups are proposed to be removed, but with retention of some of the groups along the majority of the frontage; new landscaping would be provided to those areas adjacent to Nottingham Road (including new tree, hedgerow, shrub and wildflower meadow planting). The affected existing groups in this part of the site would also be within Retention Category C, identified in the AIA as collectively of low quality and value beyond partial screening from Nottingham Road. Whilst the "depth" of the planting buffer to Nottingham Road would be reduced to some extent, it is considered that the area of vegetation retained would be likely to continue to provide an effective means of limiting the visual impacts of the development when viewed from Nottingham Road.

In addition to the landscaping referred to above, landscaped buffers would also be provided to

the north eastern and south eastern site boundaries. The submitted AIA confirms that the site's proposed landscaping would include provision of 73 no. heavy standard sized trees.

In terms of the impacts on existing trees, the AIA has been assessed by the District Council's Tree Consultant who considers that its findings represent a reasonable assessment of the site's existing tree cover. He considers that the proposed on-site replacement tree planting would be sufficient mitigation for the lost tree cover within the immediate context of the site, and raises no objections. The National Forest Company had initially raised concerns over potential tree loss in association with the development but, at the time of preparing this report, the final comments of the National Forest Company (and including in respect of the AIA) were awaited; any further comments will be reported on the Update Sheet.

In terms of National Forest planting, it is noted that the Section 106 obligations entered into at the outline stage secure National Forest planting and / or financial contributions (with the amount payable dependent on the final extent of on-site Forest planting). Under the relevant National Forest planting standards, a minimum area of 0.48ha of National Forest planting is required to be provided within the site (or, in the event that it is not, an off-site financial contribution of £20,000 per hectare of the shortfall is payable).

Overall, in terms of both the countryside and design policies referred to above, the scheme is considered to be appropriate in terms of these issues, and complying with the relevant policies in this regard.

Other Issues

It is noted that objections have been raised in respect of a number of other matters not directly relevant to the determination of this reserved matters application. These include concerns relating to the need or otherwise for the development, the principle of development outside Limits to Development, and the drainage implications of the scheme (and including impacts on the River Mease SSSI and SAC). Insofar as drainage issues are concerned, it is noted that the Section 106 agreement entered into at the outline stage to secure appropriate contributions under the River Mease Developer Contribution Scheme, and that the capacity at the receiving treatment works has already been allowed for on the basis of the outline planning permission proposals. In terms of surface water drainage, this is controlled under conditions attached to the outline planning permission; a separate discharge of condition application has been submitted in respect of these conditions and will be determined in due course (ref. 21/01413/DIS). On this basis (and subject to the submission of appropriate details under the discharge of condition application), it remains the case that the proposal will, either alone or in combination with other plans or projects, have no likely significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

Similarly, a scheme of ecological mitigation is required to be implemented in accordance with the outline planning permission (and in respect of which details have already been approved under a separate discharge of condition application (ref. 21/00854/DIS)). Concerns have been raised that the mitigation measures approved under that discharge of condition application could not be delivered in association with the current reserved matters scheme. This matter is being considered by the County Ecologist, and the applicant's ecologist has also been asked to comment. In the event that the applicant was indeed unable to implement both the reserved matters scheme and the approved ecological mitigation, it would be necessary to seek approval for an updated scheme of ecological mitigation under the outline planning permission (or a revised reserved matters scheme), but any further comments received in respect of this matter

will be reported on the Update Sheet. Whilst comments have been made to the effect that the scheme should be subject to Environmental Impact Assessment (EIA), it is considered that, having regard to the characteristics of the site and its surroundings and to the scale of the scheme, it would not constitute EIA development under the regulations. Indicative criteria for industrial estate development projects (which, in effect, this use would be akin to) as set out in the DLUHC's Planning Practice Guidance suggest that EIA is unlikely to be required for development of below 20ha. It is not considered that there are any other specific factors applicable here that would indicate any other position ought to be reached in this regard.

It is noted that objections have been raised in respect of the scheme's impact in respect of issues such as noise and air pollution. However, these are not considered to be matters directly relevant to the determination of this reserved matters application. It is nevertheless noted that the supporting information submitted at outline stage indicated that the impacts on residential amenity would be likely to be limited given the existing noise climate of the site. In terms of air quality, the principal cause of concern appears to have been the impacts of the previously proposed aggregate storage but, as set out above, these elements are no longer proposed. The District Council's Environmental Protection team had, on the basis of the aggregate storage areas, requested that conditions be attached so as to ensure that dust was monitored / controlled (e.g. damping down of material) but, in view of the above, it is not considered that such a condition would now be necessary. Concerns have also been raised regarding the impacts of external lighting; it is considered that the amenity effects of any lighting could be adequately protected by way of an appropriately-worded condition requiring details of any such lighting to be agreed by the Local Planning Authority prior to installation.

Insofar as environmental performance of the proposed unit is concerned, the applicants confirm that the building will provide an EPC (Energy performance Certificate) rating of B. In terms of additional renewable energy production, however, the applicants advise that, as the warehouse is not heated and the offices would be of a modest scale, the unit is likely to use only limited amounts of power and, as a result, PV cells would not be considered appropriate. They advise, in particular, that the costs of equipment and the increase in the size of the steel frame required to support the extra weight of PVs would outweigh the carbon savings, and resulting in a payback period of over 20 years. Having regard to the environmental credentials of the scheme overall, it is considered that it would perform well in respect of the NPPF's intentions in this regard.

It is therefore considered that the proposed scheme would be acceptable, and approval is recommended.

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

- 1 Compliance with outline planning permission
- 2 Approved plans
- 3 Landscaping
- 4 Tree / hedgerow protection
- 5 Materials
- 6 Hard surfacing
- 7 Levels
- 8 Boundary treatment
- 9 Retaining walls / structures
- 10 Site accesses
- 11 Parking and manoeuvring areas
- 12 Cycle parking
- 13 Externally sited plant, equipment, storage areas and structures (including substations)
- 14 External lighting
- 15 Environmental performance
- 16 Details of vehicular crossing to drainage ditch