

Part full/part outline planning application for the development of the site comprising site wide infrastructure works including access from (and alterations to) Grange Road, internal spine road, earthworks and development plateaus, structural landscaping, utilities infrastructure, foul and surface water drainage infrastructure (including attenuation pond and outlets). Full consent sought for the erection of 5 employment units (totalling 2,719 square metres) comprising light industry (Class E(g)(iii)), general industry (Class B2) and/or storage and distribution (Class B8) floorspace and ancillary offices (Class E(g)(i)), including associated service yards and service vehicle parking, vehicular and cycle parking, boundary treatments and retaining walls, utilities infrastructure, foul and surface water drainage infrastructure and hard/soft landscaping. Outline consent (with all matters reserved except vehicular access from Grange Road and re-grading of site) sought for up to 4,000 square metres of floorspace for light industry (Class E(g)(iii)), general industry (Class B2) and/or storage and distribution (Class B8) employment floorspace and ancillary offices (Class E(g)(i)) and associated development including service yards and parking, plant, hard and soft landscaping (including boundary treatments and retaining walls), and drainage infrastructure and other associated infrastructure
Land West Of Regs Way Bardon Leicestershire

Report Item No
A2

Application Reference
21/02281/FULM

Grid Reference (E) 444471
Grid Reference (N) 312441

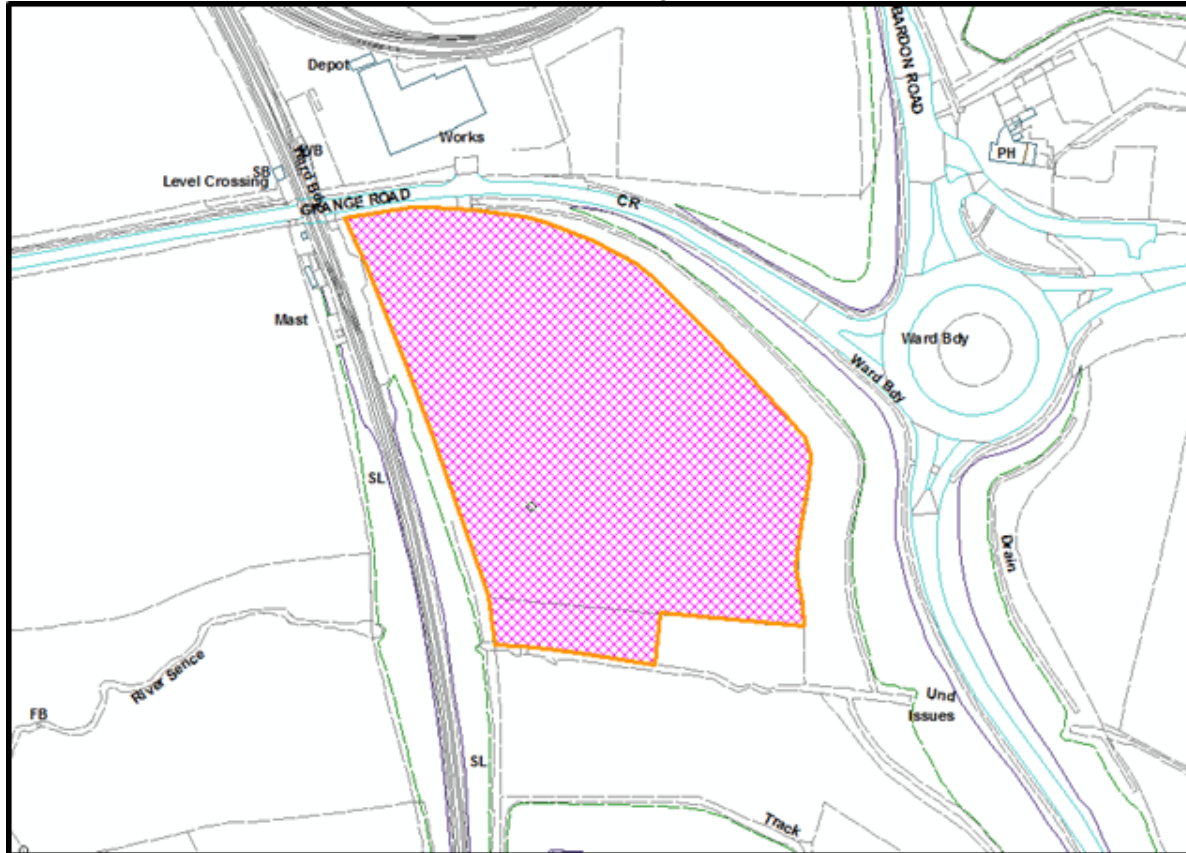
Applicant:
Harworth Estates Investments Limited

Case Officer:
Adam Mellor

Recommendation:
PERMIT subject to S106 Agreement

Date Registered:
8 December 2021
Consultation Expiry:
12 January 2022
13 Week Date:
9 March 2022
Extension of Time:
FINAL EXT TO BE
AGREED

Site Location - Plan for indicative purposes only



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RECOMMENDATION – PERMIT, subject to the following condition(s) and Section 106 agreement:

1. Time limits (for full and outline elements).
2. Details of reserved matters.
3. Approved plans.
4. Phasing.
5. Finished floor and ground levels.
6. Site sections (phase 2).
7. Restriction on building heights (phase 2).
8. Limitation on use of office elements as ancillary to the principal use of the relevant unit.
9. External materials (phase 1).
10. Details of other external infrastructure (phase 1).
11. Details of external plant and machinery (including noise levels).
12. Hard surfacing (phase 1).
13. Soft landscaping (phase 1).
14. Landscape management plan.
15. Phase 2 soft landscaping to demonstrate compliance with Policy En3.
16. Compliance with arboricultural method statement.
17. Compliance with tree protection plan.
18. Boundary treatments (phase 1 – including protection of rail line).
19. Implementation of noise acoustic barrier.
20. External lighting.
21. Delivery of ecological mitigation and enhancements.
22. Delivery of biodiversity net gain.
23. Ecological management plan.
24. Delivery of vehicular access.
25. Delivery of parking and turning facilities (phase 1).
26. Cycle parking.
27. Delivery of off-site highway works.
28. Construction traffic management plan.
29. Compliance with travel plan.
30. Removal of existing gates.
31. Closure of existing vehicular access.
32. Surface water drainage (including management of surface water during the construction phase, future management and maintenance responsibilities and infiltration testing).
33. Foul drainage.
34. Design details of pumping station (phase 1).
35. Design details of substation(s) (phase 1).
36. External storage (phase 1).
37. Dust management plan (phase 1).
38. Delivery of rail line mitigation.
39. Construction methodology statement to protect the operational safety of the rail line.
40. Archaeology.
41. Scheme of renewable energy technologies.

This application is brought to Planning Committee at the request of Councillor Johnson due to the proposal being contrary to Policies G1, G2 and T3 of the adopted Hugglescote and Donington Le Heath Neighbourhood Plan and Policy S3 of the adopted Local Plan. He considers that the proposal would be detrimental to highway safety, due to the proximity to the operational rail line, and would impact on visual and residential amenity and nature and ecology. He also considers that the proposal would not be in keeping with the character of the area.

MAIN REPORT

1. Proposals and Background

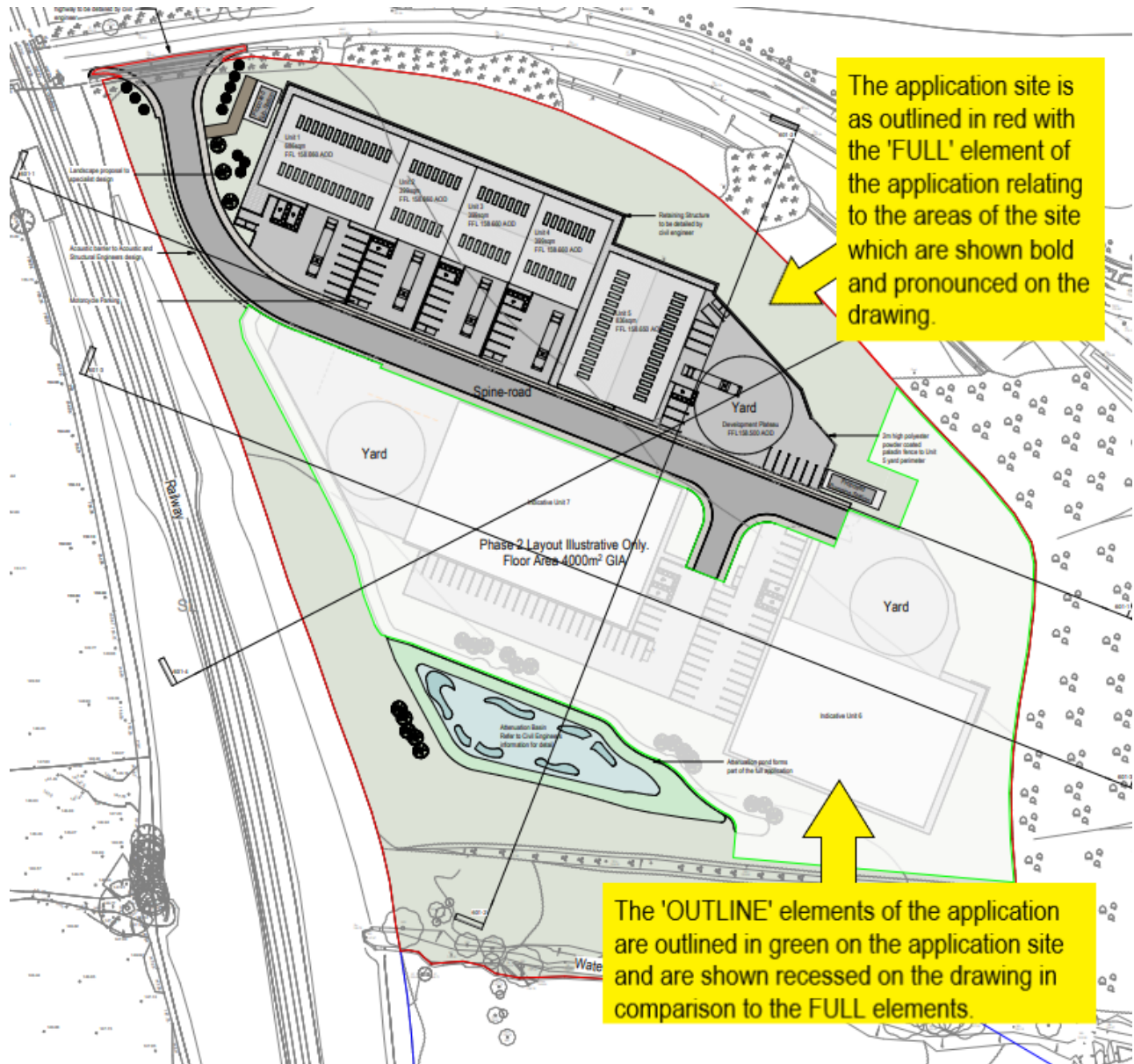
This is a “*hybrid*” planning application (i.e. part full and part outline) for employment development totalling 6,719 square metres of floorspace for either light industry (Class E(g)(iii) of the Town and Country Planning (Use Classes) Order 1987 (as amended)), general industry (Class B2) and/or storage or distribution (Class B8), with ancillary offices (Class E(g)(i)), at land west of Regs Way, Coalville. The application site totals 3.38 hectares and also lies to the south of Grange Road and east of land being developed as part of the South-East Coalville sustainable urban extension (SUE), it is outside the defined Limits to Development.

The full element of the application relates to the erection of 5 employment units, totalling 2,719 square metres, for either of the use classes identified above (along with ancillary offices), in the north/north-western part of the site. Such units would have overall heights of 8.95 metres and finished floor levels of 158.65 metres (unit 5) and 158.66 metres (units 1 to 4) above ordnance datum (AOD).

In addition to the employment units (and their associated development – i.e. service yards, parking, hard surfacing, boundary treatments, retaining walls etc.) a new vehicular access from (and alteration to) Grange Road would be provided along with an internal spine road, earthworks and development plateaus, structural landscaping, utilities infrastructure and foul and surface water drainage infrastructure (including attenuation ponds and outlets). The development plateaus would seek approval for the finished floor levels of the unit(s) in the second phase which would be between 158.5 metres and 159.72 metres AOD.

The outline element of the application (with all matters reserved except for vehicular access from Grange Road and re-grading of the site) would relate to the provision of up to 4,000 square metres of floorspace for either of the use classes identified above (with ancillary offices), in the south/south-eastern part of the site along with the associated development to such units including service yards and parking, hard and soft landscaping (including boundary treatments and retaining walls), and drainage infrastructure and other associated infrastructure. The outline parameters indicate that any units to be created would have heights of 8 metres to the underside of the haunch at the eaves.

Below is the illustrative masterplan for the site:



A planning statement, design and access statement, employment land demand assessment, preliminary landscape and visual appraisal, flood risk assessment and drainage strategy, noise assessment, transport assessment, travel plan, air quality assessment, preliminary ecological appraisal, biodiversity impact assessment, tree survey and arboricultural impact assessment and archaeological desk-based assessment have been submitted in support of the application.

Following the receipt of consultation responses additional and/or amended information has been provided and re-consultation undertaken.

The plans and all other documentation associated with the application are available to view on the District Council's website.

There is no previous planning history for this site.

2. Publicity

Seven neighbours notified 15 December 2021.

A site notice was displayed on the 22 December 2021.

A press notice was published in the Leicester Mercury on the 5 January 2022.

3. Summary of Consultations and Representations Received

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

Objections from:

Hugglescote and Donington Le Heath Parish Council on the following summarised grounds:

- The application site is outside the defined Limits to Development in both the adopted Local Plan and Hugglescote and Donington Le Heath Neighbourhood Plan and therefore there is conflict with Policy G1 of the Neighbourhood Plan. Policy EC2 of the Neighbourhood Plan would also not be met as it has not been demonstrated that the development needs to be in this location.
- The development conflicts with criteria (a), (b), (c), (d) and (f) of Policy G2 of the Neighbourhood Plan.
- The development would take away the only feasible location for a station and car park to be provided in the Neighbourhood Plan area and therefore there is conflict with Policy T3 which supports the provision of public transport services on the former Leicester to Burton railway line.
- The application site represents the last pocket on countryside on the eastern side of the parish that has not been developed and this 'green lung' provides open aspect views and offers a buffer from Industrial to Residential. Residents are likely to have major concerns about the development as they won't be able to enjoy the views from their homes particularly as the units are 8 metres in height.
- The proposal provides for a 10 metre wide landscaping strip. There is a major concern as the site is proposing 5 medium sized units and there is a phase 2 proposal in the plans for 1 larger unit or maybe 2 large which will be placed upon raised earthworks to accommodate them. These units being 8 metres high on heightened earthworks will require mature trees in to screen the site.
- The landscaping will need to be designed to accommodate wildlife for example badger runs, owl boxes and bird boxes given that nature has been lost since developments have been undertaken as part of the South-East Coalville extension.
- The proposed access and egress is in close proximity to the operational mineral rail line and the railway crossing is dangerous. The proposal will increase traffic on Grange Road

and will also impact on traffic entering and leaving the site.

No Objections from:

Environment Agency.
National Highways.
NWLDC – Environmental Protection (Air Quality).
NWLDC – Environmental Protection (Land Contamination).
NWLDC – Planning Policy.
Wilson Enterprises Limited (comprising Davidsons and David Wilson Homes).

No Objections, subject to conditions and/or informatives, from:

British Transport Police.
Leicestershire County Council – Archaeology.
Leicestershire County Council – Ecology.
Leicestershire County Council – Highways Authority.
Leicestershire County Council – Lead Local Flood Authority.
National Forest Company.
Network Rail.
NWLDC – Environmental Protection.
NWLDC – Tree Officer.
NWLDC – Urban Designer.

Third Party Representations

Three letters of representation have been received objecting to the application with the comments raised summarised as follows:

Topic of Objections	Summary of Objections to Topic
Principle and Need	The proposed application site is outside the limits to development in both the local and neighbourhood plans and as such should not be supported.
	New industrial buildings built off Bardon roundabout/A511 and next to the BP Garage on Bardon Road are predominately vacant so there is no need for more development of this nature.
Highway Safety	The positioning of the access is unacceptable as it is too close to the rail crossing where traffic backs up when the barriers are down, this would prevent vehicles entering or leaving the site.
	Grange Road is utilised by commuters and will become more heavily used with the ongoing

PLANNING APPLICATIONS- SECTION A

	residential development; it is not suitable for logistics development.
	The position on Grange Road will also encourage heavy goods vehicles (HGVs) to use Grange Road and Ashburton Road. HGVs on Grange Road are already an issue and Ashburton Road is subject to a weight restriction which is not suitably enforced.
Infrastructure	The infrastructure in the area (including highway infrastructure) is not sufficient to accommodate more development.
	What infrastructure will be in place to accommodate the development?
Ecology	There will be displaced wildlife and destruction of habitat as a result of the development.
Integration of Development and Amenities	The proposal will result in further building disruption.
	The proposed development does not integrate with the residential development being undertaken on Grange Road and is too close to the residential development. Significant areas of green space should be accommodated between industrial and residential development.
Non-Material Planning Considerations	The proposal will impact on property values as a result of lorries travelling via Grange Road to the A42/M42.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2021)

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 55, 56 and 57 (Planning conditions and obligations);
Paragraph 81, 82 and 83 (Building a strong, competitive economy);
Paragraphs 93 and 100 (Promoting healthy and safe communities);
Paragraphs 107, 108, 109, 110, 111, 112 and 113 (Promoting sustainable transport);
Paragraphs 119, 120, 122 and 124 (Making effective use of land);
Paragraphs 126, 128, 130, 132 and 134 (Achieving well-designed places);
Paragraph 146 (Protecting Green-Belt land – The National Forest);
Paragraphs 152, 153, 154, 157, 159, 161, 167 and 169 (Meeting the challenge of climate change, flooding and coastal change);
Paragraphs 174, 180, 183, 184, 185, 186, 187 and 188 (Conserving and enhancing the natural environment); and
Paragraphs 189, 194, 195, 197, 199, 200, 202, 204 and 205 (Conserving and enhancing the historic environment).

Local Policies

Adopted North West Leicestershire Local Plan (2021)

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 S3 – Countryside;
Policy D1 – Design of New Development;
Policy D2 – Amenity;
Policy Ec2 – New Employment Sites;
Policy IF1 – Development and Infrastructure;
Policy IF4 – Transport Infrastructure and New Development;
Policy IF5 – Leicester to Burton Rail Line;
Policy IF7 – Parking Provision and New Development;
Policy En1 – Nature Conservation;
Policy En3 – The National Forest;
Policy En6 – Land and Air Quality;
Policy Cc2 – Water – Flood Risk; and
Policy Cc3 – Water – Sustainable Drainage Systems.

Hugglescote and Donington Le Heath Neighbourhood Plan (2021)

The Hugglescote and Donington le Heath Neighbourhood Plan forms part of the development plan and the following policies of the Neighbourhood Plan are relevant to the determination of the application:

Policy G1 – Limits to Development;
Policy G3 – Design (criteria (a), (b), (d), (f), (g), (m), (o), (p), (q) and (s) would be considered relevant – all other criteria relating specifically to residential development);
Policy ENV6 – Biodiversity and Habitat Connectivity;
Policy ENV7 – Protection of the Rural Setting;
Policy T3 – Leicester to Burton Railway Line; and
Policy E2 – New Small-Scale Employment.

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

Need or Demand for Additional Employment Land

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

The application is a “*hybrid*” planning application (i.e. part full and part outline) for employment development totaling 6,719 square metres of floorspace for either light industry (Class E(g)(iii) of the Town and Country Planning (Use Classes) Order 1987 (as amended)), general industry (Class B2) and/or storage or distribution (Class B8), with ancillary offices (Class E(g)(i)). The application site lies outside the defined Limits to Development as defined by the Policies Map to the adopted Local Plan and is not identified for any particular purpose (or any specific use) within the adopted Local Plan.

Policy S3 of the adopted Local Plan sets out the circumstances in which development will be permitted outside the Limits to Development; insofar as employment development is concerned the *principle* of such uses is allowed for (under criterion (s) of Policy S3) where it would comply with Policy Ec2 of the adopted Local Plan.

Policy Ec2 (subsection (2)) provides that “*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 identified need in appropriate locations.”

Policy G1 of the made Hugglescote and Donington Le Heath Neighbourhood Plan (HDLHNP) states that *“land outside the defined Limits to Development will be treated as countryside, where development will be carefully controlled in line with local and national strategic planning policies.”*

As such, in order to comply with the *principle* of development requirements of Policy S3, it would be necessary to demonstrate that there was an immediate need or demand for additional employment land within the District that could not otherwise be met by allocated sites (and, if that could be shown, that the criteria in (a), (b) and (c) above would also be met).

In terms of the interpretation of ‘*immediate*’, ‘*need*’ and ‘*demand*’ the Council’s Planning Policy Team have stated these to be as follows:

- ‘*Immediate*’ – in this context can be interpreted as meaning ‘arising now’.
- ‘*Need*’ – correlates to a policy requirement identified through the plan-making process to ensure that the future needs of an area are adequately addressed.
- ‘*Demand*’ – could be in the form of a request from potential future users or could be to address a gap in the supply of premises in the district. In other words, it relates to ‘market demand’.

The policy requires need or demand to be demonstrated (my emphasis); it is not necessary to demonstrate both.

The application is accompanied by an Employment Land Demand Assessment (by Turley of November 2021) and as part of the consideration of the application the District Council’s Planning Policy Team have been consulted.

Need

In terms of the Housing and Economic Development Needs Assessment (HEDNA), the Council’s Planning Policy Team have indicated there is an over-provision of land for both industry (use class B2) and small scale B8 and under-provision of land for offices (use class E(g)(i)). Taken collectively, and when an allowance for the potential loss of existing employment sites to other uses is factored in, the total minimum requirement is exceeded by some 4.6 hectares (ha). Since March 2021 outline planning permission has also been granted for 35,051 square metres (sqm)/9.13ha of small scale B8 floorspace at Netherfields Lane, Sawley (application reference 20/00316/OUT).

The need figure in the HEDNA is expressed as a minimum and is not a cap, therefore it can be exceeded. Permitting the proposed application would add 6,719sqm (3.38ha) of industrial/smaller warehousing to the supply and taking account of the Netherfields Lane application as well, the minimum requirement would be exceeded by some 17.11ha (23%). It is, however, the case that exceeding the HEDNA requirement is not, of itself, a reason to refuse the application. Notwithstanding this, based on the HEDNA there is not an outstanding or immediate need to satisfy Policy Ec2(2) of the adopted Local Plan.

Updated evidence of employment land requirements has been prepared for the Local Plan Review. The North West Leicestershire: The Need for Employment Land (November 2020) study has been prepared by the firm Stantec and is known as ‘the Stantec Study’.

Based on the Stantec Study, the Local Plan Review would need to allocate new sites sufficient for at least 166,000sqm of industrial/smaller warehousing, taking account of Netherfields Lane this brings the residual requirement to at least 133,700sqm.

The applicant's Employment Land Demand Assessment refers to the Stantec Study as evidence of an outstanding need, with the proposed development contributing up to 6,719sqm of industrial/smaller warehousing thereby reducing the residual requirement to at least 127,000sqm.

Whilst the Council's Planning Policy Team consider the Stantec Study to be a robust piece of work, it has not been subject to third party scrutiny through the Local Plan Review Examination process and therefore little weight can be attributed to it in the determination of planning applications. It is also acknowledged that additional allowances for flexibility and the future losses of employment land to other uses will also need to be factored in as the Local Plan Review advances. Whilst amounts may change, the assumption that there will be a need for additional industrial/smaller warehousing employment land up to 2039 is a reasonable one.

The need identified by the Stantec Study is also for the District as a whole which can be met by sites anywhere in the District, with there also being a pipeline supply of sites which already have planning permission and contribute towards this need.

On the basis of the above, the original consultation response from the Council's Planning Policy Team concluded that the remaining need for floorspace was not immediate to comply with Policy Ec2(2).

Following the original comments of the Council's Planning Policy Team the applicant submitted a 'Technical Note Evidencing Immediate Demand' (dated March 2022) (the 'Technical Note'). The Technical Note suggests that the existing supply of floorspace is not as responsive to immediate needs as implied by the Council and states there is an immediate need for additional employment land.

The Technical Note also contends that the supply of sites with planning permission are not immediately available (based on the applicant's definition of 'immediate employment land supply' which is a site with (a) full or outline and reserved matters consent and (b) a realistic prospect of completion within 3 years) and therefore there is only 33,272sqm of available floorspace (excluding Netherfields Lane) which equates to a 2.6 year supply. The applicant also argues that a shortfall could emerge much sooner than the Council anticipates given that much of the identified supply is incapable of responding to immediate needs.

The Council's Planning Policy Team's second consultation response outlines that, unlike housing, there is no requirement in the NPPF for there to be a 5 year supply of deliverable employment land and that it is not a requirement for all sites to be available (some will be short term prospects, others will come forward in the medium to longer term). It is also noted that the Park Lane, Castle Donington site (32,159sqm of floorspace) has been discounted by the applicant as not being 'immediately available' as it only has outline consent. However, this would be no different to the outline element of this application which constitutes 60% of the proposed floorspace to be created and would not be available to meet an immediate need.

In such circumstances the second consultation response from the Council's Planning Policy Team concludes that it **has not been demonstrated that the need for the employment land is sufficiently immediate to comply with Policy Ec2(2).**

Demand

Section 4 of the applicant's Employment Land Demand assessment considers the evidence of market demand for the development. No end users for the development have been named, and therefore the demand assessment relates to general market demand.

In their original consultation response the Council's Planning Policy Team considered that the applicant's demand assessment had not demonstrated an immediate demand to justify the development. This was particularly evident for the second outline phase of the development (of up to 4,000sqm of floorspace) which amounts to nearly 60% of the total proposed floorspace and where there was no confirmation of the number and size of units.

The Technical Note, subsequently submitted by the applicant, concludes that the volume of demand in combination with the pace of lettings demonstrate an immediate demand for units of the size proposed.

In their second consultation response the Council's Planning Policy Team indicated that the enquiries within the Technical Note related to a wide geographical area (encompassing Coalville, Ashby and Leicester) with the exact boundaries of the search area not being provided. There was also a mismatch between the search area for the enquires (as above) and the analysis of supply (vacancy and take up speed) which focused on Coalville/Bardon.

The second consultation response from the Council's Planning Policy Team therefore concluded that whilst the Technical Note showed indicators of demand, it did not conclusively or transparently demonstrate evidence of an immediate demand for additional employment land in North West Leicestershire which is a specific requirement of Policy Ec2(2).

Additional marketing information, comprising a market activity update (dated 30th August 2022), covering letter (dated 2nd September 2022) and marketing activity update with summary table (12th September 2022), were subsequently submitted by the applicant.

Mather Jamie (MJ) were commissioned by the applicant to market the site, and this was achieved by the production of a brochure showing a scheme of 5 units (based on the 'full' element of the application) and two units of 1,841sqm and 2,194sqm for the 'outline' element.

The marketing activity update with summary table shows that 27 enquiries were received between the 15th August and 12th September 2022 (4 weeks), 21 of which were from businesses seeking owner occupier premises.

In reviewing the 21 enquiries the Council's Planning Policy Team's third consultation response outlined that 14 had a degree of intent with enquiries about specific units of a particular size and/or indicating timescales for moving which ranged from between 6 and 18 months in to the future. Taking account of construction time and the time needed to organise a business relocation, it is broadly feasible that these moves could be accommodated on the site.

For confidentially reasons, the marketing activity update does not name the firms who made the enquiries, but to address this the applicant and MJ met officers in the Council's Planning Policy Team so that additional details could be verbally provided of the individual firms (e.g. business sector, number of employees, current location), their reasons for moving and their premises requirements.

The Council's Planning Policy Team, following the meeting, are satisfied that the enquiries are from genuine businesses and that 14 of the firms have a current intent to move if suitable premises are available. Such a level of interest is illustrated by the fact that each unit had interest from between 3 and 5 separate firms, and if such interest came to fruition the entire scheme would be occupied.

Ultimately there is no commitment or certainty that any of these firms would acquire a unit if planning permission were granted, rather the exercise illustrates the level of potential owner occupier interest in units of the type, size and location proposed.

In their third consultation response the Council's Planning Policy Team conclude that the marketing activity report demonstrates sufficiently an immediate demand for the units, and as the interest recorded is specific to the application site such an immediate demand is demonstrated in North West Leicestershire.

Alternative Sites

In addition to the above, the test in Policy Ec2(2) also requires it to be demonstrated that any immediate need or demand *"cannot be met from land allocated in the plan"*.

In their original consultation response the Council's Planning Policy Team indicated that the applicant's Employment Land Demand assessment had not assessed alternative allocated sites.

It was, however, accepted that the Money Hill allocation could not meet an immediate demand as it was not sufficiently advanced through the planning process.

Policy Ec1 of the adopted Local Plan also includes employment permissions which are suitable, including the Lounge site at Ashby De La Zouch (allocation Ec1a), Rear of Charnwood Arms, Bardon (Ec1b) and Part of the site at Sawley Crossroads (Ec1c). In terms of these sites, however, the Council's Planning Policy Team discounted Ec1a and Ec1c as being suitable as Ec1a is not the size of units which the application aims to provide and Ec1c is reserved for a further extension for Aldi (who currently occupy part of that site) and is therefore not available.

It was, however, considered that the applicant should demonstrate why Ec1b would not be suitable as an alternative.

In their Technical Note the applicant concluded that there was no prospect of Ec1b being available to meet an immediate demand. This was due to the outline permission granted under 17/00048/OUTM (for 3,733 sqm of light industry and/or warehousing) expiring in 2021 and an application for the site owner's logistics and transport business currently being considered under application reference 21/00244/FUL.

On this basis the Council's Planning Policy Team's second consultation response concluded that this site is not currently available and therefore any immediate demand demonstrated could not be met by land allocated in the adopted Local Plan.

Policy En2 of the made Hugglescote and Donington Le Heath Neighbourhood Plan (HDLHNP)

Policy En2 of the HDLHNP outlines that small-scale employment related development, including new development, will be supported subject to compliance with the provisions of Policy G3 of the HDLHNP (associated with design) and where development *"will not generate unacceptable*

noise, fumes or smells; will respect and is compatible with local character and uses; and would not be harmful to the living conditions of neighbouring residents, or cause serious harm in terms of road safety or the free flow of traffic.”

The above policy does not define ‘small-scale’, so it is unclear whether it is directly relatable to the proposed development (6,719 square metres of floorspace) or not. An assessment of the development against Policy G3 of the HDLHNP, as well as the other criteria identified, is undertaken in the relevant sections of this report which follow and where it is concluded that the development is acceptable.

In such circumstances should the development be considered ‘small-scale’ it would be compliant with the aims of Policy En2 of the adopted HDLHNP. It is noted that there is no policy within the HDLHNP which deals with employment development which is not ‘small-scale’.

Need or Demand for Additional Employment Land Conclusion

Paragraph 81 of the NPPF (2021) indicates that planning decisions should “*help create the conditions in which businesses can invest, expand and adapt*” and that “*significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.*”

Criterion (d) of Paragraph 82 of the NPPF indicates that planning policies should “*be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.*”

Taking into account the above assessment it is considered that an immediate demand for additional employment land in North West Leicestershire has been demonstrated which cannot be met by land allocated in the adopted Local Plan.

In such circumstances there is a need to assess the schemes performance against criteria (a), (b) and (c) within Ec2(2) and this is in effect assessed in the following section of this report. This is with the exception of criterion (b), which is assessed in the ‘*Highway Safety*’ section of this report below, and criterion (c) (insofar as it relates to residential amenity) which is assessed in the ‘*Residential Amenity*’ section.

Should Policy Ec2(2) be satisfied (and hence, the *principle* of development element of Policy S3 be satisfied) it will also be necessary to consider the proposals’ compliance with criteria (i) to (vi) within Policy S3. This is undertaken in the following section of this report, as well as an assessment against Policy G1 of the HDLHNP.

It is also considered that the development is compliant with the aims of Policy E2 of the made HDLHNP should the development be considered ‘small-scale’. There is no set policy in the HDLHNP which deals with employment development which is not ‘small-scale’.

Compliance with Criteria of Policies S3 and Ec2(2) of the adopted Local Plan and Policies G1 and G3(b) of the made Hugglescote and Donington Le Heath Neighbourhood Plan (HDLHNP)

Criterion (i) of Policy S3

- (i) The appearance and character of the landscape, including its historic character and features such as biodiversity, views, settlement pattern, rivers, watercourses, field*

patterns, industrial heritage and local distinctiveness is safeguarded and enhanced.

Criterion (c) of Policy Ec2(2)

- (c) Not being detrimental to the amenities of any nearby residential properties or the wider environment.*

Criterion (b) of Policy G3

- (b) All development will enhance and reinforce local character and sense of place of the specific location in which it is situated. All new proposals for development should not cause an adverse negative impact on the local beauty of the countryside.*

Paragraph 174 of the NPPF highlights the need to recognise the intrinsic character and beauty of the countryside but does not specifically preclude development within the countryside.

The application site falls within a transitional area of character between the boundaries of the Charnwood National Character Area (NCA) (NCA 73) and the Leicestershire and south Derbyshire Coalfield NCA (NCA 71). Physically the site is located within NCA 73.

At a local level the application site falls within the 'Urban Fringe 4: Southern Fringe of Coalville Area as identified in the North West Leicestershire Settlement Fringe Assessment (2010) (SFA). This SFA also encompasses the South-East Coalville Sustainable Urban Extension (SUE) which is to the immediate west of the site. Within the SFA, land to the south of Grange Road is recognised as the Coalfield Village Farmlands Landscape Character Type (LCT).

The SFA concludes its assessment by identifying the scope for mitigation and notes:

"Any development close to the edge of Bardon 21 [the Bardon Hill Industrial Estate] should aim to incorporate larger woodlands with irregular shaped edges and pockets of open grassland, retaining the field pattern where possible to provide greater screening to warehouse development in the wider landscape."

A preliminary landscape and visual appraisal (LVA) has been submitted in support of the application and this summarises the landscape character of the site as follows:

- *"The site is currently used for arable farming and is bounded by manmade embankments rising above the site on the eastern, northern and western boundaries.*
- *Two highly trafficked roads pass through the immediate landscape, Grange Road and Regs Way. The enclosure of these roads varies with Regs Way screened from the site by the dense vegetation between, and Grange Road being more open and dominant reducing the sense of tranquillity and rural character.*
- *Industrial buildings are evident in the immediate vicinity, with the Stobart building particularly evident, and elevated above the site, to the south with the large Amazon warehouse on Beveridge Lane also evident further south. The smaller industrial building operated by QMS is evident to the north, immediately beyond Grange Road.*
- *The woodland block beyond the site to the south is a dominant feature and creates some separation from the industrial estate beyond.*
- *The land to the west of the rail corridor, forming the western boundary, until recently was arable farmland, however in the past 12 months the land has been subjected to a major earthworks operation to create development plateaus for the approved residential development."*

The visual envelope of the site (being the area of the landscape from which a site or proposed development will potentially be visible) is broadly defined as follows:

- *“To the north the visual envelope is contained by the rising landform associated with Grange Road and the unmanaged vegetation forming its northern boundary.*
- *To the immediate south of the site the visual envelope is contained by the mature woodland block on the southern edge of the Bardon Hill Industrial Estate, and the Stobart building, on the northern edge of the estate rising above the tree line.*
- *To the south-west the visual envelope is more extensive, with a rolling arable farmland and field boundaries with the vegetation along Beveridge Land defining the enclosure. It should be noted this containment will be subject to change as South-East Coalville brings forward extensive residential development on the farmland.*
- *Similarly to the west, although the visual envelope is more extensive, it is currently subject to change as the South-East Coalville development changes the previous land use of arable farmland to suburban residential development.*
- *To the east the visual envelope is contained by the rising embankment forming the western edge of Regs Way road corridor.”*

Sensitive visual receptors to the proposed development are identified in the LVA as:

Residential Properties

Whilst no existing residential properties exist, the South-East Coalville development will result in new residential receptors. The most sensitive of these would be the residential receptors on the eastern edge of South-East Coalville, in particular the Bellway development being constructed in accordance with permission granted under application reference 20/2030/REMM.

Roads, Access and Public Rights of Way

Open views of the site are afforded from motorists travelling east and west on Grange Road to and from the junction with the Birch Tree Roundabout. Users of public right of way (PROW) N54, situated to the south of the site, which glimpsed views from a short section of the site to the immediate east of the railway corridor.

Workers

People working in the high level office area at QMS and within the Bardon Hill railway signal box will experience views of the site.

LVA Conclusion

The LVA acknowledges that the introduction of built elements on the site, which is currently open and undeveloped, will result in a significant change to its character. It is, however, specified the introduction of landscape structure planting will contribute to the mitigation of the proposed development with woodland blocks being created (which reflects local characteristics) and planting around the units assisting in softening views and ‘breaking up’ the mass of the built development.

In terms of visual impacts, the LVA specifies the site is visually well contained to the north, south and east, with views from Grange Road limited to vehicular and pedestrian users and views from PROW N54 heavily filtered. Consequently the visual impacts would be limited to the

residential properties to be constructed to the immediate west as part of the South-East Coalville SUE.

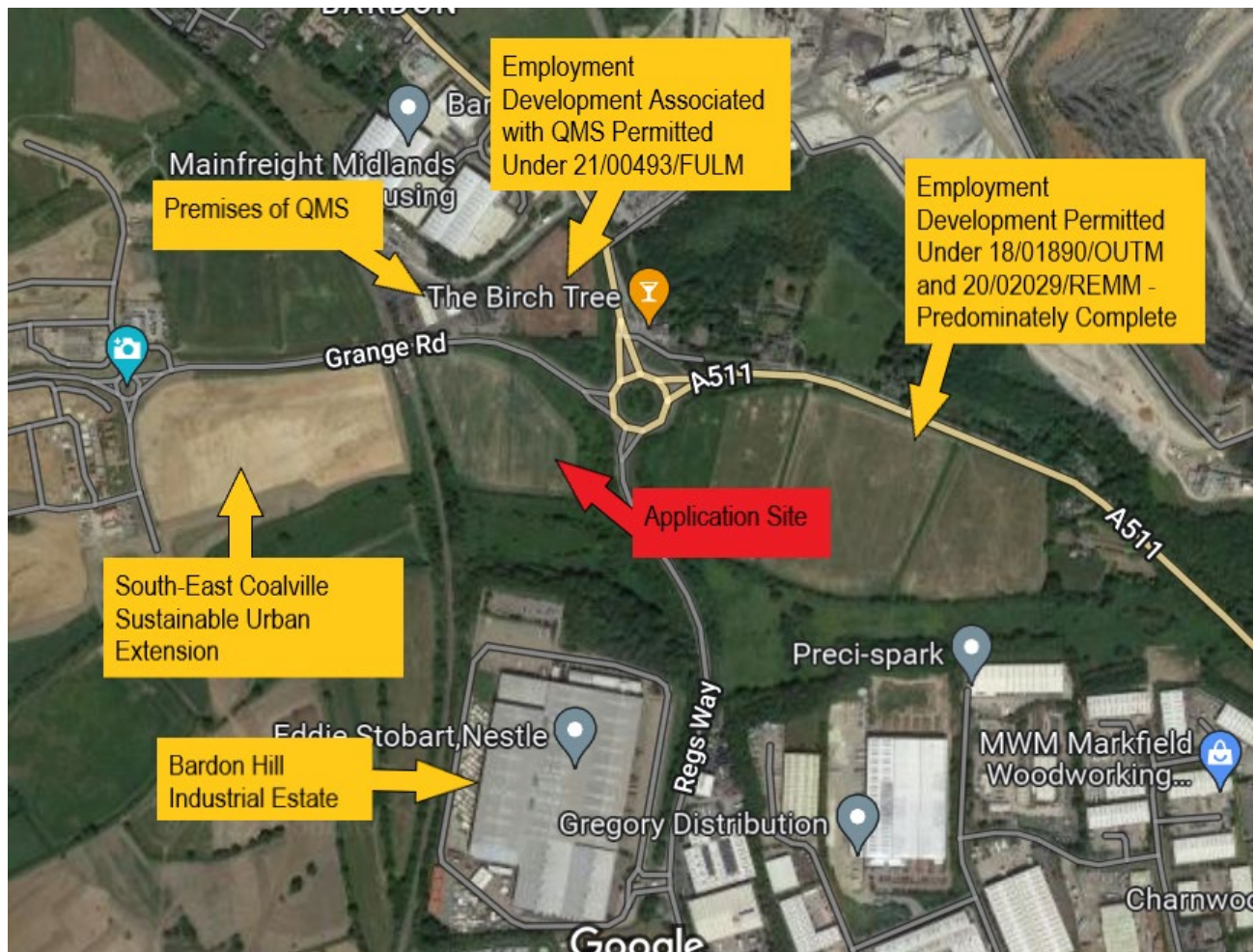
Officer Conclusion on LVA

It is considered that the assessment undertaken in the LVA is reasonable, and the lack of statutory landscape designations on or around the site is significant in assessing the level of harm arising from the proposal.

In terms of landscape character the application site is/will be surrounded by built forms of developments, including:

- The South-East Coalville SUE being developed to the immediate west;
- The premises of QMS being set to the immediate north (on the opposite side of Grange Road) and where permission exists for the construction of a building for use under use class B2 and/or B8 under application reference 21/00493/FULM (this building would be constructed to the east of the existing building and would be parallel with Bardon Road (A511));
- The development of employment buildings to the east of the site on the opposite side of the Birch Tree Roundabout, in accordance with the permissions granted under application reference 18/01890/OUTM and 20/2029/REMM (known as land east of Regs Way); and
- The Bardon Hill Industrial Estate to the south, and where built forms are visible from Grange Road including the Stobart building and the premises of Amazon on Beveridge Lane.

Surrounding Developments



In such circumstances whilst it is acknowledged that the land is currently undeveloped and there would be some change to the landscape character as a result of the development, this is considered to not be significant given the heavy urban influences either established, or to be established, in the immediate area and that any impact would be localised given the visual containment of the site. On this basis the landscape could accommodate the development without its character being significantly harmed.

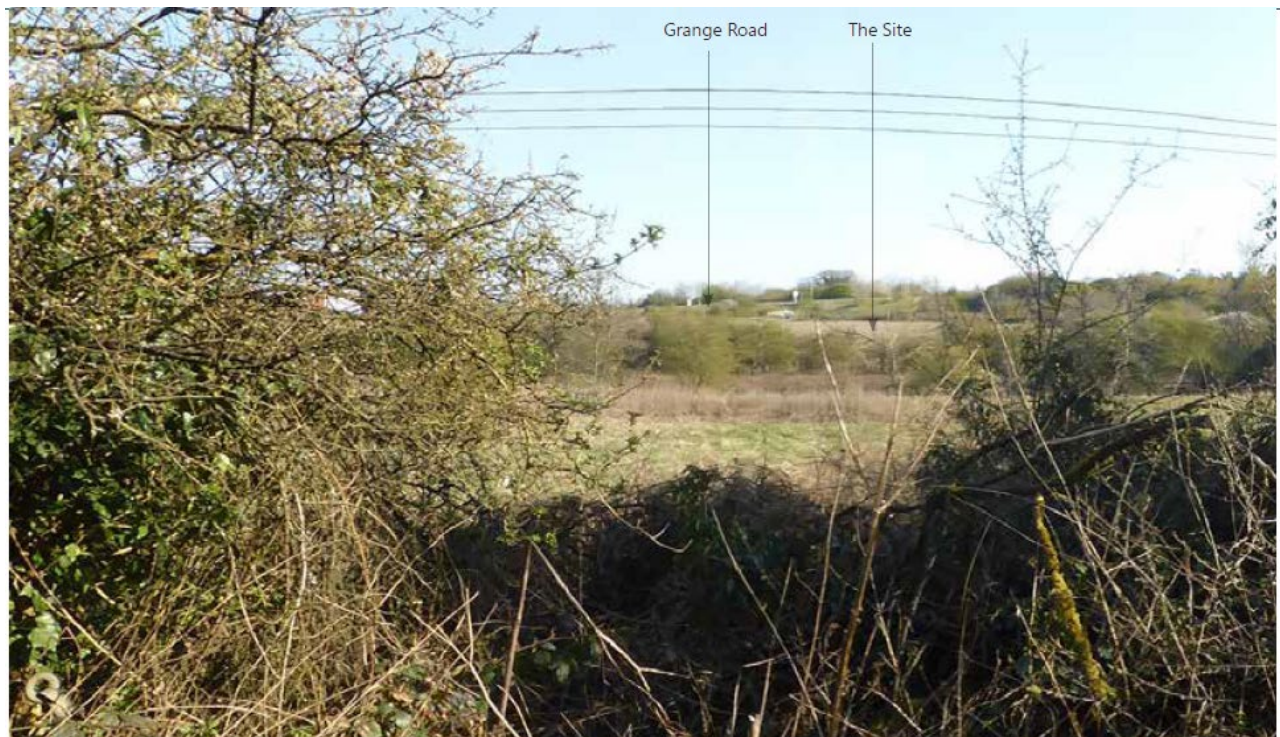
It is also considered that visually the development would be viewed in connection with the other significant urban influences in the landscape, as identified above, which would localise the visual impacts.

In terms of the sensitive residential receptors to the west, whilst it is accepted that the ground levels on the site are higher than those associated with the residential development, around a difference of 3.46 to 3.47 metres between the proposed finished floor levels (FFLs) of units 1 to 5 (part of the 'full' element of the application) and the approved FFLs of the closest residential receptors to be constructed, there would be separation distance of around 112 metres between the two developments. The FFL of QMS, as well as the additional building to be constructed on the QMS site, are also higher than those to be established on the application site.

It is considered that the landscape planting which would be undertaken (and which would be conditioned on any permission granted) would suitably mitigate the visual impacts from the sensitive residential receptors, with permission also existing for the creation of a landscape buffer between the residential development constructed by Bellway (under application reference 20/02030/REMM) and the railway line as permitted under application reference 20/02028/REM.

The proposed development would also not significantly compromise people's experience of views towards features of interest within the landscape, with only filtered views established from a partial section of PROW N54 (to the south of the site) and vehicular and pedestrian users of Grange Road experiencing the development in the context of its relationship with other urban influences.

View from PROW N54



View from Junction of Grange Road with the Birch Tree Roundabout/A511 (Bardon Road)



Overall, the visual impact of the development to the character and appearance of the landscape would not be significantly adverse and would be appropriately mitigated by landscaping infrastructure. Consequently, the landscape would be safeguarded with no detriment arising to the wider environment. On this basis the proposal would be compliant with criterion (i) of Policy S3 and criterion (c) of Part (2) of Policy Ec2 of the adopted Local Plan, as well as criterion (b) of Policy G3 of the HDLHNP and Paragraph 174 of the NPPF.

It is also considered that the rural setting of Hugglescote and Donington Le Heath would be preserved, in the context of Policy ENV7 of the made HDLHNP, given that in viewpoint 6 (from public right of way (PROW) N50) the eventual development associated with the South-East Coalville SUE would be dominant in the view eastwards from PROW N50 and would screen the development. It is also noted that in the photographs associated with viewpoint 6 the Stobart building is visible with this building set at a significantly higher land level than the application site.

Criteria (ii) and (iii) of Policy S3

- (ii) It does not undermine, either individually or cumulatively with existing or proposed development, the physical and perceived separation and open undeveloped character between nearby settlements, either through contiguous extensions to existing settlements or through development on isolated sites on land divorced from settlement boundaries; and*
- (iii) It does not create or exacerbate ribbon development.*

In terms of criterion (ii), the application site comprises greenfield land located to the south of Grange Road and west of Regs Way in close proximity to the junctions of these roads with the Birch Tree roundabout. It lies adjacent to the Limits to Development for the Coalville Urban Area which collectively comprises Coalville, Donington Le Heath, Greenhill, Hugglescote, Snibston, Thringstone and Whitwick as well as the Bardon Employment Area.

In the context of the site location, where it is immediately adjacent to the Limits to Development of the Coalville Urban Area, and the development undertaken around the site (as identified above) it is considered that the development would not undermine the physical and perceived separation and open undeveloped character between settlements given that it does not lie between defined settlements.

With regards to criterion (iii), the Planning Portal defines 'ribbon development' as "*development, usually residential, extending along one or both sides of a road but not extended in depth*" with the dictionary definition being the "*the building of houses along a main road, especially one leading from a town or village.*" By strict definition the proposal would not conflict with criteria (iii), as the development is not residential. In any event the application site is bound by development on all sides and would, for all intents and purposes, comprise an infill plot of land which could not therefore create or exacerbate ribbon development given such integration with existing/proposed development (i.e. there is no land immediately beyond or adjacent the application site on which to create further development).

Based on the above there would be no conflict with criteria (ii) and (iii) of Policy S3.

Criterion (iv) of Policy S3

(iv) Built development is well integrated with existing development and existing buildings, including the re-use of existing buildings, where appropriate.

It is outlined in the assessment under criterion (i) of Policy S3 that the application site lies in close proximity to existing or proposed development on all boundaries.

On this basis the built development would be well integrated with existing development and buildings and would therefore not conflict with criterion (iv) of Policy S3.

Criterion (v) of Policy S3

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

Whilst offices (under use class E) would be classed as a main town centre use, and therefore expected to be directed toward the closest Town Centre/Primary Shopping Area, it is noted that the offices proposed as part of the application would be ancillary to the primary use of the units under use classes E(g)(iii), B2 or B8 and therefore it would be unreasonable to redirect the office space to the closest Town Centre/Primary Shopping Area. A condition would be imposed on any permission granted to enforce that the offices are used as ancillary to the principal use of the unit.

It is also noted, in any event, that offices are now excluded from the need for an impact assessment to the vitality and viability of the town centre to be undertaken under Paragraph 88 of the NPPF.

Overall, and taking into account the ancillary nature of any offices, it is considered that no conflict with criterion (v) of Policy S3 arises.

Criterion (vi) of Policy S3

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

Criterion (a) of Policy Ec2(2)

- (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.*

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 services being within appropriate walking distances. Accessibility to these stops would be achieved via existing footways on Grange Road, Regs Way and Bardon Road (A511), some of which are designed to cater for both pedestrians and cyclists. The application site is also within walking distance of the settlements of Coalville and Hugglescote.

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. It is noted that the County Highways Authority (CHA) have no objections to the travel plan, as is outlined in the 'Highway Safety' section of this response below.

Overall the proposal is considered to be accessible by a range of sustainable transport and is therefore compliant with criterion (vi) of Policy S3 and criterion (a) of Policy Ec2(2).

Overall Conclusion in Relation to Compliance with Criteria of Policies S3 and Ec2(2) of the adopted Local Plan and Policies G1 and G3(b) of the made Hugglescote and Donington Le Heath Neighbourhood Plan (HDLHNP)

Paragraph 83 of the NPPF outlines that planning decisions “*should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.*”

It is concluded above that the proposal would not conflict with criteria (i) to (vi) of Policy S3 of the adopted Local Plan, nor criteria (a) and (c) (insofar as it relates to the 'wider environment') of Policy Ec2(2) and criterion (b) of Policy G3 of the HDLHNP. The assessment of criterion (c) of Policy Ec2(2) (insofar as it relates to 'residential amenity') is undertaken within the 'Residential Amenity' section of this report below, and where it is concluded that no significantly adverse impacts would arise. The assessment of criterion (b) of Policy Ec2(2) is undertaken in the 'Highway Safety' section of this report below, and where it is again concluded that no adverse impacts would arise.

The proposal is also considered compliant with the aims of Paragraph 83 of the NPPF.

Overall the *principle* of the development would be considered compliant against Policies S3 and Ec2(2) of the adopted Local Plan and Paragraph 83 of the NPPF.

Insofar as Policy G1 of the HDLHNP is concerned, this specifies that proposals outside the defined Limits to Development will be assessed against Local and National Policies. As is concluded above the proposal is compliant with Policies S3 and Ec2(2) of the adopted Local Plan, as well as Paragraph 83 of the NPPF and therefore it would also be compliant with Policy G1 of the HDLHNP.

The development also does not conflict with Policy ENV7 of the HDLHNP.

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

Assessment of the objections received in relation to the principle of the development

Objection	Response
The proposed application site is outside the limits to development in both the local and neighbourhood plans and as such should not be supported.	See above assessment. Whilst the application site is outside the defined Limits to Development, Policy S3 of the adopted Local Plan supports employment development where a need or demand is demonstrated in accordance with Part (2) of Policy Ec2. A demand for the development has been demonstrated in this instance.
The application site is outside the defined Limits to Development in both the adopted Local Plan and Hugglescote and Donington Le Heath Neighbourhood Plan and therefore there is conflict with Policy G1 of the Neighbourhood Plan. Policy E2 of the Neighbourhood Plan would also not be met as it has not been demonstrated that the development needs to be in this location.	The proposal is not contrary to Policy G1 of the adopted Hugglescote and Donington Le Heath Neighbourhood Plan (HDLHNP) given the proposal is compliant with Local and National Policies. In terms of Policy E2 of the HDLHNP it is unclear if the development would comprise 'small scale' employment development, but in any event it is considered that the proposal would be compliant with the terms of this policy given its compliance with Policy G3 of the HDLHNP and that no adverse impacts arise in other respects (as assessed in more detail below).
New industrial buildings built off Bardon roundabout/A511 and next to the BP Garage on Bardon Road are predominately vacant so there is no need for more development of this nature.	Whether newly constructed employment buildings in the area are vacant or not, is not material to the consideration of the application in the circumstances that a demand has been demonstrated for the size and types of units proposed as part of this application, whereas those units which may be vacant could be targeted at a different market to those proposed.

Loss of Agricultural Land

In terms of the loss of agricultural land, Paragraph 174 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 *“wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile (BMV) agricultural land.”* Footnote 58 to Paragraph 175 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 (3.38 hectares) would fall substantially below this threshold it is considered that a reason to refuse the application in the context of criterion (b) of Paragraph 174 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.

Residential Amenity

The nearest existing residential receptor to the site would be any habitable accommodation associated with the Birch Tree Public House, situated to the north-east of the site, although it is acknowledged that residential dwellings are being built to the west of the site as part of the South-East Coalville Sustainable Urban Extension (SUE) and therefore the impact to the future residential amenities of these properties would also need to be assessed.

The Birch Tree Public House is located around 167 metres from unit 5, being the closest unit to this property, and is situated on land which is higher than that associated with the application site. A section drawing has been submitted in support of the application and this shows that the ridge height of unit 5 (as well as units 1 to 4) would only exceed the land level of the adjacent highway (Birch Tree roundabout) by around 3 metres and would be screened by existing landscaping infrastructure to the north-eastern site boundary, as well as proposed landscaping infrastructure to the northern and eastern site boundaries in time. Taking into account the separation distance and limited massing of the unit which would be presented to the Birch Tree Public House, it is considered that no adverse overbearing, overshadowing or overlooking impacts would arise.

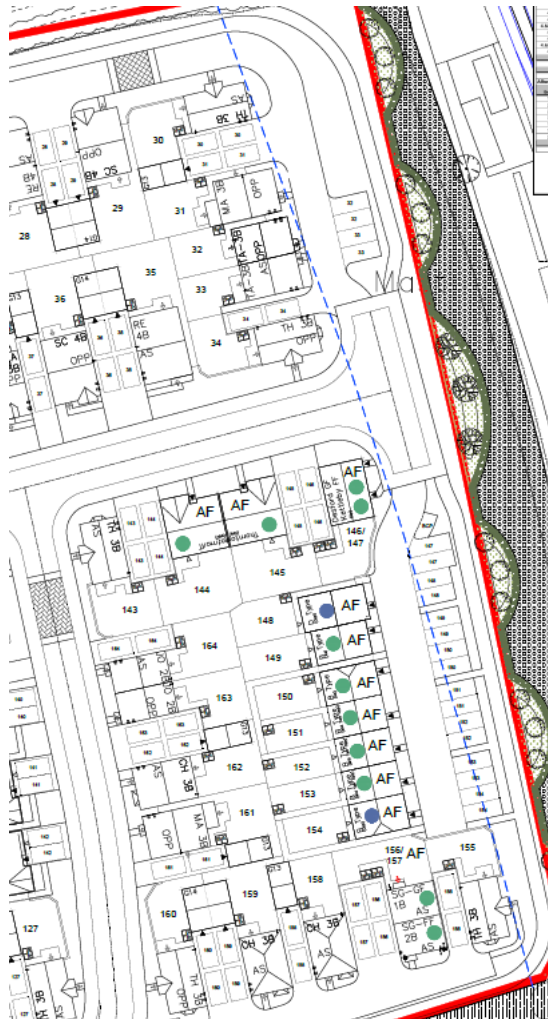
With regards to future residential amenities, the closest residential development to the application site would be that being constructed by Bellway to the west in connection with application reference 20/02030/REMM (erection of 164 dwellings with associated car parking, secondary roads and incidental landscape planting (reserved matters to outline planning permission ref. 13/00956/OUTM)).

A hybrid application is also being considered under application reference 22/01529/FULM (outline planning permission for proposed residential development of up to 150 dwellings, green and blue infrastructure, electricity substations and associated works (all matters reserved other than part access); full planning permission for provision of sports pitch) which is on land to the north-west.

The layout approved under 20/02030/REMM (as below) shows that plots 30 to 34 are situated closest to the northern part of the application site, with plots 146 to 155 situated closer to the southern part of the application site. All of the above plots (with the exception of plots 30 and 34) present their front elevations to the railway line (i.e. the western boundary of the application

site). The residential gardens to such dwellings are predominately situated to their west (i.e. away from the application site) with the exception of plots 146/147 and 155.

Approved Layout for 20/02030/REMM



A section drawing (as below) shows that land levels fall from the application site towards the railway line (i.e. from east to west), with land levels also falling from north to south (by around 7.7 metres). Land levels also fall from north to south on the land associated with 20/02030/REMM by around 5.18 metres.

Site Sections



1 Section A-A
Scale: 1:500



2 Section B-B
Scale: 1:500



3 Section C-C
Scale: 1:500



4 Section D-D
Scale: 1:500

B
001/2

Site Sections Key



Planning permission reference 20/02028/REM has approved a landscape buffer (as shown below) between the residential development (consented under 20/02030/REMM) and the railway line, with a 1.8 metre high noise acoustic barrier (close boarded timber fence) being provided adjacent to the railway line.

Approved Landscape Buffer for 20/02028/REM



Land levels rise up the railway line, by around a metre, when viewed from the development consented under application reference 20/02030/REMM, as is evidenced on the viewpoints V5 and V6 within the submitted preliminary Landscape and Visual Appraisal (LVA) as shown below:

Viewpoint 5 – Taken from the Higher Land Level of 20/02030/REMM



Viewpoint 6 – Taken from the Lower Land Level of 20/02030/REMM



It is considered that the mast shown in the two above images is at a height of around 10 metres above the ground level with this mast being on ground which is level with the rail line at around 157.73 metres AOD (i.e. the top of the mast would be 167.73 metres AOD). This mast is around 71 metres from plot 34 (being the closest plot under 20/02030/REMM).

It is outlined in the '*Proposals and Background*' section of this report above that the FFLs of units 1 to 5 would be between 158.65 metres AOD (unit 5) to 158.66 metres AOD (units 1 to 4) with the units having overall heights of 8.95 metres (i.e. unit 5 would be 167.60 metres AOD and units 1 to 4 would be 167.61 metres AOD). Unit 1 would be the closest unit to the western site boundary with unit 5 set the furthest from the same boundary with the units being arranged so as to 'swing away' from the western site boundary.

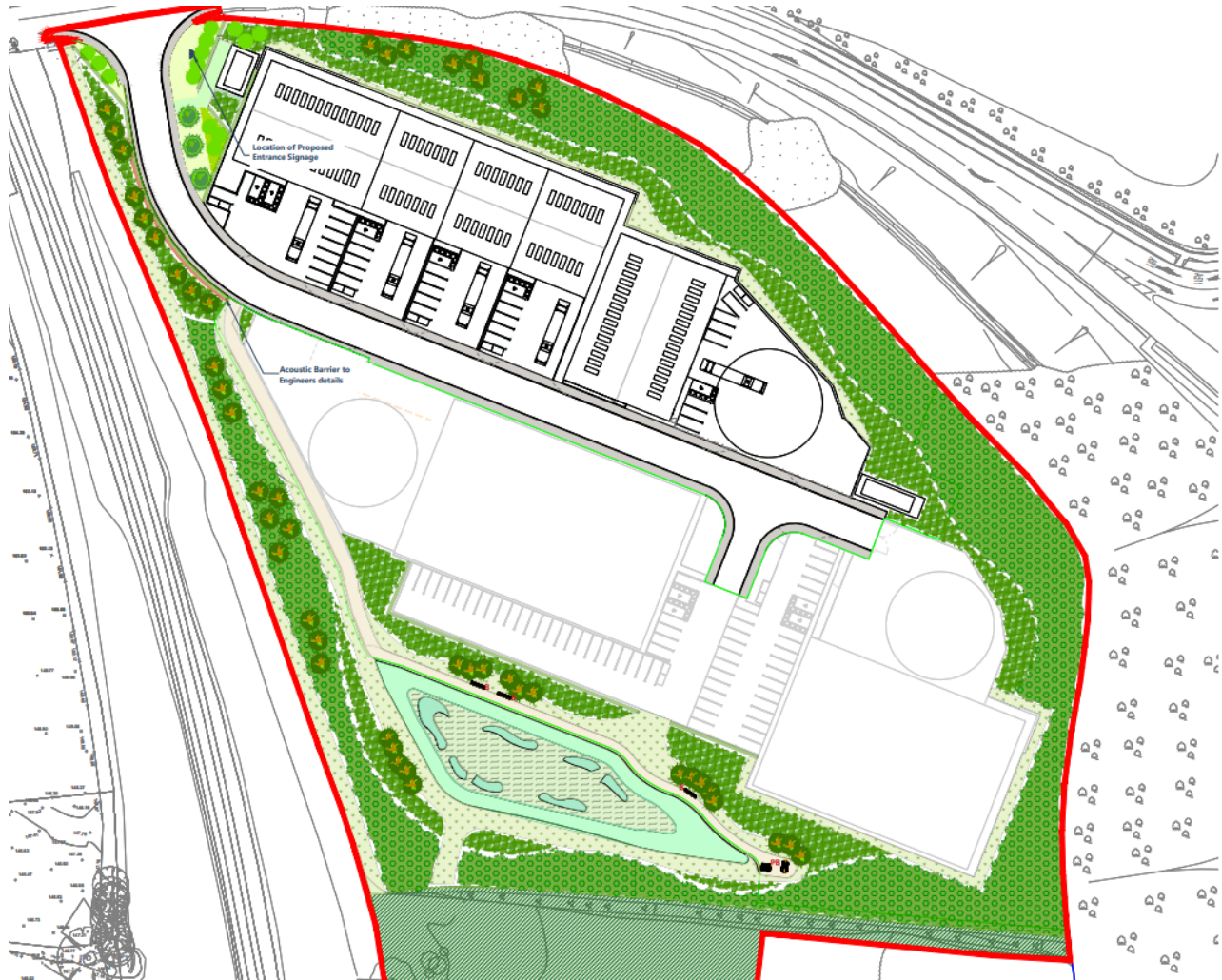
Condition 10 of the permission granted under 20/02030/REMM related to the finished floor levels of the dwellings to be constructed to the west and this condition has been discharged under application reference 21/01762/DIS. Based on the approved information, the FFLs of the

units would be 3.46 to 3.47 metres higher than the FFL of plot 30 (the plot with the highest FFL) and 7.66 to 7.67 metres higher than the FFL of plot 155 (the plot with the lowest FFL). The overall height of the units would be 4.4 metres to 4.5 metres higher than the ridge of plot 30 and 8.6 metres to 8.7 metres higher than the ridge height of plot 155.

Whilst acknowledging the differences in the FFLs and ridge heights of the units in comparison with the dwellings to be constructed to the west, the separation distance to be established would be around 112 metres between unit 1 and the closest plots (plots 30 to 34). The angling of the units would lead to the furthest unit from the western site boundary (unit 5) being around 171 metres from plot 146/147, being the nearest plot, and 172 metres from plot 155, being the furthest plot.

Taking into account such separation distances it is considered that units 1 to 5 would not create any adverse overshadowing impact, particularly as the units are predominately to the north-east of the dwellings, nor would any adverse overlooking impacts arise.

In terms of overbearing impacts, units 1 to 5 are orientated so as to not create a continuous mass of development to the western site boundary with it being proposed that landscaping infrastructure would be established between the units and the western site boundary (as shown below).

Proposed Landscaping Infrastructure

It is also identified above that a landscape buffer would be provided between the residential development and the railway line, with such trees planted upon the embankment which exists.

Although, given the topography, units 1 to 5 would appear above such landscaping infrastructure (trees likely to mature to a height of 8 metres), the separation distances involved and filtering of direct views through the landscaping, would reduce the visual massing of the development to a degree whereby the impacts to the future amenities of any occupants of the development to be constructed to the west (20/02030/REMM) would not be so adverse that a reason to refuse the application could be justified.

In respect of the above, it is also acknowledged that certain plots on the residential development to the west, particularly those in the northern part of the site, would also have a similar relationship with the premises of QMS (plot 34 would be around 134 metres from QMS) which has a finished floor level of 160.94 metres AOD (i.e. 2.28 to 2.29 metres higher than the FFLs of units 1 to 5) and where the tallest part of the building is at a height of 173.74 metres AOD (i.e. over 6 metres higher than the ridge of units 1 to 5), this being based on plans associated with application reference 11/00649/FUL. Permission has also been granted for an additional unit on the QMS site (under 21/00493/FULM) which would have a finished floor level of 166.35 metres

AOD and overall height of 181.35 metres AOD (i.e. over 13 metres higher than the ridge heights of units 1 to 5).

The residential development proposed under application reference 22/01529/FULM is in outline form and therefore the positioning of the dwellings is subject to change. The illustrative masterplan (as below) shows that dwellings in the south-eastern corner of the site, the part of the site closest to the application site, would be orientated so as to address Grange Road or the railway line with a landscaping buffer likely created between the residential properties and the railway line.

Current Illustrative Masterplan for 22/01529/FULM



There would be a separation distance of around 87 metres between unit 1 and the closest residential property on the illustrative masterplan. However, when accounting for the fact that land levels rise on the northern side of Grange Road, the more direct relationship development under 22/01529/FULM would have with the premises of QMS and the likely landscaping buffer to be created, it is considered that no adverse overbearing, overshadowing or overlooking impacts would arise to the amenities of any future occupants.

The second phase of the development is in outline form, but the 'full' element of the application seeks approval for the finished floor levels of development within the second phase which are proposed to range between 158.5 metres AOD and 159.72 metres. The extent of land associated with the second phase would be around 68 metres from the boundary of the land associated with the residential development to the west, with the illustrative masterplan showing a unit at a FFL of 158.5 metres AOD (unit 7) being placed at a distance of around 116 metres from plot 155 (being the closest plot). The unit at a FFL of 159.72 metres AOD (unit 6) would be around 179 metres from plot 155 (being the closest plot).

It is considered that whilst such FFLs in the second phase would be acceptable, particularly as land levels rise from west to east, careful consideration would need to be given to the scale and layout of any unit(s) within the second phase to ensure that they are appropriately positioned within the site so as to not result in any adverse overbearing impacts to the amenities of any future occupants of the development to the west. In this respect it is considered that the overall height of the units within the second phase (particularly any within the western part of that phase) should be restricted to be no higher than those of units 1 to 5. It is also considered that the further provision of site sections as part of any subsequent reserved matters application for development in the second phase would be imperative to demonstrate the relationship which would be established, and a condition would require the submission of such information.

On the basis of the separation distances it is considered that no adverse overshadowing impacts would arise from development in the second phase, and overlooking would be assessed once the position of windows in the unit(s) was known, albeit the separation distances would suggest that no adverse impacts would arise in this respect.

The other aspect to consider in respect of existing and future residential amenity is any potential impacts arising from noise and in this respect a noise assessment (NA) has been submitted in support of the application which assesses noise from heavy goods vehicles (HGVs) movements, including arrivals, departures, loading and unloading activities, car park usage and fixed building services plant noise.

It is outlined in the NA that the existing noise climate is dominated by vehicular activity on Grange Road and distant road traffic on the wider highway network. Noise from Bardon Quarry was also observed at the northern end of the site when road traffic was not dominant. The NA specifies that the noise sensitive receptors (NSRs) considered to be impacted by the proposed development are those to be constructed to the west of the site in connection with the permission granted under application reference 20/02030/REMM with NSRA being the location of plot 32 and NSRB being the location of plot 155.

In terms of operational noise, the NA concludes that internally recommended noise levels are likely to be exceeded at NSRA during the night-time in both the weekday and weekend periods, assuming a partially open window, but would be met at NSRB. The impact at NSRA would be considered 'adverse' and consequently mitigation would be required. Such mitigation would be in the form of a continuous 3.5 metre high acoustic noise barrier (which could take the form of a close boarded fence) installed around the 'bend' in the spine road to the south-west of unit 1. The installation of the acoustic noise barrier would reduce the impacts to 'low' during the night-time period at NSRA during both the weekday and weekend periods.

With regards to the noise from additional vehicular movements on the highway network these are assessed within the NA to result in a negligible impact during the daytime and night-time periods, in both the short and long term, and therefore would not require any form of mitigation.

In the absence of detailed information on the external plant and services to be installed, which would be dependent on the 'use' operated from the units, the NA outlines that it would be appropriate to specify a suitable cumulative noise level limit to which any plant should conform. The NA indicates that this should be of a level which is either less than or equal to the prevailing background noise levels so as to demonstrate a 'low' impact. In this particular instance this would be a rating level of 40 decibels (dB) during the daytime and 36dB during the night-time, with this limit applying at least 3.5 metres from the external façade of the NSRs.

Given the absence of precise information, it is considered reasonable and necessary that a condition is imposed requiring the details of any external plant and services, and including their noise specification, to be submitted so that the noise associated with this element of the development can be appropriately considered and mitigated where necessary.

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 NA subject to the imposition of a condition which would secure the proposed mitigation measure.

No specific details in relation to external lighting have been submitted as part of the application and consequently it is considered that the imposition of a condition would ensure that precise details are provided at an appropriate time so as to ensure that no adverse impacts to future residential amenities arise as a result of the provision of such lighting.

Overall it considered that the proposal would be compliant with Policy Ec2(2)(c) (insofar as it relates to residential amenity) and Policy D2 of the adopted Local Plan as well as Paragraph 185 of the NPPF.

Assessment of objections in relation to residential amenities

Objection	Response
The proposal will result in further building disruption.	Construction is a temporary manifestation of any development project which is not for the planning system to control unless there is exceptional amenity harm. In the circumstances that the Council's Environmental Protection team have no objections, it is considered that no adverse impacts would arise in this respect which would require mitigation.
The proposed development does not integrate with the residential development being undertaken on Grange Road and is too close to the residential development. Significant areas of green space should be accommodated between industrial and residential development.	<p>A landscaping buffer is to be created between the residential development to the west of the site as permitted under application reference 20/02028/REM. The proposed development would also provide landscaping mitigation, in the form of woodland planting, to its western boundary so as to further mitigate the impacts to future residential amenities.</p> <p>The proposed development is not materially different to the industrial development of QMS to the immediate north of the site, with industrial development at Bardon Hill Industrial Estate to the south and new employment development to the east of Regs Way. In this context the area is a mix of residential and commercial.</p>
The application site represents the last pocket on countryside on the eastern side	The right to or loss of a view is not a material planning consideration which can be taken into

<p>of the parish that has not been developed and this 'green lung' provides open aspect views and offers a buffer from Industrial to Residential. Residents are likely to have major concerns about the development and will not enjoy the views from their homes particularly as the units are 8 metres in height.</p>	<p>account in the assessment of the application. It is also considered that existing industrial development is not buffered from residential development given the premises of QMS is immediately adjacent to built development associated with South-East Coalville.</p> <p>Green infrastructure would also be largely retained on the site and reinforced with additional planting which will help to maintain an aspect of a 'green lung'. When balanced with other material considerations the loss of the land for employment development would not justify a refusal of the application.</p>
<p>The proposal provides for a 10 metre wide landscaping strip. There is a major concern as the site is proposing 5 medium sized units and there is a phase 2 proposal in the plans for 1 larger unit or maybe 2 large which will be placed upon raised earthworks to accommodate them. These units being 8 metres high on heightened earthworks will require mature trees to screen the site.</p>	<p>The impacts in connection with the scale, appearance and layout of the units in phase 2 (the 'outline' element of the application) are matters to be assessed as part of a reserved matters application.</p> <p>Whilst the development in phase 1 (the 'full' element of the application) will have finished floor levels higher than those of the residential properties the overall height of such units is not excessive and will not be higher than the development at QMS which is at a higher land level. The proposed landscaping mitigation is a means of reducing the visual impacts of the development more than a means of 'screening' the development in its entirety.</p> <p>As is the case above, other material considerations would also weigh in favour of the development.</p>

Air Quality

The application is accompanied by an Air Quality Assessment (AQA) with the Coalville Air Quality Management Area (AQMA), at a distance of around 1200 metres from the site, being the closest AQMA to the application site.

The AQA 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 12 sensitive receptors identified without mitigation. However, the AQA recommends measures for inclusion within a dust management plan (DMP) to minimise emissions during construction activities with the implementation of a DMP reducing the impacts to 'not significant' in accordance with the Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Dust from Demolition and Construction'. The provision and subsequent implementation of a DMP would be conditioned on any permission to be granted.

In terms of the impacts associated with road traffic emissions from the operation of the

development, the AQA has concluded that such impacts would be 'negligible' to the sensitive receptors, with no exceedance of relevant air quality objectives, and consequently no mitigation would be required in this respect. Whilst no mitigation is specifically necessary the AQA 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 below that a travel plan would be secured via condition 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.

In the above circumstances the proposed development is considered to be compliant with Policy En6 of the adopted Local Plan and Paragraph 186 of the NPPF.

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 Policy G3 of the Hugglescote and Donington Le Heath Neighbourhood Plan (HDLHNP) and Paragraphs 126 and 130 of the NPPF.

The impacts of the proposed development to the character and appearance of the landscape is undertaken in the '*Principle of Development*' section of this report above and where it is determined that the proposal would be compliant with criterion (i) of Policy S3 and criterion (c) of Policy Ec2(2) (insofar as it relates to impacts on the wider environment).

As part of the consideration of the application the Council's Urban Designer has been consulted and the concerns raised focused on the following four matters:

1) How the development would be perceived from Grange Road

In the above respect it was noted that the 'full' element of the application would result in units 1 to 4 facing south-west and unit 5 facing south-east and therefore they would 'turn away' from Grange Road and the Birch Tree roundabout. Consequently, it was important to consider how the development would be viewed from these points particularly as the elevations presented to Grange Road would be devoid of windows. In this respect the Council's Urban Designer suggested the provision of more mature planting within the soft landscaping scheme so as to effectively screen the elevations.

The visual impact of the proposed substation adjacent to the vehicular access off Grange Road also needed to be carefully considered.

2) The arrangement of the buildings

The Council's Urban Designer identified that the design proposals referred to the importance of a quality public realm and the need to appreciate the spaces between the buildings. It was noted that the arrangement resulted in units 1 to 4 addressing the internal spine road (and each other) whilst unit 5 faced away from the other units. This consequently resulted in an awkward relationship with the north-western elevation of unit 5 which presented a blank elevation to the internal spine road.

3) *Landscape Approach*

The Council's Urban Designer identified that whilst there would not be an insignificant amount of landscaping surrounding the proposals, it was considered that more could be done to draw landscaping up to the access road and set the units back behind a green verge, particularly given the introduction of boundary fencing.

The introduction of permeable surface treatments to the lighter load areas of the car parking areas would also be welcomed.

4) *Architectural Approach*

The Council's Urban Designer has outlined that the approach is simple and whilst the use of 'timber effect' material as a nod to the National Forest is welcomed it is considered that this could go further.

How the materials work together within the respective planes of the piers/cladding/windows/spandrel panels also needed to be understood as there was concern that the building could appear flat.

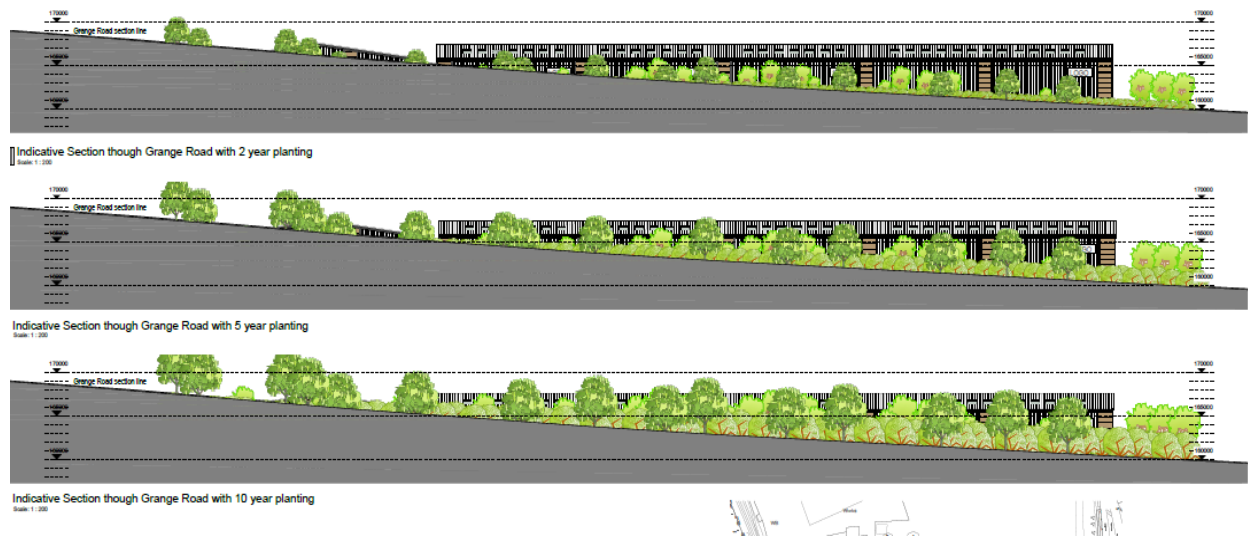
From the perspective of the National Forest Company (NFC) they have also welcomed the inclusion of timber effect cladding but would prefer actual timber cladding. Whilst noting such a request it is noted that employment development constructed in the immediate area, including that to the immediate north (21/00493/FULM) and east (18/01890/OUTM and 20/02029/REMM) utilises timber effect cladding and consequently it is not a necessity that actual timber cladding is utilised. It is also the case that the landscaping infrastructure would serve to provide the development with a National Forest identity. There would therefore be no justification to refuse the application due to the materials of construction.

Amendments

The plans were subsequently amended which have resulted in a more rational arrangement to the elevations and have assisted in articulating the 'definition' between the individual units and also provided greater emphasis to the entrances. A series of piers were also introduced to the blank gable elevations, and including the north-western elevation of unit 5, with the elevation plans demonstrating that the piers would project 150mm so as to offer variation to the elevation and avoid it appearing flat. Such piers would also provide shadow and articulation to the elevations.

Further sections (as below) were also provided by the applicant to demonstrate how the proposed landscaping would screen the north-eastern elevations of the units in views from Grange Road and the Birch Tree roundabout over a 2, 5 and 10 year period with landscaping at the 2 year period still providing an effective screening of such elevations.

Site Section Through Grange Road Showing Planting



The approach to soft landscaping would also seek to provide effective screening of the proposed sub-station, as well as the pump-station to the south-east of unit 5.

Following re-consultation with the Council's Urban Designer they have advised that concerns 1), 2) and 4) have been appropriately addressed.

In terms of concern 3), additional soft landscaping, in the form of tree planting, has been introduced around the entrance road as well as to the north-eastern and south-western boundaries. It remains the case, however, that soft landscaping has not been introduced to the frontage boundaries of the units.

The applicant has advised that they have explored the option of landscaping to the frontage boundaries, but this has been discounted given that the growing space required for a hedgerow impacts on the off-street parking provision which would then be below a level required by the applicant (as well as the County Highways Authority). Furthermore heavy goods vehicles (HGVs) and private cars would access the units through the frontage boundaries and consequently this would limit the length of hedgerow which could be planted, given the width of vehicular accesses required, and would also result in such hedging being split into four sections given the location of the vehicular accesses.

Whilst such hedging would not be accommodated to the frontage of the units, it is accepted that substantial landscaping infrastructure would be provided/retained as part of the development and careful consideration can be given to the boundary treatments which would be provided adjacent to the internal access road, as well as the approach to hard landscaping within the boundaries of the plots, so as to soften their appearance. In such circumstances the partial conflict with concern 3) would not justify a refusal of the application.

There is a need for an acoustic screen measuring 44 metres in length with a height of 3.5 metres to be provided within the western part of the site, so as to mitigate the impacts of noise (as discussed in the 'Residential Amenity' section of this report above). Whilst it is accepted that such an acoustic screen would have a substantial visual presence, it is indicated that such impacts would be mitigated by the provision of soft landscaping which will include native hedgerow planting and tree planting. Over time the visual impacts would be mitigated to an

acceptable level so as to not justify a refusal of the application particularly as such an acoustic screen is necessary to make the development acceptable in relation to the amenities of future occupants of the dwellings to be constructed to the west.

With regards to other matters the NFC have outlined that low carbon construction techniques and technologies should feature in the development. The submitted design and access statement specifies that low and zero carbon technologies will be reviewed and refined by individual occupiers and therefore there is the potential for such features to be incorporated into the development. In the absence of precise information it is considered reasonable to impose a condition which requires a scheme of renewable technologies for the units to be submitted for approval noting that the applicant has recently built out the scheme to the east of Regs Way which has recently installed solar panels on the buildings (application reference 22/01649/NMA). Such an approach would also be consistent with criteria (a), (f), (g) and (o) of Policy G3 of the HDLHNP.

In terms of the 'outline' element of the application is noted that the scale, layout and appearance of the units to be created are reserved for subsequent approval and therefore would be subject to detailed consideration as part of a reserved matters application. The approach to the design should be reflective of the approach to the 'full' element of the application, as discussed above, and a note to the applicant would be imposed to advise of this fact. It is also considered that consideration should be given to the introduction of a soft landscaping buffer between the highway and the frontage boundaries of the units, as well as landscaping within the car parking areas given the indicative scale of such features on the masterplan. This would also be advised in a note to the applicant.

Overall the approach to design would be considered acceptable and compliant with Policies D1 and En3 of the adopted Local Plan, criteria (a), (f), (g) and (o) of Policy G3 of the made HDLHNP and Paragraphs 126 and 130 of the NPPF.

Highway Safety

A transport assessment (TA) and travel plan (TP) have been submitted, and amended, and as part of the consideration of the application consultation has been undertaken with the County Highways Authority (CHA) and National Highways (NH). The consultation response of the CHA takes into account the information outlined within the Leicestershire Highways Design Guide (LHDG).

Criterion (b) of Policy Ec2(2) of the adopted Local Plan specifies that development proposed in accordance with this policy will be considered favourably subject to the proposal:

"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."

Site Access and Internal Highway

A new vehicular access (priority controlled T-Junction) into the site from Grange Road would be formed so as to serve the development. Such an access would have a gradient of 1:30 for the first 10 metres behind the highway boundary and visibility splays compatible with the speed of traffic on the highway. Suitable swept path analysis has also been undertaken to demonstrate that the largest vehicles entering and leaving the site could do so in a manner which is deemed appropriate to the CHA.

Although the visibility splay to the west of the site access would be slightly obstructed by the presence of the existing pole for the wigwag signal at the level crossing, the CHA have noted that the Stage 1 Road Safety Audit (RSA) has identified the need for the existing wigwag signals to be replaced so as to address a problem (no.1) within the RSA. In this circumstance there would be an opportunity for the pole to be relocated outside of the visibility splay which is acceptable to the CHA.

The proposed internal spine road, which forms part of the 'full' element of the application, is also acceptable to the CHA.

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 70 two-way vehicle movements in the AM peak hours and 73 two-way vehicle movements in the PM peak hours. This traffic is assigned to the highway network, and the impact of the additional trips (when considered with committed development in the area – including the development of the South-East Coalville Sustainable Urban Extension (SUE) and employment development at land to the east of Regs Way) have been considered at the following study area junctions:

- Site access junction onto Grange Road; and
- A511 Birch Tree roundabout junction.

In assessing the application the CHA have identified that the site access junction onto Grange Road would operate within capacity but that the A511 Birch Tree roundabout junction would be anticipated to operate slightly over capacity in the future assessment year of 2027. In this respect the TA identifies that delays at this junction would be increased by 1 to 2 seconds, but the CHA acknowledge this delay could be higher given the number of light vehicles which would likely travel east on Grange Road towards the roundabout rather than travelling west.

Although 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 are 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 on the highway network 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 £178,889.71 which the applicant has agreed to pay.

Although the CHA have noted that there would be 34 (in the AM peak hours) and 36 (in the PM peak hours) two-way vehicle movements assigned to Grange Road west, it is considered by the CHA that this would represent a 'worst-case' scenario and therefore it was not necessary for a junction capacity assessment to be undertaken on the roundabout constructed to the west of the site on Grange Road (known as the 'Coalville Deathstar island').

National Highways have also raised no objections and as such there is no adverse impacts to the strategic highway network.

Highway Safety

The CHA has noted that there have been 7 recorded personal injury collisions (PICs) within 500 metres of the site within the last 5 years and current year to date, with two of the PICs being recorded as 'serious' in severity (one on Regs Way in 2020 and one on Grange Road (approximately 420 metres to the west of the site) in 2019) and the other five being 'slight' in severity (all occurring at the Birch Tree roundabout).

When considering the circumstances of the 'serious' incidents the CHA are of the view that they are isolated incidents, with there being no pattern to the 'slight' incidents, and consequently the proposed development would not exacerbate the likelihood of further such incidents occurring.

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 existing footways on Grange Road, Regs Way and Bardon Road (A511), some of which are designed to cater for both pedestrians and cyclists. The CHA have also requested that a financial contribution is secured so as to upgrade the two bus stops on Bardon Road (opposite and adjacent to the Birch Tree Public House) which would total £8,000 (£4,000 per stop).

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 confirmed that the travel plan is acceptable and should be conditioned on any permission granted, a travel plan monitoring contribution of £11,337.50 is also requested by the CHA so as to enable them to ensure the travel plan is implemented successfully.

Parking Provision

In terms of the units to be constructed as part of the 'full' element of the application the CHA have determined that the level of off-street parking, for both light vehicles and heavy goods vehicles (HGVs), would be acceptable and in accordance with the LHDG and would be secured via condition. The introduction of electric vehicle charging points, as outlined in the TA, would also be welcomed by the CHA (this also being in line with criterion (g) of Policy G3 of the Hugglescote and Donington Le Heath Neighbourhood Plan).

The CHA have also specified that cycle parking associated with the 'full element' of the application should be conditioned on any permission granted in the circumstances that the nature of the cycle parking is not explicit within the information which accompanies the application, albeit there is sufficient space to accommodate cycle parking in accordance with the LHDG.

With regards to the off-street parking (including cycle parking) associated with the 'outline' element of the application, this would be dependent on their floor space which is not to be determined at this time. As such an assessment in relation to the off-street parking associated with the 'outline' element would be undertaken at the reserved matters stage when the proposed level of floor space is known. Given the overall site area connected with the 'outline'

element of the application there would be sufficient land available to ensure an appropriate level of off-street parking is provided.

Off-Site Highway Works

The CHA have noted that uncontrolled tactile crossing points would be provided to enable pedestrian connections to the northern side of Grange Road, located to the east and west of the proposed vehicular access, which are acceptable to the CHA and would be conditioned on any permission granted.

The closure of an existing access is also welcomed by the CHA and would also be conditioned.

Level Crossing

The CHA have noted that Network Rail have no objections to the application, as is outlined in the '*Network Rail*' section of this report below, subject to the applicant applying for a Level Crossing Order (LCO) so as to implement yellow hatched markings on the crossing and undertake the mitigation measures outlined in the TA and Stage 1 RSA (which comprise the provision of additional warning signage opposite the proposed site access and amendments to the wigwag signals). Such works would be acceptable from the perspective of the CHA although the costs associated with the LCO, and mitigation measures, would be payable by the applicant.

Highway Conclusion

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 National Highways 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, monitoring of the travel plan and improvements to the two nearest bus stops on Bardon Road (A511).

Subject to the above being secured the proposal would accord with Policies Ec2(2)(b), IF4 and IF7 of the adopted Local Plan as well as criterion (d) of Policy G3 of the made Hugglescote and Donington Le Heath Neighbourhood Plan and Paragraphs 107, 109, 110 and 111 of the NPPF.

Assessment of the objections received in relation to highway safety

Objection	Response
The positioning of the access is unacceptable as it is too close to the rail crossing where traffic backs up when the barriers are down, this would prevent vehicles entering or leaving the site.	See above assessment. The County Highways Authority (CHA) have no objections to the vehicular access including its positioning in relation to the level crossing. For their part Network Rail also have no objections.
The proposed access and egress is in close proximity to the operational mineral rail line and the railway crossing is dangerous.	
The proposal will increase traffic on	See above assessment. There is no objections

Grange Road and will also impact on traffic entering and leaving the site.	from the CHA in relation to the impacts on the highway network with it being the case that industrial traffic would already utilise Grange Road so as to access the premises of QMS.
Grange Road is utilised by commuters and will become more heavily used with the ongoing residential development; it is not suitable for logistics development.	The positioning of the proposed vehicular access is in close proximity to that associated with QMS, with the likely movement of vehicles associated with the site (particularly lorries) being eastwards towards the A511.
The position on Grange Road will encourage heavy goods vehicles (HGVs) to use Grange Road and Ashburton Road. HGVs on Grange Road are already an issue and Ashburton Road is subject to a weight restriction which is not suitably enforced.	Given the location of the site in relation to the A511, and its subsequent connections to the strategic road network of the M1 and A42, HGVs are unlikely to utilise Grange Road or Ashburton Road as such routes would not be convenient and, in any event, there is a weight restriction in place. The enforcement of a weight restriction would be a police matter.

Network Rail

A railway line and the Bardon Hill Level Crossing (situated on Grange Road) exist to the immediate west of the site and as part of the consideration of the application Network Rail have been consulted.

Following an assessment of the submitted details Network Rail have raised no objections provided that the level crossing mitigation measures detailed within the submitted transport assessment are implemented. Certain aspects of the mitigation, including revisions to the crossing layout (such as yellow box markings) and installation of additional warning signage, would require the submission of a Level Crossing Order (LCO) which is a process undertaken separately to the planning process. Network Rail have indicated that costs would be incurred as a result of the submission of an LCO and installation of signage and have therefore requested that such costs are secured within any Section 106 agreement.

Network Rail have also requested that the following be conditioned:

- A construction methodology to ensure that any construction works can be undertaken safely and without impact to operational railway safety.
- A surface water drainage scheme to ensure that surface water runoff does not impact on or cause damage to the adjacent railway assets.
- The installation of trespass proof fencing.
- The installation of vehicle incursion measures, such as an Armco barrier, to ensure that vehicles do not drive or roll into or onto the railway or cause damage to the lineside fencing.
- The approval of an appropriate soft landscaping scheme which discourages the use of certain species of trees and plants in order to ensure there is no impact on operational railway safety.
- The approval of an appropriate lighting scheme so as to ensure that train drivers are not dazzled by such lighting and prevent confusion to the signalling arrangements on the railway.

It is considered that the imposition of such conditions, on any permission to be granted, would

enable appropriate details to be submitted which could be considered further by Network Rail to ensure that the operation and integrity of the railway is not impacted on as a result of the development. On this basis the development would be acceptable in relation to the impacts to railway safety.

The British Transport Police have also raised no objection to the application subject to the installation of fencing, as also required by Network Rail, so as to prevent trespass onto the railway. As is indicated above such a condition would be imposed on any planning permission to be granted.

Ecology

Vegetation, in the form of trees and hedges, are present on the site. Such features could be used by European Protected Species (EPS) or national protected species. As EPS may be affected by a planning application, the Local Planning Authority has a duty under regulation 9(5) of the Habitats Regulations 2010 to have regard to the requirements of the Habitats Directive in the exercise of its functions.

As part of the consideration of the application the County Council Ecologist has been consulted and they have raised no concerns in principle with this proposal given that the land is in arable use and of low wildlife value, and that the adjacent River Sence and Local Wildlife Site (LWS) (Bardon Industrial Estates and Grassland LWS) would not be affected.

The County Council Ecologist also considers that the submitted preliminary ecological assessment is acceptable and that the biodiversity and landscape assessment enhancements and mitigations identified should be conditioned. Such enhancements and mitigations would relate to badgers, otters, water voles, bats, birds, amphibians, reptiles, invertebrates and hedgehogs. In particular there would need to be precautionary working and pre-construction checks in relation to badgers given badger activity in the area and the location of a main sett (albeit the main sett would not be directly impacted).

In terms of biodiversity net gain (BNG), it is noted that the mandatory requirement for 10% BNG has not yet been enacted through the Environment Bill (expected 2023) but Paragraph 174(d) and Paragraph 180(d) of the NPPF set out a requirement to minimise impacts on and provide net gains for biodiversity. The BNG calculation submitted in support of the application demonstrate that the development would provide a net gain of 16.3% for habitat biodiversity units, 286.62% for hedgerow biodiversity units and 20.8% for river biodiversity units. The County Council Ecologist has reviewed the BNG calculations and has confirmed that they are acceptable and demonstrate a significant net gain. Conditions would be imposed to ensure that the approach to BNG is delivered on the site along with the provision of an ecological management plan.

Overall, and subject to the imposition of conditions, the proposal would accord with Policy En1 of the adopted Local Plan, Policy ENV6 of the made Hugglescote and Donington Le Heath Neighbourhood Plan, Paragraphs 174 and 180 of the NPPF and Circular 06/05.

Assessment of objections received in relation to ecology

Objection	Response
There will be displaced wildlife and destruction of habitat as a result of the development.	See above assessment. There is no objection from the County Council Ecologist and the means of mitigating the impact to ecology will be appropriately conditioned on any permission granted. There would also be a substantial net gain to biodiversity.
The landscaping will need to be designed to accommodate wildlife for example badger runs, owl boxes and bird boxes given that nature has been lost since developments have been undertaken as part of the South-East Coalville extension.	See above assessment. The ecological mitigation will include features which will provide for the identified species.

Landscaping

A tree survey and arboricultural impact assessment (AIA) submitted in support of the application demonstrates that 8 groups of trees and one hedgerow group is present on the site with such landscaping being predominately to the site boundary (one group of trees (G5) runs east to west parallel to the southern site boundary).

The Council's Tree Officer has reviewed the submitted AIA and has confirmed that it accords with the recommendations of BS 5837:2012 (*Trees in Relation to Design, Demolition and Construction to Construction – Recommendations*). In the circumstances that the land is an arable field with trees/vegetation limited to its boundaries the Council's Tree Officer has indicated that the impacts to existing trees would be relatively minor with only a short section of hedgerow required to be removed to facilitate the provision of the vehicular access.

It is considered, by the Council's Tree Officer, that the loss of such hedgerow would not result in significant arboricultural loss and replacement planting as part of the development's landscaping scheme would provide suitable mitigation.

In terms of tree protection measures, the Council's Tree Officer has outlined that such measures were acceptable with the exception of an area in the south-western corner of the site where an outfall from the sustainable urban drainage (SuDS) basin to the River Sence would pass through a group of trees (identified as G5) and may potentially require tree removals and excavations to be undertaken. The tree protection plan (TPP) and arboricultural method statement (AMS) did not cover such works in this area of the site. Following the receipt of an amended AIA, which includes the amended TPP and AMS, the Council's Tree Officer has confirmed that their concerns have been addressed. Conditions would be imposed on any permission granted to ensure the development is undertaken in accordance with the TPP and AMS.

In terms of the soft landscaping proposals the Council's Tree Officer has confirmed that the approach taken would be acceptable from an arboricultural perspective but that advice from the National Forest Company (NFC) and County Council Ecologist should be sought in respect of the suitability of the planting for this area.

The NFC have outlined that, based on the site area, there would be a requirement for 0.77 hectares of National Forest planting to be provided. It is noted by the NFC that the submitted design and access statement indicates that 1.6 hectares of National Forest planting would be delivered on site which would be welcomed. A landscape masterplan, relating to the whole site, and a phase 1 planting plan have been submitted and the NFC consider the details on the phase 1 planting plan to be acceptable. In terms of the landscape masterplan the NFC note that, in addition to the landscaping, the plans show the provision of a walking route around the buildings and benches and the NFC consider that the delivery of these indicative details would contribute to the overall success of the scheme.

Overall, the NFC have no objections subject to conditions which would secure the implementation of the phase 1 landscaping plan, the submission of a landscape management plan (applicable to the site as a whole) and that the future reserved matters application demonstrates that the 20% National Forest requirement is met and conforms with the landscape management plan (including the provision of the circular walkway and seating areas).

For their part the County Council Ecologist also supports the soft landscaping proposals.

It is also identified, above in the '*Network Rail*' section of this report, that certain species of trees and plants would need to be avoided in the soft landscaping scheme so as to prevent any impacts arising to the operational safety of the rail line to the west of the site. In this respect the proposed soft landscaping scheme comprises tree species which are on the acceptable 'list' for Network Rail.

In terms of hard landscaping the plans are not clear on the type of surfacing which would be utilised to form the service yards, parking and pathways for the units nor the internal highway (albeit this is likely to be tarmac) associated with the 'full' part of the application and consequently a condition would be imposed to secure precise details. Hard landscaping is reserved for subsequent approval on the part of the site which comprises the 'outline' part of the application. It is also considered that an approach to hard landscaping could be brought forward which accords with criterion (m) of Policy G3 of the made Hugglescote and Donington Le Heath Neighbourhood Plan.

Overall the proposal would be compliant with Policies D1, En1 and En3 of the adopted Local Plan and Policy ENV6 of the made Hugglescote and Donington Le Heath Neighbourhood Plan.

Drainage and Flood Risk

The application site, as defined by the red line on the site location plan, comprises land which is predominately within Flood Zone 1 (low risk of fluvial flooding) although land around the ordinary watercourse (River Sence), within the southern part of the site, does fall within Flood Zones 2 and 3. The application site is also at a low risk of surface water flooding, as defined by the Environment Agency's Surface Water Flood Maps, with there again being an exception for land around the ordinary watercourse where there is a higher risk of surface water flooding. A flood risk assessment (FRA) and drainage strategy (DS) have been submitted in support of the application.

As part of the consideration of the application the Environment Agency (EA) have been consulted and they have advised that although a small section of the application site does fall within Flood Zone 3 all of the built development is contained to Flood Zone 1. Consequently the EA have no fluvial flood risk concerns associated with the site.

For their part the Lead Local Flood Authority (LLFA) have confirmed that a positive discharge into the ordinary watercourse can be established within the confines of the site and this would be acceptable subject to an ordinary watercourse consent being granted by the LLFA, this would be pursued under separate legislation outside of the planning application process.

It is proposed that the sustainable urban drainage (SuDS) system would comprise a detention basin and pervious paving, as outlined in the FRA and DS. The LLFA advised that the utilisation of a SuDS treatment train would be encouraged, with a minimum of two types of techniques used, so as to change the flow and characteristics of the surface water run-off in stages. Surface water exceedance plans also demonstrate that pre and post-development exceedance flows across the site are directed away from all existing and proposed built development with such plans being acceptable to the LLFA.

The FRA and DS also provide a surface water catchment plan which highlights the contributing areas, to the surface water runoff, and the assumed percentage imperviousness within the contributing area is stated to be 100%. Updated calculations to include sensitivity testing of a 10% increase in impermeable areas, so as to demonstrate the above, have also been provided and are acceptable to the LLFA. Drainage runs and filter drains are also demonstrated within the DS and are acceptable to the LLFA.

Taking the above into account the LLFA have no objections to the application subject to the imposition of conditions which would secure the surface water drainage scheme, the means of controlling surface water during the construction phase and the future maintenance and management arrangements for the surface water drainage scheme.

It is considered that the imposition of such conditions would ensure the development would not exacerbate any localised flooding impact and therefore it would be compliant with Policies Cc2 and Cc3 of the adopted Local Plan as well as criteria (q) and (s) of the made Hugglescote and Donington Le Heath Neighbourhood Plan and Paragraphs 167 and 169 of the NPPF. The agreement of a precise surface water drainage scheme would also address the requirements of Network Rail, as outlined in the '*Network Rail*' section of this report above, with it being noted that a surface water connection into Network Rail's drainage infrastructure would not be proposed.

In terms of foul drainage, the drainage strategy indicates that this would discharge to the public combined sewer on Bardon Road (A511). So as to achieve a discharge to this sewer a private pumping station would be provided on the site given that a gravity connection would not be possible.

As part of the consideration of the application no objection has been received from Severn Trent Water (STW) to this approach, with a connection into the public combined sewer being subject to a separate agreement with STW, outside of the planning process, and where STW can determine that sufficient capacity exists in the system to accommodate foul drainage associated with the development. In such circumstances there would not be an increased risk of pollution incidents occurring and as such the development complies with Paragraph 185 of the NPPF. A condition would be imposed to secure the details of the private pumping station given that no precise information is provided within the drainage strategy.

Historic Environment

As part of the consideration of a pre-application submission associated with the proposed development the Council's Conservation Officer identified that no harm would arise to the setting of any heritage assets, with the nearest being the Grade II listed St Peter's Church which is to the north-east of the site off the A511 (Bardon Road).

In the circumstances that no harm arises to the significance of any heritage assets there is no requirement for an assessment in the context of Paragraph 202 of the NPPF and therefore the development is compliant with Policy He1 of the adopted Local Plan as well as Paragraphs 197, 199, 200 and 202 of the NPPF.

Archaeology

The desk-based archaeological assessment submitted has been reviewed by the County Council Archaeologist who agreed with the conclusion that further archaeological works were necessary so as to understand the impacts of the development on any archaeological potential within the site. Consequently, the submission of an archaeological impact assessment (AIA) was requested by the County Council Archaeologist which would take the form of a geophysical survey.

A geophysical survey subsequently submitted has provided an indication of the archaeological potential on the site, but the County Council Archaeologist has indicated that certain archaeological remains are not always visible on a geophysical survey (such as prehistoric or Anglo-Saxon remains). Taking this into account the County Council Archaeologist has indicated that the application site is of archaeological interest, however whilst such remains may be significant and warrant archaeological mitigation prior to the impact of the development they are not of such importance so as to prevent a determination of the application. In such circumstances the County Council Archaeologist has confirmed that the results of the geophysical survey are sufficient to enable a decision to be made on the application subject to a condition being imposed requiring further archaeological investigations (including trial trenching) to be undertaken prior to the development commencing and for any results to be suitably archived.

Subject to the imposition of such a condition the proposal would comply with Policy He1 of the adopted Local Plan, insofar as it relates to archaeology, and Paragraph 205 of the NPPF.

Contaminated Land

The Council's Land Contamination Officer has been consulted as part of the application and they have raised no objections and do not require the imposition of any conditions should planning permission be granted.

On this basis it is considered that the proposed development would not result in any conflict with Policy En6 of the adopted Local Plan or Paragraphs 183 and 184 of the NPPF.

Developer Contributions

A request has been made for Section 106 contributions towards transportation and Network Rail. 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 '*Highway Safety*' section of this report above include the following:

- (a) A financial contribution of £178,889.71 towards the improvement works in keeping with the Coalville Contribution Strategy;
- (b) A construction traffic routing agreement;
- (c) Travel packs (which can be supplied by the County Highways Authority (CHA) at a cost of £52.85 per pack);
- (d) 6 month bus passes (which can be supplied by the CHA at a cost of £360 per pass);
- (e) Travel plan monitoring contribution of £11,337.50; and
- (f) Raised kerb provision at the two nearest bus stops on A511 Bardon Road, opposite and adjacent the Birch Tree Public House, at a cost of £4,000 per stop (i.e. a total of £8,000) to support modern bus fleets with low floor capabilities.

Network Rail

It has been requested by Network Rail that the costs incurred in the processing of a Level Crossing Order (LCO), so as to implement the mitigation measures identified in the '*Network Rail*' section of this report above, be secured within the Section 106 agreement. The financial figure for the LCO is awaited from Network Rail and will be reported to Members in due course.

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 highway infrastructure and the safe operation of the rail line.

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.

Assessment of objections in relation to infrastructure

Objection	Response
The infrastructure in the area (including highway infrastructure) is not sufficient to accommodate more development.	See above assessment. A contribution would be secured to mitigate the impacts on the highway network via the Coalville Contribution Strategy, with the impacts to the railway also being mitigated. In addition improvements would be made to the two nearest bus stops along with the securing of a travel packs and 6 month bus passes for employees.
What infrastructure will be in place to accommodate the development?	

Leicester to Burton Rail Line

The former Leicester to Burton rail line is the rail line which exists to the immediate west of the site.

Policy IF5 of the adopted Local Plan outlines that the Council will support the provision of public transport services on the Leicester to Burton rail line as well as the provision of stations at appropriate locations, including Coalville and Ashby De La Zouch. It further states that *“new development will not be permitted which would prejudice the route of the Leicester to Burton rail line.”*

Policy T3 of the made Hugglescote and Donington Le Heath Neighbourhood Plan (HDLHNP) has the same context as Policy IF5 of the adopted Local Plan and indicates that *“proposals for development within the Plan area that threaten the integrity of the Leicester and Burton railway line and infrastructure for its potential re-use for public transport services will not be supported.”*

An objection has been received from Hugglescote and Donington Le Heath Parish Council stating that:

“The development would take away the only feasible location for a station and car park to be provided in the Neighbourhood Plan area and therefore there is conflict with Policy T3 which supports the provision of public transport services on the former Leicester to Burton railway line.”

Whilst noting the contents of this objection, it is considered that the development is not contrary to Policy T3 of the HDLHNP, or Policy IF5 of the adopted Local Plan, in the circumstances that both policies are specific about when development will ‘not be supported’. In this instance the proposal would not prejudice the route of the Leicester to Burton rail line (which would require development to physically cross the line), nor does it impact on infrastructure associated with the potential re-use of the rail line.

The ‘support’ aspect of both policies relate to the fact that if an application was to be received for a station, and infrastructure associated with a station (such as parking), then it would be supported in principle. Such wording cannot, therefore, be used to stifle development on land which has not been safeguarded for the delivery of a train station, or land which is not in the control of a railway operator (or the District Council or Parish Council) which would be necessary for such a development to be delivered.

It is also the case that although work is currently taking place to look at the feasibility of reopening the line to passenger services, there is no firm proposal for its reopening and nor are there any firm proposals for the location of stations. Therefore, the application has to be judged on what is known and confirmed, and not conjecture for what might be.

Other Matters

Assessment of other objections

Objection	Response
<i>The proposal will impact on property values as a result of lorries travelling via Grange Road to the A42/M42.</i>	The impact of development on the value of a property is not a material planning consideration which can be taken into account in the assessment of the application.
<i>The development conflicts with criteria (a), (b), (c), (d) and (f) of Policy G2 of the Neighbourhood Plan.</i>	The application site does not fall within the South-East Coalville Development Scheme boundaries, as defined by Policy G2 of the Hugglescote and Donington Le Heath Neighbourhood Plan (HDLHNP), and consequently cannot be contrary to the aims of this Policy.

Conclusion

Whilst the application site is outside the defined Limits to Development Policy S3 of the adopted Local Plan allows for new employment development 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 that there is an *'immediate demand'* for the development and consequently the proposal is compliant, in principle, with Policies S3 and Ec2(2) of the adopted Local Plan.

In terms of the core objectives of the NPPF, economically the development would represent a capital investment in Coalville with the site being within a sustainable location due to its close proximity to the Coalville Urban Area, as well as the Bardon Hill Industrial Estate. As such it accords with the aims of the NPPF which seeks to focus development in locations which are sustainable. Policy S2 of the adopted Local Plan also identifies that the Coalville Urban Area will take more growth than those lower down the settlement hierarchy.

Socially, as well as economically, the development would contribute towards 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 the South-East Coalville expansion).

With regards to the environmental objective, the site is within the countryside, as defined on the Policies Map to the adopted Local Plan, and would result in development on a greenfield site. It is, however, outlined above that Policy S3 of the adopted Local Plan does not preclude employment development being brought forward on greenfield sites should an *'immediate demand'* be demonstrated in line with Policy Ec2(2). It is also the case that substantial landscaping infrastructure would be provided as part of the development with the development also resulting in a substantial biodiversity net gain.

In the round, the conflict arising with the environmental objective of the NPPF as a result of the development of a greenfield site would be outweighed by the benefits connected with the economic and social objectives of the NPPF as well as the environmental mitigation proposed.

Overall, therefore, the development would represent 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, residential amenity, air quality, highway safety, railway safety, ecology, landscaping, the setting or heritage assets 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, made Hugglescote and Donington Le Heath Neighbourhood Plan, the Council's adopted Good Design SPD and the advice within the NPPF.

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

Date: 20th December 2022.

SECTION B- OTHER MATTERS

LIST OF APPLICATIONS FOR PLANNING COMMITTEE 11 January 2023

Section A – Planning Applications

Item	Reference	Details	Amend	Print	Sign	Sent
A1	22/00691/REM M					
A2	21/02281/FULM					

Section B – Other Matters

Item	Reference	Details	Amend	Print	Sign	Sent
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