

Demolition of the existing gatehouse and construction of 1 no. commercial building (use class E(g(ii)/(iii)/B2/B8) with ancillary offices, cycle, car, van and HGV parking; and all other ancillary and enabling works including landscaping, drainage, engineering and boundary treatments.

Former RBS Data Centre, Packington Hill, Kegworth, Derbyshire, DE74 2DG.

**Grid Reference (E) 447983
Grid Reference (N) 327124**

**Applicant:
Hobden Estates (Kegworth) Limited**

**Case Officer:
Adam Mellor**

**Recommendation:
PERMIT, subject to Section 106**

Report Item No: A1

**Application Reference:
25/00236/FULM**

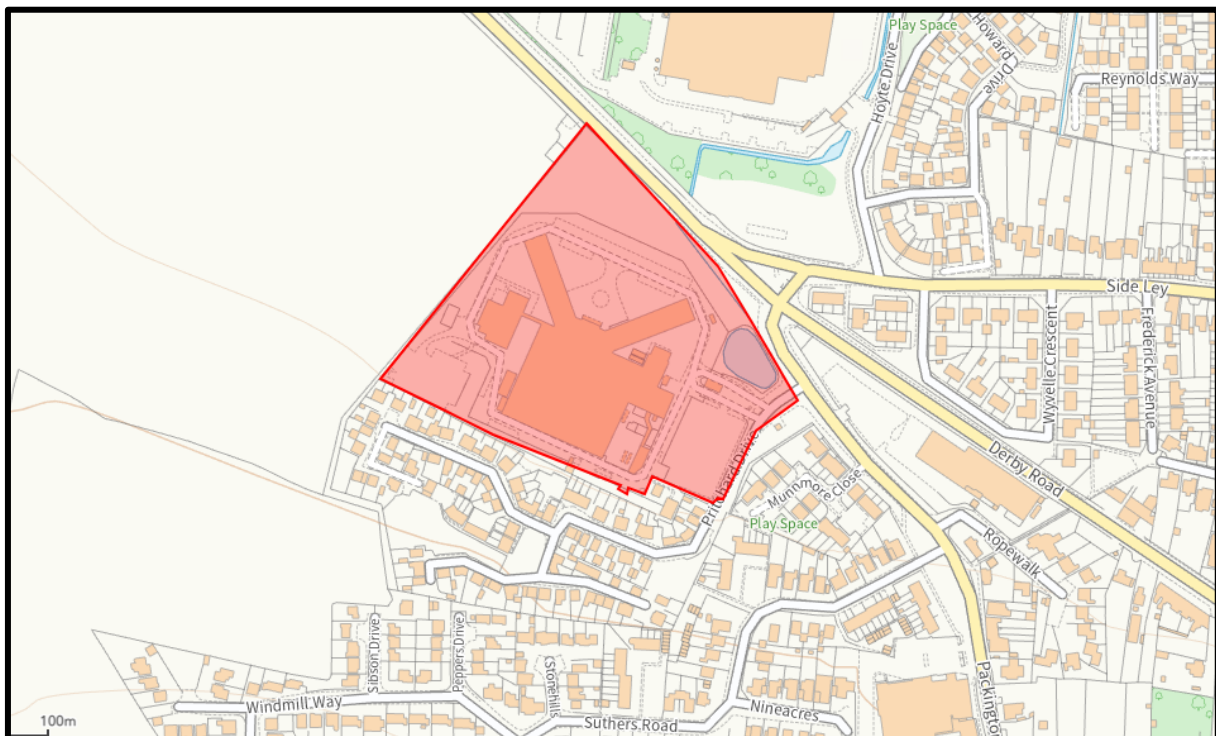
**Date Registered:
7 February 2025**

**Consultation Expiry:
20 May 2026**

**13 Week Date:
9 May 2025**

**Extension of Time:
17 July 2026**

Site Location – Plan for indicative purposes only



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Reason for Call In

The application is referred to the Planning Committee for determination at the request of Councillor Sutton on the following grounds:

- 1) The unanimous objection to the development from the local community;
- 2) The development of a B8 warehouse as a replacement building within the development boundary of Kegworth should be challenged;
- 3) Determining the application in isolation from decisions on other housing and employment site around Kegworth should be challenged;
- 4) HS2 Safeguarding, strategic integrated transport planning and the re-modelling of Junction 24 of the M1 are all relevant to Derby Road and the application site;
- 5) Outline planning permission for residential development exists on the land between the application site and the M1 and there is no attempt to create an adequate area of separation, or provide mitigation measures, between the proposed development and the proposed residential receptors;
- 6) The massing and height of the proposed structure would be unacceptable and would dominate and overshadow not only the views from nearby houses within a 50 metre radius, but would also dominate the northern gateway to the village and the landscape across the Soar Valley
- 7) The proposal would compromise road safety for cars interacting with heavy goods vehicles (HGVs), pedestrian and cyclists. Traffic counts and the site history are irrelevant. Relevant would be professional on-site assessments of technical design standards and road safety at the following junctions (in order of importance):
 - a. Pritchard Drive and the proposed site entrance;
 - b. Pritchard Drive and Packington Hill;
 - c. Packington Hill and Derby Road (taking into account current HGV usage from Refresco); and
 - d. A review of the performance and adequacy of the Refresco – Citrus Grove – Derby Road route for HGVs and other road users.

RECOMMENDATION – PERMIT, subject to the following conditions and the securing of a Section 106 Agreement to deliver the following;

- (a) Transportation - £55,785.00.
- (b) Off-site biodiversity net gain.

Total Financial Contribution - £55,785.00 (based on 100 full time equivalent jobs being created)

1. Time limit (3 years).
2. Approved plans.
3. Biodiversity net gain plan to be submitted, approved and implemented in accordance with Paragraph 14(2) of Schedule 7A of the Town and Country Planning Act 1990 (as amended).
4. Habitat management and monitoring plan, in accordance with the approved biodiversity gain plan (under condition 4), prior to occupation to be submitted, approved and implemented.
5. Notice given to the Council when the habitat management and monitoring plan has been implemented, and when each phase of habitat creation and enhancement works as set out in the habitat management and monitoring plan has been completed in full.
6. Construction environmental management plan for biodiversity prior to commencement to be submitted, approved and implemented.
7. Compliance with mitigation measures for the construction phase as outlined within the submitted air quality assessment.
8. Construction traffic management plan prior to commencement to be submitted, approved and implemented.
9. Aviation safety construction management plan prior to commencement to be submitted,

approved and implemented.

10. Bird hazard management plan prior to commencement to be submitted, approved and implemented.
11. Tree protection scheme prior to commencement to be submitted, approved and implemented.
12. Arboricultural method statement prior to commencement to be submitted, approved and implemented.
13. Construction hours.
14. Proposed building to be used for purposes under either use class E(g)(ii) or (iii), B2 or B8.
15. Offices (under use class E(g)(i)) to be ancillary to the principal use of the unit under either use class E(g)(ii) or (iii), B2 or B8.
16. Finished floor and ground levels in accordance with submitted details.
17. No external plant or equipment to be installed to the building or within the site unless precise details of any external plant or equipment to be installed, which will be supported by a noise impact assessment, has first been submitted and approved.
18. Location of four loading bays to be used by HGV chiller units in accordance with submitted details.
19. Sustainability measures to be delivered in accordance with the submitted sustainability statement.
20. Development to be designed and constructed to achieve a minimum Building Research Establishment Environmental Assessment Method (BREEAM) rating of 'Excellent' in accordance with the submitted BREEAM (Industrial) Pre-Assessment. Post completion certificate to be provided to demonstrate that minimum BREEAM rating has been achieved.
21. External materials in accordance with submitted details.
22. Colour finish to the aluminium vertical louvres prior to the aluminium vertical louvres being installed to be submitted, approved and implemented.
23. Soft landscaping scheme in accordance with submitted details.
24. Replacement of soft landscaping if any failures.
25. Landscaping management and maintenance plan (incorporating a woodland management and maintenance plan) prior to the building being first brought into use to be submitted, approved and implemented.
26. Hard landscaping scheme in accordance with submitted details.
27. Boundary treatment scheme in accordance with submitted details.
28. Colour finish to the gates prior to the gates being installed to be submitted, approved and implemented.
29. No retaining walls constructed above a height of 0.5 metres unless details of the retaining walls are first submitted and approved.
30. External lighting scheme (which will also include a lighting strategy for bats and nocturnal wildlife) prior to any external lighting being installed to be submitted, approved and implemented.
31. Delivery of bird and bat nest boxes in accordance with submitted information.
32. Surface water drainage scheme during the construction phase prior to commencement to be submitted, approved and implemented.
33. Details of infiltration testing (or suitable evidence to preclude testing) to confirm the suitability of the site for the use of infiltration as a drainage element of the surface water drainage scheme prior to commencement to be submitted and approved.
34. Surface water drainage scheme prior to commencement to be submitted, approved and implemented.
35. Surface water drainage maintenance scheme prior to the building being first brought into use to be submitted, approved and implemented.
36. Scheme of advisory positive signage advising HGV drivers to turn left out of Pritchard Drive onto Packington Hill prior to the building being first brought into use to be submitted, approved and implemented.
37. Delivery of the access arrangements, including vehicular and pedestrian visibility splays, in accordance with submitted details prior to the building being first brought into use.
38. Delivery of the off-site highway works in accordance with the submitted details prior to the building being first brought into use.

39. Provision of off-street parking in accordance with the submitted details prior to the building being first brought into use.
40. Delivery of turning facilities in accordance with submitted details prior to the building being first brought into use.
41. Secure cycle parking provision scheme (including external materials) prior to the building being first brought into use to be submitted, approved and implemented.
42. Amended travel plan prior to the building being first brought into use to be submitted, approved and implemented.
43. No storage of goods or materials outside of the building at any time unless in accordance with a scheme for external storage first submitted and approved.
44. No ancillary infrastructure (e.g. security barriers, bin stores, smoking shelters or substations) (other than those shown on the approved plans) unless precise details are first submitted and approved.

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the demolition of the existing gatehouse and construction of 1 no. commercial building (use class E(g)(ii) / (iii) / B2 / B8) with ancillary offices, cycle, car, van and HGV parking; and all other ancillary and enabling works including landscaping, drainage, engineering and boundary treatments at the former RBS Data Centre, Packington Hill, Kegworth. The 4.15 hectare site is situated to the north-west of Packington Hill, south-west of Derby Road and north-east of Pritchard Drive and is within the defined Limits to Development as well as a Primary Employment Area which are both defined on the Policies Map associated with the adopted Local Plan.

The site location plan associated with the planning application, as well as an aerial photograph of the site, are as shown in the below images.

Site Location Plan



Aerial Photograph of Application Site



The demolition of the former RBS Data Centre was granted under application reference 24/01444/DEM on the 6th December 2024, and the building has subsequently been demolished.

It is proposed that a commercial building with an overall gross external area (GEA) of 13,466 square metres would be constructed which would have an overall height of 14.5 metres. In addition, 128 car parking spaces would be provided (including 8 accessible spaces, 8 car share spaces, and 8 electric vehicle (EV) charging spaces) along with 20 heavy goods vehicle (HGV) and 60 enclosed cycle spaces.

The proposed layout of the development is as shown in the image on the following page.

Proposed Layout



In line with the Town and Country Planning (Use Classes) Order 1987 (as amended) the proposed commercial building could be used for purposes under use classes:

- Class E (commercial, business and service) (g) (ii) (the research and development of products or processes); or
- Class E (commercial, business and service) (g) (iii) (any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit); or
- Class B2 (general industrial); or
- Class B8 (storage or distribution).

In terms of vehicular access, it was originally proposed that no alterations would be made to the existing access off Pritchard Drive. However, following discussions with Leicestershire County Council (LCC), as the Highways Authority (CHA), the scheme has been amended so that the following amendments would be made in and around the access off Pritchard Drive:

- 1) Amended kerb radius of site access (left hand side);
- 2) Relocated pedestrian refuge at site access;
- 3) Relocated pedestrian refuge on Pritchard Drive;
- 4) Amended kerb radius / taper of Pritchard Drive / Packington Hill (left hand side);
- 5) Relocated stop line on Derby Road signals;
- 6) Relocated pedestrian refuge on Packington Hill (north of Pritchard Drive) to the south of Pritchard Drive; and
- 7) Amended kerb radius / taper of Packington Hill / Derby Road (left hand side).

Further information in respect of the application, including the supporting documentation and relevant plans, can be viewed on the Council's website.

Relevant Planning History

- 74/0662/P – Extension to computer centre – Approved 13th November 1974.
- 80/0335/P – Installation of two no. 2 tonne liquified petroleum gas tanks for vehicular use – Withdrawn 5th November 1980.
- 81/0138/P – Staff minibus shelter and plant room store – Approved 18th March 1981.
- 81/0616/P – Reconstruction of bin store to provide kitchen, lobby and plant room – Approved 17th June 1981.
- 81/0813/P – Oil tank – Approved 19th August 1981.
- 82/0066/P – Improved access and security lighting – Refused 7th April 1982.
- 82/0478/P – Extension to offices (B wing) – Approved 21st July 1982.
- 83/0079/P – Improved access and security lighting – Approved 2nd March 1983.
- 83/0950/P – Erection of storage building – Approved 4th January 1984.
- 84/0800/P – Erection of garage and storage building – Approved 10th October 1984.
- 84/01160/P – Extension to computer hall and plant room and provision of temporary offices – Approved 30th January 1985.
- 85/0253/P – 1) Extension to provide power supply switch room, 2) vehicle parking area and canopy, 3) steel power cable gantry – Approved 24th April 1985.
- 85/1021/P – Installation of a roof mounted microwave dish antenna – Approved 18th December 1985.
- 86/0759/P – Installation of 3 no. 7.5m high towers for close circuit T.V. camera system – Approved 17th September 1986.
- 88/0467/P – Construction of a new chiller plant room compound and retaining wall – Approved 15th June 1988.
- 88/0564/P – Siting of portastore temporary building – Approved 15th June 1988.
- 88/0689/P – Extension of existing gate house – Approved 17th August 1988.
- 89/1029/P – Siting of two portable buildings for use as office and store – Approved 13th September 1989.
- 90/0201/P – The siting of two portacabins (renewal of permission) – Approved 4th April 1990.
- 93/0767/P – Siting of two portable buildings for use as an office and a store (renewal of temporary planning permission) – Approved 22nd September 1993.
- 95/0273/P – Siting of two portacabins (renewal of planning permission) – Approved 17th May 1995.
- 98/0846/P – Temporary siting of portacabin for one year – Approved 18th November 1998.
- 11/00645/FUL – Installation of replacement cladding – Approved 28th September 2011.
- 14/00084/FUL – Provision of edge protection to the roof for maintenance purposes – Approved 14th April 2014.
- 17/00135/FUL – Installation of six ventilation grills and three air conditioning condenser units located to front elevation – Approved 10th March 2017.
- 24/01444/DEM - Demolition of the former RBS Data Centre – Approved 6th December 2024

2. Publicity

93 neighbours were initially notified on the 12th February 2025 with 194 neighbours being re-consulted on amended plans on the 14th July 2025 and 6th March 2026.

Five site notices were displayed on the 13th of February 2025.

A press notice was published in the Derby Evening Telegraph on the 19th of February 2025.

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:

Kegworth Parish Council whose objections are summarised as follows:

- a) The proposed development does not accord with local and national planning policy, particularly criteria (a) and (b) of Policy Ec3 of the adopted Local Plan.
- b) Reports previously undertaken by the Council have specified that the site is only suitable for office use.
- c) The proposed access points (including junctions) into the site are not suitable for heavy goods vehicle (HGV) movements and will result in highway safety issues with the adjacent residential development. In particular the junction of Derby Road with Packington Hill does not have phase which allows vehicles to turn right and therefore HGVs would have to wait for a gap in the traffic. There would also be greater impacts to the local road infrastructure as a result of increased traffic.
- d) A restriction preventing the use of HGVs with a length of 18.5 metres would not be enforceable and goes against the long term aim of such length of HGVs being beneficial from an efficiency and environmental perspective.
- e) The proposed development prioritises HGV access over the safety of pedestrian and cyclists by the removal and relocation of pedestrian crossing points thereby increasing the risk of accidents.
- f) There would be a cumulative highway impact with the residential development that can now proceed on the land between the site and the M1 following the lifting of HS2 safeguarded routes.
- g) Pritchard Drive does not yet comprise adopted highway and therefore there is uncertainty over whether such a highway will be formally adopted thereby allowing any alterations to take place.
- h) The operation of the building on a 24 / 7 basis will result in noise and light pollution which will be of detriment to residential amenity.
- i) The height and massing of the proposed building will result in detriment to residential amenity whilst also creating visual harm at the entrance into the settlement and also obscuring key village landmarks. Comparisons with the Refresco building are misleading as this existed before the newer residential development around it was constructed and therefore it was accounted for in the design of such residential development.
- j) The proposed development would not demonstrate a net gain in biodiversity and will harm the natural environment. Also offsetting should be a last resort with it not being demonstrated how a biodiversity net gain would be delivered off-site.
- k) There is no requirement for further B8 development given land already designated for such uses.
- l) There is no precedent for large B8 units within a village.
- m) The proposed visual impact assessment does not incorporate visual representations to indicate how the development would appear.
- n) The developer has not undertaken any consultation with the community.
- o) The proposed development is contrary to Policies Ec3, D1, D2, IF4 and En1 of the adopted Local Plan and the objectives of Chapters 9, 12 and 15 of the NPPF.

Comments from:

NWLDC Conservation Officer who, whilst not objecting to the demolition of the former RBS Data Centre, has commented that the proposed development should comply with Policies D1 and D2 of the adopted Local Plan, by responding to adjacent buildings and spaces, and that the size of the

building and hard surfacing would not deliver a replacement tree canopy area.

No Objections from:

Leicestershire County Council – Archaeology.
Leicestershire County Council – Minerals and Waste Planning Authority.
Leicestershire Police – Designing Out Crime Officer.
National Highways.
NWLDC Tree Officer.

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

Active Travel England.
East Midlands Airport Safeguarding.
Leicestershire County Council – Ecology.
Leicestershire County Council – Highways Authority.
Leicestershire County Council – Lead Local Flood Authority.
NWLDC Environmental Protection.
NWLDC Urban Designer.

Third Party Representations

200 individual representations have been received objecting to the application with the comments raised summarised as follows:

Grounds of Objection	Description of Impact
Principle of Development	There is no employment need for the proposed development when accounting for similar forms of development constructed and consented in the immediate area.
	The development is premature when accounting for the potential employment development being brought forward by SEGRO in Diseworth.
Residential Amenity	The proposed scale and height of the building will dominate the housing adjacent to the site and result in detriment to residential amenities.
	The proposed development is not comparable with the Refresco building which was constructed before residential properties thereby enabling landscaping buffers to mature; is separated from residential receptors by a wide road and the mature landscaping; and is tiered so that it is not a consistent height.

	The proposed development will impact on the right to light available to neighbouring properties.
	The development will effectively be located within a housing estate, given the development of land to the north-west, with the proposed use not being suitable within a residential area. Particularly when accounting for noise from its 24 hour use (including vehicles using the site with chiller facilities) and lighting arrangements. Compensation, such as triple glazing, should be provided to existing residential receptors.
	As proposed, tree planting to provide screening will result in detriment to residential amenity by virtue of the height proposed tree specimens would grow to.
Air Quality	Pollution would increase because of the proposed development.
	The Air Quality Management Area (AQMA) formerly in place on Derby Road / London Road should be re-instated given the detriment to air quality which would arise.
	Dust generated as a result of the construction of the development will not be appropriately mitigated.
Design and Visual Impact	The former RBS Data Centre was a single storey building which lacked visibility from the surrounding highways. As proposed the building will be a visually dominant feature on the approach into Kegworth from Junction 24 of the M1 whilst also being highly visible from surrounding housing.
	The entrance into Kegworth will become industrialised as a result of the development thereby impacting negatively on the character of the settlement.

	The design of the building makes no attempt to breakdown its scale and mass.
	No separation is designed into the development to improve the relationship with residential receptors.
	There are no visual representations to show how the proposed development would actually appear.
Highway Impacts	The turning manoeuvre for a heavy goods vehicle (HGV) from Packington Hill onto Pritchard Drive will be extremely difficult and will cause conflict with pedestrians crossing the junction of Pritchard Drive with Packington Hill, as well at the site entrance, particularly at the pedestrian refuges. This will be of detriment to pedestrian and highway safety.
	There is no provision to extend the pavement on Pritchard Drive or formalise the informal path through trees to the proposed pedestrian refuge on Packington Hill.
	There is no right turn filter lane at the junction of Derby Road with Packington Hill to enable HGVs to be clear of the highway which will be detrimental to highway safety and vehicular movements on the highway network.
	The vehicular movements associated with the former RBS Data Centre were private cars and vans and therefore Pritchard Drive has not been utilised by HGVs to access the site previously.
	Suitable access should be sought from Derby Road if HGVs are to access the site with lighter vehicles only using the access off Pritchard Drive.
	The pedestrian footway is not continuous on the eastern side of Pritchard Drive as is stated in the applicant's documents.

	The combination of HGV movements associated with the development and those associated with the Refresco site at the Derby Road / Packington Hill / Side Ley intersection will cause traffic jams and prevent the free flow of traffic on the highway network. There will also be a negative interaction with traffic utilising the Kegworth Hotel and Conference Centre on Packington Hill where the junction is opposite the junction of Pritchard Drive.
	Limiting the length of HGVs which are allowed to utilise the site to 16.5 metres will impact on the sustainability of the building when 18.5 metre long HGVs are being used now and into the future. Any condition restricting the use to only 16.5 metre long HGVs will also be unenforceable.
	Any movements of HGVs onto Packington Hill will breach the 7.5 tonne weight restriction which is in force. Directing more HGVs into Kegworth will also negate the purposes of the Kegworth Bypass.
	Further weight restrictions should be put in place on highways to prevent HGV movements within Kegworth.
	Inadequate car parking would be provided which could result in on-street parking problems.
	Insufficient levels of electric vehicle charging spaces are provided with the disabled spaces including no electric vehicle charging facilities.
	Inadequate facilities are provided for pedestrians and cyclists thereby discouraging sustainable transport options.
	There are proposals to alter the access to Junction 24 of the M1 by closing the egress from Derby Road. This has the potential to impact on the development.

Ecology	The proposed development will not demonstrate a net gain in biodiversity and is not mitigated by the proposed tree and hedge planting.
	Off-setting of biodiversity should be a last resort when all reasonable efforts have been taken to minimise biodiversity losses on-site.
	There will be a direct impact to local habitat, and this will reduce opportunities for birds to nest and bats to forage. Light pollution would also cause adverse impacts to these species.
Landscaping	As proposed, soft landscaping would be delivered on verges outside of the application site on Pritchard Drive which will result in either maintenance responsibilities being passed to residents, or the Parish Council.
Flood Risk and Drainage	The proposed surface water drainage infrastructure has not been demonstrated to be viable and therefore could result in flooding and water contamination impacts.
	The existing foul drainage network is inadequate to accommodate foul sewerage associated with the development. Pollution incidents within the River Soar are increasing from the Severn Trent Water network.
Other Matters	The engagement with the public has been inadequate on what would comprise a major building at the entrance into the settlement.
	The site should be developed for housing, retail foodstore, leisure facilities or sports pitches which would better serve the settlement and reduce the impacts to residents.
	There is no guarantee that the proposed development will deliver jobs (including local jobs).

	The roots of planted trees could undermine the stability of land at the boundary of the site with residential gardens on Pritchard Drive.
	The Council's Strategic Housing and Economic Land Availability Assessment (SHELAA) and Kegworth Housing Site Assessment have demonstrated that the site identified as K2 (Computer Centre, Derby Road) has more significant positive scores than any of the other development sites within Kegworth. Site K2 is 3.16 hectares and would be suitable for 59 houses. In addition, the Council's Review of Employment Sites for Local Plan Review (RESLPR) of 2019 determined that the site would not suit the movement of large HGVs and therefore should not be ignored.
	The proposed development would violate the Human Rights Act 1998, in particular the right to a private and family life with the disruption caused by the building being an infringement of this right.
	The proposed development will reduce the value of properties.
	The proposed development will impact on views.
	The site has been neglected since the former RBS Data Centre was demolished and this raises concerns over any future management of the site.
	Proposed development is similar to warehouses recently built in Greater Manchester which have been criticised for being excessively large and dominating the local residential landscape, close to back gardens.

A petition, with twenty signatories, has also been submitted with the objections raised summarised as follows:

- 1) The unjustified reversal of the professional opinion of Leicestershire County Council (LCC) as the Highways Authority (CHA) given that the development proposes no fundamental changes to the junction layout, surrounding highway network or the constrained geometry of the signalised crossroads;
- 2) An over-reliance on theoretical swept path modelling which only represents idealised vehicle tracking under controlled circumstances, does not reflect real-world driver behaviour, congestion or human error and does not demonstrate safe operation in a live, signalised junction with opposing flows;
- 3) A residual conflict and insufficient margin for error as the revised design relies on minimal clearance margins and therefore cannot be considered safe in real-world conditions;
- 4) A reliance of unenforceable mitigation associated with advisory signage to discourage certain HGV turning movements which should be designed out;
- 5) A safety dependency on uncertain further works given that Pritchard Drive does not comprise adopted highway;
- 6) The failure to address concerns raised by Active Travel England in relation to sustainable transport;
- 7) The inappropriate treatment of a well-used and former strategic route, being Derby Road, given that the CHA has not outlined what design standards have been applied and why minimal clearance margins are acceptable; and
- 8) A conflict with the National Planning Policy Framework given that a safe and suitable access for all users would not be delivered; that the impacts on the transport network would be severe; and a lack of sustainable and active travel promotion.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2024)

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);
 Paragraphs 38, 39, 40, 41, 42, 44, 45, 47, 48, 50 and 55 (Decision-making);
 Paragraphs 56, 57 and 58 (Planning conditions and obligations);
 Paragraphs 85 and 87 (Building a strong, competitive economy);
 Paragraphs 96, 98, 102 and 105 (Promoting healthy and safe communities);
 Paragraphs 109, 110, 113, 114, 115, 116, 117 and 118 (Promoting sustainable transport);
 Paragraphs 124, 125 and 129 (Making effective use of land);
 Paragraphs 131, 133, 135, 136, 137, 139 and 140 (Achieving well-designed places);
 Paragraphs 161, 163, 164, 166, 170, 173, 174, 175, 178, 179, 181 and 182 (Meeting the challenge of climate change, flooding and coastal change);
 Paragraphs 187, 193, 196, 197, 198, 199, 200 and 201 (Conserving and enhancing the natural environment);
 Paragraphs 202, 207, 208, 210, 212, 213, 215, 216 and 218 (Conserving and enhancing the historic environment); and
 Paragraph 225 (Facilitating the sustainable use of minerals).

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 D1 – Design of New Development;
Policy D2 – Amenity;
Policy Ec3 – Existing Employment Areas;
Policy Ec5 – East Midlands Airport Safeguarding;
Policy IF1 – Development and Infrastructure;
Policy IF4 – Transport Infrastructure and New Development;
Policy IF7 – Parking Provision and New Development;
Policy En1 – Nature Conservation;
Policy En6 – Land and Air Quality;
Policy He1 – Conservation and Enhancement of North West Leicestershire's Historic Environment;
Policy Cc2 – Water – Flood Risk; and
Policy Cc3 – Water – Sustainable Drainage Systems.

Adopted Leicestershire Minerals and Waste Local Plan (2019)

The Leicestershire Minerals and Waste Local Plan forms part of the development plan and the following policies are relevant to the determination of the application:

Policy M11: Safeguarding of Mineral Resources
Policy W9: Safeguarding Waste Management Facilities

Other Policies

National Planning Practice Guidance.
North West Leicestershire Good Design Guide Supplementary Planning Document – April 2026.
National Design Guide.
North West Leicestershire Air Quality Supplementary Planning Document – October 2023.
Leicestershire Highways Design Guide (Leicestershire County Council).
The Community Infrastructure Levy Regulations 2010.
The Conservation of Habitats and Species Regulations 2017.
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System).

5. Assessment

Principle of Development

Insofar as the principle of development is concerned, and in accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance comprises the adopted North West Leicestershire Local Plan (2021) and the adopted Leicestershire Minerals and Waste Local Plan (2019).

The application site is located within the Limits to Development within the adopted Local Plan as well as being within a Primary Employment Area.

Policy Ec3 of the adopted Local Plan outlines that *“the Primary Employment Areas defined on the Policies Map will be retained for employment generating uses within the Use Classes formerly B1 (now part of Class E), B2 and B8.”* Part (1) of Policy Ec3 further outlines that planning permission will be granted for uses falling within the aforementioned use classes subject to the proposed development not resulting in (a) significant harm to the amenity of any nearby residents; and (b)

significant harm to the general environment.

A key purpose of Policy Ec3 is to ensure that the District's existing stock of good quality employment land and buildings is maintained to be available for new and expanding firms and to limit the loss of such premises to alternative uses.

The proposed commercial building would be built to meet more modernised standards than the building it would replace, as well as being more energy efficient, and would have flexibility in its use under use classes E(g) (ii) or (iii), B2 or B8. Given that the proposed building would be used for those uses specified under Policy Ec3 of the adopted Local Plan), it is considered that the principle of the development would be acceptable.

The location of the development also ensures that it is accessible via means of transport other than the private car to residents within not only the Kegworth parish area but also other nearby settlements given the public transport links which exist in the village from the Skylink Derby bus service which provides a service to Derby, Castle Donington, Hathern, Loughborough and Leicester which runs every day (with services ranging from every 15-30 minutes during the early morning, daytime and evening, and every hour overnight).

It is also the case that the proposal would capitalise on previously developed land which is available by bringing it back into a viable economic use and creating job outputs with criterion (c) of Paragraph 125 of the NPPF specifying that planning decisions should give *"substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused."* Paragraph 85 of the NPPF also states that planning decisions *"should help and create the conditions in which businesses can invest, expand and adapt"* with significant weight being placed on the need to support economic growth and productivity taking into account both local business needs and wider opportunities for development.

Paragraph 87 of the NPPF also specifies that decisions should recognise and address the specific locational requirements of different sectors which includes making provision for:

- a) *clusters of networks of knowledge and data-driven, creative or high technology industries; and for new, expanded or upgraded facilities and infrastructure that are needed to support the growth of these industries (including data centres and grid connections);*
- b) *storage and distribution operations at a variety of scales and in suitably accessible locations that allow for the efficient and reliable handling of goods, especially where this is needed to support the supply chain, transport innovation and decarbonisation.*

Overall, the proposal would comply with the principle aspect of Policy Ec3 of the adopted Local Plan, as well as relevant Paragraphs of the NPPF.

Whilst the 'need' for the development is challenged by third parties and Kegworth Parish Council, it is considered that a 'need' for employment development only needs to be challenged where such development is proposed outside of the defined Limits to Development, and whereby the terms of Policy Ec2(2) of the adopted Local Plan would be applied. As is outlined above, the proposed development would be within the defined Limits to Development and is to be undertaken on land specifically designated for the use classes proposed. In these circumstances there would be no requirement to demonstrate a 'need' for the development as it is acceptable in principle against the relevant policy identified above, whilst also replacing the 'need' formerly demonstrated by the previous site use. For these reasons, the proposed development would also not be considered premature when accounting for potential employment development being brought forward by SEGRO in Diseworth.

An assessment against criteria (a) and (b) of Part (1) of Policy Ec3 of the adopted Local Plan is

undertaken in the '*Residential Amenity*', '*Landscape and Visual Impact*' and '*Design*' sections of this report below.

For the avoidance of doubt, proposed Policy Ec5 (Existing Employment Areas) of the emerging North West Leicestershire Local Plan would retain the existing site for employment purposes. In addition, proposed Policy Ec5 also defines that development under use class E(g) would be acceptable. At this time, however, limited weight can be attributed to the policies of the emerging Local Plan in the determination of planning applications.

Residential Amenity

Policy D2 of the adopted Local Plan outlines that development proposals will be supported where they do not have a significant adverse effect on the living conditions of existing and new residents. Criterion (a) of Policy Ec3 seeks to ensure that employment development does not result in significant harm to nearby residents, with Paragraph 198 of the NPPF requiring development to be appropriate for its location.

Physical Development Impacts

Whilst the application site is situated within a designated employment area, it is bound to its immediate south-east and south-west by residential receptors, particularly those on Pritchard Drive and Munnmoore Close.

In addition, an extant planning permission exists for the construction of 141 residential dwellings to the immediate north-west of the application site as was consented under application references 14/00541/OUTM, 19/00878/REMM and 19/01757/REMM, such development would be undertaken on land known as 'Site Adjacent Computer Centre and Junction 24.'

The residential layout consented under application reference 19/01757/REMM would be that which would be located adjacent to the boundary with the former RBS Data Centre as shown below.

Approved Layout for 19/01757/REMM



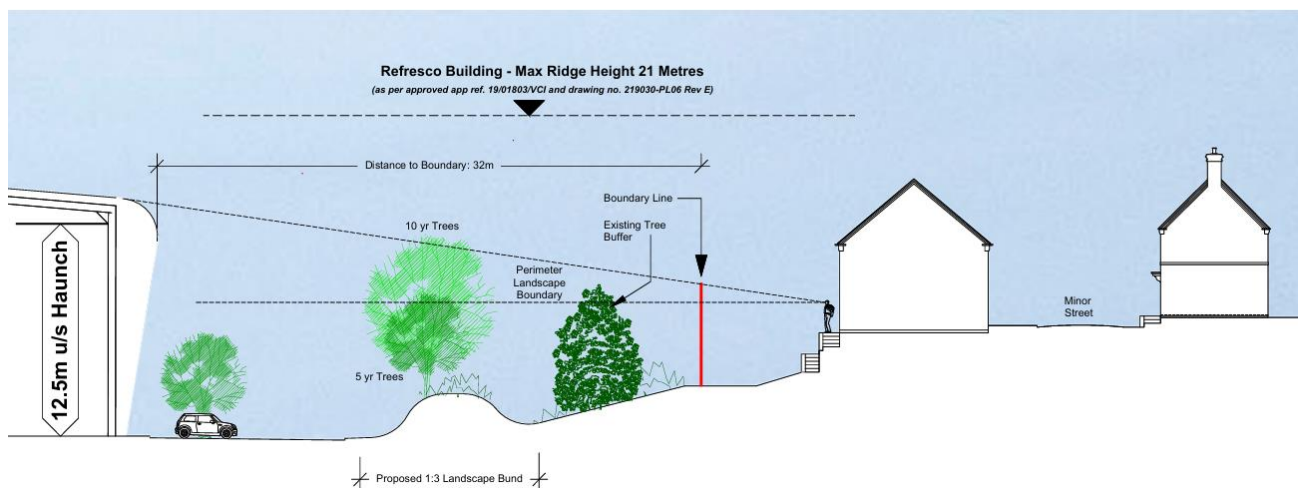
Although development on the land to the north-west was stifled by the safeguarded route of HS2, following the removal of the safeguarding direction by the Government this development could now proceed to completion.

Amendments have been made to the proposed development, when compared with that originally submitted, in response to officer concerns. As now proposed the building utilises a griffon style (curved) roof with a ridge height of 14.5 metres, which represents a reduction of 3.5 metres when compared with the originally proposed (18 metres). Additionally, the building has been repositioned so that it is 32 metres, at its closest point, from the south-western boundary (originally 16.7 metres) and 25 metres, at its closest point, from the north-western boundary (originally 12.6 metres).

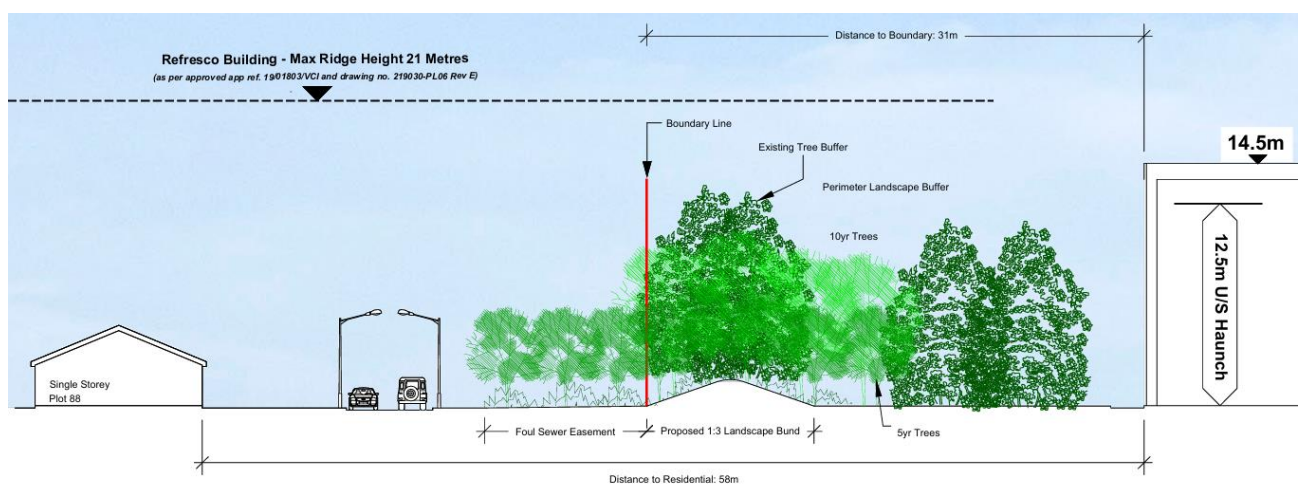
Updated site sections have also been submitted and are as shown in the images below.

Site Sections

Section to Southern Boundary (No. 54 Pritchard Drive)



Section to Western Boundary (Plot 88 associated with 19/01757/REMM)



As can be ascertained from the 'Section to Western Boundary' above, a separation distance of 58 metres would be provided between the building and the south-eastern (front) elevation of plot 88 (a single storey dwelling) which has the potential to be constructed on land to the north-west of the application site. A separation distance of 40 metres would be established between the north-eastern (rear) elevation of no. 54 Pritchard Drive (a two-storey dwelling) and the building.

Given the difference in land levels between the application site and Pritchard Drive, and whereby Pritchard Drive is at a higher land level, the '*Section to Southern Boundary*' above, also demonstrates that the overall height of the building would not be significantly in excess of (if indeed at all) the overall ridge height of no. 54 Pritchard Drive.

The Council's adopted Good Design SPD includes, within its '*Householders – Distance and Measurements*' section, what is considered to be an appropriate relationship between new and existing development. Paragraph 03 on page 204 outlines that for "*two storey development, there should be a 20m distance between properties.*" Whilst accepting that such guidance may be more specific to housing development (as demonstrated by figure 2 on page 205), it is considered that it sets parameters which can be applied to the relationship between existing dwellings and other forms of development.

Notwithstanding that the building would not be 'two-storey', as is outlined above the overall height of the building would not be significantly in excess of the ridge height of no. 54 Pritchard Drive. Also, when accounting for the finished floor level of no. 54 being higher than the finished floor level of the building, it is considered that it would appear to be around the height of a two-storey building when viewed from ground floor level within no. 54. The proposed separation distance to no. 54 would be 40 metres and is therefore double the recommended distance within the Council's adopted Good Design Guide SPD. This separation distance can be achieved between the main part of the building and the rear elevations of all the dwellings on Pritchard Drive that share a boundary with the site. There would be 35 metres between the offices on the south eastern side of the building and No. 2 Pritchard Drive. The offices would not be as tall as the main building, being 8.4 metres high compared to the main building having a ridge height of 14.5 metres.

It is considered that such separation distances, when combined with the proposed soft landscaping, would ensure that any overbearing or overshadowing implications associated with the presence of the building would not be of such detriment to the residential amenities of properties on Pritchard Drive that a reason to refuse the application could be substantiated.

Turning to plot 88 on the approved residential development to the north-west, paragraphs 04 and 05 on page 204 of the Council's adopted Good Design Guide SPD states that:

"Where a principal window of a habitable room is directed to face the blank wall of a neighbouring building, there should be a minimum of 12m distance between the two buildings.

This may need to be greater if there is a difference in height between the buildings."

The text at paragraphs 04 and 05 refers to 'buildings', although figure 3 on page 205 shows the relationship between dwellings. Notwithstanding this, the proposed separation distance to plot 88 is now 58 metres, with plot 88 (along with the other dwellings on the approved layout that would face directly towards the boundary of the site) separated from the boundary with the application site by the presence of a sewer easement and the internal highway of the housing estate. It is considered that this separation distance, when combined with the provision of soft landscaping on a bund and the retention of existing soft landscaping, would ensure that any overbearing and overshadowing impacts associated with the building would not be of such detriment to the future amenities of residents on properties on the proposed housing development to the north-west that a reason to refuse the application could be substantiated.

Third party representations have commented that the proposed building would effectively block their 'right to light', referring to the judgement in *Pauline Forster v Secretary of State for Communities and Local Government (SSCLG), Tower Hamlets London Borough Council and Swan Housing Association [2016] EWCA Civ 609* ('the Forster case'). The Forster case reinforces the principle that planning authorities must give proper consideration to the impact of development on existing rights

to light (be that sunlight or daylight) which is a material consideration and must be weighed in the planning balance. In addition, the Forster case adds an interesting perspective to the status of rights to light from a legal perspective. In basic land law terms, a right to light is a type of easement – that is, a right enjoyed over land belonging to someone else (the servient land) that benefits other land (the dominant land). The right is one to enjoy a sufficient amount of natural light passing over the servient land, that then enters through defined apertures in a building, to allow the room / space within to be used for ordinary purposes (*Colls v Home & Colonial Stores Ltd [1904] AC 179*).

Apertures can include windows (with or without glass), glass roofs and skylights. The result of this is that rooms used for different purposes will be entitled to receive different levels of light, with no one measure of ‘sufficient light’ applying in all cases. For any legal action to be successful though, it is usually necessary to show the loss of light amounts to a nuisance, rather than that there has just been a net reduction in available light (*Higgins v Betts [1905] 2 Ch 210*).

It has long been accepted that there are limitations on any right to light. For example, the right is for sufficient illumination and there is no legal right to direct sunlight / the sun’s rays. Similarly, rights of light are not an entitlement to receive the same amount of light to that pre-obstruction on an ongoing basis. Even if light levels are reduced, there may still be sufficient remaining for the room or building in question to be used in an ordinary and normal way.

The perception of being enclosed and overshadowed, giving rise to loss of light, does not amount to the same thing as demonstrable evidence that this will actually be the case. It is also considered that the Council’s adopted Good Design Guide SPD has, to a certain extent, accounted for a right to light in specifying the separation distances between built forms. Based on the above assessment, it is determined that the proposal would not result in any change in circumstances to any existing or proposed dwelling that it could be concluded that their amenity would be significantly detrimentally affected by a loss of light.

Revisions have also been made to the proposals so that the visual mitigation to be delivered by tree planting on a landscaped bund would now be off-set from the southern site boundary which is as shown on the ‘*Section to Southern Boundary*’ image above. This would ensure that when the trees are fully matured, they do not result in the creation of an oppressive environment to the residential receptors on Pritchard Drive.

In terms of overlooking impacts the only elevation with windows would be the south-eastern elevation which would include office accommodation at first floor level. Such windows would be located in excess of 61 metres from the closest residential receptor on Munnmoore Close and around 56 metres from such a receptor’s boundary, and 35 metres from the rear elevation and around 26 metres from the rear garden, of no. 2 Pritchard Drive. Based on the separation distances involved, it is considered that no adverse overlooking impacts would arise with louvres also being installed to the frontage of the windows closest to the boundary with no. 2 which would filter and restrict views.

Based on the above it is acknowledged that no. 2 Pritchard Drive would be closer to the proposed building than no. 54 Pritchard Drive which is assessed within the section information above. However, no. 2 has a different relationship with the proposed building than no. 54 with the proposed building not positioned directly behind no. 2 (as is the case with no. 54).

Other Residential Amenity Impacts

The other aspect to consider in respect of residential amenity is any potential impacts arising from noise, dust and fumes which is as outlined in Part 2 of Policy D2 of the adopted Local Plan.

Paragraph 201 of the NPPF outlines that the focus of planning decisions “*should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes)*. Planning decisions should

assume that these regimes will operate effectively.”

A Noise Assessment (NA) has been submitted in support of the application which undertook noise monitoring at the following sensitive receptors:

- R01 – 18 Citrus Grove;
- R02 – 8 Citrus Grove;
- R03 – 5 Side Ley;
- R04 – 21 Munnmoore Close;
- R05 – 2 Pritchard Drive;
- R06 – 72 Pritchard Drive; and
- R07 – Plot 28 associated with the extant planning permission under application reference 19/01757/REMM.

The NA concludes that the dominant noise sources in the area are road traffic noise from the M1 and low altitude planes at East Midlands Airport (EMA).

For the purposes of the NA, the operational time of the commercial building is assumed to be 24 hours to allow for deliveries and site operations that fall outside of the daytime period, with the primary sources of operational sound being produced by vehicle movements, including heavy goods vehicles (HGVs), vans, and loading of these vehicles with forklifts. It is, however, noted that the NA does not provide an assessment of any plant or equipment which may be installed to the commercial building, albeit this could be controlled by condition should planning permission be granted.

Based on the assessment undertaken in the NA, it concludes that both the daytime and night-time noise effects at the sensitive receptors would be no more than 5 decibels (dB) above the background sound levels and any impacts would be classified as less than the Lowest Observed Adverse Effect Level (LOAEL), therefore no mitigation would be required. In addition, the NA also concludes that the maximum night-time sound levels would fall below the World Health Organisation (WHO) guideline criterion of 60 dB which would classify such impacts as less than the LOAEL.

As part of the consideration of the application the Council's Environmental Protection Team has been consulted, and their initial consultation response expressed concern that no mitigation along the southern boundary was proposed between the site and the receptors identified as R05 and R06 in order to protect the residential gardens of these receptors. In addition, there was also concern that no noise mitigation was proposed for receptors identified as R04 and R05 with noise emanating from HGV movements on the site, and via the access road, on a 24 hour basis.

Following discussions between the Council's Environmental Protection Team and the applicant's noise consultant, an amended NA has subsequently been submitted by the applicant which has accounted for chiller units on HGVs. By restricting the loading bays which could be used by HGVs with chiller units to four bays, and restricting their location on the elevation, the amended NA concludes that daytime and night-time noise effects at the sensitive receptors would be classified as less than the LOAEL, with the maximum night-time sound levels also being less than the LOAEL.

The amended NA also specifies that noise mitigation for the receptors identified as R04, R05 and R06 was not required as the predicted noise levels at such receptors fell below the assessment criteria where adverse impacts would be experienced.

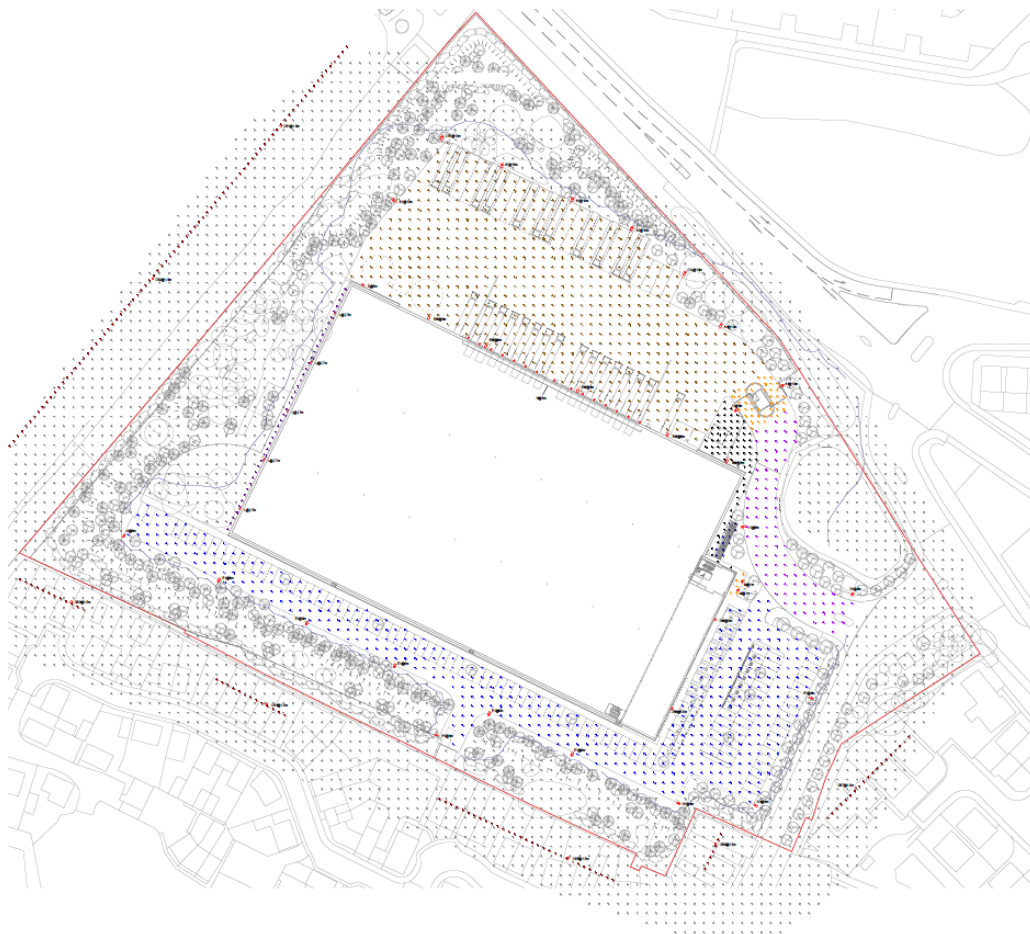
In providing further comment on the application the Council's Environmental Protection Team has no objections subject to the imposition of a condition which would restrict the location of the loading bays utilised by HGVs with chiller units to the four specified within the NA. A condition would also be imposed which would require precise details of any external plant or equipment which may be installed to be submitted for approval given that this is not addressed by the submitted NA.

To ensure that construction activity is undertaken at reasonable times a condition limiting the hours of construction would be imposed on any permission granted. Separate legislation (such as the Control of Pollution Act 1974 (as amended)) can control issues arising from construction activity.

It is also the case that if any statutory nuisance issues were to arise as a result of the development, then the Council's Environmental Protection Team would be able to investigate such issues and take appropriate action, where required, under separate Environmental Protection legislation.

Details of the external lighting to be installed on the site are detailed within an External Lighting Assessment (ELA) which includes an external lighting layout which is as shown in the image below.

Proposed External Lighting Layout



It is noted that the lighting levels and spill contours indicated are at first floor level and based on a completely flat site with no features, on this basis the lighting design represents the worst-case scenario. No objections are raised by the Council's Environmental Protection Team to the contents of the ELA. Whilst no objections are raised by the Council's Environmental Protection Team, a condition would still be imposed on any permission granted for a detailed external lighting scheme to be submitted for the reasons as discussed in the 'Ecology' section of this report below.

Residential Amenity Conclusion

Based on the above assessment it is considered that no adverse impacts to residential amenities would arise as a result of the development, subject to the imposition of relevant conditions, and as such the proposal would be considered compliant with Policy D2 and criterion (a) of Policy Ec3 of the adopted Local Plan, as well as Paragraphs 198 and 201 of the NPPF.

Air Quality

Part (2) of Policy D2 of the adopted Local Plan outlines that development will be supported which does not generate a level of pollution, which cannot be mitigated to an appropriate standard and so, would have an adverse impact on amenity and living conditions.

Policy En6 of the adopted Local Plan requires developments which are within or close to an Air Quality Management Area (AQMA) to be accompanied by a detailed investigation and assessment of the issues and include appropriate mitigation measures where necessary.

The Council also adopted an Air Quality Supplementary Planning Document in October 2023.

Paragraph 199 of the NPPF outlines that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants (including cumulative impacts) and that opportunities to improve air quality or mitigate impacts are identified and secured.

The application is accompanied by an Air Quality Assessment (AQA), with the High Street / Bondgate Air Quality Management Area (AQMA) in Castle Donington, at a distance of around 3.2 kilometres, being the closest AQMA to the application site.

The AQA determines that the application site is 'Medium Risk' in relation to dust associated with construction activity and therefore mitigation measures are proposed (associated with earthworks, storage and handling of construction materials and trackout), which would be conditioned on any permission granted. The introduction of such mitigation measures would ensure that the impacts arising to air quality because of construction activity would be 'not significant', with the construction phase being a temporary element of the development in its overall lifetime.

In accordance with the Environmental Protection UK (EPUK) and Institute of Air Quality Management (IAQM) document *'Land-Use Planning and Development Control: Planning for Air Quality'*, the air quality impact arising from the operational phase of the development would be 'not significant' and therefore no mitigation measures would be required.

Notwithstanding this, as discussed within the *'Design'* and *'Highways Impacts'* sections of this report below conditions would be imposed to ensure that the development is undertaken in accordance with a sustainability statement, that a minimum of Building Research Establishment Environmental Assessment Method (BREEAM) 'Excellent' is achieved along with compliance with a revised travel plan. Such conditions would assist in mitigating the air quality impacts associated with the operational phase of the development.

As part of the consideration of the application the Council's Environmental Protection Team (Air Quality) have been consulted, and no objections are raised to the conclusions of the AQA.

In the absence of any objection from the Council's Environmental Protection Team (Air Quality), it is considered that there would be no justification to reinstate the Derby Road / London Road AQMA. Notwithstanding this, if it is determined in the future that air quality objectives within the vicinity of the site are not being met then the Council would have the ability to consider the implementation of an AQMA.

Air Quality Conclusion

On the basis that no objections have been raised by relevant statutory consultees it is considered that the proposed development would not conflict with Policies D2 and En6 of the adopted Local Plan or Paragraph 199 of the NPPF.

Landscape and Visual Impact

A Landscape and Visual Impact Assessment (LVIA) has been submitted in support of the application, which has been undertaken in accordance with best practice as outlined in the '*Guidelines for Landscape and Visual Impact Assessment 3rd Edition*' (also known as GLVIA3).

Landscape Impact

The application site is not subject to any statutory landscape (i.e. National Park or National Landscape), nature conservation or heritage designations, or non-statutory designations (such as a Local Wildlife Site (LWS)).

It is outlined within the LVIA that the former RBS Data Centre (now demolished) comprised a series of single and two-storey buildings, car parking, and associated infrastructure. Such built form was focused on the centre of the site with car parking towards the south-eastern and south-western parts of the site. The former RBS Data Centre was also offset from Derby Road by a roughly triangular area of grassland containing isolated trees and a gappy hedgerow. The southern boundary is lightly vegetated and delineated by close boarding fencing.

The only landscape features of note within the site itself are limited to a group of mature trees towards the western boundary and the trees associated with the northern boundary and an attenuation pond.

Topographically the site itself is gently sloping with the northern boundary being 36 metres above ordnance datum (AOD) and the southern boundary being 41 metres AOD. To the east the landform gently rises towards Kegworth village centre, and to the west the landform is relatively even before rising to meet Junction 24 of the M1. The topography to the north remains low-lying with few perceived changes in landform, and to the south the landform rises sharply towards Ashby Road (to approximately 68 metres AOD) before further rising to 87 metres AOD at East Midlands Airport (EMA).

At a National Level the application site falls within both the '*Trent Valley Washlands*' National Character Area (NCA 69) and '*Melbourne Parklands*' (NCA 70) which is as outlined in Paragraphs 3.19 to 3.22 of the LVIA.

Based on the East Midlands Region Landscape Character Assessment (EMRLCA) the application site does not fall within any of the 31 regional landscape types, being within a 'built up' area.

The Leicester, Leicestershire and Rutland Landscape and Woodland Strategy (LLRLWS) identifies 18 landscape character areas (LCAs) within Leicestershire with the application site lying within '*LCA 03: Soar Valley*.' This is as outlined in Paragraphs 3.23 to 3.25 of the LVIA.

Within the North West Leicestershire Settlement Fringe Assessment, the application site is assessed as part of the wider '*Urban Fringe 5: Western edge of Kegworth*,' and more locally as part of '*Parcel K4: Land to the north of Ashby Road and south of the A6*.' This is as identified in Paragraphs 3.26 to 3.31 of the LVIA.

The LVIA determines that the susceptibility of the site to the proposed change is assessed as being negligible given that it comprises part of a wider developed and industrial context which is already characterised by notable built form. Nearby development is also of a similar height, when accounting for the rising topography to the south, with such development not being incongruous within the immediate and localised landscape.

Within the localised landscape setting the LVIA acknowledges that the proposed development would

be of a greater scale than that of the former RBS Data Centre, however it would remain proportionate to other larger scale developments within the immediate vicinity and would deliver a landscape buffer to Derby Road in a manner consistent with that of the premises at Refresco. Based on this, the LVIA concludes that the overall susceptibility of the site's immediate settlement setting to the development would be low, with this being reduced further to negligible should the residential development to the west be built out.

Perception of the site reduces as distances increase, due to the site's low lying location, and the network of robust field boundaries and trees, and the existing built form associated with Kegworth. A sharp increase in topography to the immediate south and south-west of the site increases visual and physical containment, whilst introducing a developed background to the site when viewed from the north-east. Beyond the M1, and as the landform continues to rise, industrial and commercial development, as well as EMA, are major urbanising features which contribute to the site lying within a highly developed context. Given that the wider landscape is not covered by any qualitative landscape designations at a national or local level, the overall susceptibility of the wider landscape to the proposed development would be considered negligible / low.

In terms of landscape value, and when accounting for the Landscape Institute Technical Guidance Note 02-21 *"Assessing Landscape Value Outside National Designations,"* the LVIA considers the following range of factors which can help identify the value of a landscape.

- 1) Natural Heritage (ecological, geological and geomorphological factors which contribute positively to the landscape);
- 2) Cultural Heritage (archaeological, historical or cultural factors which contribute positively to the landscape);
- 3) Landscape Condition (physical condition and intactness of landscape elements / structure);
- 4) Associations (landscape connected with notable people, events or with the arts);
- 5) Distinctiveness (strong landscape character features making a contribution to a sense of identity);
- 6) Recreation (offering recreational opportunities where experience of landscape is important);
- 7) Perceptual (Scenic) (visual quality / appeals to the senses);
- 8) Perceptual (Wildlife & Tranquillity) (perceptual value of landscape, tranquillity, wilderness and remoteness); and
- 9) Functional (landscape performs clearly identifiable functions).

Based on the above factors, the LVIA determines that the landscape value of the site and localised landscape is low, whereas the landscape value of the wider landscape would be low / medium.

With regards to landscape sensitivity, the LVIA determines that the application site would have a negligible / low sensitivity to the nature of the change proposed by the development. The landscape sensitivity of both the localised landscape and the wider landscape setting to the change proposed by the development would be low.

Visual Impact

In terms of the visual effect to the NCAs, the LVIA determines that no adverse effects to the characteristics of the larger scale landscape character areas would arise and therefore the effect would be none.

With regards to the LCA 03: Soar Valley, the LVIA advises that the key characteristics of this LCA include:

- (a) *"Very little woodland but influenced by woodland in adjoining Charnwood Forest character area"*

(b) *“Road, rail, canal and power corridor.”*

In terms of (a), the LVIA determines that the visual effect would be minor (beneficial) as the proposed development would increase the quantum of trees within the site which would provide the proposal with increased visual and audible containment. The delivery of such trees would also contribute towards the localised and wider green infrastructure network.

The visual effect for (b) would be none as the application site is already heavily influenced by the visual and audible impact of the M1 which would remain unchanged.

For the purposes of the ‘Urban Fringe 5: Western edge of Kegworth’ and ‘Parcel K4: Land to the north of Ashby Road and south of the A6,’ the LVIA considers the following key characteristics.

- (a) *“The northern part of the fringe comprises a large arable field with a few isolated trees within it. These trees are prominent within the landscape as it contains few mature trees or woodland. The field is bordered by a mature mostly intact hedgerow along its northern and southern boundaries.”*
- (b) *“The eastern edge of this fringe is characterised by warehouse development set within landscaped grounds and a rising urban edge which has mature trees along its boundary which partially soften its influence.”*
- (c) *“The land does not have a distinctive character or sense of place and is typical of urban fringes close to settlements.”*

The visual effect for (a) is assessed to be negligible (neutral) as the application site does not comprise part of the arable field, but does exert some influence upon it, with it also being the case that consent exists for the erection of 141 dwellings on the arable field (in accordance with the permissions granted under application references 14/00541/OUTM, 19/00878/REMM and 19/01757/REMM). Such a residential development would extend the urban edge character of Kegworth northwards towards the M1. Increased soft landscaping planting (including trees) would give the perception of a woodland block, with the retention and enhancement of the boundary hedgerow providing separation between the proposed development and the residential proposal on the arable field to the north-west.

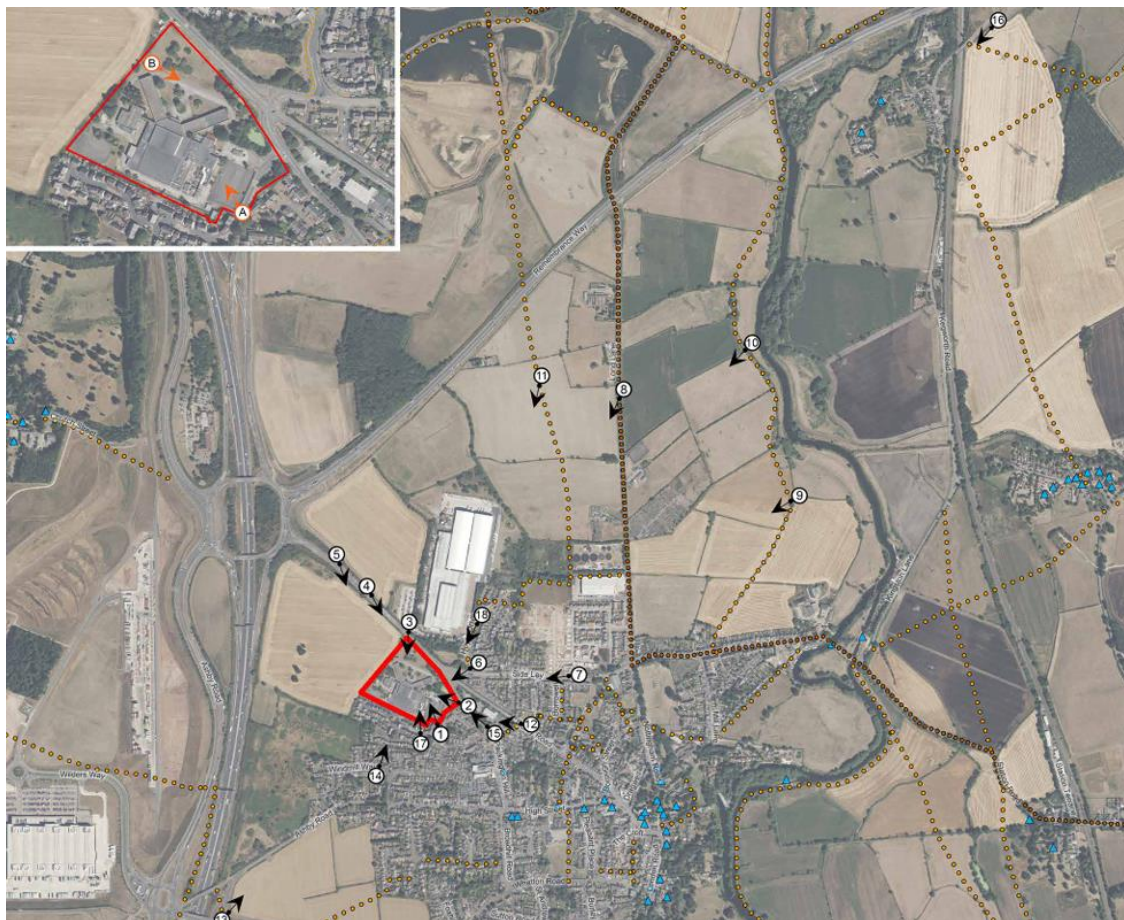
For (b) the visual effect is assessed as negligible (neutral) as the building would be perceived within the context of existing large-scale industrial development and would not result in the loss of any key views in the localised landscape. As time passes the tree planting introduced would further soften the visual effect.

In terms of (c), the visual effect is assessed as none given that the building would not result in a notable change to the urban edge when considered within the context of existing and emerging developments in the immediate and localised landscape.

For the purposes of the wider landscape, the LVIA determines that the redevelopment of the site would not result in any material change to the existing character or individual features associated with the wider landscape. On this basis the visual effect would be none / negligible (neutral).

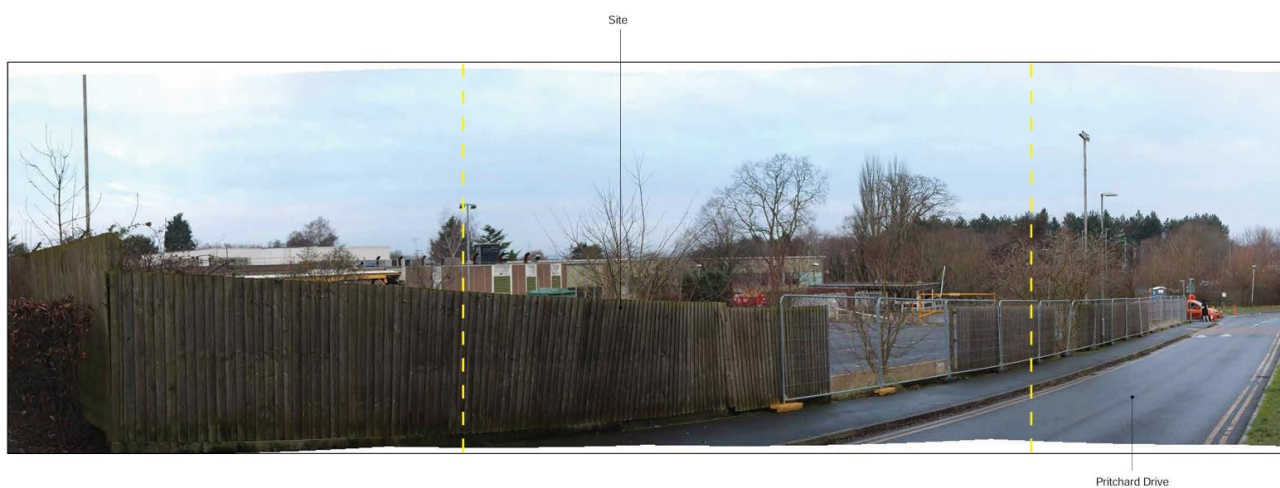
The LVIA also includes several representative viewpoints which have been identified in order to demonstrate the visibility of the site within the localised and wider setting. Such views are from publicly accessible areas and the LVIA considers that such views provide a fair representation of the visual environment in which the site is set. The viewpoint locations are identified in the image on the following page.

Viewpoint Locations within the LVIA



Individually the locations of the viewpoints are as follows and are supported by a representative panoramic image.

Viewpoint 1 – Pritchard Drive



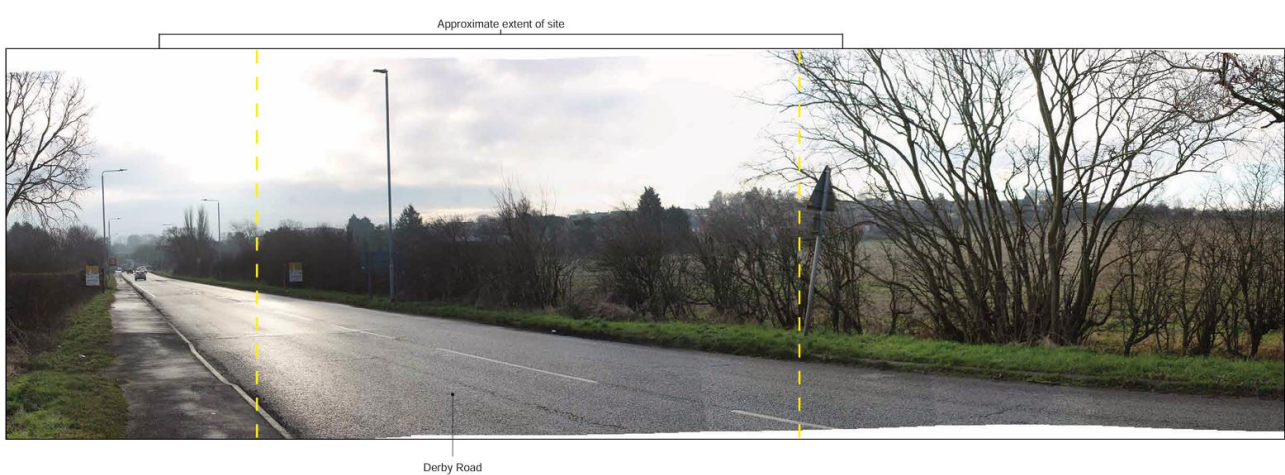
Viewpoint 2 – Pritchard Drive / Packington Hill



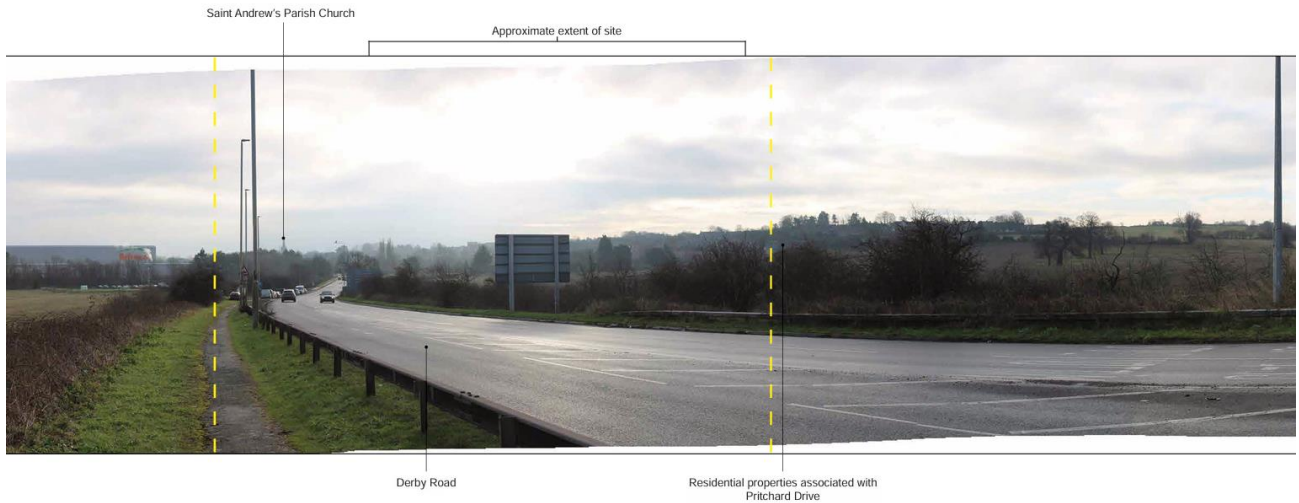
Viewpoint 3 – Derby Road



Viewpoint 4 – Derby Road



Viewpoint 5 – Derby Road



Viewpoint 6 – Junction of Sideley and Citrus Grove



Viewpoint 7 – Sideley, close to the junction with Borrowwell



Viewpoint 8 – Long Lane (Route of Midshires Way)



Viewpoint 9 – Public Right of Way (PRoW L63/1)



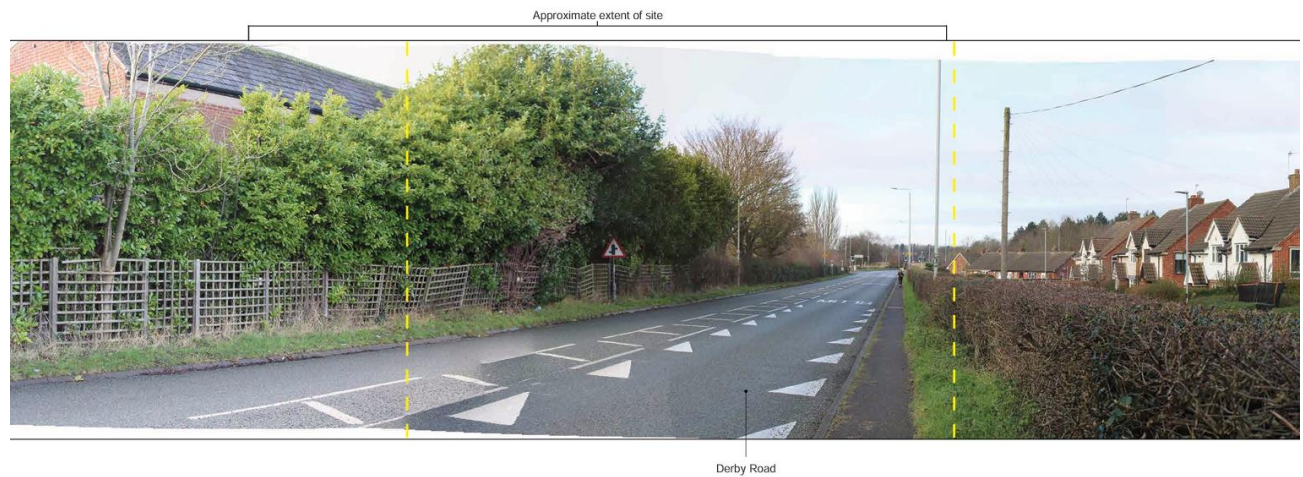
Viewpoint 10 – PRoW L63/1



Viewpoint 11 – PRoW L60/1



Viewpoint 12 – Derby Road



Viewpoint 13 – Ashby Road (PRoW L45 / 3)



Viewpoint 14 – Junction of Windmill Way and Peppers Drive



Viewpoint 15 – Junction of Packington Hill and The Ropewalk



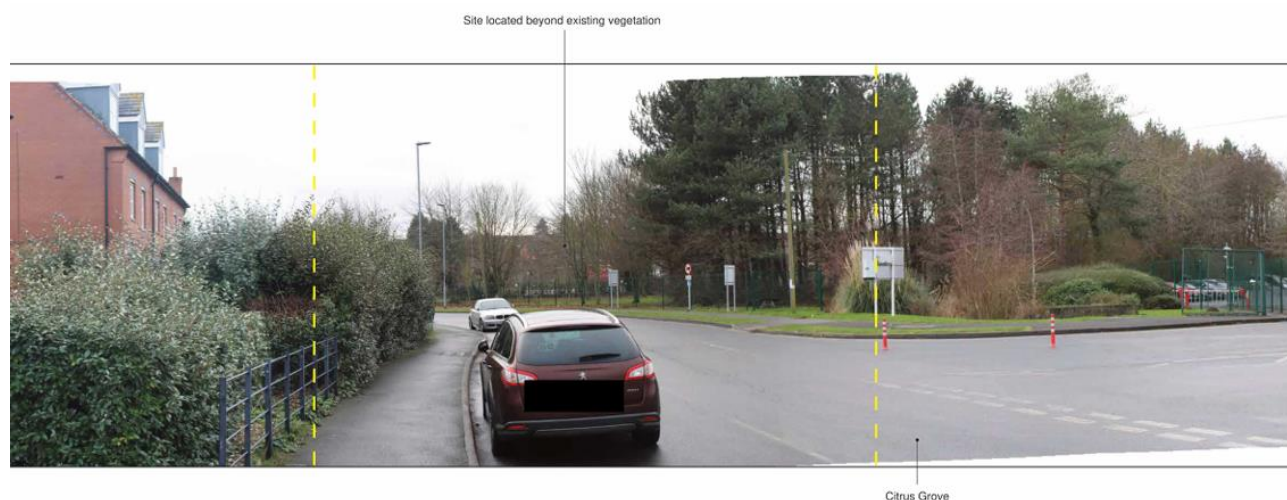
Viewpoint 16 – PRow FP5



Viewpoint 17 – Pritchard Drive (between nos. 8 and 10)



Viewpoint 18 – Citrus Grove



The LVIA has undertaken an assessment of the effects arising from the proposals upon each of the views with the conclusions as outlined in the following table.

View point(s)	Location	Sensitivity	Magnitude of Change – Year 1	Magnitude of Change – Year 10	Significance of Effect – Year 1	Significance of Effect – Year 10
1 & 2	<i>Pritchard Drive and Packington Hill</i>	Low / Medium	Medium	Medium	Minor / Moderate	Minor (Beneficial)
3	<i>Derby Road</i>	Low (Low for Road Users)	Low / Medium	Low	Minor / Moderate	Minor (Beneficial)
4 & 5	<i>Derby Road</i>	Low (Low for Road Users)	Low	Low	Minor	Minor (Neutral)
6	<i>Junction of Sideley and</i>	Low / Medium	Low / Medium	Low	Minor / Moderate	Minor (Beneficial)

	<i>Citrus Grove</i>					
7	<i>Sideley, close to the junction with Borrowell</i>	Low / Medium	Negligible	No Change / Negligible	Negligible	None / Negligible (Neutral)
8, 9, 10 & 11	<i>Long Lane, Public Right of Way (PRoW) L63 and PRoW L60</i>	High	No Change / Negligible	No Change / Negligible	None / Negligible	None / Negligible
12	<i>Derby Road</i>	Low / Medium (Low for Road Users)	No Change	No Change	None	None
13	<i>PRoW L45/3</i>	High	No Change	No Change	None	None
14	<i>Junction of Windmill Way and Peppers Drive</i>	Medium	No Change	No Change	None	None
15	<i>Junction of Packington Hill and The Ropewalk</i>	Medium	No Change / Negligible	No Change / Negligible	None / Negligible	None / Negligible (Neutral)
16	<i>PRoW FP5</i>	High	Negligible	Negligible	Negligible	Negligible (Neutral)
17	<i>Pritchard Drive (between nos. 8 and 10)</i>	Medium	Low / Medium	Low	Minor / Moderate	Minor (Beneficial)
18	<i>Citrus Grove</i>	Medium	No Change	No Change	None	None

Based on the above table the highest magnitude of change (being medium) would be experienced at viewpoints 1 and 2, with low / medium impacts experienced at viewpoints 3, 6 and 17 in the first year but reducing to low by the 10th year.

For viewpoints 1 and 2, the LVIA outlines that such views illustrate that the site is previously developed, currently in a derelict state, and forms part of the urban edge character. Additionally views towards the site are very open, with minimal landscaping present which would have softened the visual impact of the former RBS Data Centre. Although a larger built form would be introduced, the LVIA outlines that landscape buffers would be introduced which would, in time, soften the visual impact of the proposed building with a significant increase in the quantum of trees on site. The significance of the effect at year 10 is determined by the LVIA to be minor (beneficial) given the replacement of the derelict and low quality former RBS Data Centre with a building of a better design quality and which is integrated within the substantial tree planting.

LVIA Landscape and Visual Impact Assessment Conclusion

As is outlined above the LVIA determines that the susceptibility of the site to the proposed change is negligible, with the susceptibility of the site's immediate settlement setting being low (although reduced to negligible should the residential development to the west be built out). The overall susceptibility of the wider landscape would be assessed as negligible / low.

It is also determined by the LVIA that the landscape value of the site and localised landscape is low, with the landscape value of the wider landscape being low / medium. Based on this, the LVIA states that the application site would have a negligible / low sensitivity to the nature of the change proposed by the development, with the sensitivity of both the localised and wider landscape being low.

In terms of visual effects, it is outlined above that the highest magnitude of change (being medium) would be experienced at viewpoints 1 and 2 (being associated with Pritchard Drive / Packington Hill), with low / medium impacts experienced at viewpoints 3 (Derby Road), 6 (Junction of Sideley and Citrus Grove) and 17 (Pritchard Drive (between nos. 8 and 10)) in the first year but reducing to low by the 10th year. The significance of the visual effect at these viewpoints would be minor / moderate in the first year, reducing to minor (beneficial) by the 10th year.

The visual effect to the NCAs would be none, with that to the LCA 03: Soar Valley key characteristics being none to minor (beneficial). In terms of the visual effects to the key characteristics of the 'Urban Fringe 5: Western edge of Kegworth' and 'Parcel K4: Land to the north of Ashby Road and south of the A6' these are assessed within the LVIA to be none to negligible (neutral). For the wider landscape the visual effect would be assessed to be none / negligible (neutral).

To demonstrate the visual impact of the development following its construction the applicant was requested to provide photomontages from areas in close proximity to the site. These photomontages are shown on the following pages and provide the visual impact at day 1, as well as years 5 and 10.

View from Packington Hill

Day 1



Year 5



Year 10



View from Side Ley (Representative of Viewpoint 6 within the LVIA)

Day 1



Year 5



Year 10



Near Distance View from Derby Road (Representative of a view between Viewpoints 3 and 4 within the LVIA)

Day 1



Year 5

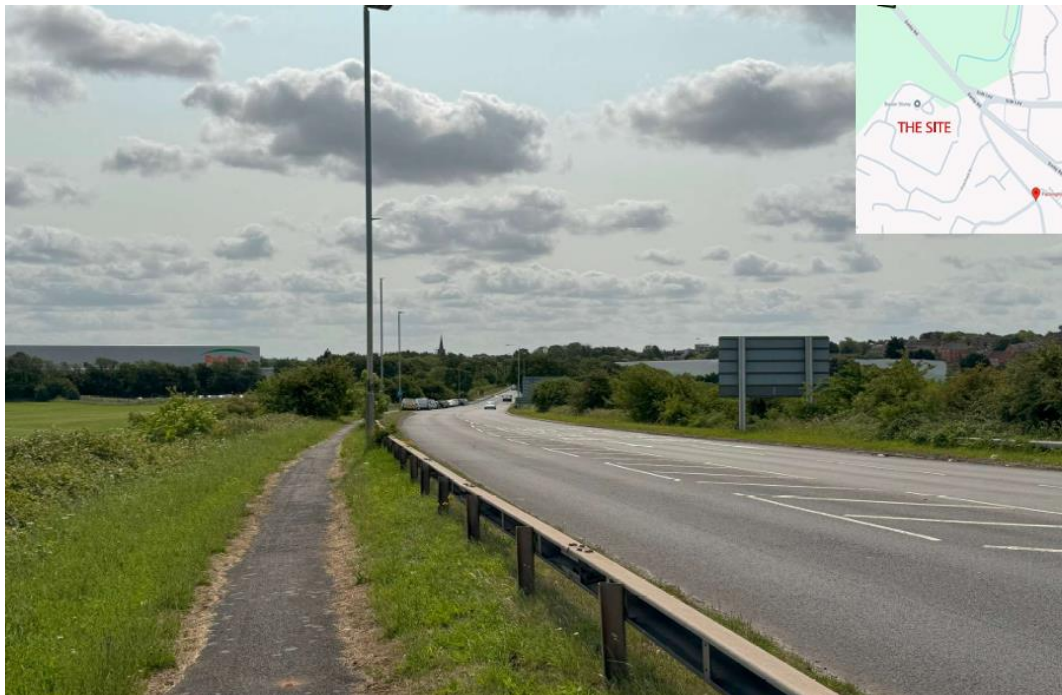


Year 10



Long Distance View from Derby Road (Representative of Viewpoint 5 within the LVIA)

Day 1



Year 5



Year 10



Officer Landscape and Visual Impact Conclusion

It is acknowledged that the LVIA assessment is based on the building as originally proposed, whereas amendments have been made which include a reduction in the overall height of the building to 14.5 metres (originally 18 metres) and a substantial increase in the soft landscaping infrastructure.

In addition the premises of Refresco off Side Ley / Citrus Grove, which lie on the opposite side of Derby Road to the immediate north of the application site, has an overall height of around 18 metres (at its highest point).

In this context it is considered that the proposed height of the building would not be disproportionate when compared with the height of a similar built form within the immediate vicinity. This is considered to be appropriately demonstrated in the near and long distance views from Derby Road images above where the proposed building would be no more 'pronounced' than that of Refresco.

On this basis it is considered that the proposal would not result in detriment to the wider landscape and that the conclusions of the LVIA are reasonable in this respect.

With regards to the visual impact of the development it is considered that the photomontages demonstrate that this would be localised, with the greatest visual impact being experienced from Side Ley on the approach to the junction with Derby Road. Whilst not demonstrated by photomontages, it is considered that a more substantial visual impact would also be experienced from Pritchard Drive at the entrance into the site, as well as from Derby Road when travelling in a north-western direction towards Junction 24 of the M1.

Recommendations of mitigation measures considered within the LVIA include:

- (a) Comprehensive soft landscaping scheme which would include mitigation for the existing tree removal as well as landscape and biodiversity enhancements;
- (b) Delivery of soft landscaping buffers to the site boundaries to maintain 'green' boundaries and enable ecological connectivity;

- (c) Inclusion of wildflower meadows to enhance biodiversity across the site;
- (d) Delivery of an amenity / wellbeing space for users of the building within a landscaped area.

The overall approach to the design of the building is as discussed within the '*Design*' section of this report below, and whereby it is determined it would be acceptable with the site layout also demonstrating the delivery of (d) above. In addition, the soft landscaping scheme (as discussed in the '*Landscaping*' section of this report below) demonstrates compliance with (a), (b) and (c). Conditions can be imposed on any permission granted to secure the design of the building (including the external materials to be utilised) and the soft landscaping scheme (including the future management and maintenance of the soft landscaping scheme).

In securing the mitigation measures proposed, and when allowing the soft landscaping infrastructure to mature, it is considered the character and appearance of the landscape would, as a minimum, be preserved whilst to some extent being enhanced as a result of the extent of tree planting to be delivered. In addition, it is considered that the impact to the visual amenity of the character and appearance of the streetscape would not be so adverse that a reason to refuse the application could be substantiated. On this basis the development would be compliant with criterion (b) of Part (1) of Policy Ec3 of the adopted Local Plan.

Design

Policy D1 of the adopted Local Plan requires that all developments be based upon a robust opportunities and constraints assessment and be informed by a comprehensive site and contextual appraisal, with developments also being assessed against the Council's adopted Good Design Guide SPD.

Building Design

It is accepted that a building for industrial purposes is predominantly more functional in appearance, then architecturally inspiring, that is not to say that enhancements cannot be made to 'enliven' their design approach, such as 'emphasising' any office elements within the building by projecting them away from the predominantly rectangular form.

The building originally proposed is as shown in the image on the following page.

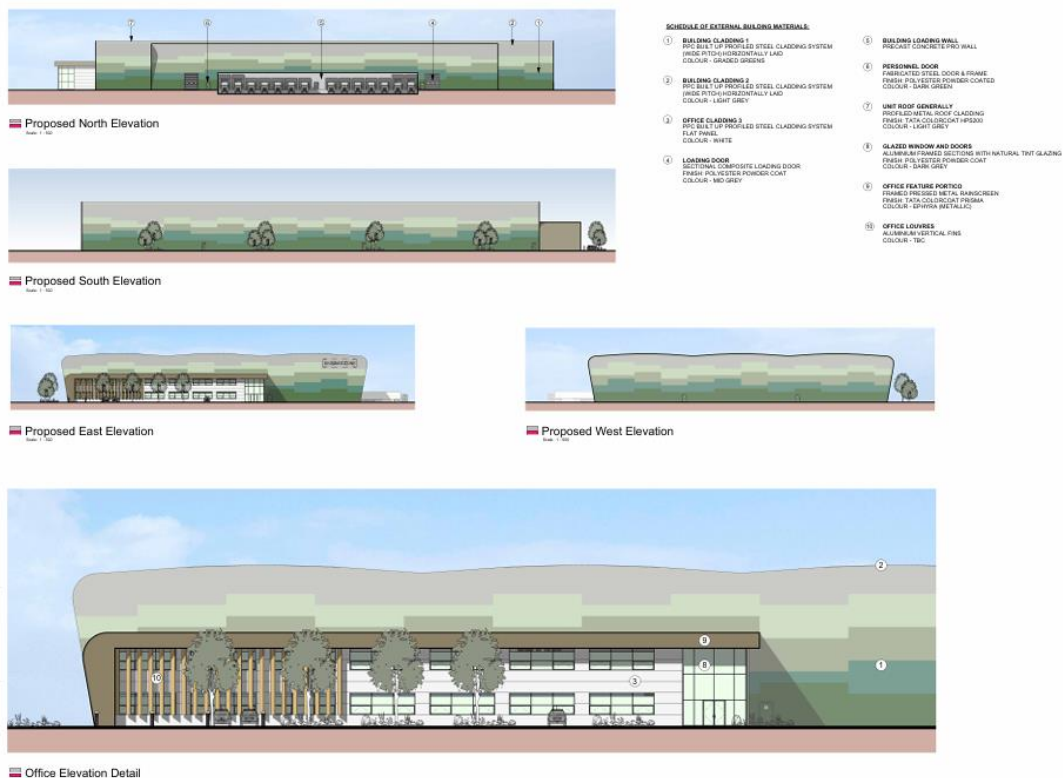
Original Building Proposal – Overall Height 18 Metres



Notwithstanding the scale of the building, which is as discussed in the ‘*Landscape and Visual Impact*’ section of this report above, the Council’s Urban Designer comments on the initial proposal acknowledged that effort had been made to break down the scale of the building through a graded colour palette, but this would be more effective if extended to include the corners and effectively wrap ‘around’ the building. Additionally, some variation in the width of the banding would also assist, if corresponding to the floors directly above. Smaller bands higher up the building, and an additional colour, would also be considered more effective.

Amendments have subsequently been made to the design of the building and what is now proposed is as shown in the image on the following page.

Current Building Proposal – Overall Height 14.5 Metres



In the original iteration of the revised design the building was proposed to have an overall height of 16.5 metres. In providing further comments, the Council's Urban Designer considered that the curved, convex walls would provide interest in the appearance of the building with the more pixelated and graduated façade being of benefit in reducing the mass of the building. It was, however, suggested that a reduction in the haunch height to the northern and southern elevations would assist in reducing the mass of the western elevation which is predominantly a blank elevation.

Following these comments the overall height of the building has been reduced to 14.5 metres, with the haunch height reduced from 14 metres to 12.5 metres.

On the basis of the amendments made to the overall height and haunch height, the Council's Urban Designer has no objections to the design of the building.

External Materials

In terms of the external materials, it is proposed that the building would be constructed from the following:

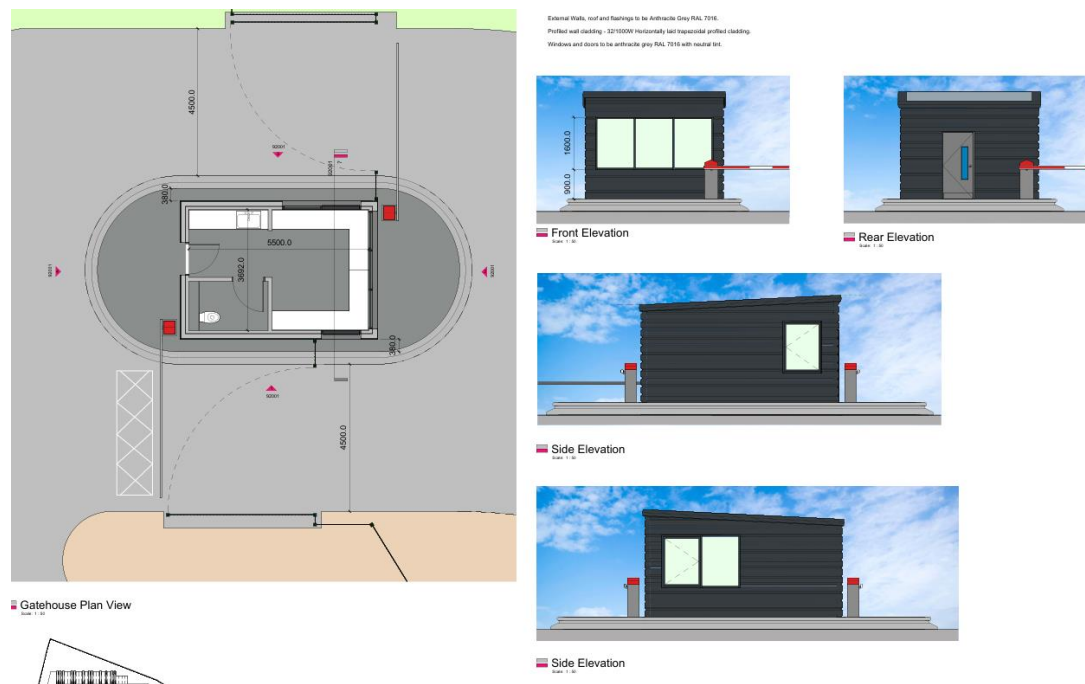
- Horizontally laid profiled steel cladding system coloured Graded Greens;
- Horizontally laid profiled steel cladding system coloured Light Grey;
- Flat panel profiled steel cladding system to the offices coloured White;
- Framed pressed metal rainscreen to the offices coloured Ephyra (Metallic);
- Aluminium vertical louvre fins to the office;
- Sectional composite loading doors coloured Mid Grey;
- Fabricated steel personnel doors and frames coloured Dark Green;
- Aluminium framed windows and doors coloured Dark Grey; and
- Profiled metal roof cladding coloured Light Grey.

Such external materials would be considered acceptable and would be conditioned on any permission to be granted. A separate condition would also secure the colour finish to the aluminium vertical louvres given that a colour finish has not been specified.

Gatehouse

The design of the proposed gatehouse is as shown in the image below.

Proposed Gatehouse



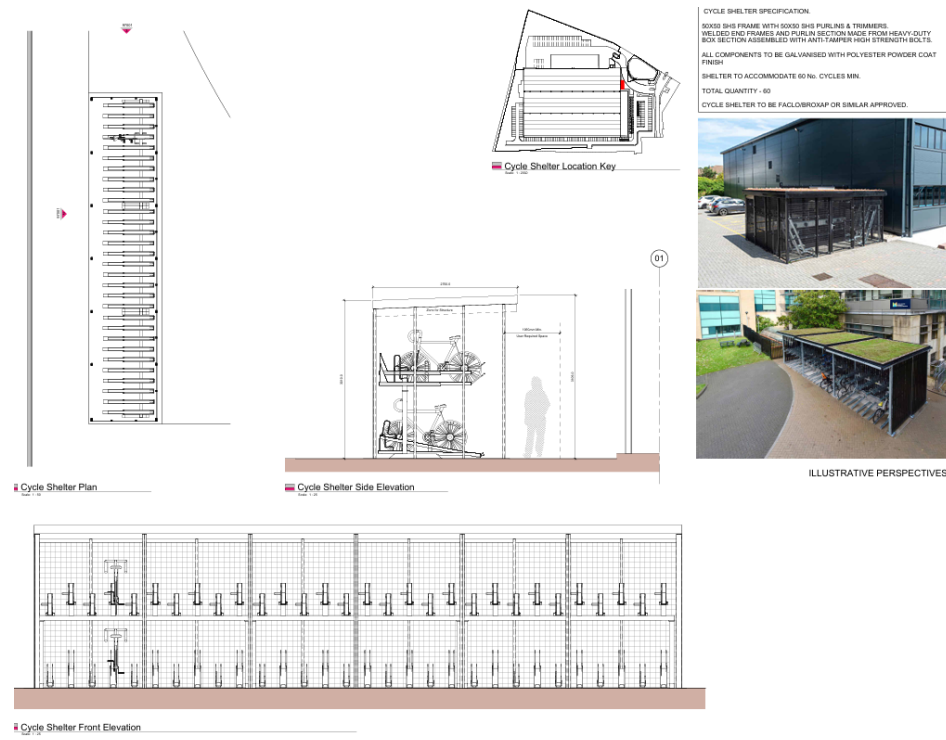
The proposed gatehouse would comprise a glass reinforced plastic (GRP) enclosure clad with horizontally laid trapezoidal profiled cladding coloured Anthracite Grey (RAL 7016). The windows and doors would also be Anthracite Grey (RAL 7016).

It is considered that the design of the gatehouse would be acceptable and therefore would be secured by condition on any permission granted.

Cycle Shelter

A condition would be imposed to secure details of the external materials for the proposed cycle shelter given that these have not been specified at this time. The illustrative examples (as shown on the following page) would suggest that the cycle shelter would comprise a metallic frame with polyester powder coat finish and the use of a sedum grass roof.

Illustrative Examples of Cycle Shelter



Energy Efficiency

The application is accompanied by a Sustainability Statement (SuS) and Building Research Establishment Environmental Assessment Method (BREEAM) (Industrial) Pre Assessment.

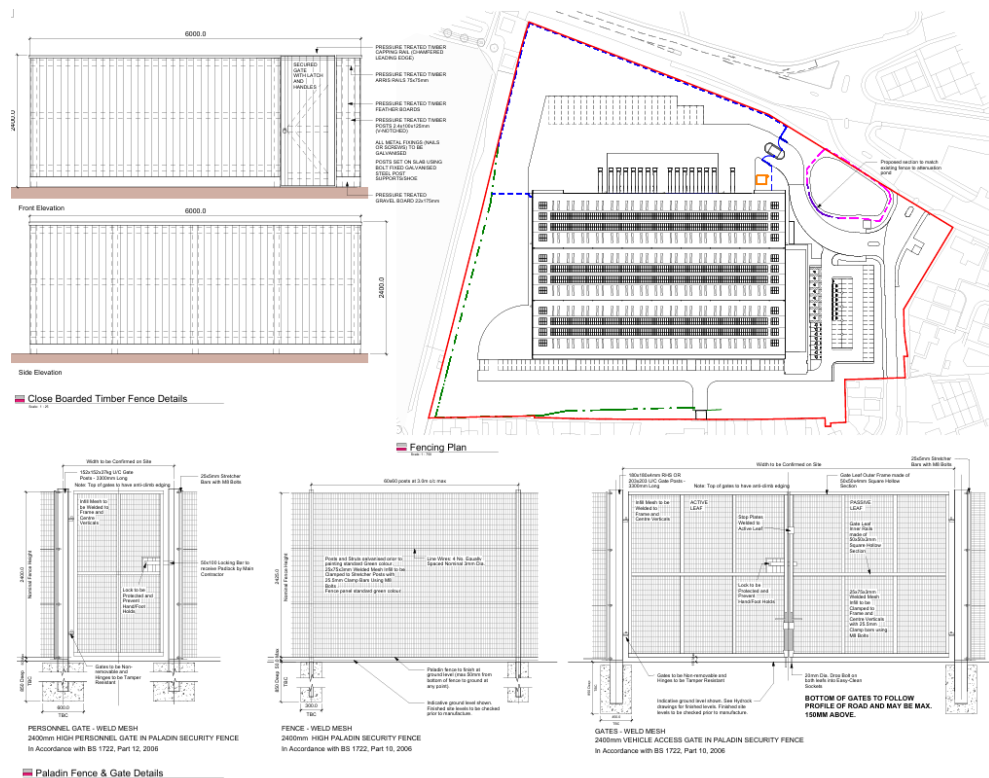
It is intended that the building would target an overall BREEAM rating of 'Excellent' and that heating and cooling to the office areas would be delivered via a Variable Refrigerant Flow (VRF) system, which comprises a form of air source heat pump, and that roof mounted photovoltaic panels (PV) would be installed to provide on-site generation of electricity and ensure the building is intrinsically low carbon. A combination of these factors, along with other measures, would result in the building having an Energy Performance Certificate (EPC) rating of A.

Conditions can be imposed on any permission granted to ensure that the development is undertaken in accordance with the recommendations of the SuS and BREEAM (Industrial) Pre Assessment. A further condition would also require the submission of the BREEAM certificate, following the construction of the building, to demonstrate that BREEAM 'Excellent' has been achieved.

Boundary Treatments

In respect of boundary treatments, it is proposed that 2.4 metre high paladin weld mesh panel fencing coloured green would be utilised to the northern, western and southern boundaries of the site with existing fencing retained to the attenuation basin. Additionally close boarded timber fencing to a height of 2.4 metres would be installed around an air conditioning unit located to the immediate north-east of the building. The boundary treatments are as shown in the image on the following page.

Boundary Treatments



Presently 2.4 metre high wire mesh fencing with barbed wire exists to the majority of the site boundaries, along with timber close boarded fencing alongside the boundary with Pritchard Drive and steel fencing and gates around the existing gatehouse.

It is considered that the proposed boundary treatments would have no greater impacts to the visual amenities of the streetscape than those which already exist with there being betterment with the delivery of soft landscaping to the site boundary with Pritchard Drive, which would replace the existing close boarded timber fencing (this being as discussed in the '*Landscaping*' section of this report below). A condition would be imposed to secure the boundary treatments, along with a condition requiring precise details of any retaining walls to be constructed to be submitted for approval. Additionally, as the colour finish to the gates has not been specified a condition would also secure their colour finish prior to installation.

Leicestershire Police Designing Out Crime Officer

The Leicestershire Police Designing Out Crime Officer (LPDOCO) has commented that whilst there is no direct reference to crime prevention within the supporting documentation, it is considered on the submitted plans and referenced in the Design and Access Statement (DAS) which specifies that:

“All HGV yards are secured via fencing and gates and shall be tested and certified to LPS 1175 Security Rating 2 or Sold Secure Gold. The location of the offices will provide a degree of surveillance over the car parking area. The site is intended to be secured through a security gatehouse.”

On this basis the LPDOCO has no objections subject to an informative on any permission granted directing the applicant to the '*Secured by Design Commercial Guide*' which provides good security advice and the relevant detailed measures which lend themselves well to crime prevention.

Design Conclusion

Overall, and subject to the imposition of conditions, the proposed building is of an appropriate design which would not impact adversely on the visual amenities of the streetscape with the external materials proposed allowing the building to assimilate with the landscaping infrastructure to be delivered around it. The incorporation of the energy efficiency measures identified would also respond positively to addressing climate change impacts. On this basis the proposed development would be compliant with Policies D1 and criterion (b) of Policy Ec3(1) of the adopted Local Plan, the Council's adopted Good Design Guide SPD and Paragraphs 131 and 135 of the NPPF.

Impact on the Historic Environment and Archaeology

Policy He1 of the adopted Local Plan, as well as the advice in the NPPF, requires heritage assets to be preserved and enhanced. Where development results in harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The proposed development must also be considered against Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which states that special regard shall be had to the desirability of preserving the setting of a listed building and the character and appearance of the conservation area.

A Heritage Desk-Based Assessment (HDBA) has been submitted in support of the application and provides information regarding the building's historic and evidential value, as well as its aesthetic value.

There are no known designated or undesignated heritage assets within the site, with the nearest listed building being the Grade II listed nos. 28 and 30 Packington Hill, set around 243 metres to the south-east of the site. The boundary of the Kegworth Conservation Area is around 273 metres to the south-east of the site.

The HDBA outlines that the former RBS Data Centre was constructed in the 1970s as an office premises and whilst it was built to house an IBM System 360 model 65 mainframe computer system, no documentary sources have highlighted a particular connection to the systems development, or that the site at Kegworth was an early adopter. In this respect the former RBS Data Centre was constructed five years after the model 65 system was first launched, and four years before it was discontinued, being at a time when the IBM mainframes were universal in many industries such as finance, banking and aerospace.

As part of the consideration of the application the Council's Conservation Officer has been consulted, and they agree with the conclusion that the former RBS Data Centre was not "*an early adopter*" or purposely built as a data centre. In this respect the Royal Institute of British Architects (RIBA) library refers to the Gulf Oil computer centre at Portman House in London (1958), with Barclays Bank asserting that they "*launched Britain's first computer centre*" in 1961. In addition, Rolls Royce erected a computer centre at their Moor Lane campus in 1965. The computer centres for Gulf Oil and Rolls Royce were designed by Fry Drew & Partners (Maxwell Fry was a "*leading English Modernist architect*"), but as far as the Council's Conservation Officer is aware none of these buildings survive.

The HDBA concludes that the former RBS Data Centre is not a non-designated heritage asset, and this conclusion is not disputed by the Council's Conservation Officer. In addition, the Council's Conservation Officer also agrees that "*the building is of low aesthetic value.*"

On the basis of the consultation response from the Council's Conservation Officer, no harm is identified to any designated or non-designated heritage assets. In this circumstance an assessment in the context of Paragraph 215 of the NPPF is not required.

The lack of harm would also ensure that the setting of any designated and non-designated heritage assets would be preserved.

Although representations received have commented that the proposed building would obscure landscape features, such as the Grade II* Church of St Andrew at Church Gate, these views are not shared by the Council's Conservation Officer based on the above conclusion. Such impacts are also not quantified by any evidence.

Whilst the Council's Conservation Officer also considers that it would not be possible for an *"appropriate replacement [tree] canopy area"* to be provided given the extent of the footprint of the building and its associated hard surfacing, it is not quantified how the loss of the existing tree canopy would result in harm to the significance of designated or non-designated heritage assets. An assessment of the impact of the development to existing trees is undertaken in the *'Landscaping'* section of this report below and where no objections are raised by the Council's Tree Officer.

Archaeology

Following a review of the Leicestershire and Rutland Historic Environment Record (HER), the County Council Archaeologist considers that the proposed development would not result in a significant direct, or indirect, impact upon the archaeological interest or setting of any known potential heritage assets.

On this basis they have no objections to the application, and do not require the imposition of conditions on any permission granted.

Impact on the Historic Environment and Archaeology Conclusion

When accounting for the above conclusions, the proposed development would be compliant with Policy He1 of the adopted Local Plan, Paragraphs 207, 208, 210, 212, 215 and 218 of the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Highway Impacts

Policy IF4 of the adopted Local Plan requires that development takes account of the impact upon the highway network and the environment and incorporates safe and accessible connections to the transport network to enable travel choice. Policy IF7 requires that development incorporates adequate parking provision.

Leicestershire County Council (LCC), as the Highways Authority (CHA), and National Highways (NH) have been consulted on the application, with the assessment of the CHA being based on guidance within the Leicestershire Highways Design Guide (LHDG).

The application as originally submitted was accompanied by a Transport Assessment (TA) and Framework Travel Plan (FTP). Further information, including three Highway Technical Notes (HTNs), a Summary Note on the Adoption of Junction between Pritchard Drive and Packington Hill, an amended FTP and Stage 1 Road Safety Audit (RSA) (with associated Designers Response (DR)) have subsequently been submitted following the consultation responses of the CHA.

Access

The application as originally submitted did not propose any amendments to the existing vehicular access off Pritchard Drive which serves the application site.

Following assessment, the CHA determined that the applicant had failed to demonstrate that a safe and suitable access could be provided to serve the application site, given the expected heavy goods vehicle (HGV) movements associated with the development. This would then subsequently impact on highway safety and cause damage to the highway itself. On this basis the CHA recommended that the application be refused.

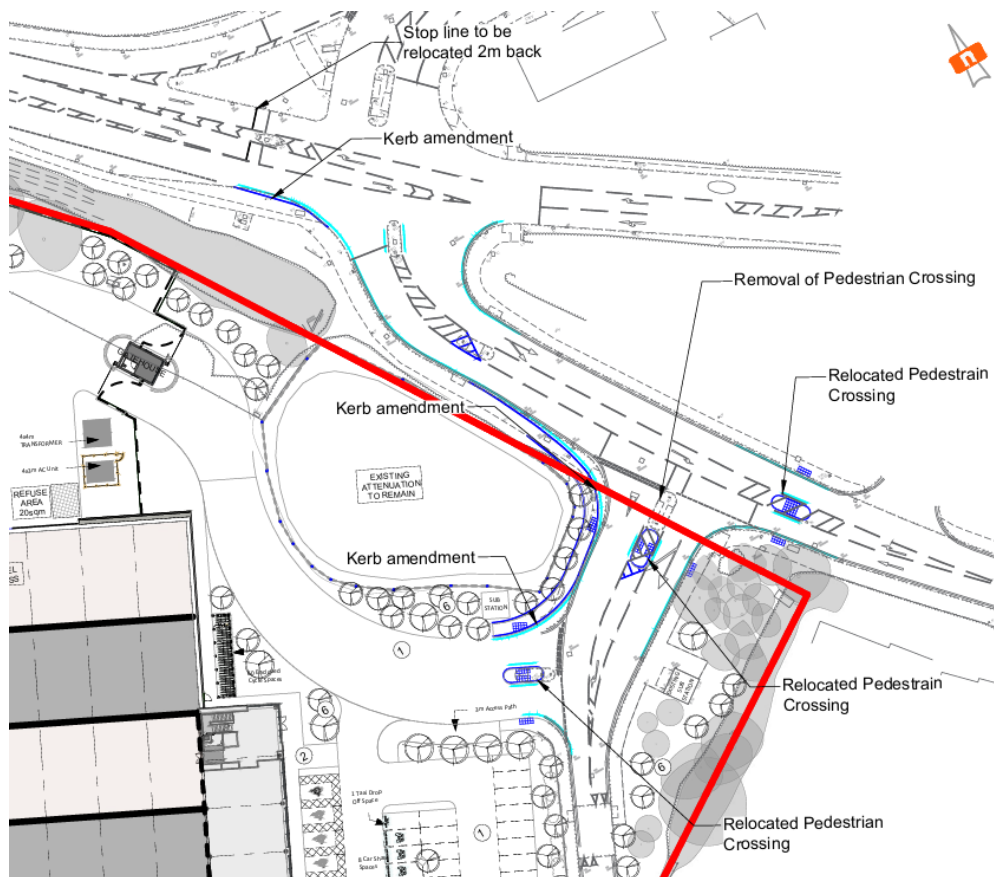
Amendments have subsequently been made to the proposed development, with the applicant proposing works to the existing vehicular access off Pritchard Drive so that it can accommodate HGV movements associated with the proposed development.

As proposed, realigned kerbing would be delivered at the site access, junction of Pritchard Drive and Packington Hill, and on the southern side of Derby Road / Packington Hill crossroads. The CHA has noted that at the crossroads the proposed realignment is in close proximity to the existing traffic signals which would therefore have to be relocated to maintain the required lateral clearances to the signal head. Whilst this is the case, the CHA is satisfied that this can be addressed at the detailed design stage under Section 278 of the Highways Act 1980 (as amended) and therefore would be undertaken separately to the planning process.

Additionally, the proposed works also include the relocation of the pedestrian refuge at the site access, as well as those on Pritchard Drive and Packington Hill.

This information is as detailed in the image below.

Access Improvements



The CHA considered that the refuge on Packington Hill had been moved away from the desire line of pedestrians travelling to and from the site via Derby Road. As such, the CHA explored an option for the link of the crossroads to be upgraded to include a signalised pedestrian phase at the junction.

In support of the proposals, the applicant has provided an assessment of pedestrian movements from a link between Derby Road and Packington Hill. Such an assessment was undertaken on the 6th June 2024 and where it was observed that there were no pedestrian trips crossing from Derby Road and Packington Hill at the crossroads junction. As proposed, there would be 8 pedestrian trips

associated with the development (in all directions) which has been accepted by the CHA.

On the basis that repositioning of the pedestrian refuge on Packington Hill would only generate an additional 50 metre walking distance from the existing situation (from the site access to the eastern side of Derby Road / Packington Hill crossroads), the CHA consider that it would not be reasonable to obligate the applicant to incorporate a pedestrian phase into the existing signalised crossing. This is due to the cost not being proportional or reasonable when accounting for the low number of pedestrian trips predicted to be affected by the relocation of the pedestrian refuge.

Overall, the relocation of the pedestrian refuges is supported by the CHA.

In terms of visibility at the site access, it is proposed that visibility splays of 2.4 metres by 43 metres to the right (i.e. looking along Pritchard Drive) and 2.4 metres by 23 metres to the left (i.e. looking towards the junction of Pritchard Drive with Packington Hill) would be provided. When considering the quantum of HGV trips associated with the development (as discussed in the '*Trip Generation and Junction Capacity Assessments*' sub-section below), the CHA consider that a visibility setback of 4.5 metres is required in accordance with the LHDG.

Following a site visit, where the visibility splays were checked, the CHA consider that they could be wholly delivered within the highway and without crossing third-party land. On this basis the visibility splays proposed at the site access are acceptable to the CHA.

Vehicle swept path analysis of a car, fire tender vehicle, refuse vehicle and HGV have been submitted, which includes the UK max legal length HGV of 18.55 metres. It is demonstrated by the swept path analysis that such vehicles (including the UK max legal length HGV) could arrive and depart from the site via the proposed site access, as well as appropriately turning on the surrounding road network of Pritchard Drive, Packington Hill and Derby Road. The realignment of the kerbing also ensures that the UK max legal length HGV can navigate the surrounding road network with a 0.5 metre buffer to the kerbs. On the basis of the submitted information, the CHA is satisfied that HGVs can enter / exit the site and navigate the surrounding highway network without overriding the kerb.

With regards to the Stage 1 RSA, and accompanying DR, the CHA has outlined that this raised three problems. The first problem related to the relocation of the existing pedestrian refuge halfway along Packington Hill between Derby Road and Pritchard Drive, with the recommendation being that a survey is undertaken to consider whether alternative provision is necessary. As is outlined above, the CHA accepts the proposed repositioning of this pedestrian refuge and consider that it offers a suitable alternative route for pedestrians heading to / from Derby Road, with a minimal 50 metre diversionary route in comparison to where the pedestrian refuge is currently positioned. Additionally, the new positioning of the pedestrian refuge also affords adequate visibility for pedestrians.

Problems two and three refer to visibility at and around the site for vehicles and pedestrians. It is noted that some of the visibility obstructions during the Stage 1 RSA site visit were as a result of site hoarding which would be removed as a result of the site being redeveloped. In addition, and as outlined above, the CHA has no concerns in relation to the delivery of the proposed visibility splays at the site access.

An additional observation of the Stage 1 RSA relates to the consideration of the relocated pedestrian refuges and associated road markings to accommodate the swept path analysis of vehicles. It is confirmed by the CHA that this matter would be addressed as part of the Section 278 process.

Overall, the CHA is now satisfied that a safe and suitable access can be achieved although the necessary works to the site access and the junction of Pritchard Drive and Packington Hill cannot be undertaken until such time as Pritchard Drive becomes adopted highway. However, the adoption of the highway would not be a material planning consideration and thereby cannot constitute a reason

to refuse the application, with it being possible to impose a condition(s) on any planning permission granted to ensure the necessary highway works are undertaken by an appropriate time (i.e. pre-commencement or pre-occupation). Whilst Pritchard Drive is not yet adopted, the CHA is satisfied that the highway works proposed can be undertaken once it is adopted (such to the relevant Section 278 process under the Highways Act being complied with).

Although the concerns raised about the applicant's ability to undertake works where there are existing Section 38 and 278 agreements in place are noted by the CHA, they consider that the imposition of the relevant condition (as referred to above) would be sufficient to ensure that, as a minimum, the proposed building was not brought into use until the revised access arrangements had been completed. For such works to be undertaken, the applicant would be required to either seek agreement with parties subject to the existing agreements for the necessary amendments to be made, and enter into a supplementary agreement, or await the adoption of Pritchard Drive as public highway.

Whilst understanding that third parties would consider an alternative access off Derby Road to be more appropriate as a means of serving the development, the CHA has determined that the existing access, subject to improvements, is acceptable. In these circumstances there would be no justification for the applicants to consider an alternative access arrangement.

HGV Advisory Signage at Packington Hill / Pritchard Drive Junction

In their observations the CHA has noted that Packington Hill carries a 7.5 tonne weight restriction although it is important to note that such a weight restriction has an exception for access and, in this case, only a short section of Packington Hill would be transversed to access the site.

The CHA has considered the most appropriate approach to mitigate the risk of HGVs turning right onto Packington Hill towards Kegworth as the most suitable route for HGVs would be to turn left onto Packington Hill and access the M1 at Junction 24. This position is supported by the applicant's proposed trip distribution which shows 100% of the HGV trips turning left out of the Pritchard Drive junction north towards Derby Road.

It is considered by the CHA that it is already very unlikely for HGVs to want to turn right onto Packington Hill, with the applicant's trip distribution demonstrating that there would be no demand for development HGV trips to turn right onto Packington Hill. The CHA has also noted that there is no suitable location to relocate the terminal point of the weight restriction so that the application site is outside of the weight restriction; this would have prohibited HGVs turning right onto Packington Hill.

However, to encourage HGVs to turn left onto Packington Hill, the CHA has advised a condition for a scheme of positive signage so as to instruct HGV drivers of left only movements. Such signage is advisory, but as is discussed in the 'Access' sub-section above a safe and suitable access has been demonstrated.

The CHA does acknowledge the concerns raised about the signage being advisory and not enforceable, however, as is outlined above HGVs are permitted to enter environmental weight restrictions for the purpose of access. It is therefore determined by the CHA that the signage being advisory would not result in an unacceptable impact to highway safety or severe harm to the highway network and a refusal of the application in this respect would not be justified.

Trip Generation and Junction Capacity Assessments

Based on the previously submitted trip generation and junction capacity assessments (JCAs), the CHA confirmed that those junctions impacted by the proposed development would have sufficient spare capacity. These junctions would be as follows:

- 1) Site access with Pritchard Drive;
- 2) Pritchard Drive and Packington Hill Priority 'T' Junction; and
- 3) Packington Hill and Derby Road Signalised Crossroads.

As proposed the overall gross external area (GEA) of the building has been reduced by 3,112 square metres, from 16,588 square metres to 13,466 square metres, and therefore the revised daily HGV trip generation for each of the proposed uses has been updated.

Based on a floor space of 16,588 square metres the trips were as identified in the below table.

	Trips (HGV)		
	<i>Arrive</i>	<i>Depart</i>	<i>Two-way</i>
<i>B8 (05:00 – 21:00)</i>	72	74	146
<i>B2 (05:00 – 22:00)</i>	53	51	104
<i>E(g) (ii) (iii)</i>	39	40	79

Based on a floor space of 13,466 square metres the trips are reduced as identified in the below table.

	Trips (HGV)		
	<i>Arrive</i>	<i>Depart</i>	<i>Two-way</i>
<i>B8 (05:00 – 21:00)</i>	58 (-14)	60 (-14)	118 (-28)
<i>B2 (05:00 – 22:00)</i>	43 (-10)	42 (-9)	85 (-19)
<i>E(g) (ii) (iii)</i>	32 (-7)	33 (-7)	65 (-14)

The CHA did not previously raise any concerns in relation to the HGV trip generation for the building proposed at 16,588 square metres. Therefore, and given that the reduction in the overall GEA has reduced the HGV trip generation further, it remains the case that the CHA has no objections to the HGV trip rates.

On this basis it is considered that the proposed development would not impact severely on the road network.

Third party representations received have commented on the potential alterations to the access to Junction 24 of the M1, as a result of the closing of the egress from Derby Road, impacting on the development. At this time such works do not benefit from planning permission, nor is an application under determination which would consider the appropriateness of such works, and so in these circumstances any future alterations in this respect would not be material to the consideration of the application.

In considering the contents of the representations following the removal of their objection, the CHA has outlined that the following roads were assessed in respect of the impacts arising as a result of the development.

- a) Pritchard Drive – Unclassified Road (prospectively maintainable at public expense);
- b) Packington Hill – Classified ‘C’ Road (publicly maintainable);
- c) Derby Road – Classified ‘C’ Road (publicly maintainable); and
- d) Side Ley – Classified ‘C’ Road (publicly maintainable).

Particularly, the CHA has outlined that the signalised junction of the Derby Road crossroads was fully assessed within the JCA, as is outlined above, and that the junction has sufficient spare capacity in both of the network peak periods. The CHA has also confirmed that the swept path analysis demonstrates that a desirable 0.5 metre clearance from kerbing has been provided to reduce the risk of damage to the public highway. In order to allow for the appropriate length of HGV (18.5 metres), there are proposed off-site highway works to setback the nearside kerb for vehicles turning left from Packington Hill onto Derby Road. Previously it has been raised that damage has occurred around the Side Ley section of the crossroads, however, as the proposed development has no HGV trips routeing in this location the CHA consider it unreasonable to request any works associated with existing or perceived impacts.

Highway Safety

Section 3.5 of the TA outlines that there have been two Personal Injury Collisions (PICs) recorded in the most recent 5 year period, both of which were ‘slight’ in severity.

The assessment period of PICs within the TA is between the 14th September 2019 and 14th September 2024 and therefore given the length of the time the application has been submitted the CHA has reviewed their records. Since September 2024 there has been one further PIC recorded at the junction of Derby Road with Packington Hill on the 4th December 2024 which was classified as ‘serious’ in severity.

As part of their consideration of the application the CHA has reviewed the circumstances of each of these PICs and is satisfied that there is no evidence to suggest that the proposed development would increase the likelihood of further incidents occurring.

In terms of the comments received following the removal of their objection, the CHA has specified that the applicant’s submitted information has been robustly assessed to determine if there would be an unacceptable impact on highway safety or if the residual cumulative impacts on the road network would be severe. This being as required by Paragraph 116 of the NPPF. If the CHA is to recommend refusal of an application, and any refusal of planning permission was to subsequently be appealed, the CHA needs to be satisfied that its position can be defended in line with the NPPF and other relevant guidance.

Internal Layout

Given that the proposed development is for a flexible use, the CHA has applied the parking standards for B2, B8 and E(g)(ii) and (iii) use classes found within the LHDG. For the purposes of this, the CHA has considered the parking requirement on the site as being an ‘out of town’ location given that the site is not near or within any large population centres. Based on this, car parking requirements would be considered higher due to car dependency.

The CHA has accepted the applicant’s use of a parking accumulation assessment using the Trip Rate Information Computer System (TRICS) which demonstrates a maximum parking demand of 102 car parking spaces between 11:00 and 12:00 under a B2 site use.

As proposed 128 car parking spaces would be provided which would include 8 accessible parking spaces and 8 car share spaces, along with 8 electric vehicle charging (EVC) spaces. The CHA has advised that the amount of car parking, including the accessible and car share spaces, would be acceptable and in accordance with the LHDG.

In terms of the EVC spaces, the revised version of the LHDG includes standards for EVC provision and states:

“All new non-residential buildings with more than 10 parking spaces must have a minimum of one charge point and cable routes for one in five (20%) of the total number of spaces.”

It is considered that such guidance within the LHDG is similar to that outlined in Section 3 (New buildings other than residential or mixed-use building) of Approved Document S of The Building Regulations 2010 (as amended) which outlines that:

“For new buildings other than residential or mixed-use buildings with more than 10 parking spaces both of the following apply:

- (a) One electric vehicle charge point must be provided for the building;*
- (b) At least one in every five remaining parking spaces must be provided with cable routes.*

NOTE: A minimum of one in every five means that, for example, if there are 11 parking spaces, two parking spaces must have access to cable routes in addition to the one parking space with access to an electric vehicle charge point.”

Based on a total of 128 parking spaces, 26 EVC spaces should be provided.

Although the number of EVC spaces is below that required by the LHDG, the CHA consider that a reason to refuse the application on this basis could not be substantiated given that level of overall demand once the building is operational could be monitored and further EVC spaces delivered when demand arises. This is particularly evident given that to comply with Building Regulations cable routes would need to serve at least 26 parking spaces.

In terms of HGV spaces, the submitted site layout details 20 HGV parking spaces with 16 loading bays and 4 additional tractor bays. When combined, the number of HGV spaces (being 36) would exceed the requirement of 34 HGV spaces for the most intensive HGV need on the site associated with a B8 use. The number of HGV spaces is therefore in accordance with the LHDG.

Whilst the CHA has noted that the length of the 20 HGV parking spaces only measures 15 metres, and therefore 3.55 metres short of the UK max legal vehicle length of 18.55 metres, the internal swept path analysis of an 18.55 metre long vehicle has been submitted which is acceptable to the CHA. It is also considered that sufficient space would exist within the site to increase the length of the 20 HGV parking spaces to 18.55 metres without compromising the manoeuvring of HGVs within the vicinity of the loading bays.

A total of 60 cycle spaces would be provided within a shelter which is considered acceptable to the CHA subject to details of the cycling shelter being secured by condition on any permission granted. Active Travel England (ATE) is also satisfied with the cycle parking provision and the design approach to the cycle store.

In addition to HGVs, and based on the swept path analysis submitted, the CHA is also satisfied that other servicing vehicles and cars would be able to appropriately manoeuvre in order to exit the site in a forward gear.

Transport Sustainability

The CHA has outlined that the application site is only slightly above the recommended 400 metre walking distance from the frequently operated Kinchbus Skylink service and that the bus stops served by this service are well equipped. In these circumstances the application site is in a sustainable

location and can be accessed via means other than the private car.

In their '*Walking & Cycling Accessibility / Public Transport / Offsite Improvements*' section of consultation response, ATE have commented on whether improvements would be required to the bus services or bus stops serving the site. Given the comments of the CHA, as above, the bus service is a frequent service with the bus stops being well equipped and therefore no contribution requests have been made by the CHA in this respect.

In terms of the submitted FTP, the CHA has no objections to its targets and the measures proposed but they do advise that the applicant is informed of the Betterpoints app which is used by Leicestershire County Council (LCC) and is offered to all Leicestershire and Leicester City residents for free. The Betterpoints app offers rewards for utilising sustainable travel and should therefore be promoted to staff via the Travel Plan (TP). The CHA also wishes to ensure that the TP co-ordinator is in post for the duration of the TP (being a minimum of 5 years).

From the perspective of ATE, they consider that the initial targets within the FTP for the development to achieve an overarching 10% modal shift away from single occupancy private car use to more sustainable transport over the entire monitoring period demonstrated a lack of ambition. They therefore required clear actions and contingencies to be established if increased targets were not to be met which could be secured through condition.

Based on the comments of both the CHA and ATE, a condition would be imposed on any permission granted which would secure a revised TP including details of the TP co-ordinator.

In addition to the above, the CHA also commented that Travel Packs would require a £500.00 proofreading fee, or that such packs could be provided by the CHA at a cost of £52.85 each, along with the securing of a 6 month bus pass per employee (at a cost of £465.00 per pass) and a TP monitoring fee of £6,000.00. These would be secured in a Section 106 agreement and are discussed in more detail in the '*Transportation*' sub-section of the '*Developer Contributions and Infrastructure*' section of this report below.

ATE also specified that regard should be given to the North West Leicestershire Local Cycling & Walking Infrastructure Plan (LCWIP) and the potential for links to be created to local active travel routes which would have the potential to mitigate against vehicular congestion and encourage sustainable forms of transport. The application site is not within the vicinity of any public rights of way (PRoW), with any pedestrians accessing the site in the same manner as was previously the case when the site was operational (i.e. via the site access off Pritchard Drive). Given that the site access off Pritchard Drive is the logical pedestrian route, as it links with raised footways that provide direct access to services within the settlement, it is not considered necessary for any further links to be created.

In terms of the specific comments received following the removal of their objection, the CHA has reiterated that the TP is acceptable and that a 10% modal shift target is the standard requirement for a development of the scale proposed. The CHA has also outlined that active and sustainable travel opportunities are available at the site, given that bus stops with regular services are located 450 metres from the site entrance, with cycle parking being delivered in accordance with the LHDG. The measures and actions included within the TP are to be monitored and assessed by officers at LCC, with a TP monitoring fee being secured as is outlined above.

The original TA identified that the proposed pedestrian trip generation would be eight two-way trips in the AM Peak Period (08:00 – 09:00) and seven in the PM Peak Period (17:00 – 18:00). As the scale of the building has now been reduced from that originally proposed, it is probable that the pedestrian trip generation would now be lower. When accounting for the proposed pedestrian trip generation (including that originally) there would be no reasonable basis for the applicant to provide off-site pedestrian infrastructure in this case.

Consideration and Justification for the CHA's Change in Recommendation

Following the receipt of comments due to the removal of the objection of the CHA to the application, it was requested that the CHA clarify their reasoning for this.

In this respect the CHA has advised that the access arrangements originally proposed were not considered to be safe and suitable for the proposed HGV movements the site would generate, and the potential risk to highway and pedestrian safety that may occur if improvements to the site access and nearby junctions were not proposed. Particularly, no amendments were to be made at the site access or the junction of Packington Hill with Pritchard Drive to suitably accommodate the likely vehicles that would serve the site. Additionally, HGVs measuring 16.5 metres in length were demonstrated using the junctions which was below the UK max legal length of 18.55 metres.

Subsequently, the applicant's revised submission proposed changes to the site access and the junction of Packington Hill with Pritchard Drive along with works being proposed at the crossroads junction of Packington Hill / Derby Road / Side Ley. The purpose of such amendments was to ensure that the site access and local impacted public highway was safe and suitable for the proposed vehicles expected to use the site and in accordance with the LHDG.

In support of these proposals, the applicant provided swept path analysis of a UK max legal HGV vehicle measuring 18.55 metres in length. The swept path analysis demonstrates that these movements can be undertaken safely, with 0.5 metre clearances from the kerblines. This exceeds LHDG guidance which states that swept path analysis only needs to demonstrate that movements can be undertaken without "*overrunning of kerbs*." Swept path analysis is an industry standard methodology for assessing the suitability of such works and is a consistent requirement of planning applications.

The suitability of the site access and surrounding highway have been further assessed and evidenced in the submitted Stage 1 RSA which is an independent review of the highway safety implications associated with the proposed development. The RSA has raised no fundamental issues, with all highlighted problems being mitigated.

One of the proposed off-site highway works changes is to move the existing pedestrian refuge from the northern side of the Packington Hill / Pritchard Drive junction to the south of this junction. The CHA has carefully considered this relocation and determined that such re-positioning would act as a favourable alternative route compared to the existing location towards the crossroads of Packington Hill / Derby Road / Side Ley. Any school children walking towards Kegworth Primary School (on High Street) from Pritchard Drive would also have a more direct crossing point across Packington Hill. It was determined by the Stage 1 RSA that no safety concerns would be associated with this change.

It is acknowledged by the CHA that the pedestrian movements were surveyed over a one day period in June 2024. However, it is important to note that the pedestrian refuge is being relocated by approximately 50 metres south-east along Packington Hill and the facility is not being removed. As an existing facility, and due to the level of pedestrian trips generated by the development proposals, no further assessment of pedestrian movements would be necessary.

Finally, the CHA has outlined that the capacity of the impacted road junctions has been assessed by the applicant, with the CHA reviewing these results to determine if sufficient spare capacity exists when considering existing traffic flows and proposed development trips. The assessment considered future traffic growth until 2030. Since the CHA's initial assessment on junction capacity, which was deemed acceptable, the scale of the development has decreased resulting in a reduction in trip generation. The CHA has no concerns of traffic generation at this site needing further mitigation.

It is considered that the above clarification by the CHA provides adequate reasoning as to the change

in their recommendation on the application.

National Highways (NH)

In terms of impacts to the Strategic Road Network (SRN), NH has independently checked the trip rates of the development based on the submitted TRICS data and are content with the conclusions reached. NH is also satisfied with the conclusions reached in relation to the distribution of trips and the overall traffic impact which would be minimal at Junction 24 of the M1.

On this basis NH has no objections to the application.

Highway Impacts Conclusion

Paragraph 116 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, following mitigation, would be severe, taking into account all reasonable future scenarios.”*

In the circumstances that there are no objections to the application from the CHA or NH, subject to the imposition of conditions, it is considered that the proposed development would be compliant with Policies IF4 and IF7 of the adopted Local Plan as well as Paragraphs 109, 110, 112, 113, 115, 116, 117 and 118 of the NPPF.

Ecology

Vegetation, in the form of trees and other shrubs, 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.

Part (1) of Policy En1 of the adopted Local Plan states that proposals for new development will be supported which conserve, restore or enhance the biodiversity in the district.

As submitted, the application is accompanied by an Ecological Appraisal (EcA), Biodiversity Net Gain Report (BNGR) and BNG Metric Calculations (BNGMC). During the consideration of the application the EcA, BNGR and BNGMC have been amended.

In terms of the impacts to ecological species the County Council Ecologist has considered the submitted EcA and has raised no objections subject to the imposition of conditions on any permission granted which would secure a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity), the installation of bat and bird boxes and a detailed external lighting scheme. It is considered that the imposition of such conditions would address concerns raised by third parties and Kegworth Parish Council in relation to the impacts to ecological species.

In terms of Biodiversity Net Gain (BNG), the mandatory requirement for 10% BNG for major applications as required by the Environment Act has come into force. The proposals are therefore required to demonstrate compliance in this regard.

The BNGR and BNGMC submitted have been assessed by the County Council Ecologist, including their requirement for how the woodlands were divided in the baseline metric being clarified within the BNGMC. Additionally, the condition assessment sheets are now consistent with the BNGR and BNGMC.

Based on the BNGR and BNGMC it is concluded that there would be an overall gain of 1.33 habitat

units (+15.89%) and 0.28 hedgerow units, which would not have a calculated percentage as there are 0 hedgerow units currently on the site. Whilst a 10% net gain is demonstrated, the trading rules (i.e. the guidelines to ensure no 'net loss' of biodiversity occurs as part of developments) are not met due to a 1.25 unit deficit in medium distinctiveness grassland and a 0.18 unit deficit in individual trees.

The first process of the BNG Mitigation Hierarchy is to avoidance strategies which seek to reduce biodiversity impacts through site selection and layout. If avoidance is not viable, then impacts should be 'minimised' with designs modified and all sensitive habitats avoided. If avoidance and minimisation are not possible then impacts should be 'mitigated' on-site with habitat enhanced, restored or regenerated. If neither of the aforementioned mitigation measures are feasible, then impacts arising as a result of the development should be 'off-set' or 'compensated' for by BNG delivery off-site.

It is outlined within the BNGR that habitat enhancement and creation have been maximised within the greenspace which would be available, including enhancement of the retained woodland and the delivery of mixed scrub and other neutral grassland. Additionally, the BNGR determines that it is unlikely that the trading rules could be achieved without the overall footprint of the development being reduced further given that the largest impact is associated with the loss of the poor condition medium distinctiveness grassland. Such grassland, whilst predominantly located to the site boundaries, is also located between the projecting wings and pathways around the former RBS Data Centre. It is also accepted that the application site does not contain any habitat of high distinctiveness, or that which is irreplaceable.

The overall deficit has also been reduced significantly from that associated with the original proposals where there would have been a 2.38 unit deficit in medium distinctiveness grassland and a 0.86 unit deficit in individual trees.

In order to satisfy the trading rules, 1.25 medium distinctiveness grassland units and 0.18 individual tree units (or higher distinctiveness habitat) would need to be obtained from off-site sources. The BNGR indicates that these would be sourced from either:

- a) A third party provider which would be identified and engaged to deliver the units on behalf of the project; or
- b) Statutory credits which will be purchased from the Government if no off-site providers can be sourced.

Whilst not 'avoiding' the impacts on-site, it is considered that they have been 'minimised' as a result of the amendments to the scheme. In this respect, the former RBS Data Centre had an irregular footprint which cannot be replicated as it does not meet the optimal rectangular shape for modern industrial purposes, additionally any further reduction in the footprint would also likely impact on the viability of the development.

It is also considered that there would be a degree of 'mitigation' on-site (through habitat enhancement), but that largely the impacts would be 'compensated' for by BNG delivery off-site.

The securing of the Biodiversity Gain Plan (BGP) under the mandatory BNG condition, which is imposed as an informative rather than a condition, is the mechanism to confirm whether the development would meet the biodiversity gain objective. Development may not be begun until the BGP is approved.

Under the '*How does biodiversity net gain get taken into account in decision making?*' sub-section of the BNG section of the NPPG (Paragraph: 019 Reference ID: 74-019-20240214), it states, in relation to the above that:

“Given this, it would generally be inappropriate for decision makers, when determining a planning application for a development subject to biodiversity net gain, to refuse an application on the grounds that the biodiversity gain objective will not be met.”

In addition to the above, criterion (a) of Paragraph 193 of the NPPF outlines that planning applications should be refused *“if significant harm to biodiversity resulting from the development cannot be avoided (though locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for.”*

For this particular development it is considered that ‘significant’ harm would not arise to biodiversity as a result of the development and, even if a view was taken that it did, then the impacts would be adequately mitigated by the imposition of the mandatory BNG condition and the delivery of the BNG off-site.

It is also the case that the County Council Ecologist has no objections to the conclusions or recommendations of the BNGR or the BNGMC.

In addition to the mandatory BNG condition, an informative would also be imposed on any permission granted to advise the applicant that a Habitat Management and Monitoring Plan (HMMP) would be required to discharge the mandatory BNG condition.

The mandatory BNG condition and HMMP would secure the monitoring of the off-site BNG delivery for the 30 year period as specified in the Environment Act. Off-site BNG would also be secured via a Section 106 agreement with the land on which the BNG enhancements would be delivered being registered as a Habitats Bank which is a separate process that can be completed after any planning permission is issued.

Ecology Conclusion

Overall, the proposed development would, when being subject to the imposition of conditions and informatives, be considered acceptable and compliant with the aims of Policy En1 of the adopted Local Plan, Paragraphs 187 and 193 of the NPPF, and Circular 06/05.

Landscaping

Part (3) of Policy En1 of the adopted Local Plan outlines that new development will be expected to maintain landscape features (such as trees and hedgerows) for biodiversity, as well as for other green infrastructure and recreational uses.

The application is accompanied by an Arboricultural Impact Assessment (ArIA) which is compliant with BS 5837:2012 *‘Trees in Relation to Design, Demolition and Construction – Recommendations’*.

Impact to Existing Trees

Within the ArIA it is outlined that there are 117 individual trees (54 of which are rated Category B (*trees of moderate quality*)) and 10 groups of trees (all of which are rated Category C (*trees of poor quality*)) on the site.

In order to facilitate the development a total of 52 individual trees (26 of which would be rated Category B), along with seven of the tree groups (all of which are rated Category C), would be removed. In addition, partial clearance of the remaining three tree groups (all of which are rated Category C) would be undertaken. Three individual category U trees would also be removed given their physiological condition and diminished outlook.

The majority of the trees, including groups of trees, to be removed are internal within the site, with

those trees to be retained largely being to the site's boundaries as is identified in the image below.

Tree Removal Plan



The Council's Tree Officer has considered the contents of the ArIA and whilst the trees to be removed are of some interest, they consider that it not feasible for them to be retained in light of the proposed layout of the development which demonstrates a 'standardised' approach to an employment building when compared with the bespoke and individualistic layout of the former RBS Data Centre. In the circumstances that the layout of the development is accepted, the Council's Tree Officer considers that the trees are not of such a significant value (i.e. warrant retention via a Tree Preservation Order (TPO)) that their loss would justify a refusal of the application. This would be subject to suitable compensatory tree planting being delivered.

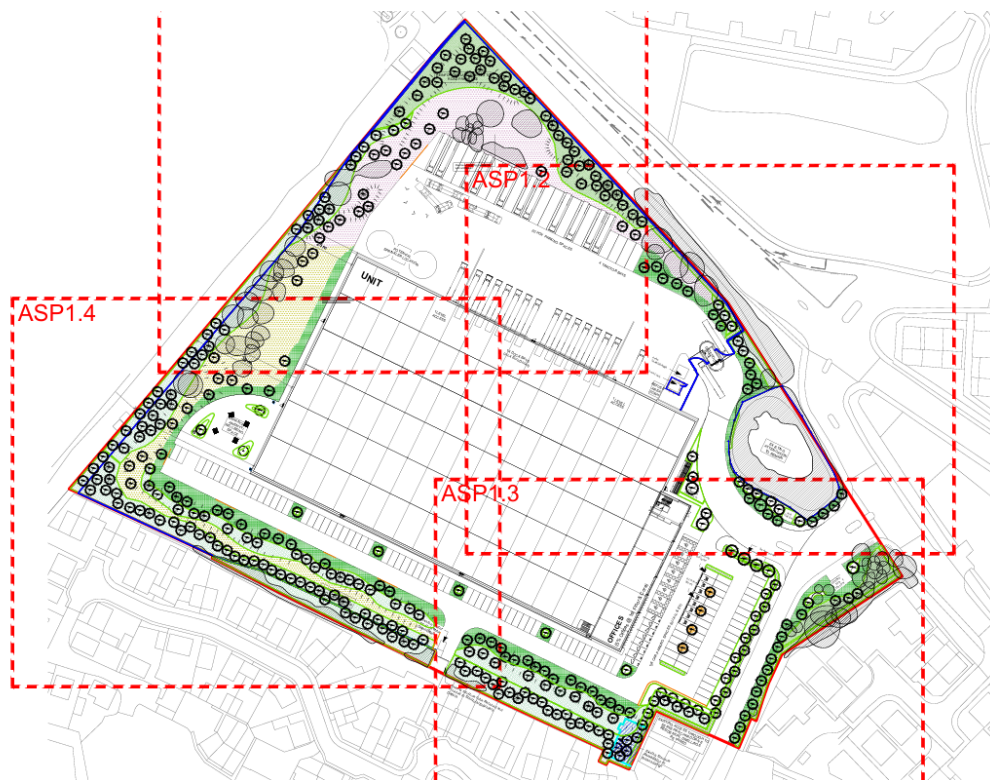
The proposed soft landscaping scheme is as discussed in the '*Proposed Soft Landscaping*' sub-section below and it is considered that this soft landscaping scheme would more than mitigate against the loss of the trees identified.

Based on the recommendations within the ArIA, conditions imposed on any permission granted would secure an Arboricultural Method Statement (ArMS), detailing any pruning works as well as how works within the root protection areas (RPAs) or beneath the canopies of retained trees would be undertaken, along with a Tree Protection Plan (TPP).

Proposed Soft Landscaping

A submitted soft landscaping plan, which has been amended during the consideration of the application, is shown on the following page. The most notable additions from this plan would be the provision of 295 individual trees, along with 654 trees within a native woodland mix and the delivery of native hedgerow planting.

Soft Landscaping Overview Plan



The native woodland mix planting would largely be to the boundaries of the site in order to provide screening of the proposed building, including to the residential receptors in close proximity to the application site (particularly those on Pritchard Drive).

It is considered that such a soft landscaping scheme is comprehensive and would improve the quality and quantity of tree cover on the site which is predominantly of low retention value.

Conditions imposed on any permission granted would secure the soft landscaping scheme, as well as a landscaping management and maintenance plan (LMMP) which would incorporate a woodland management and maintenance plan (WMMP).

Proposed Hard Landscaping

In terms of hard landscaping infrastructure, the submitted site layout plan identifies that a range of hard materials would be used including:

- (a) *Tarmacadam Surfacing coloured Black / Grey* – To the off-street car parking spaces and car parking access roads as well as the main access road off Pritchard Drive.
- (b) *Permeable Block Paving coloured Brindle* – To the internal pathways around the commercial building; and
- (c) *Concrete surfacing coloured Grey* – To the servicing yard and heavy goods vehicle (HGV) spaces.

When accounting for the nature and extent of existing hard landscaping infrastructure on the site it is considered that the proposed hard landscaping scheme would be acceptable and would be conditioned on any permission granted.

Landscaping Conclusion

Whilst there would be a requirement to remove individual trees rated Category B there are no objections to their removal by the Council's Tree Officer. Additionally, their loss would be more than compensated for by the comprehensive soft landscaping scheme which would enhance the quality and quantity of trees on the site. On this basis, and subject to the imposition of conditions on any permission granted, the proposed development would be compliant with Part (3) of Policy En1 of the adopted Local Plan.

Flood Risk and Drainage

Policy Cc2 of the adopted Local Plan requires the risk and impact of flooding from development to be minimised, with Policy Cc3 requiring surface water drainage to be managed by Sustainable Drainage Systems (SuDS) (where feasible).

Flood Risk

On the basis of the Environment Agency (EA) *'Flood Map for Planning'* detailed on the Government website, the application site is wholly within Flood Zone 1, which is at the lowest risk of fluvial flooding.

It is also the case that the application site is at a predominately very low or low risk of surface water (pluvial) flooding, with linear areas at a medium risk of surface water flooding towards the north-eastern and south-western boundaries of the application site (as well as isolated pockets around the former RBS Data Centre) and whereby some of these areas are also at a high risk of surface water flooding (albeit to a lesser coverage extent than the medium risk areas). An existing on-site attenuation basin is also at a medium and high risk of surface water flooding.

A Flood Risk Assessment and Drainage Strategy (FRADS) has been submitted in support of the application which has been amended during the consideration of application. Notwithstanding the position in respect of fluvial and pluvial flood risk, the FRADS concludes that the application site would not be at risk from tidal / coastal flooding, with there being a low risk of flooding from sewers, artificial sources (i.e. reservoirs and canals), and groundwater.

Paragraph 173 of the NPPF outlines that a sequential risk-based approach should be taken to individual applications in areas known to be at risk now or in the future from any form of flooding. Paragraph 174 of the NPPF subsequently outlines that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. It is, however, outlined at Paragraph 175 of the NPPF that the sequential test would not be applicable where a site specific FRA demonstrates that no built development within the site boundary would be located on an area that would be at risk of flooding from any source.

The *'Flood Risk and Coastal Change'* section of the NPPG specifies, at Paragraph 023 (Reference ID: 7-023-20220825), that the aim of the sequential test is to ensure areas at little or no risk of flooding from any source are developed in preference to areas at higher risk and this therefore means avoiding, as far as possible, development in current and future medium and high flood risk areas. Paragraph 024 (Reference ID: 7-024-20220825) further states that reasonably available sites in medium to high flood risk areas should only be considered where it is demonstrated that it is not possible to locate development in low flood risk areas.

Notwithstanding the above, Paragraph 027 (Reference ID: 7-027-20220825) specifies that in applying Paragraph 175 of the NPPF a proportionate approach should be taken and where a site-specific FRA demonstrates clearly that the proposed development (when accounting for its layout, design and mitigation measures) would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development, without increasing flood risk elsewhere, then the sequential test would not need to be applied.

Within the site the areas shown to be at a medium to high risk of surface water flooding are isolated areas and therefore any surface water flooding originates from within the site, rather than from any off-site flows. As proposed, the delivery of a new surface water drainage system (as discussed in the 'Surface Water Drainage' sub-section below) accounts for all storm durations up to, and including, the 1 in 100 year event with an additional allowance for climate change. In addition, a site-specific FRA has been submitted which also demonstrates that the proposed development would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development.

As designed, gradients to the external areas would also ensure that surface water runoff is directed away from the building and appropriately drained.

Regard, in this case, is also given to the fact that the proposed development would be at no greater risk of flooding from any source, nor would it have the potential to create a greater risk of flooding off-site, than that of the existing development.

Flood Risk Conclusion

Overall, and when accounting for the development being sequentially located to avoid areas at medium to high risk of flooding from any source, it is considered that compliance with Policy Cc2 of the adopted Local Plan and Paragraphs 173, 174, 175 and 181 of the NPPF is demonstrated.

Surface Water Drainage

Within the submitted FRADS it is outlined that the total impermeable area of the site is 2.29 hectares and as proposed the development would seek to discharge at a rate of 6.24 litres per second (l/s) via permeable paving, linear drainage channels and an underground cellular tank to either the watercourse adjacent to Derby Road or, if infiltration is not feasible, directly into a Severn Trent Water (STW) public surface water sewer located to the north of the site.

Whilst an attenuation basin lies within the boundary of the application site the FRADS outlines that STW has confirmed that this pond is not adopted, with title documents indicating that it serves the adjacent residential development with the housing developer (Persimmon) responsible for its maintenance. The drainage system of the former RBS Data Centre does not connect into this attenuation basin.

In addition to the above, the FRADS contains written confirmation from STW that they would accept a connection to the public surface water sewer if drainage to the watercourse is demonstrated to not be feasible.

The Lead Local Flood Authority (LLFA) have reviewed the contents of the FRADS and has raised no objections, with them noting that the initial infiltration testing undertaken demonstrates that infiltration would not be a feasible method of draining the site. Whilst this is the case, the LLFA recommend the imposition of a condition which would require further infiltration testing to be undertaken to categorically confirm whether infiltration would be feasible as part of the overall surface water drainage scheme. In addition, conditions would also be imposed to secure a precise surface water drainage scheme, the management of surface water during the construction phase, and the management and maintenance details of the surface water drainage scheme to be installed.

Surface Water Drainage Conclusion

Overall, and subject to the imposition of the recommended conditions of the LLFA on any permission granted, it is considered that the proposed development would not increase or exacerbate surface water flood risk and as such would be compliant with Policies Cc2 and Cc3 of the adopted Local Plan

as well as Paragraphs 181 and 182 of the NPPF.

Foul Drainage

Foul drainage would be discharged to the mains sewer via the existing connection on site associated with the existing building.

Whilst noting the concerns of third parties in relation to the discharge of foul drainage into the River Soar, any connection to the mains sewer would need to be agreed with STW under separate legislation outside of the planning process. In agreeing a connection STW would have the opportunity to determine whether capacity exists in the foul drainage network to accommodate the development before enabling such a connection. Notwithstanding this, it is considered that in this instance the amount of foul drainage discharge associated with the site would not significantly increase above that of the former RBS Data Centre. In addition no representation has been received from STW objecting to the application.

Foul Drainage Conclusion

On this basis of the above there would not be an increased risk of pollution discharge from the foul drainage network, and the proposal would be compliant with Paragraph 198 of the NPPF.

Developer Contributions and Infrastructure

A request has been made for Section 106 contributions towards transportation.

Paragraphs 56 and 58 of the NPPF set out the Government's policy in respect of planning obligations and, in particular, provide that planning obligations should be:

- necessary to make the proposed development acceptable in planning terms;
- directly related to the proposed development; and
- fairly and reasonably related in scale and kind to the proposed development.

Equivalent legislative tests are contained within the Community Infrastructure Levy (CIL) Regulations 2010.

The requested development contributions are listed below.

Transportation

Leicestershire County Council (LCC), as the Highways Authority (CHA), has indicated that the following developer contributions would be requested which are required in the interests of encouraging sustainable travel to and from the site and reducing private car use, whilst also allowing the CHA to support the applicant's appointed Travel Plan Co-ordinator (TPC), audit annual Travel Plan (TP) performance reports to ensure the TP outcomes are being achieved, and take enforcement action if the TP is not being complied with.

- (i) Travel packs (TrP); to inform new employees of what sustainable travel choices are in the surrounding area. These can be supplied by LCC at a cost of £52.85 per pack or whereby an administration charge of £500.00 is payable for LCC to review any sample travel pack to be supplied by the applicant;
- (ii) Six month bus passes per employee (an application form to be included in the TrP and funded by the developer) to encourage employees to use bus services, establish changes in travel behaviour from first occupation and promote the usage of sustainable travel modes other than the car (can be supplied through LCC at a cost of £465.00 per pass); and

- (iii) A TP monitoring fee of £6,000.00.

The applicant has confirmed their acceptance to the payment of the transportation contributions.

Developer Contributions and Infrastructure Conclusion

Based on the above, the following contributions would be secured within a Section 106 agreement:

- (c) Transportation - £55,785 (based on 100 employees).

Total Financial Contribution - £55,785.00.

Overall, and insofar as the developer contributions are concerned, the view is taken that the proposed contributions would accord with the principles of relevant policy and legislative tests outlined in Policy IF1 of the adopted Local Plan, Circular 05/95, the CIL Regulations and the NPPF.

Impact on Safeguarded Minerals

As part of their consultation response the County Council Minerals and Waste Planning Authority (LCCMWP) has outlined that the application site is within a Mineral Safeguarding Area (MSA) for sand and gravel.

On this basis the development would be subject to the requirements of Policy M11 of the adopted Leicestershire Minerals and Waste Local Plan (LMWLP).

Policy M11 of the adopted LMWLP stipulates that minerals should be protected from permanent sterilisation by other development and therefore planning applications for non-mineral development within an MSA should be accompanied by a Mineral Assessment (MA) which would assess the effect of the proposed development on the mineral resource beneath, or adjacent to it.

Whilst acknowledging the requirements of Policy M11 of the adopted LMWLP, the LCCMWP has, in this instance, acknowledged the existing site context which comprises built development and surrounding hardstanding and therefore it is likely that any sand and gravel deposits have been sterilised. On this basis the LCCMWP consider that it would be unreasonable for a MA to be submitted, and they therefore have no objections from a mineral perspective.

There are also no objections raised by the LCCMWP from a waste safeguarding perspective.

Impact on Safeguarded Minerals Conclusion

On the above basis the proposed development would be compliant with Policy M11 of the adopted LMWLP and Paragraph 225 of the NPPF.

Aviation Safety

Policy Ec5 of the adopted Local Plan indicates that development which would adversely affect the operation, safety or planned growth of East Midlands Airport (EMA) will not be permitted.

The application is supported by a Glint and Glare Assessment (GGA) which has been updated during the course of the application. Specifically the GGA assesses the impact arising from the installation of solar photovoltaic (PV) panels on the proposed building.

As part of the consideration of the application East Midlands Airport Safeguarding (EMAS) has been consulted and an objection was raised due to the need for luminance values to be provided in order to determine whether the predicted quantities of glint and glare would be acceptable. In addition,

EMAS required the number of Scots Pine trees to be reduced given that they would act as a significant attractant for nesting or roosting arboreal bird species despite the presence of the proposed building.

Following receipt of amended soft landscaping plans, EMAS has confirmed that they would be acceptable.

In terms of the luminance values, EMAS has advised that the glint and glare receptors at East Midlands Airport (EMA) have been updated since their original consultation response, and which would include the following:

- 1) *Runway Approach Paths* – Starting at 10 nautical miles (NM) from the runway threshold at 3000 feet at a 3-degree glide slope down to 15 metres above the runway threshold in a straight line, with a receptor located at least every 1NM interval (green glare only);
- 2) *2 Mile Runway Approach Paths* – Expected luminance is not to exceed 20,000 candelas per square metre (cd/m²);
- 3) *Heavy Aircraft Circuit* – After take-off, climb straight ahead for 4NM, then turn cross wind for 2NM before turning downwind. The circuit height is 2000 feet above ground level (AGL) downwind, parallel to the active runway. The downwind leg extends 4NM past the abeam point of the landing end of the active runway. This is followed by a turn onto the base leg ready for the final turn at 4NM on the final approach. With a receptor at least every 1NM interval;
- 4) *Light Aircraft Circuit* – Throughout the whole circuit the receptors should be at least at 1NM intervals. After take-off, climb straight ahead to 2NM, then cross wind for 1NM before turning downwind. The circuit height is 1000 feet AGL downwind, parallel to the active runway. The downwind leg extends 2NM past the abeam point of the landing end of the active runway. This is followed by a turn onto the base leg ready for the final turn at 2NM on to the final approach;
- 5) *Air Traffic Control (ATC) Tower Visual Cab* – There should be no predictions of glint and glare towards the ATC;
- 6) *Runway (i.e. aircraft during departure / arrival on the runway)* – This receptor is to be assessed for the length of the runway at a height of 4.04 metres AGL; and
- 7) *Visual Flight Routes* – as defined within the UK Aeronautical Information Package.

The preference of EMAS would be for these receptors to be assessed and the GGA updated. However, it is acknowledged by EMAS that such a request for the receptors to be assessed should have been required by the original comments of EMAS. Therefore, and in the interests of being reasonable, EMAS would accept the imposition of an informative on any planning permission granted which would address any adverse glint and / or glare hazard emanating from the installation of the solar PV panels through the Air Navigation Order (ANO) (comprising separate legislation to that of planning legislation).

Overall, EMAS has no objections to the application subject to conditions and an informative (which is additional to that outlined above) being imposed on any permission granted to address the following:

Conditions

- (a) Bird Hazard Management Plan (BHMP); and
- (b) Aviation Safety Construction Management Plan (ASCMP).

Informatives

- (a) Tall Equipment Permit.

Aviation Safety Conclusion

Subject to the imposition of the relevant conditions and informatives as part of any planning permission granted, the proposed development would be compliant with Policy Ec5 of the adopted Local Plan.

Waste Collection

Whilst the Council's Waste Services Development Officer (WSDO) has not commented on the merits of the application, it is considered likely that waste collection at the site would be undertaken by a private firm given the nature of the intended uses. The submitted sustainability statement also indicates that storage areas would be provided to encourage the management, storage and sorting of operational waste, with a waste compacter or baler also provided if required.

In the circumstances that it has been demonstrated that a waste vehicle would be able to serve the site and could manoeuvre within its boundaries, then it would be possible for the Council's waste collection vehicles to serve the site if required.

Other Matters

Assessment of objections in relation to other matters

Objection	Officer Response
The engagement with the public has been inadequate on what would comprise a major building at the entrance into the settlement.	The NPPF, at Paragraph 41, <u>encourages</u> applicants to engage with a Local Planning Authority prior to the submission of a planning application with it also being <u>encouraged</u> that applicants engage with the local community. On this basis it is not <u>necessary</u> to engage with the public prior to submitting a planning application. The planning application is assessed against relevant policies of the adopted Local Plan and NPPF. The submitted statement of community engagement (contained within the planning statement) is primarily the means by which the applicant outlines how they have engaged with the community and how such engagement has perhaps influenced their approach to the development as submitted.
The site should be developed for housing, retail foodstore, leisure facilities or sports pitches which would better serve the settlement and reduce the impacts to residents.	The Council is duty bound to consider the application which has been submitted in accordance with relevant planning policy. Therefore, whilst alternative uses of the site may be more preferable to third parties there is no application which proposes such development on the site at this time. The above would be notwithstanding that the application site is safeguarded for employment development under use classes B1 (now use class E(g)(i), (ii) and (iii)), B2 and B8 by Policy Ec3 of the adopted Local Plan.

	Alternative development, as suggested, would be in direct conflict with Policy Ec3.
There is no guarantee that the proposed development will deliver jobs (including local jobs).	The proposed development would bring back into re-use a vacant site (now that the former RBS Data Centre has been demolished) and therefore would result in job creation above that currently generated by the site in not only the operational phase, but also the construction phase.
The roots of planted trees could undermine the stability of land at the boundary of the site with residential gardens on Pritchard Drive.	Following amendments to the scheme the proposed tree planting to be undertaken would be off-set from the boundaries with residential properties on Pritchard Drive, with existing tree planting being retained in closer proximity to such residential boundaries. Given the relationship with existing trees, it is considered that the proposed tree planting would not undermine the stability of land at the boundary of the application site. This would be notwithstanding that the responsibility for ensuring a safe development would rest with the developer and / or land owner as outlined at Paragraph 197 of the NPPF.
The Council's Strategic Housing and Economic Land Availability Assessment (SHELAA) and Kegworth Housing Site Assessment have demonstrated that the site identified as K2 (Computer Centre, Derby Road) has more significant positive scores than any of the other development sites within Kegworth. Site K2 is 3.16 hectares and would be suitable for 59 houses. In addition, the Council's Review of Employment Sites for Local Plan Review (RESLPR) of 2019 determined that the site would not suit the movement of large HGVs and therefore should not be ignored.	The application site was assessed as part of the search for housing sites for the emerging Local Plan (site reference K2). The positive comments referred to within the representations relate to the findings of a Sustainability Appraisal (SA) for the site which fed into the overall site assessment. Based on the overall site assessment it was concluded that the application site should not comprise a housing allocation within the emerging Local Plan. On this basis the findings of the SA would have no bearing on the determination of the application. Whilst noting the contents of the RESLPR, the applicant has demonstrated to the satisfaction of the CHA that, subject to the improvements, the application site and surrounding highway network could accommodate the movement of HGVs. On this basis the contents of the RESLPR would not be of relevance in the determination of the application. Notwithstanding the above, it is the case that the application site remains allocated for the form of development proposed within both the adopted and emerging Local Plans.
The proposed development would	In the decision in <i>Britton v Secretary of State (SoS)</i> it was

violate the Human Rights Act 1998, in particular the right to a private and family life with the disruption caused by the building being an infringement of this right.	outlined that Article 8 of the Human Rights Act 1998 would not only encompass the home but also the surroundings. Whilst this is the case, the representations are not substantiated by evidence to demonstrate how the development would result in such an impact. The Sweet and Maxwell Encyclopaedia of Planning Law and Practice summarised the position of Article 8 in planning decisions in September 2002 by stating: - <i>“The courts have proved distinctly unhappy about being invited to uphold Article 8 claims on a prospective basis on behalf of objectors to the grant of planning permission.”</i> In the case of <i>Hatton v UK</i> heard by the Grand Chamber of the European Court of Human Rights (2003), it was held that Article 8 grounds did not amount to sufficient justification to refuse an application. In concluding on this matter, it was highlighted that the <i>“Courts seem to feel that the whole process of planning decisions should not be overturned just because of the effects of particular decisions on householders who already have rights to make representations to a democratic body within the planning system.”</i> On the basis, it is considered that in absence of substantive evidence to demonstrate the degree of harm which would occur as a result of the development there would be no conflict with the Human Rights Act 1998.
The proposed development will reduce the value of properties.	Impact on property values is not a material planning consideration which can be considered in the overall assessment of the application.
The proposed development will impact on views.	The right to, or the loss of, a view is not a material planning consideration which can be considered in the overall assessment of the application.
The site has been neglected since the former RBS Data Centre was demolished and this raises concerns over any future management of the site.	It is considered that appropriate conditions can be imposed on any permission granted to secure the appropriate long-term management of the site and which can be enforced against if they were to be breached. Such conditions are considered to address this concern.
Proposed development is similar to warehouses recently built in Greater Manchester which have been criticised for being	It is a fundamental tenet of the planning system that each planning application be assessed on its own merits. Notwithstanding this it is assessed elsewhere in this report that the design of the proposed building, its

excessively large and dominating the local residential landscape, close to back gardens.	landscape and visual impact, and its impact to residential amenities would be compliant with relevant policies of the adopted Local Plan and the NPPF. In addition, the proposed building is of a lesser scale than those constructed in Greater Manchester, is of a different design and is different in terms of proximity and relationship with residential receptors.
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Contribution to Sustainable Development and Conclusion

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2021) and adopted Leicestershire Minerals and Waste Local Plan (2019). The application site lies within the defined Limits to Development based on the Policies Map of the adopted Local Plan.

The policies map for the adopted Local Plan also demonstrates that the application site is within a designated Primary Employment Area.

On the basis that the proposed development would be within the defined Limits to Development, would comprise development on a brownfield site, and would consist of an employment use within either use classes E(g), B2 or B8, it would be acceptable in principle.

In addition to the need to determine the application in accordance with the development plan, regard also needs to be had to other material considerations (and which would include the requirement of other policies, such as those set out within the National Planning Policy Framework (NPPF) (2024). The NPPF contains a presumption in favour of sustainable development and considers three objectives of sustainable development (economic, social and environmental).

The relevant considerations against the three objectives of sustainable development (economic, social and environmental) would be as follows:

Economic Objective

This objective seeks to ensure that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity, and that the provision of infrastructure is identified and coordinated. It is accepted that, as per most forms of development, the scheme would have some economic benefits including contributing towards the provision of new jobs in the locality, within the construction and operational phases.

Social Objective

The economic benefits associated with the proposed development would, by virtue of the social effects of the jobs created on those employed in association with the construction and operation of the development, also be expected to provide some social benefits. The NPPF identifies, in particular, in respect of the social objective, the need to foster a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural wellbeing.

When accounting for the proposed building being of an enhanced design to that of the former RBS Data Centre, as well as being more sustainable in its construction and providing amenity facilities for employees along with landscaped separation from residential receptors, it is considered that it would foster a well-designed built environment.

Environmental Objective

The development would be undertaken on a brownfield site which would be the most appropriate land for new development as outlined by Paragraphs 124 and 125 of the NPPF. Given the location of the site within Kegworth (identified as a Local Service Centre under Policy S2 of the adopted Local Plan), it would also be well served by public transport and other facilities which would enable the development to contribute positively towards the movement to a low carbon economy.

The proposed development, subject to conditions, would also have no unacceptable impacts in terms of the natural environment, with the scheme delivering substantial soft landscaping infrastructure as well as an on-site biodiversity net gain (BNG) in excess of the mandatory 10%. Whilst the BNG trading rules (i.e. the guidelines to ensure no 'net loss' of biodiversity occurs as part of developments) are not met, the BNG mitigation hierarchy has been followed with habitat enhancement and creation maximised on the site and whereby no habitat of high distinctiveness, or that which is irreplaceable, would be impacted on. Off-site BNG mitigation would be secured via a Section 106 agreement.

As proposed the development would also protect the historic environment, with the scheme's design, following amendments made to the elevational treatments and its overall scale, protecting and enhancing the built environment when compared to that of the former RBS Data Centre.

Having regard to the three objectives of sustainable development, therefore, and having regard to the conclusions in respect of various technical issues as outlined above, it is considered that subject to the imposition of conditions and the securing of a Section 106 agreement the overall scheme would represent sustainable development and approval is recommended.