

Demolition of existing fire station and erection of a new retail unit with associated car parking, landscaping and site works and external lighting

**Report Item No
A3**

**Moira Fire Station Shortheath Road Moira Swadlincote Derby
DE12 6AL**

**Application Reference
15/00063/FUL**

**Applicant:
Mr James Pritchard**

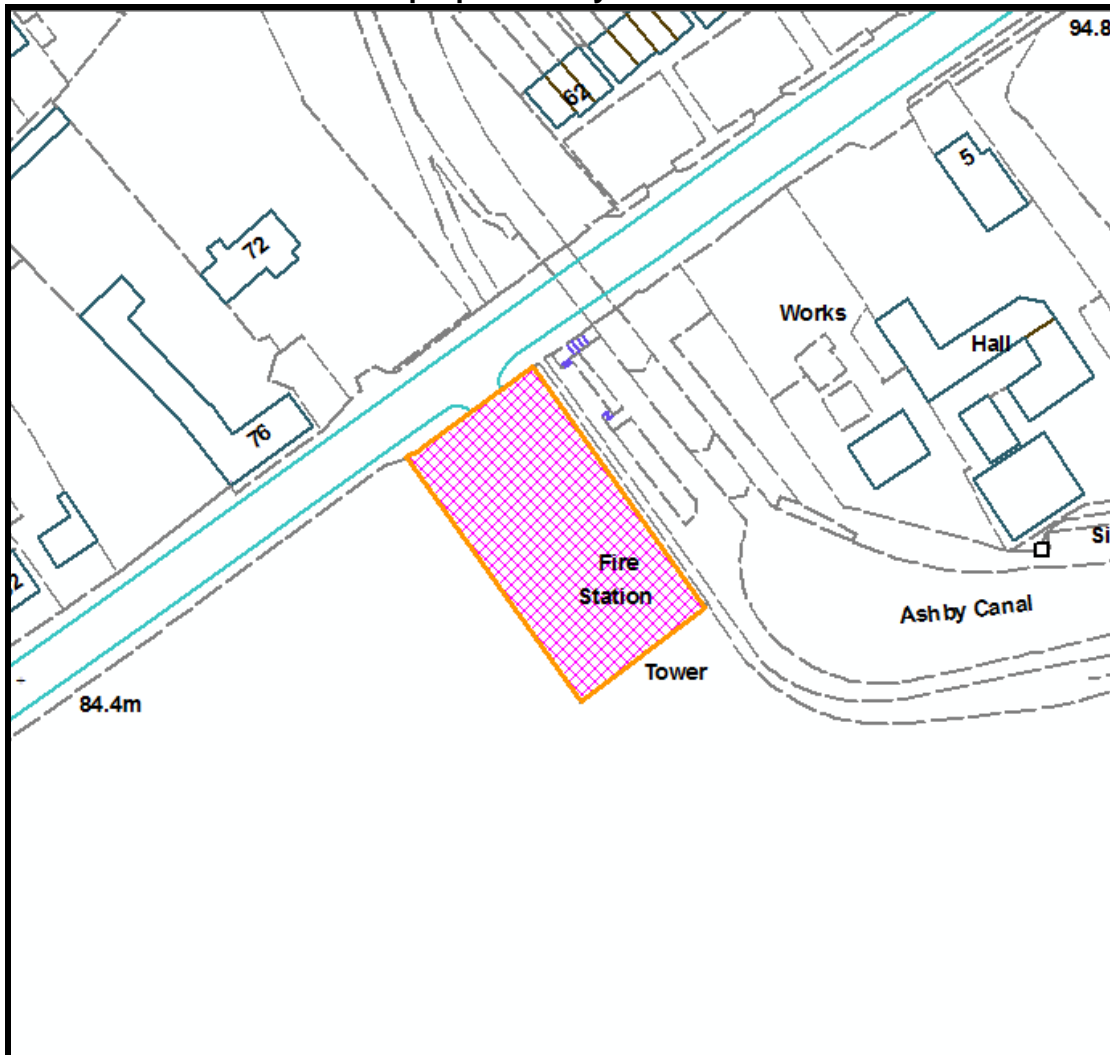
**Date Registered
29 January 2015**

**Case Officer:
Jenny Davies**

**Target Decision Date
26 March 2015**

**Recommendation:
PERMIT**

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Call In

The application is reported to the Planning Committee at the request of Councillor John Bridges as a matter of local concern in respect of highway safety and impact on local residents.

Proposal

Planning permission is sought for the demolition of an existing fire station and the erection of a new retail unit with associated car parking, landscaping and site works at Moira Fire Station, Shortheath Road, Moira. The new building would be sited on the rear of the site and would have a floor area of 334 square metres. Following concerns regarding the design of the building, amended plans have been received. Access would be provided by the existing access off Shortheath Road and fourteen parking spaces and a turning area would be provided on the front part of the site.

Consultations

Members will see from the main report that three letters of representation have been received, two from local residents and one from Councillor Sheahan. Ashby Woulds Town Council object on the basis of highway safety and noise and disturbance and the National Forest raised concerns regarding the design of the building shown on the original plans.

Planning Policy

The site lies within the Limits to Development, as defined by the North West Leicestershire Local Plan Proposals Map 2002.

Conclusion

The site is considered to be acceptable in principle for demolition of the existing building and erection of a new retail unit. The proposal would result in less than substantial harm to the Moira Furnace which is in this case considered on balance to be outweighed by the removal of a vacant building which is not considered to be of high design quality, the re-use of a previously developed site and the provision of a local facility in a rural area. The proposal would not detract from the area's visual amenities. On balance it is considered that a reason for refusal based on the proposal not providing safe and suitable access or resulting in severe impacts on highway safety could be justified in this case. A reason for refusal on the grounds of significant impacts on the residential amenities of occupiers of nearby dwellings from noise and disturbance or light pollution could not be justified in this case. The building would not result in significant detriment to residential amenities from loss of light, overlooking or loss of privacy or significant antisocial behaviour and crime. The proposal is unlikely to adversely impact on protected species. It can be ascertained that the proposal will not, either alone or in combination with other plans or projects, have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI. Conditions can be imposed in relation to contaminated land.

There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposed development therefore accords with the planning policies stated above. It is therefore recommended that planning permission be granted.

RECOMMENDATION:- PERMIT SUBJECT TO THE IMPOSITION OF CONDITIONS

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

Main Report

1. Proposals and Background

Planning permission is sought for the demolition of an existing fire station and the erection of a new retail unit with associated car parking, landscaping and site works at Moira Fire Station, Shortheath Road, Moira. The site is located on the southern side of Shortheath Road and is currently occupied by a detached building which was previously in use as a fire station and closed in August 2014. The site is adjoined by open fields to the south and west, with Ashby Canal to the east and existing dwellings to the north on the opposite side of Shortheath Road.

The new building would be sited on the rear of the site and would have a floor area of 334 square metres. The building was originally proposed to be constructed from brick and proprietary metal cladding with a glazed frontage. However following concerns regarding the design of the building, amended plans have been received which have amended the design of the building to include an asymmetrical roof and canopy and vertical timber cladding and render to the elevations. External lighting is also proposed in the form of two five metre high columns within the car park and six wall-mounted lights on the front and side elevations of the building.

Access would be provided by the existing access off Shortheath Road and fourteen parking spaces and a turning area would be provided on the front part of the site, with a service yard located to the side of the new building.

Moira Furnace, which is located to the south of the site, is a Grade 2 listed building and an Ancient Monument. The site lies within the catchment area of the River Mease Special Area of Conservation. All recent planning history back to 2001 relates to the site's use as a fire station.

2. Publicity

20 neighbours have been notified (Date of last notification 27 March 2015)

Site Notice displayed 11 February 2015

Press Notice published 11 February 2015

3. Consultations

Head of Environmental Protection
Ashby Woulds Town Council
County Highway Authority
Severn Trent Water Limited
Head of Environmental Protection
County Archaeologist
Ashby Canal
PSSC Canal And River Trust
Inland Waterways Association Lichfield Branch

4. Summary of Representations Received

Statutory Consultees

Ashby Woulds Town Council objects on the following grounds:

- Highway Safety - The Town Council continues to campaign for speed reduction and part of that is a request for a pedestrian crossing near this site. Motorists speed along Bath Lane and there has been a number of accidents on the bend close to this site.
- Comings and Goings and disturbance - the proposal will have a detrimental impact on residents living nearby and opposite the site.
- Parking provision - whilst parking is provided it is known that customers visiting a convenience store park on the road even where there is adequate parking. Parking outside this location will cause additional hazards.
- The Town Council is also concerned that planning permission has already been granted for a convenience store only a few hundred yards away as part of the development of land off Measham Road. The Town Council is therefore instructing District Cllr Bridges to call in this application.

The County Highway Authority advises that the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with Paragraph 32 of the NPPF, subject to the conditions and contributions as outlined in this report.

The Council's Environmental Protection team recommends the imposition of conditions.

The National Forest Company considers that amendments should be sought for a redesign of the unit to better reflect its prominent position adjacent to a key tourism and leisure route within the Heart of the National Forest.

The Canal and River Trust has no comments.

The Inland Waterways Association has no objection.

No comments have been received from Severn Trent Water, the County Archaeologist or the Ashby Canal Trust at the time of writing this report. Any comments subsequently received will be reported on the Update Sheet.

Third Party Representations

One letter of representation has been received which objects to the application on the following grounds:

- existing shop and Post Office could be closed/put out of business;
- already permission for a retail unit on the Measham Road site and no need for two;
- the location of the site is totally inappropriate and not in keeping with existing land use;
- previous fire station had minimal impact on the locality;
- the Ashby Canal and Moira Furnace would visually suffer from the proposal;
- significant earthworks will be required due to the ground levels on and adjacent to the site;
- impact on residents from noise and lighting;
- loss of privacy;
- increased traffic movements at peak times, close to mini roundabouts where there are already bottlenecks and close to the location of existing events/facilities, e.g, the canal, Conkers, Canal Festival;
- Transport Statement sets out a drastic under-estimation of the traffic volume calculations;
- use of the access will greatly increase the risk of a serious collision between vehicles and/or pedestrians, due to lack of visibility, speeding traffic and adjacent pedestrian crossing;

- limited parking spaces would be provided and on-street parking will take place which will increase the risk for traffic accidents;
- traffic surveys undertaken by the applicant and the Highway Agency consultation response are not available to view on the Council's website;
- potential magnet for anti-social behaviour and littering;
- two retail units in nearby villages have been the subject of robberies in recent years.

One letter of representation has been received which advises that there is no objection to the retail unit but has five stipulations:

- lighting must face downwards and be hooded;
- no music outside;
- adequate rubbish bins required;
- no parking alongside the boundary to No. 72 Shortheath Road;
- a safety method to slow traffic down and warn traffic about pedestrians, although not 'sleeping policemen'.

One letter of representation has been received from Councillor Sheahan which requests the provision of a pedestrian crossing on Shortheath Road as there is no safe crossing point in the vicinity of the site, which would also benefit users of the canal. The suggestion of a pedestrian crossing has previously been discussed but there was always a risk of conflict with fire engines, which is no longer the case.

5. Relevant Planning Policy

National Planning Policy Framework

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

Save where stated otherwise, the policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

The following sections of the NPPF are considered relevant to the determination of this application:

- Paragraph 14 (Presumption in favour of sustainable development)
- Paragraph 17 (Core planning principles)
- Paragraph 19 (Building a strong, competitive economy)
- Paragraphs 24 and 25 (Ensuring the vitality of town centres)
- Paragraph 28 (Supporting a prosperous rural economy)
- Paragraph 32 (Promoting sustainable transport)
- Paragraph 57 (Requiring good design)
- Paragraph 70 (Promoting healthy communities)
- Paragraphs 118, 119, 120 and 123 (Conserving and enhancing the natural environment)
- Paragraph 134 (Conserving and enhancing the historic environment)
- Paragraphs 203 and 204 (Planning conditions and obligations)

Adopted North West Leicestershire Local Plan (2002)

The application site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy S1 - Overall Strategy
Policy S2 - Limits to Development
Policy E2 - Landscaped Amenity Open Space
Policy E3 - Residential Amenities
Policy E4 - Design
Policy E7 - Landscaping
Policy E8 - Crime
Policy E9 - Mobility
Policy F1 - National Forest - General Policy
Policy F2 - Tree Planting
Policy F3 - Landscaping & Planting
Policy T3 - Highway Standards
Policy T8 - Parking
Policy R1 - Central Shopping Areas
Policy R20 - Individual Shops

Other Guidance

National Planning Practice Guidance - March 2014.
The Community Infrastructure Levy Regulations 2010.
The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations').
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System).
River Mease Water Quality Management Plan - August 2011.
River Mease Development Contributions Scheme - November 2012.

6. Assessment

The main issues for consideration in the determination of this application relate to the principle and sustainability of the development, its design and visual impact and its impact on a nearby listed building, highway safety, residential amenities, protected species and on the River Mease Special Area of Conservation.

Principle and Sustainability

The site is located within the Limits to Development identified in the adopted North West Leicestershire Local Plan, where the principle of new development is considered acceptable for the purposes of Policy S2 of the Local Plan, subject to compliance with other relevant policies of the Development Plan and other material considerations.

The NPPF requires main town centre uses such as retail developments to be directed firstly to town centre locations, an approach which is reflected by Policy R1 of the Local Plan. However Policy R20 of the Local Plan sets out the circumstances in which the development of individual local shops will be permitted away from existing or proposed shopping areas.

In the absence of a demonstration of need for an additional shop in this location, the proposal would fail to comply with these policies. However, the content of these policies has become outdated in the light of the advice set out in the NPPF and it is considered more important to give weight to the provisions of the NPPF in the determination of the application in respect of

this matter. Whilst concern has been raised regarding impact on the existing shop/Post Office and that permission exists for a new retail unit on the Measham Road housing development, competition between businesses is not a planning matter and the demonstration of need for a retail unit is no longer required under the NPPF. The proposal also falls below the threshold of 2500 square metres for submission of a retail impact assessment. Moira does not have a defined village centre identified in the Local Plan. Furthermore the NPPF advises that the sequential approach should not be applied to small scale rural development. Therefore it is considered that a sequential test does not need to be undertaken in this case. The NPPF also supports the sustainable growth of business in rural areas and promotes the development of local services in villages, such as local shops.

The site is well related to other services/facilities within the village and also to existing housing and employment sites. A bus service runs past the site with bus stops located within 250 metres of the site and the site is also located adjacent to the canal towpath which is used for walking and cycling. Cycle parking facilities could be provided within the site. As such there are opportunities to access the site by modes of transport other than the private car.

The proposal would result in the loss of a building that was previously used as a fire station. At paragraph 70, the NPPF seeks to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. The fire station use ceased in August 2014 following an operational review undertaken by the Leicestershire Fire and Rescue Service and the opening of a new fire station at Castle Donington, and the building has been empty since then. The site is well related to the main part of the village and forms previously developed land. A fire station use is 'sui generis' and therefore the building could not be used for any other use without submission of a planning application. There are other local and community facilities/services within the village and as such the loss of this building, and its replacement with a retail unit, would not reduce the community's ability to meet its day to day needs. The site is therefore considered to be acceptable in principle for demolition of the existing building and erection of a new retail unit.

Historic Environment

Moira Furnace lies 260 metres to the south of the site and is a designated heritage asset as defined in the NPPF as it is a Grade 2 listed building and scheduled monument. The Furnace was a coke-fuelled, steam-engine blown blast furnace for the smelting of iron from local iron ore, with an attached foundry for the manufacture of cast-iron goods and was constructed in 1804 by the Earl of Moira. It is considered to be an important industrial monument as it is well-preserved and dates from a formative period of the Industrial Revolution (Cranstone, D., ed. (1985) *The Moira Furnace: A Napoleonic Blast Furnace in Leicestershire*). The blast furnace, bridgehouse and loading ramp remain and the building is one of the few remaining blast furnaces from the early 19th century. Therefore the Furnace forms an important part of the history of this locality and is considered to be a heritage asset of some significance which has value for this and future generations.

The Furnace is visible in views from Shortheath Road, in particular the canal bridge, and from the adjacent canal towpath, and stands as a prominent feature in longer views due to its scale and height and adjacent open fields, although some screening is provided by the buildings and mature trees in its immediate foreground. The existing fire station building is seen in the foreground of the Furnace from the road and blocks the view of the furnace from part of Shortheath Road. The new building would also be seen in the foreground of the furnace and as it would be set back within the site, may impinge on views of the furnace from parts of the canal bridge. However the view of the furnace would be retained from some parts of the canal bridge,

as well as the approach to the bridge along Shortheath Road from the north east, from Shortheath Road to the south west of the site and from the towpath and canal. As such it is considered that the new building would not be significantly prominent in the setting of the Furnace when viewed from the north and would not adversely impact on its setting and would retain its significance, thereby resulting in less than substantial harm to this designated heritage asset.

Paragraph 134 of the NPPF requires less than substantial harm to designated heritage assets to be weighed against the public benefits of the proposal. The less than substantial harm to the heritage asset is in this case considered on balance to be outweighed by the removal of a vacant building which is not considered to be of high design quality, the re-use of a previously developed site and the provision of a local facility in a rural area.

Design and Visual Impact

The original design for the building was considered to be of a poor design quality and to not make any reference to the site's position in a prominent location within the National Forest and adjacent to the Ashby Canal and its towpath. The overall design was considered to be of a generic retail unit with materials typical of retail/commercial units, and a blank elevation faced towards the canal. The National Forest Company also raised concerns about the design, suggesting that development on this site should respond to its Forest context through innovative building design, well-conceived built form and integration into the wider Forest landscape. The National forest Company also commented the blank elevation to the canal would detract from the pleasant environment that has been created along this leisure corridor.

Amended plans have been received which retain the building on the rear of the site but more appropriate materials have been incorporated, in the form of brick, vertical timber cladding, more glazing and render to the front elevation and part of the elevation facing the canal, along with a canopy and asymmetrical roof. Although the cladding would still be used on the rear and western elevations these are less prominent. Furthermore whilst cladding is still retained along the canal elevation and only limited detail has been included to break up this elevation, it is considered that the amendments go some way to providing a building that is more responsive to its setting, reflects its location in the National Forest and no longer has the appearance of a generic retail unit.

Although the front of the site would largely be taken up by hardsurfacing, this provides an area which has full surveillance from the proposed building, the towpath and the road, whereas providing the parking on other parts of the site would create areas that would not be visible from the public realm. There are opportunities for soft landscaping which could be secured by condition. External lighting is also proposed in the form of two five metre high columns within the car park and six wall-mounted lights on the front and side elevations of the building. As such it is considered that that the proposal and would not significantly detract from the area's visual amenities.

Highway Safety

Concerns have been raised by nearby residents and the Town Council in respect of highway safety matters, including increased traffic movements, speeds of traffic along Shortheath Road, poor visibility from the site access, an increase in on-street parking and the potential for conflict between vehicles and pedestrians. Furthermore the Town Council and Councillor Sheahan have asked for consideration to be given to the provision of a pedestrian crossing facility within Shortheath Road, which is understood to be a longstanding aspiration for the village.

The County Highway Authority advises that, in its view, the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with paragraph 32 of the NPPF, subject to conditions and a legal agreement to secure the route for delivery lorries to and from the site. However the Authority is of the view that it would not be fairly and reasonably related to the development to control the route that vehicles visiting the site could take, and therefore would not comply with the CIL Regulations, and that it would also be difficult to enforce such an agreement. In any case the agent has also advised that HGVs should not be able to turn left out of the site onto Shortheath Road due to the position of a utility box. The Highway Authority has suggested that a condition be imposed requiring deliveries to be undertaken in accordance with the Transport Statement, which requires areas of the car park to be coned off, and this is considered not to be unreasonable.

The applicants have submitted an addendum to the Transport Statement which concludes that it would not be viable to provide a crossing facility. In respect of the pedestrian crossing facility, the Highway Authority makes the following comments:

We can normally only recommend improvements to the existing highway network when they are required because of the specific impact of a development, where they are necessary in order to deliver a safe and appropriate form of development and where any recommended planning conditions would otherwise pass the tests of conditions.

Full consideration has been given to the requirement for crossing facilities in this case both within this Team, and through liaison with the Sustainable Travel & Improvements Team.

In this case, there is a real difficulty in identifying exactly how many customers will travel to the site on foot. At a location like this, there is not a big catchment area from which customers will be drawn that is within the normally accepted maximum walking distances and so it can be anticipated that this will have a corresponding influence on the numbers of pedestrians.

Of those customers who do walk to the site, a significant percentage will be on routes that are served by the existing footways on the south side of Shortheath Road, and would not make use of an improved crossing facility. Of those customers on routes from the north side of Shortheath Road, a percentage would find it desirable to cross Shortheath Road at an existing crossing facility near to the double mini-roundabout junction with Measham Road and Rawdon Road, where vehicle speeds are lower.

Measured vehicle speeds on Shortheath Road are higher than desirable, but it is not a road that is so busy that customers would have to wait for a significant time to cross safely. Because the alignment of the road is straight, intervisibility between pedestrians and drivers is very good and so pedestrians will not need to 'take a chance' on when they cross.

There may be an existing number of pedestrian crossing movements in the vicinity of the site, due to the canal towpath, but, as outlined above, we can only look at the traffic impact of the development rather than looking at existing issues.

Initially, it would appear that the carriageway width of Shortheath Road is such that it would be difficult to accommodate a central refuge for pedestrians.

It is therefore considered that a pedestrian crossing facility cannot be requested in this case.

Therefore on the basis of the current application and submitted information and the comments

of the Highway Authority it is not considered that a reason for refusal based on the proposal not providing safe and suitable access or resulting in severe impacts on highway safety could be justified in this case.

Residential Amenities

The proposal would generate additional vehicular movements to and from the site as well as noise from use of the car park, e.g. car doors being shut, car lights, voices. Some vehicular movements were associated with the site's former use although it is acknowledged that these would have been on a more infrequent basis than the proposed use and any associated noise is also likely to have been less given the scale and nature of the previous use. The car park and access would be separated from the dwellings on the opposite side of Shortheath Road by the road itself and from the proposed dwellings at the Canalside Patios site to the north east by the canal and towpath. No. 72 Shortheath Road, which directly faces the site, is set back at least 22 metres from the road and No. 76 Shortheath Road is at least 14 metres from the site's front boundary. The site is also located in an area where there are other non-residential uses, e.g. Canalside Patios, Unwins Engineering and the Woodman pub further to the north east, and is on one of the main vehicular routes through the village.

Mechanical plant to provide ventilation and extraction will be located within the service area at least 32 metres from the proposed dwellings on the Canalside Patios site, at least 60 metres from No. 72 Shortheath Road and 40 metres from No. 76 Shortheath Road. The retaining wall and gates to the service yard will act as a sound barrier and the Environmental Protection team has no objections subject to a condition relating to the details and noise data sheets of the plant. The Environmental Protection team has been consulted in respect of the external lighting and their comments will be reported on the Update Sheet.

On balance, it is therefore considered that a reason for refusal on the grounds of significant impacts on the residential amenities of occupiers of nearby dwellings from noise and disturbance or light pollution could not be justified in this case.

The new building would be at least 35 metres from the proposed dwellings at Canalside Patios and at least 35 metres from No. 76 Shortheath Road. As such it is considered that the building would not result in significant detriment to residential amenities from loss of light, overlooking or loss of privacy.

Protected Species

The site lies adjacent to Ashby Canal, is adjacent to open fields with hedgerows and a building would be demolished. All of these are features that 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.

The County Ecologist advised before submission of the application that given the materials of construction to the roof of the existing building and that it has a flat roof, along with the site being fully hardsurfaced and the distance from the canal, that the proposal was unlikely to adversely impact on protected species and therefore a protected species survey was not required.

Impact on the River Mease Special Area of Conservation/SSSI

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC).

Furthermore a nearby brook to the south of the site is a tributary of the River Mease. Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal would have a significant effect on the SAC is required.

The River Mease Developer Contribution Scheme (DCS) has been produced to meet one of the actions of the River Mease Water Quality Management Plan (WQMP). The DCS advises that all new development which contributes additional wastewater to the foul water catchment areas of the treatment works within the SAC catchment area will be subject to a developer contribution. The DCS is considered to meet the three tests of the 2010 CIL Regulations and paragraph 204 of the NPPF.

Given the nature of the proposed use it is considered that it would not increase the foul drainage discharge from the site when compared with the former fire station use and therefore a contribution under the DCS is not required. The site is already covered by the existing building and hardstanding and as such there would not be an increase in surface water runoff. The nearby stream is over 70 metres away and it is considered that construction work would not impact on this watercourse.

Therefore it can be ascertained that the proposal will not, either alone or in combination with other plans or projects, have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

Other Matters

The Environmental Protection team has requested the imposition of conditions relating to contaminated land due to the previous use of the site.

Local concern has been raised that the development would attract antisocial behaviour and crime. The service area would be enclosed and not accessible to members of the public and the area to the front of the store would be an active public area with good surveillance which would help to minimise the attraction of crime or antisocial behaviour.

It is considered unlikely that the location of the building adjacent to the Ashby Canal and its towpath would result in a reduction in users of and visitors to these facilities as it would be difficult to quantify this issue and the use of these facilities is very much down to people's preference.

In respect of other matters raised in the letters of representation that have not been addressed above, the playing of outside music and the adequate provision of rubbish bins are not planning matters and therefore cannot be taken into account in the determination of this application.

Conclusion

The site is considered to be acceptable in principle for demolition of the existing building and erection of a new retail unit. The proposal would result in less than substantial harm to the Moira Furnace which is in this case considered on balance to be outweighed by the removal of a vacant building which is not considered to be of high design quality, the re-use of a previously developed site and the provision of a local facility in a rural area. The proposal would not detract from the area's visual amenities. On balance it is considered that a reason for refusal based on the proposal not providing safe and suitable access or resulting in severe impacts on

highway safety could be justified in this case. A reason for refusal on the grounds of significant impacts on the residential amenities of occupiers of nearby dwellings from noise and disturbance or light pollution could not be justified in this case. The building would not result in significant detriment to residential amenities from loss of light, overlooking or loss of privacy or significant antisocial behaviour and crime. The proposal is unlikely to adversely impact on protected species. It can be ascertained that the proposal will not, either alone or in combination with other plans or projects, have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI. Conditions can be imposed in relation to contaminated land. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposed development therefore accords with the planning policies stated above. It is therefore recommended that planning permission be granted.

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

- 1 The development shall be begun before the expiration of three years from the date of this permission.

Reason- to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The proposed development shall be carried out strictly in accordance with the following schedule of plans unless otherwise required by a condition of this permission:

- Drawing No. 11095-190 Revision E (Proposed Site Plan) received by the Local Planning Authority on 19 March 2015;
- Drawing No. 11095-210 Revision B (Proposed Roof and Floor Plan) received by the Local Planning Authority on 19 March 2015;
- Drawing No. 11095-310 Revision B (Proposed Elevations) received by the Local Planning Authority on 19 March 2015;
- Drawing No. 40028-E-800 Revision P (Proposed External Lighting) received by the Local Planning Authority on 18 March 2015;
- External Entrance Visual received by the Local Planning Authority on 18 March 2015;
- Drawing No. MA9932/601 (Proposed Site Contours) received by the Local Planning Authority on 10 March 2015;
- Drawing No. MA9932/600 (Site Access Design) received by the Local Planning Authority on 10 March 2015;
- Drawing No. 1095-180 Revision A (Proposed Block Plan) received by the Local Planning Authority on 25 February 2015;
- Drawing No. 141020-01 (Indicative Drainage Layout) received by the Local Planning Authority on 10 March 2015;
- Drawing No. 1095-90 (Existing Site Plan) received by the Local Planning Authority on 29 January 2015.

Reason- To determine the scope of this permission.

- 3 No development shall commence on site in relation to the construction of any part of the development hereby approved until the existing building shown on Drawing No. 1095-90 (Existing Location Plan) has been demolished in full, unless an alternative timescale for their demolition has first agreed in writing by the Local Planning Authority.

Reason - To avoid the possibility of the coexistence of two unrelated developments which would be visually unsatisfactory and to prevent an adverse impact on the River Mease Special Area of Conservation/SSSI.

- 4 Notwithstanding the details shown on the submitted plans, no development shall commence on site until a schedule/representative samples of all external materials for the new building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - To enable the Local Planning Authority to retain control over the external appearance, in the interests of the amenities of the area.

- 5 Before first use of the development hereby approved details of soft and hard landscaping and a boundary treatment scheme for the site shall be submitted to and agreed in writing by the Local Planning Authority. The agreed soft landscaping scheme shall be provided in the first planting and seeding season following the first use of the building and the agreed boundary treatment and hard landscaping scheme shall be provided before first use of the building, unless alternative details or alternative implementation programmes are first agreed in writing with the Local Planning Authority.

Reason- to ensure a satisfactory landscaping scheme is provided within a reasonable period; in the interests of visual amenity.

- 6 Any tree or shrub which may die, be removed or become seriously damaged shall be replaced in the first available planting season thereafter and during a period of 5 years from the first implementation of the approved landscaping scheme or relevant phase of the scheme, unless a variation to the landscaping scheme is agreed in writing with the Local Planning Authority.

Reason- to provide a reasonable period for the replacement of any trees.

- 7 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting these Orders) the building hereby approved shall only be used for Class A1 use and for no other uses whatsoever.

Reason: alternative uses could also result in other planning impacts, e.g. impact on the River Mease SAC/SSSI, on highway safety, on residential amenities.

- 8 Notwithstanding the submitted plans, no plant, machinery or other mechanical equipment shall be installed to the exterior of the building until such time as precise details of the proposed plant, machinery or equipment (and including details of the anticipated noise levels that would be generated together with any mitigation measures) have been submitted to and agreed in writing by the Local Planning Authority. No plant, machinery or other mechanical equipment shall be installed or operated at any time other than in accordance with the agreed details.

Reason - In the interest of residential amenities.

- 9 No deliveries shall be taken or despatched from the site outside the hours of 0700-1800 hours Monday to Saturday, nor outside the hours of 0700-1300 hours on Sundays, Bank or Public Holidays and all HGV deliveries to the site shall only be made in accordance

with the details set out in part 4.4 of the Transport Statement - MA9932-TS-R03 (February 2015) undertaken by Millward received by the Authority on 25 February 2015.

Reason: In order to ensure that appropriate space for parking, manoeuvring and turning for HGVs will be provided within the site, in the interests of highway safety; in the interests of neighbouring residential amenities.

10 The use hereby permitted shall not be open to customers outside the following hours:
0700 hours to 2300 hours Monday to Sunday.

Reason - In the interests of the amenities of the area.

11 Before first use of the development hereby approved, the following shall be provided:

- (i) the access to the site in accordance with the details shown on Drawing Nos. 1095-180 Revision A and 1095-190 Revision E (Proposed Block Plan and Proposed Site Plan) with a gradient not exceeding 1:12 for the first 12 metres behind the highway boundary;
- (ii) the car parking and turning facilities in accordance with the details shown on Drawing Nos. 1095-180 Revision A and 1095-190 Revision E (Proposed Block Plan and Proposed Site Plan) and the hardsurfacing agreed under condition 5;
- (iii) cycle parking in accordance with paragraph 3.3.2 of the Transport Statement - MA9932-TS-R03 (February 2015) undertaken by Millward;
- (iii) visibility splays of 2.4 metres by 54 metres at the junction of the access with Shortheath Road in accordance with the standards contained in the current County Council design guide.

The access shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) as agreed under condition 5 for a distance of at least 12 metres behind the highway boundary and the splays, access, car and cycle parking and turning space shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.

Reason: In the interests of highway safety.

12 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 12 metres behind the highway boundary and shall be hung so as not to open outwards.

Reason: To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.

13 No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.

- 14 No development (except any demolition permitted by this permission) shall commence on site until a Risk Based Land Contamination Assessment has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:
- BS10175:2011+A1:2013 Investigation Of Potentially Contaminated Sites Code of Practice;
 - BS 8576:2013 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOCs)
 - BS8485:2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and
 - CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan must be prepared and submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of:

- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

The Verification Plan shall be prepared in accordance with the requirements of:

- Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

The development shall be carried out in accordance with the agreed Remedial Scheme and Verification Plan.

If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To ensure that the land is fit for purpose and to accord with the aims and objectives of paragraph 120 of the NPPF.

- 15 Prior to occupation of the building hereby approved, a Verification Investigation shall be undertaken in line with the agreed Verification Plans for any works outlined in the Remedial Schemes and a report showing the findings of the Verification Investigation relevant to either the whole development or that part of the development shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:

- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
- Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
- Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
- Contain Test Certificates of imported material to show that it is suitable for its proposed use;
- Demonstrate the effectiveness of the approved Remedial Scheme; and
- Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

Reason: To ensure that the land is fit for purpose and to accord with the aims and objectives of paragraph 120 of the NPPF.

Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England)) Order 2010 (as amended).
- 2 The applicants are advised that, under the provisions of the Site Waste Management Plan Regulations 2008, the works may require the preparation of a Site Waste Management Plan (SWMP). Further information can be obtained from the Department for Environment Food and Rural Affairs at www.defra.gov.uk
- 3 Written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97 per request. Please contact the Local Planning Authority on 01530 454666 for further details.
- 4 You must also apply to the Northern Area Manager, Leicestershire County Council, Granite Way, Mountsorrel, Leicestershire, LE12 7TZ (Tel: 0116 305 0001) for consent to construct or alter a vehicular crossing or any works within the highway limits.
- 5 The highway boundary is the wall/hedge/fence etc. fronting the premises and not the edge of the carriageway/road.
- 6 The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:
 - Collapse of shallow coal mine workings.
 - Collapse of, or risk of entry into, mine entries (shafts and adits).
 - Gas emissions from coal mines including methane and carbon dioxide.
 - Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
 - Transmission of gases into adjacent properties from underground sources through

ground fractures.

- Coal mining subsidence.
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com