

Part full/part outline planning application for the redevelopment of land at Sawley Crossroads, including the demolition of all existing on-site buildings and structures. Full consent sought for the construction of a Regional Distribution Centre (Use Class B8) and ancillary office accommodation (Use Class B1(a)) and associated gatehouse and access arrangements, service station, refuse and recycling area, car parking and landscaping. Outline consent (with all matters reserved except access) for additional Use Class B8 storage and distribution uses.

Report Item No  
A1

Land At Sawley Crossroads Sawley

Application Reference  
15/00015/FULM

Applicant:  
Wilson Bowden Developments Ltd And Aldi Stores Ltd

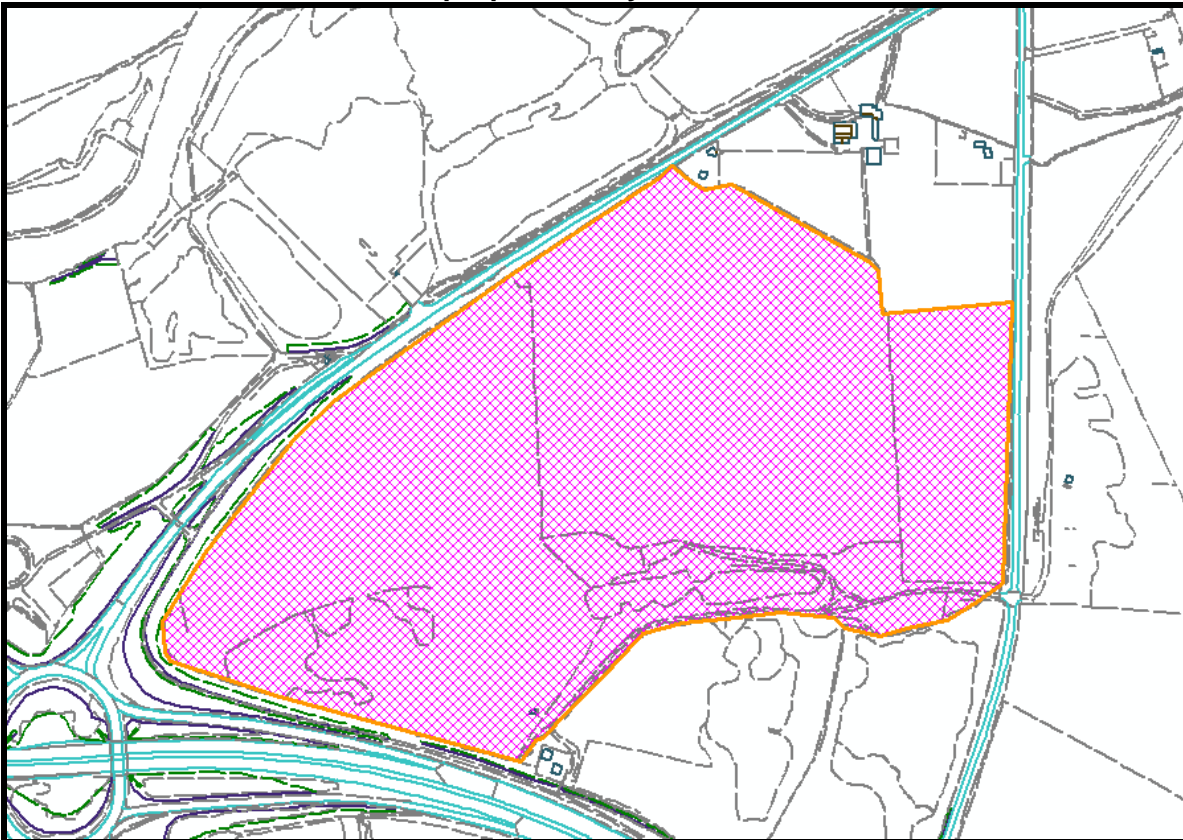
Date Registered  
13 January 2015

Case Officer:  
James Knightley

Target Decision Date  
14 April 2015

Recommendation:  
PERMIT Subject to a Section106 Agreement

Site Location - Plan for indicative purposes only



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## **Executive Summary of Proposals and Recommendation**

### **Proposal**

This is a "hybrid" application (i.e. part full and part outline) seeking planning permission for the erection of units for storage and distribution use (within Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended)), together with ancillary office use and other associated development including a gatehouse, access from Tamworth Road, an HGV service station, a refuse and recycling area, car parking and landscaping.

The full element of the application relates to a proposed regional distribution centre on the northern part of the site (external floorspace 58,364sqm) for a supermarket chain, and including associated office development. The outline element of the application (which includes the proposed vehicular access arrangements from Tamworth Road) proposes a further unit to the southern portion of the site (maximum internal floorspace 60,000sqm) which, the applicants advise, would provide for suitable expansion space to meet the applicants' anticipated future growth plans for the region.

### **Consultations**

Members will see from the main report below that objections have been received in respect of the proposals, and including from Lockington cum Hemington Parish Council.

### **Planning Policy**

The application site lies outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. Also material to the determination of the application is the supply of employment land in the context of the National Planning Policy Framework (NPPF).

### **Conclusion**

The report below indicates that, whilst the site lies outside Limits to Development as defined in the adopted North West Leicestershire Local Plan, having regard to the existing position in terms of employment land supply within the District and the requirement within the NPPF for Local Planning Authorities to support economic growth through the planning system, the principle of the development is considered acceptable in land use terms. Whilst concerns have been raised by neighbouring occupiers regarding a range of issues, including the impacts on residential amenity, the application is accompanied by an Environmental Statement which indicates that, subject to appropriate mitigation, these issues or other adverse environmental impacts arising from the proposed development would not indicate that planning permission ought to be refused.

## **RECOMMENDATION:- PERMIT, SUBJECT TO SECTION 106 OBLIGATIONS, AND SUBJECT TO CONDITIONS**

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

## MAIN REPORT

### 1. Proposals and Background

This is a "hybrid" application (i.e. part full and part outline), accompanied by an Environmental Statement and seeking planning permission on a site of 38.96ha for the erection of units for storage and distribution use (within Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended)), together with ancillary office use and other associated development including a gatehouse, access from Tamworth Road, an HGV service station, a refuse and recycling area, car parking and landscaping.

The full element of the application relates to a proposed regional distribution centre on the northern part of the site (external floorspace 58,364sqm) for a supermarket chain. The proposed warehouse building would be of approximate maximum dimensions 378m by 196m (when including a projecting office section) and maximum height 17.9m above finished floor level. In addition, the full element of the application includes the following:

- Loading bays (78)
- Car park (307 spaces)
- Two storey offices (3,875sqm)
- Storage for both ambient temperature (38,822sqm) and chilled / frozen goods (14,004sqm)
- Gatehouse (37sqm)
- Truck / servicing washing facility
- Refuse and recycling area
- Vehicular access via a proposed new roundabout junction to the B6540 (Tamworth Road)

The outline element of the application provides for an additional B8 facility on a site of 14.08ha, including:

- Maximum floorspace 60,000sqm
- Associated office accommodation
- Maximum height 17.5m above finished floor level
- Vehicular access via the proposed new roundabout junction to the B6540 (Tamworth Road) (albeit served by a different arm from the unit the subject of the full part of the application)

All matters are reserved in respect of the outline element of the application save for the proposed means of vehicular access to the site; all other "access" matters (i.e. including any other non-vehicular access into the site, together with proposed vehicular and non-vehicular routes through the site itself) are reserved for subsequent approval.

The site was previously the subject of an application for a regional storage and distribution centre (ref. 99/1077), one of three competing applications the subject of a conjoined public inquiry held in 2001; the appeal the subject of this site was however withdrawn prior to the opening of the inquiry following the site's acquisition by the then promoters of the scheme proposed at the former Castle Donington Power Station site (the proposal supported by the Local Planning Authority and, subsequently, by the Secretary of State). Prior to that time, the application site had been the subject of mineral (sand and gravel) extraction (understood to have been undertaken between the mid 1940s and 1980) and some areas of the site from which the minerals had been extracted were subsequently filled with pulverised fuel ash (PFA) from the former power station. It is understood that approximately 60% of the quarried area was filled

to an average depth of 7m, capped with 300m of topsoil and returned to agricultural use between the 1950s and 1973. 20% was later filled with reject gravel and overburden and was re-graded and seeded for similar use. The remainder of the site was retained as lakes.

The site is now principally within agricultural use, and is located adjacent to a number of land uses, including residential, other agricultural use, and the A50 trunk road.

## 2. Publicity

6 no. neighbours have been notified. (Date of last notification 31/01/2015)

Press Notice published 25 February 2015

Site notices posted 15 January 2015

## 3. Consultations

Clerk To Lockington Cum Hemington Parish Council consulted

Severn Trent Water Limited consulted 14 January 2015

Environment Agency consulted 14 January 2015

Head of Environmental Protection consulted 14 January 2015

NWLDC Tree Officer consulted 14 January 2015

County Archaeologist consulted 14 January 2015

LCC ecology consulted 14 January 2015

Airport Safeguarding consulted 14 January 2015

NWLDC Conservation Officer consulted 14 January 2015

NWLDC Urban Designer consulted 14 January 2015

County Planning Authority consulted 14 January 2015

LCC Development Contributions consulted 14 January 2015

Development Plans consulted 14 January 2015

Police Architectural Liaison Officer consulted 14 January 2015

Highways Agency- affecting trunk road consulted 14 January 2015

National Grid UK consulted 14 January 2015

Erewash Borough Council consulted 14 January 2015

South Derbyshire District Council consulted 14 January 2015

Derbyshire County Council consulted 14 January 2015

Castle Donington Parish Council consulted 14 January 2015

Shardlow And Great Wilne Parish Council consulted 14 January 2015

County Highway Authority consulted 14 January 2015

## 4. Summary of Representations Received

**Environment Agency** has no objections subject to conditions

**Erewash Borough Council** supports the proposals in view of the potential for significant numbers of employment opportunities for residents of the Borough of Erewash, and highlights the need to provide for enhanced public transport links between the site and settlements in Erewash.

**Highways Agency (now Highways England)** has no objections

**Leicestershire County Council Ecologist** has no objections subject to conditions

**Leicestershire County Council Highway Authority** has no objections subject to conditions and Section 106 obligations

**Lockington cum Hemington Parish Council** objects on the following grounds:

- Loss of last piece of green space between Hemington, Castle Donington and Long Eaton
- Loss of separation between villages
- Detrimental removal of the rural feel of the area
- Increased road congestion during construction and when operational
- Unemployment in the area is very low so staff likely to be sourced from further away, increasing congestion further
- Regard needs to be had to the cumulative impact with the proposed East Midlands Gateway development

**National Grid** has no objections

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

**Severn Trent Water** has no objections subject to conditions

### **Third Party representations**

Representations have been received from the occupiers of three nearby properties, objecting on the following grounds:

- Insufficient consultation
- Contrary to Local Plan policies (including Policies S1, S3, E3 and E4)
- Outside Limits to Development / within the countryside
- Impact on nearby residents' amenities
- Proximity to dwellings
- Overdominant form of development with no design features intended to break up the massing
- Non-conforming use in an area of little or no industrial development on this scale
- Out of scale / character
- Design more suited to an urban or industrial context
- Overshadowing
- Adverse impact on currently open landscape
- Adverse impact on nearby listed building
- Hemington House identified in the Landscape and Visual Impact Assessment as a receptor of high sensitivity and experiencing a moderate adverse impact
- Heritage Statement includes inadequate assessment of the wider setting of the listed building and does not justify its assessment that the northern facade is most important
- Loss of historic field boundaries would adversely affect the listed building's setting
- Application does not pay special regard to the desirability of preserving local heritage assets and their setting as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990
- Proposed landscaped bund would be ineffective in screening the proposed development, particularly during the winter months, and in providing noise mitigation
- Poor design
- Development not needed
- Greenfield site
- Alternative site assessment does not include the proposed East Midlands Gateway site
- Alternative sites discounted for reasons of timescale for delivery

- Premature / prejudicial to the District Council's Local Plan
- Increased risk of flooding
- Proposals do not meet requirement to steer development towards areas with the lowest risk of flooding
- Insufficient surface water capacity to accommodate additional flows
- High water table limits capacity of attenuation ponds
- Impact on wildlife / ecology / habitat
- Noise
- Pollution
- Increased traffic / congestion
- Proposals would not constitute sustainable development
- Adverse impact on the setting of the listed Hemington House

## 5. Relevant Planning Policy

### National Policies

#### *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)
- Paragraph 20 (Building a strong, competitive economy)
- Paragraph 28 (Supporting a prosperous rural economy)
- Paragraph 32 (Promoting sustainable transport)
- Paragraph 34 (Promoting sustainable transport)
- Paragraph 57 (Requiring good design)
- Paragraph 59 (Requiring good design)
- Paragraph 61 (Requiring good design)
- Paragraph 64 (Requiring good design)
- Paragraph 100 (Meeting the challenge of climate change, flooding and coastal change)
- Paragraph 101 (Meeting the challenge of climate change, flooding and coastal change)
- Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change)
- Paragraph 112 (Conserving and enhancing the natural environment)
- Paragraph 118 (Conserving and enhancing the natural environment)
- Paragraph 123 (Conserving and enhancing the natural environment)
- Paragraph 131 (Conserving and enhancing the historic environment)
- Paragraph 132 (Conserving and enhancing the historic environment)
- Paragraph 133 (Conserving and enhancing the historic environment)
- Paragraph 134 (Conserving and enhancing the historic environment)

Paragraph 135 (Conserving and enhancing the historic environment)  
Paragraph 160 (Business)  
Paragraph 161 (Business)  
Paragraph 173 (Ensuring viability and delivery)  
Paragraph 203 (Planning conditions and obligations)  
Paragraph 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 S3 - Countryside  
Policy E2 - Landscaped Amenity Open Space  
Policy E3 - Residential Amenities  
Policy E4 - Design  
Policy E6 - Comprehensive Development  
Policy E7 - Landscaping  
Policy E8 - Crime Prevention  
Policy E30 - Floodplains  
Policy F1 - National Forest General Policy  
Policy T3 - Highway Standards  
Policy T8 - Parking  
Policy T10 - Public Transport  
Policy T13 - Cycle Parking  
Policy T20 - East Midlands Airport - Airport Safeguarding

### **Other Policies**

#### **6Cs Design Guide (Leicestershire County Council)**

The 6Cs Design Guide sets out the County Highway Authority's requirements in respect of the design and layout of new development.

## **6. 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, includes the adopted North West Leicestershire Local Plan (2002 (as amended)).

In terms of the adopted North West Local Plan, the site is outside Limits to Development. Policy S3 sets out the circumstances in which development will be permitted outside Limits to Development; the development proposed would not meet the criteria for development in the countryside, and approval would therefore be contrary to the provisions of Policy S3.

Notwithstanding the countryside location, and whilst the proposals would be contrary to the adopted Development Plan, in determining the application, regard must be had to other material considerations, including other policies, such as those within the National Planning Policy Framework (NPPF).

*Employment Land Supply*

As set out under Relevant Planning Policy above, the NPPF seeks to encourage proposals for employment / business uses where such schemes would represent sustainable development. Whilst the site is located outside Limits to Development as defined in the adopted Local Plan, regard must also be had to the need to provide for sufficient employment land for new businesses.

The North West Leicestershire Core Strategy was submitted to the Secretary of State on 24 June 2013. Policy CS2 of the submission draft Core Strategy set out the overall District-wide requirement for employment land (i.e. 164 hectares), taking into account existing identified employment sites and commitments, as well as identifying an overall residual requirement of 60 hectares; following an exploratory meeting with the Planning Inspector appointed to examine the Core Strategy, however, it was agreed to withdraw the Core Strategy and, as a result, no weight should be attributed to its provisions in this regard. However, whilst the Core Strategy itself has been withdrawn, the background evidence upon which its provisions in respect of employment land requirements were based is nevertheless considered to remain robust, and it is therefore still accepted that a need remains for the additional 60 hectares of employment land in addition to existing commitments as previously referred to in the Core Strategy. At the present time, having regard to approvals elsewhere in the District, the Authority would have sufficient employment land to meet its requirements. However, this would assume the implementation of schemes which would appear likely to be affected by the currently proposed route of the HS2 high speed rail link; if these sites were not deliverable, there would remain an outstanding requirement to be met. It is noted that there are existing employment units and sites currently vacant within the area (and including on the nearby East Midlands Distribution Centre). However, the additional employment land requirements which had been identified in the evidence base for the draft Core Strategy were for additional employment land (i.e. over and above any existing land, even if unoccupied). Whilst the site lies outside Limits to Development as defined in the 2002 adopted North West Leicestershire Local Plan, these Limits to Development were drawn having regard to, amongst others, employment land requirements up until the end of the Plan Period (i.e. to 2006) and, as such, less weight should be attributed to any conflict with Policy S3 in the overall planning balance.

In addition, notwithstanding the principles contained in Paragraph 17 of the NPPF which highlights the need to recognise the intrinsic character and beauty of the countryside, the NPPF's provisions do not specifically seek to preclude development within the countryside, and consideration must therefore be given to whether the proposals constitute sustainable development (including in its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF. Further consideration of the proposals' compliance with the three dimensions of sustainable development is set out in more detail in this report.

It is noted that outline planning permission has recently been granted in respect of a 36 hectare site at Ellistown (ref. 13/00249/OUTM) which would address some of the shortfall identified in the Core Strategy background evidence work and the proposed Sawley development would, when aggregated with this proposal, result in an overall supply in excess of that anticipated in that evidence (although, it is accepted, this figure is a likely minimum requirement). Furthermore, the Planning Inspectorate is currently considering the application for the proposed East Midlands Gateway Rail Freight Interchange development (a Nationally Significant Infrastructure Project (ref. TR050002)). If this were permitted, this would provide for significant additional B8 land but, at this time, remains undetermined. Regardless of the potential for the proposed Sawley development to result in a supply of employment land in excess of that



calculated as being necessary, however, consideration needs to be given to whether or not, overall, the proposals would represent sustainable development in NPPF terms.

#### *Contribution to Sustainable Development*

As set out above, the NPPF contains a presumption in favour of sustainable development. Having regard to the three dimensions of sustainable development, it is concluded as follows:

##### Economic Dimension:

The NPPF gives a very strong steer that support should be given for proposals which boost the economy and provide job opportunities. The application documents suggest that this proposal would create around 1,000 full time equivalent direct jobs (400 in respect of the full element, and 600 in respect of the outline), plus a further 150 through the "multiplier" effect. Given the location of the site, it is considered reasonable to assume that a proportion of these positions are likely to be taken by residents from surrounding Districts. Nevertheless, it is accepted that the proposed development would make a significant contribution to employment opportunities in the area as a whole and would, in this regard, sit well with the provisions of the NPPF. It is noted that Erewash Borough Council supports the application on the basis of the expected local employment impacts, and it is accepted that these impacts assist in terms of the scheme's performance in the context of the economic dimension.

##### Social Dimension:

The economic benefits associated with the proposed development would, by virtue of the jobs created, also be expected to provide some social benefits.

##### Environmental Dimension:

The site is identified as countryside in the adopted Local Plan. However, the Local Plan only covers the period to 2006 and so the employment requirements contained therein are not up to date. Whilst the NPPF makes it clear that sites of lower environmental quality should be preferred to those of higher value, it appears inevitable that there will be a need for greenfield sites (which, it is considered, this would constitute, given its restoration following the working of its minerals) to be released to meet future needs; furthermore, and on the basis of the work undertaken in respect of the flood risk sequential test (discussed in more detail later in this report), it is accepted that there do not appear to be any brownfield sites available elsewhere in the District of the scale of this proposed development, and available within the limited timescales required by the applicants. Whilst the site lies within an area subject to flood risk as defined on the Environment Agency's fluvial flood risk maps, this issue is not considered to represent an overriding cause for concern in this instance having regard to the particular history and characteristics of the site, as discussed in more detail within the relevant section below. Further issues in respect of the environmental dimension of sustainable development are also considered in more detail within the relevant sections below including, for example, issues such as the impacts on the natural and historic environment, accessibility of the site and loss of agricultural land.

Having regard to the three dimensions of sustainable development, therefore, and having regard to the conclusions in respect of various technical issues below, it is accepted that the contribution to the economic growth associated with the proposed development, coupled with the role played in contributing to employment land supply, would ensure that the scheme would sit well in terms of the economic and social dimensions. Insofar as the environmental role is concerned, whilst the proposed development would result in the development of greenfield land outside of the defined Limits to Development, as set out in more detail below, the proposed development would not result in any unacceptable impacts on the natural, built or historic

environment and, whilst not located immediately adjacent to an existing built up area, has the potential to perform reasonably well in terms of need to travel and the movement towards a low carbon economy, subject to the provision of suitable pedestrian, public transport and cycle linkages.

*Conclusions in respect of the Principle of Development*

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The site lies outside Limits to Development. As such, the scheme would be in conflict with the relevant Development Plan and other policies designed to protect the countryside from inappropriate development.

However, it is also necessary to consider any other relevant material considerations, including the Government's current intentions in respect of the need to stimulate growth through a presumption in favour of sustainable development (as set out in the NPPF), and the current position in the District in terms of employment land supply. Whilst the Core Strategy has been withdrawn, the evidence base used in this regard in terms of calculating the required amount of employment land within the District is considered to remain relevant, and the proposed development would make a contribution towards this (albeit to an extent that would, when aggregated with other permitted developments, result in an overall supply in excess of that calculated as the minimum required).

Thus, overall, the need for and benefits of the proposed development of the site in terms of stimulating economic growth are considered to outweigh the conflict with the Development Plan, and, when taking into account the NPPF's presumption in favour of sustainable development, the development is considered acceptable in principle when assessing in the context of the specific impacts (and their implications on the assessment of sustainable development) as set out in more detail below.

**Detailed Issues**

In addition to the issues of the principle of development, consideration of other issues relevant to the application (and including those addressed within the Environmental Statement) is set out in more detail below. The Environmental Statement considers the environmental effects of the proposed development, both in their own right, and also cumulatively with other developments (including the proposed East Midlands Gateway development and the East Midlands Distribution Centre site in Castle Donington).

**Landscape and Visual Impact**

The development has been assessed in terms of its landscape and visual effects both during and after construction. The Environmental Statement identifies what the applicants' landscape consultants consider to be the visual envelope of the site, together with the landscape character of the site and its surroundings, and the susceptibility and sensitivity of the landscape. Insofar as the visual envelope is concerned, the Environmental Statement defines this as follows:

- from the north and north-east by the existing settlement edge of Sawley and vegetation associated with the River Derwent;
- from the north-west by the settlements of Great Wilne and Shardlow;
- from the west by the elevated junction of the A50 with the B6540 and its associated

- vegetation;
- from the south by the ridgeline south of Hemington and Lockington and its associated woodland; and
- from the east by a combination of what the Environmental Statement describes as predominantly flat topography and the network of field boundary vegetation

In terms of its current landscape value, the Environmental Statement suggests that, having regard to a number of factors including surrounding features such as major roads, electricity pylons / cables, lighting columns, the Ratcliffe on Soar power station and nearby employment sites, the Trent Valley Landscape Character Area is of low to medium landscape value, and is of low to medium susceptibility to the type of development proposed. As a result, the Trent Valley Landscape Character Area is, the Environmental Statement states, of low sensitivity in landscape terms. This results, overall, in what the Environmental Statement suggests is a minor adverse effect on the landscape character of the Trent Valley Landscape Character Area.

Insofar as visual amenity effects are concerned, the Environmental Statement assesses the impacts on a range of viewpoints in the surrounding area, both in the immediate vicinity of the site and further afield. The findings of the Environmental Statement indicate a range of effects to the various receptor points. Of these, the most pronounced impacts are assessed as occurring at the following locations, where the effects anticipated to arise (albeit with reduced impacts in some instances during the summer months) are as listed below:

*Moderate to Major Adverse:*

- Trent and Mersey Canal (two locations)
- Derwent Valley Heritage Way (Warren Lane)
- Tamworth Road (B6540)

*Major Adverse:*

- Netherfield Lane

As noted, therefore, the most significant adverse effect would be from Netherfield Lane, which forms part of the eastern boundary of the site. Views from this direction are currently available across the flat site, with views of the road infrastructure (including the B6540, A50 and the Sawley interchange) beyond.

In terms of mitigation, the Environmental Statement identifies this as including the proposed landscaping (and including proposed landscaped bunds of between 2 and 4 metres in height), together with appropriate use of materials / finishes, and use of a Construction Environmental Management Plan and, when taking these into account, identifies the residual landscape effects (at a date 15 years following completion of the development). As would be expected, the mitigation proposed results in some reduction in severity of what would otherwise be the resulting unmitigated effects. Insofar as the receptor points referred to above are concerned, the Environmental Statement concludes that the impacts at one of the canal viewpoints would be reduced to moderate adverse (with the other remaining moderate to major adverse); similarly the impacts at Warren Lane would be reduced to moderate adverse. The impacts from Tamworth Road would remain moderate to major adverse, and the impacts from Netherfield Lane would remain as major adverse.

As such, whilst the impacts from a number of the viewpoints considered would be relatively limited, it nevertheless remains the case that some significantly adverse effects would arise as a result of the proposed development and, as such, notwithstanding the nature of the existing landscape quality, the scheme would not perform well in terms of the presumption in favour of

sustainable development in the landscape and visual element of the environmental dimension. However, as well as assessing the proposals' overall contribution to the other dimensions of sustainable development, it is also considered reasonable to have regard to the likely landscape and visual impacts of providing this form of development elsewhere. For the reasons already set out, the opportunities to identify a site within Limits to Development for a scheme of this nature may be limited; whilst there are clearly adverse landscape and visual impacts associated with the scheme, such impacts are, it is considered, likely to arise in respect of a development of this scale regardless of its location and, whilst the impacts are adverse, given the low sensitivity of the landscape character area within which the site is located, the view is taken that the overall impacts in this regard are not so unacceptable as to suggest that planning permission ought to be withheld.

It is noted that concerns have been raised regarding the impacts the development would have in terms of reducing the separation between settlements in the area (and, in particular, between Hemington, Castle Donington and Long Eaton). Whilst there are clearly various areas of built development between the northern edges of Hemington / Castle Donington and the southern extent of the village of Sawley where it meets the River Trent (including, for example, individual housing, Sawley Marina, the Plank and Leggitt public house, the building materials yard on Tamworth Road and the A50), much of this area currently remains undeveloped, and the proposed scheme would, inevitably, reduce the extent of undeveloped land between the settlements, both physically and visually. Whilst this separation would therefore, to a degree, be reduced, it is not however considered that this concern would, in itself, represent a sufficient reason to resist the development, particularly when considering (i) the likelihood that sites outside Limits to Development would need to be released to meet the need for employment development and (ii) the fact that the site (and / or the wider area) is not subject to any special protection designed to retain a degree of separation between the settlements (e.g. Green Belt, Area of Separation etc).

### **Ground Conditions**

The applicants have undertaken a geotechnical investigation and have produced a Geotechnical Factual and Interpretive Report which has been used to inform the Environmental Statement's findings in respect of these issues. The Environmental Statement has particular regard to made ground on the site (including, but not only, the pulverised fuel ash imported from the former Castle Donington Power Station).

Insofar as the relationship of the proposed development to the historic use of the site are concerned, the Environment Agency confirms that the site has been subject to landfilling operations since 1965 and currently benefits from a landfill environmental permit. The Agency advises that the operator of the landfill remains responsible for maintaining, monitoring and controlling activities on the site for as long as required by the permit (i.e. until such time as the permit is surrendered), and that developments proposed on top of permitted closed landfills, or areas of permitted landfill that have ceased accepting waste, must not compromise the operator's ability to manage and monitor the site in accordance with the permit.

The potential impacts of the proposed works during construction (including topsoil stripping, excavation, filling using imported material and earthworks) are considered within the Environmental Statement, and including in respect of their geological, soil, "trackout" and contamination effects impacts. Whilst the Environmental Statement suggests that the contamination impacts in particular could be of minor to moderate adverse significance, a range of mitigation measures (including the adoption of an earthworks strategy and a soil management plan as well as other pollution prevention measures) are proposed. On this basis,

the Environmental Statement concludes, the residual impacts would not be significant. Similarly, no geotechnical impacts are anticipated in respect of the completed development. The District Council's Environmental Protection team raises no objection to the application in this regard subject to conditions.

The proposals are therefore considered acceptable in terms of these issues.

### **Drainage and Flood Risk**

The Environmental Statement includes assessment of the proposed development's impacts on water resources, drainage and flood risk, informed by a Flood Risk Assessment (FRA), setting out how the site is proposed to be drained, and assessing the existing flood risk to the site along with any resulting flood risk associated with the proposed development.

Insofar as fluvial flood risk is concerned, the application site lies within Flood Zone 3 (i.e. high probability of flooding) as defined on the Environment Agency's flood risk mapping. In terms of the site's status within Zone 3, the District Council's Strategic Flood Risk Assessment indicates that the majority of the site falls within Zone 3a (i.e. land having a 1 in 100 or greater annual probability of river flooding), although some areas of the site (including sections to the north eastern, south eastern and western edges of the site) would appear to fall within Zone 3b (i.e. functional floodplain).

Notwithstanding the site's location within Zones 3a and 3b as defined by the Environment Agency, additional modelling work has been undertaken by the applicants' consultants which, they contend, demonstrates that, in effect, the majority of the site falls within Zone 1 (i.e. with a less than 1 in 1,000 year probability of flooding in any one year), albeit with some areas of the site (to the north eastern and north western parts of the site) remaining in Zones 2 and 3a. This is, it is understood, essentially as a result of historic raising of site levels within the application site following its post mineral extraction restoration.

The NPPF and the DCLG's Planning Practice Guidance set out the relevant requirements in respect of the sequential test, and indicate that the Local Planning Authority's Strategic Flood Risk Assessment will provide the basis for applying this test and, on this basis, it is considered that, notwithstanding the evidence from the applicants' modelling, for the purposes of applying the sequential test, the site should be treated as falling within Zone 3 (and, in detail, both 3a and 3b).

In terms of the development search area, having regard to the applicants' development requirements, it is considered reasonable to limit this to the area within which they need to be located operationally. In this instance, the applicants advise that they need to be located within a 20 mile radius of Junction 25 of the M1 Motorway; insofar as the site itself is concerned, the applicants advise that they require the site to be able to accommodate at least one warehouse unit of 55,000sqm (and with a preference for expansion space, if possible). Having regard to these operational requirements, it is accepted that the search criteria applied by the applicants when considering alternatives (which, in effect, match these site prerequisites) are reasonable. In terms of timescales, the application documents indicate that the applicants require the development to be operational within two years.

Having applied these criteria, the applicants have assessed a total of five sites which meet their operational criteria, and have concluded that, sequentially, the application site is, in their view, preferable. The alternative sites considered (and the reasons for being discounted) are as follows:

Derby Commercial Park Phase 2, Raynesway, Derby:

The site is approximately 13ha in size and is located approximately 6.5 miles from Junction 25 of the M1. The site lies within Flood Zone 3 and was previously used by heavy industry which, the application documents state, suggests that site investigation, remediation and remodelling of the site may be required, and could take some time to address. Based on the timescales at which Phase 1 had come forward, an operational start date in 2017 is expected possible which, the applicants advise, would not be sufficient to enable them to complete the development in accordance with their required timescales.

Findern Farm, A38, Findern, Derby:

The site is approximately 40ha in size and is located approximately 11 miles from Junction 24 of the M1 (and, hence, approximately 16 miles from Junction 25); the site lies within Flood Zone 1. Again, however, the applicants advise that it is unlikely that a planning permission could be obtained within the time frames required by the applicant.

East Midlands Intermodal Park, A38, Etwall, Derby:

The site is approximately 80 ha in size and is located approximately 11 miles from Junction 24 of the M1 (and, hence, approximately 16 miles from Junction 25); the site lies within Flood Zone 1. It is anticipated that planning permission could be obtained by the end of 2015 but, again, however, this does not fit with the time frames required by the applicant.

Glebe Farm, Thrumpton Lane, Barton-in-Fabis, Nottingham:

The site is approximately 70ha in size and is located approximately 4 miles from Junction 24 of the M1 (and, hence, approximately 10 miles from Junction 25); the site lies within Flood Zones 1 and 2. In the absence of planning policy support for the proposals, it is again considered unlikely to be available within the applicants' required timescales.

In terms of other sites, it is noted that neither the East Midlands Distribution Centre nor the proposed East Midlands Gateway Freight Interchange have been included within the applicants' assessed alternatives for the purposes of the sequential test. The applicants clarify that this is because (i) the plots available at East Midlands Distribution Centre are not of sufficient size to accommodate the development (the largest plot advertised as available on the Distribution Centre site is Plot 2 (46,000sqm)); and (ii) the Secretary of State's decision on East Midlands Gateway is not expected until 2016 at the earliest. The Local Planning Authority has also requested that, as part of the sequential assessment process, consideration be given to the potential for the use of the site at Little Battleflat Farm on Beveridge Lane Ellistown which has the benefit of outline planning permission for employment uses of up to 120,373sqm (ref. 13/00249/OUTM). In respect of this site the agents comment that the construction period for a building that would be suitable for use by the applicants would be expected to be 18 months, and it is their intention to commence work on the Phase 1 unit in the third quarter of 2015 with a view to opening by the first quarter of 2017. They consider that, whilst outline permission has been granted for the Ellistown scheme, development could not commence until a reserved matters approval had been secured and any pre-commencement planning conditions attached to the reserved matters approval discharged (together with all pre-commencement conditions attached to the outline consent). They note that no reserved matters application for that site is anticipated to be submitted imminently, nor have any pre-application discussions regarding the reserved matters submission(s) yet taken place. On this basis, they consider it highly unlikely that work could commence on the construction of a building on the Ellistown site which would meet their requirements by the third quarter of 2015, particularly given the timescales involved in preparing such a scheme. On this basis, it is again accepted that this alternative site would be unlikely to be deliverable within the applicants' identified timescales.

On the basis of the above, therefore, it is considered that, notwithstanding the actual status of the site in flood risk terms as identified in the site-specific modelling, the application site's Zone 3 status indicates that, in purely flood risk terms, the site is not the most suitable of those considered. However, in applying the sequential test, paragraph ref. ID: 7-033-20140306 of the DCLG's Planning Practice Guidance requires Local Planning Authorities to take a pragmatic approach on the availability of alternatives. In this case, whilst sites which would meet the size and locational requirements of the applicants have been identified, they have been ruled out on the grounds of their timescales for availability. In the case of the East Midlands Intermodal Park, the applicants advise that planning permission could be obtained by the end of 2015 but have nevertheless disregarded this as being too late. Whilst this appears a relatively short timescale, and whilst it is considered that applicants should also take a reasonable and pragmatic approach to applying their operational criteria, it is not considered that it is inappropriate to apply such a timescale if this is required to be met to allow the business to react quickly to economic conditions and for it to be able to operate and compete effectively. As such, it is accepted that, in the circumstances, it is reasonable to discount these alternative sites on this basis, and that the proposals pass the sequential test. By the same token, however, and in order to ensure that the applicants progress the development at the rate advised as required (and used as justification to disregard alternative sites), it is recommended that, in the event that planning permission is resolved to be permitted, this should be subject to a shorter period for implementation of the first phase of the development (i.e. the "full" element of the application).

Insofar as the fluvial flood risk impacts associated with the proposed development are concerned, the FRA provides that the hydraulic modelling undertaken demonstrates that the 1 in 1,000 year flood extent crosses into the site "slightly" at the north-western perimeter of the site and, it suggests, may affect the proposed building locations. The DCLG's Planning Practice Guidance provides that, in flood risk vulnerability terms, storage and distribution uses are classified as "less vulnerable"; less vulnerable uses are deemed within the Guidance to be appropriate uses within Zones 1, 2 and 3a. As set out above, it would appear that, in practice, the site lies within these zones. For its part, the Environment Agency accepts the findings of the Environmental Statement and FRA and raises no objections, subject to a number of conditions, and including in respect of the need to comply with the submitted Environmental Statement / FRA.

In terms of mitigation, the FRA suggests a number of measures, as follows:

- Raising of finished floor levels to a minimum of 300mm above the 1 in 100 year plus climate change flood level (i.e. at 32.24m AOD, 300mm above 31.94m AOD); on the basis of the submitted plans, the floor level of the phase 1 unit would be positioned at 33.75m AOD and, therefore, some way above the minimum level recommended (and, in fact, above the 1 in 1,000 year flood level)
- Setting of external ground levels within the proposed development and road network higher than the 1 in 100 year plus climate change flood level
- Setting of the proposed main site access onto Tamworth Road higher than the 1 in 100 year plus climate change flood level

The Environment Agency accepts the findings of the FRA in this regard, and confirms that it agrees that finished floor levels should be set no lower than the 33.75m AOD set out in that document.

In terms of the floodplain displacement effects of the proposed development, the FRA provides that, where development results in a displacement of existing floodplain storage volume, this may result in a detrimental impact on flood risk elsewhere in the catchment. As such, in order to

mitigate the impacts of this loss of capacity, a scheme of floodplain compensation is proposed within the site. For its part, the Environment Agency agrees that such compensation is required, and advises that a detailed compensatory works scheme must effectively recreate the existing floodplain to ensure the local flood regime is not adversely affected by the works. It advises that an appropriate scheme, including a method statement of proposed working, should be secured by way of an appropriate condition so as to ensure the continuity of flood protection to the area, and including during the period of construction, with the flood compensation works being completed prior to commencement of the "main" site works.

Other potential sources of flood risk identified in the FRA include canals (including the nearby Trent and Mersey Canal), groundwater, reservoirs, sewers and pluvial run-off. These are for the most part found to constitute a low risk to this site; insofar as surface water drainage is concerned, however, the FRA provides that mitigation is required to ensure that increased risk does not result elsewhere, and a scheme of SUDS measures is therefore proposed as part of the scheme. The scheme proposes limiting storm water discharge from the site to the 1 in 30 year greenfield run-off rate which, for the 12ha area of impermeable surfacing within the full application area, would limit storm water discharge to 70 litres per second for the 1 in 30 year rainfall event and above, with pumping stations pumping surface water from the service yards at this rate. Similar surface water proposals are envisaged in respect of the area of the site subject to the outline scheme. For its part, the Environment Agency advises that surface water run-off should be attenuated to the existing greenfield run-off rate (5 l/s/ha), and that the drainage system should be designed to a 1 in 100 year standard, with an additional 20% capacity to account for climate change. Flows in excess of the permitted discharge rate would, the Environment Agency comments, need to be attenuated on site, up to a 1 in 100 year (return period) flood event. The Environment Agency advises that the detailed SUDS scheme should include one treatment train for roofs and at least two treatment trains for roads and hard-standing areas in line with CIRIA C697 recommendations.

In response to concerns raised regarding the ability of the attenuation measures proposed to function in view of their location within an existing floodplain are concerned, the Environment Agency comments that groundwater levels appear to be fairly consistent but variable between 30.1mAOD and 30.6mAOD and the proposal includes a substantial sustainable drainage scheme with attenuation volumes ranging from 15,100 cubic metres and 20,400 cubic metres with a greenfield rate of 5 l/s/ha discharging from the site (and restricted to an allowable rate of 82 litres per second in total).

Insofar as foul drainage is concerned, the Environmental Statement indicates that the site does not benefit from connections to the sewerage network and, as such, foul water is proposed to be treated on site prior to discharge into an existing watercourse. The treatment system will, the Environmental Statement states, be designed to meet the Environment Agency's requirements for discharge from the site and would be subject to a discharge permit application. The DCLG's Planning Practice Guidance provides (paragraph ref. ID 34-020-21040306) that "When drawing up wastewater treatment proposals for any development, the first presumption is to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works ....Where a connection to a public sewage treatment plant is not feasible (in terms of cost and/or practicality) a package sewage treatment plant can be considered....The package sewage treatment plant should offer treatment so that the final discharge from it meets the standards set by the Environment Agency". For its part, on the basis that no public foul sewer is available to serve the development, the Environment Agency raises no objections to the applicants' proposed use of a package treatment plant and reed bed system, subject to them being granted a Consent to Discharge under the Environmental Permitting Regulations (England and Wales) 2010 (i.e. a separate consent required to be sought from the Agency), and



subject to the foul drainage being kept separate from clean surface and roof water.

Subject the above, therefore, and subject to the imposition of conditions, the Environment Agency raises no objections to the application, and the development is considered acceptable in this regard.

### **Ecology**

The submitted Environmental Statement includes a detailed assessment of the ecological implications of the proposed development on various receptors of ecological value, informed by an Ecological Appraisal, together with separate reports in respect of various protected species. In addition to assessment of the anticipated impacts, mitigation measures are also proposed.

The Ecological Appraisal provides that the closest statutorily designated site of nature conservation interest to the application site is approximately 1.9km from the site (being the Lockington Marshes Site of Special Scientific Interest (SSSI)); no other statutory sites are located within close proximity of the site. Insofar as non-statutory designations are concerned, there are a total of 36 sites within 1km of the site, including two (scrub woodland and a lake / former gravel pit) within the application site itself. In terms of the various ecological features / habitat identified on the site, these include arable, grassland, ruderal vegetation, woodland and waterbodies.

The effects of the development are assessed within the Environmental Statement in terms of both the construction and post-construction (operational) impacts.

Insofar as the construction effects on habitats are concerned, the Environmental Statement indicates that there would be no direct impacts upon statutory designated sites. In terms of non-statutory sites, direct impacts are anticipated as a result of proposed ground remodelling and site clearance undertaken in order to create the development platforms, resulting in the loss of approximately 2.5ha of parish level woodland / grassland, a permanent loss assessed within the Environmental Statement as being of "moderate adverse" significance. Other habitat lost is identified as having a no greater than "minor adverse" significance. In terms of the operational phase effects, potential indirect impacts on the Hemington Gravel Pits LWS and Pond P3 parish level site are suggested as possible. These include disturbance arising from the increased use of the area as an open green space for employees and traffic disturbance, increased noise and light pollution from vehicles and site lighting, and increased surface water run-off. None of these impacts are identified as having more than "minor adverse" significance, however.

Insofar as the effects upon wildlife are concerned (from both construction and post-construction impacts), the following conclusions are reached within the Ecological Appraisal and Environmental Statement:

#### **Badgers:**

By virtue of their location in an area not proposed for built development, the Ecological Appraisal suggests that it is unlikely that any higher status badger setts (e.g. those that are continuously or frequently occupied) would be directly affected by proposals. Whilst the potential for lower status setts to be affected is accepted, their loss is considered unlikely to impact significantly on any local population. Nevertheless, the Ecological Appraisal notes that, where disturbance (such as the use of heavy machinery) occurs close to retained setts or where setts may be lost as a result of proposals, it would be necessary to secure a licence from Natural England. The Environmental Statement notes the potential effects of increased traffic and external lighting impacting upon foraging areas, along with increased disturbance and road

casualties. However, having regard to the proposed mitigation (including implementation of a badger sett buffer zone, the retention of foraging habitat and implementation of appropriate lighting), the residual effect of the development is assessed as negligible.

**Bats:**

The Ecological Appraisal suggests that the loss of mature trees and sections of hedgerow could lead to an interruption in regular routes of movement. In order to mitigate for the loss of roosting potential, bat boxes are proposed to be provided, and it is intended that lighting would be low pressure sodium and limited along foraging / flight lines; on this basis the residual effect of the development is assessed as negligible within the Environmental Statement.

**Birds:**

The Ecological Appraisal indicates that, of the 44 species recorded on the site, five species were confirmed as breeding within the site. The Appraisal notes that the surveys identified that the site supports a species assemblage typical of the habitats present on site and consisting in the most part of widespread, common and abundant species, and a small assemblage of birds associated with wetlands and (including reed bunting, reed warbler and willow tit). The Environmental Statement identifies that the potential effects of the development include the loss of arable habitat arising from the associated site clearance, and disturbance / nest desertion. However, subject to relevant works being undertaken outside of the breeding season (or, alternatively, undertaking of additional pre-commencement surveys / mitigation), the residual effects are assessed to be limited to "minor adverse".

**Amphibians:**

The Ecological Appraisal notes that, as the three on-site ponds are actively used for angling, they would be unlikely to support great crested newts. However, given that two of the ponds support extensive reed bed, it could still be possible that great crested newts could evade predation and breed. In addition, potential terrestrial habitats, including grassland and hedgerows, have also been identified within the site. As such, great crested newt aquatic surveys have been undertaken but, whilst common toads and some smooth newts were found, no great crested newts were recorded.

**Reptiles:**

The Ecological Appraisal notes that, whilst the arable habitat in the northern part of the site lacks structural diversity, making it largely unsuitable for reptiles, habitats in the south provide an appropriate mosaic of habitats considered to be of importance to reptiles. In view of this, additional reptile surveys have been undertaken, but no reptiles recorded.

No other protected species are considered likely to be affected, having regard to the findings of the Ecological Appraisal and Environmental Statement.

Under Regulation 53 of the Habitat Regulations 2010, activities which would otherwise contravene the strict protection regime offered to European Protected Species under Regulation 41 can only be permitted where it has been shown that the following three tests have been met:

- The activity must be for imperative reasons of overriding public interest or for public health and safety;
- There must be no satisfactory alternative; and
- The favourable conservation status of the species in question must be maintained.

Whilst these tests would need to be applied by Natural England at the appropriate time in respect of any required licence submission, it is nevertheless considered appropriate to also have regard to them at this stage in respect of the planning process. In this case, it is

considered that the tests would be met as (i) for the reasons set out under Principle of Development above, it is considered that the site needs to be released for the proper operation of the planning system in the public interest; (ii) the works affecting the protected species would be necessary to enable the development to proceed in a logical / efficient manner; and (iii) the proposed mitigation measures would satisfactorily maintain the relevant species' status.

Insofar as the County Ecologist's advice is concerned, she considers that the ecology chapter and appendices of the Environmental Statement are satisfactory but advises that it would be necessary to undertake updated badger and grassland surveys prior to the commencement of development on or site clearance of each phase. The County Ecologist notes that the development would result in the loss of some (possibly) species-rich grassland, but that the wetlands and the wildlife site to the south would not be adversely impacted except in a minor way. The County Ecologist considers that the development would provide opportunities for creation of species-rich grassland in compensation for the loss and, on this basis, is considered acceptable.

Subject to the imposition of suitably-worded conditions, therefore, the submitted scheme is considered acceptable in ecological terms, and would provide suitable mitigation for the habitat affected, as well as appropriate measures for biodiversity enhancement.

### **Means of Access, Highways and Transportation Issues**

As set out in the introduction above, the application is in part full and in part outline. Insofar as the outline element is concerned, however, the proposed vehicular access into the site from Tamworth Road is included for consideration at the outline stage. The proposed access arrangements include the formation of a new five arm roundabout; the respective arms include two serving Tamworth Road (i.e. north east and south west bound), a new access to the existing Tamworth Road layby (the existing north eastern access of which would be stopped up), and two new accesses to the development site. Insofar as the proposed site accesses are concerned, one would serve the full application site, and the other the outline application site.

#### *Site Access*

The County Highway Authority draws attention to the provisions of its 6Cs Design Guide and, in particular, Policy IN5, which provides that the County Council will normally apply restrictions on new accesses for vehicles on roads with a speed limit of more than 40mph. Tamworth Road (B6540) is currently derestricted (i.e. subject to the national speed limit), and the proposed new site access would therefore conflict with this policy. However, the County Highway Authority considers that (i) the proposal to incorporate the existing lay-by into the site access roundabout would improve existing road safety concerns associated with vehicles emerging from the lay-by and attempting u-turning manoeuvres; and (ii) the introduction of a new roundabout in this location is likely to contribute to managing speeds on the approach to the A50 junction. As such, the County Highway Authority does not object to the application on the basis of non-compliance with Policy IN5.

The County Highway Authority notes that the site access has been revised during the course of the application's consideration so as to take account of comments from both the County Highway Authority and an independent Stage 1 Road Safety Audit (RSA1). The original RSA1 identified nine issues which, on redesign, were reduced to six issues. Of the outstanding issues identified in the revised RSA1, the potential for HGV rollovers had remained an issue which was considered by the County Council to be particularly significant. The County Council notes that the RSA identified that "northbound vehicles approach the circulatory carriageway through a

reverse curve. HGVs heading north and then intending to turn right will undertake a series of contrasting bending movements to execute the turn, at a point where the road falls away to the west. Depending on the crossfall on the roundabout, there is a potential for vehicles to roll over as they undertake these manoeuvres". Following the submission of supplementary information to the highway authority, however, the County Council is now generally content on this issue, and is of the view that an appropriate scheme can be secured as part of the detailed carriageway vertical design work.

In addition to issues highlighted in the RSA, the County Highway Authority advises that it had also raised concerns over the level differences in the area. In particular it notes that the existing road embankment is owned and maintained by the County Council and any tie-ins would need to be agreed, and sets out its design requirements for any associated works to accommodate any required embankments / retaining structures etc. However, this also now appears to have been addressed to the County Highway Authority's satisfaction.

Insofar as the capacity of the proposed roundabout is concerned, the County Highway Authority advises that the access has been subject to capacity testing in ARCADY, which has been verified by the County Council. Notwithstanding the design issues as identified above, the County Highway Authority confirms that capacity testing shows that the roundabout is likely to operate with sufficient capacity, both at opening and in the 2031 future year assessment.

Overall in respect of the site access, therefore, whilst the County Highway Authority had some unresolved design and safety concerns with the proposed site access, it is now content that the roundabout access is suitable in principle, and considers that any remaining issues can be resolved through the detailed design work.

#### *Off-Site Implications and Junction Assessments*

The County Highway Authority advises that the anticipated trip generation has been calculated using trip rates from the Three Counties Traffic Model and that comparison of these trip rates against the industry standard TRICS database confirms that those adopted in the Transport Assessment are robust; the County Council also advises that comparison of the traffic flows obtained from the Three Counties Model with traffic surveys undertaken following the submission of the application shows that those flows used in the Transport Assessment are robust.

The Transport Assessment also considers the potential off-site impact should the proposed East Midlands Gateway Strategic Rail Freight Interchange scheme be approved / implemented. The County Highway Authority advises that background traffic flows (without the current Aldi application) have been derived from the Three Counties Model and uses information contained within the Transport Assessment prepared for the East Midlands Gateway scheme. The County Highway Authority confirms the correct extraction of information into the current Transport Assessment and advises that a sense check has been undertaken to support the general correctness of traffic flows should the East Midlands Gateway development be delivered.

Insofar as distribution of traffic is concerned, the County Council advises that heavy goods vehicles are likely to travel directly on to the strategic road network via the A50 and all HGV traffic has therefore been assigned to join the A50. The distribution of light vehicles (i.e. employee cars) has been based on 2011 Census Travel to Work data.

Insofar as the A50 Junction 1 (Sawley Interchange) is concerned, the junction itself however forms part of the strategic road network and falls under the control of Highways England, but the

B6540 approach, which leads to the proposed site access, is part of the local highway network under the control of the County Highway Authority. The junction is currently partially signalised with both A50 off-slips being signalised on entry to the roundabout. The County Highway Authority has reviewed the junction capacity assessment submitted within the Transport Assessment which has tested the operation of the junction in its current configuration both with and without the proposed development traffic. The County Council confirms that results show that the roundabout is likely to operate within capacity in all assessment years and scenarios. The County Council notes that further signalisation of the junction is conditioned as part of the proposed mixed-use development at land to the north and south of Park Lane, Castle Donington (planning permission ref. 09/01226/OUTM). The County Highway Authority advises however that it has reviewed the junction capacity assessment submitted in addition to those in the Transport Assessment which tested the operation of the junction with the Park Lane improvements both with and without the proposed development traffic. The results show that the roundabout is likely to operate within capacity in all assessment years and scenarios. The County Council is also of the view that, in the event that the Park Lane development did not come forward (and, hence the mitigation associated with that development was not implemented), the existing junction would be capable of accommodating the development (although this would be principally a matter for Highways England); it is also understood that, given the considerable margin by which the assumed flows are considered robust when compared to traffic count data, both the proposed Aldi development and that part of the Park Lane development permitted to be occupied prior to the threshold for the improvements being reached could be accommodated at the junction. Insofar as the position of Highways England is concerned, the application had been the subject of a TR110 Direction issued by the former Highways Agency (on behalf of the Secretary of State for Transport) preventing the Local Planning Authority from permitting the application pending the resolution of unresolved issues in respect of the impacts on the A50 trunk road. However, further to the completion of further assessment work by consultants acting on behalf of the Highways Agency, the Agency subsequently confirmed it was satisfied that the proposed development would not have an adverse impact on the nearest strategic routes, the A50 trunk road and the and M1 motorway. Insofar as the A50 is concerned, the Highways Agency's consultants have concluded that queue lengths at the Sawley Crossroads junction are currently limited in length, thus not resulting in any queuing within the A50 mainline; subject to the implementation of the proposed off-slip signals, they are satisfied that any additional queuing on the slip road could be accommodated by increasing green time to that arm. Overall, therefore, no mitigation is considered to be required to this junction to accommodate the proposed development.

In terms of the impacts on the M1 motorway (and including on Junctions 24 and 24a), in order to minimise the potential for rat-running (particularly through Castle Donington, and including the potential for trips to and from the A42, rat-running through the village to avoid the M1), the County Highway Authority had advised the applicants to undertake capacity assessments of those junctions so as to demonstrate that the strategic road network has sufficient capacity to accommodate the likely trip generation; given the weight restriction on this route, any rat-running which could potentially arise would, the County Council advises, most likely be attributed to employee movements as opposed to HGVs. However, the County Highway Authority is now satisfied that, based on the traffic generation and the 2011 Census based distribution analysis presented in the Transport Assessment, the volume of traffic likely to use the A42 would be minimal (less the 30 vehicles in the peak periods when the strategic road network is most likely to be congested) and therefore the potential for rat-running associated with the development would not, the County Council advises, be likely to be significant.

Insofar as the direct impacts on the M1 and its junctions themselves are concerned, the Highways Agency has advised that, whilst there would be an impact at Junction 24 of

approximately 90 two-way trips, it is accepted that the scale of the impact would not be sufficient to warrant mitigation in that such a mitigation scheme would be too small to make it worthwhile implementing and any more extensive scheme to accommodate existing and development generated traffic at the junction would be disproportionate. It is also noted that the recently completed Pinch Point scheme at the junction has provided some additional capacity for traffic accessing the M1 southbound from the A50 direction.

#### *Site Accessibility*

Insofar as public transport is concerned, the site is currently well served, benefitting from a regular bus service (the Nottingham Skylink) not only linking the site with East Midlands Airport and Nottingham, but also providing services to Castle Donington, Kegworth, Loughborough and Long Eaton. The service currently provides approximately three buses per hour in each direction during the day on Mondays to Saturdays, and two per hour on Sundays. A minimum hourly service is also provided through the night. The proposed site access design shows that the existing northbound bus stop would be retained and upgraded whilst the southbound bus stop will be relocated. In addition to the existing subway under the A50, crossing facilities have been proposed around the site access junction to enable bus users to access the proposed bus stops. The County Council considers that, in addition to the proposed bus shelters, bus stops should also be equipped with raised kerbs, timetable cases and Real-Time Information in order to promote the use of public transport to the site; this view is agreed with by officers, and would, it is considered, represent important measures necessary to encourage employees to make use of the existing bus services.

It is noted that Erewash Borough Council has suggested that contributions could be sought towards improving public transport between settlements within that Borough (namely Ilkeston and Long Eaton) which, having regard to the application site's linkages to East Midlands Airport, would have the effect of improving wider access within Erewash to the Airport. Whilst it is agreed that wider public transport improvements would be welcome, and whilst such a contribution could help improve the site's accessibility from settlements such as Ilkeston, it is not considered that a case could reasonably be made that such contributions would be necessary to render the development acceptable in planning terms and, in terms of the level of service currently available to the site, the scheme would, it is considered, be accessible by public transport to a reasonable extent, providing a realistic travel choice for employees in a number of settlements in the region. As such, it is accepted that any public transport improvements / contributions would, more reasonably, be designed to encourage use of the existing services. For its part, Leicestershire County Council advises that, whilst such an approach to pooling contributions in the area is supported in principle, matters are not yet sufficiently advanced to be in a position to commence calculation / requesting of such contributions. As such, and when considered in the context of the tests for planning obligations as set out in the NPPF and Community Infrastructure Levy (CIL) Regulations 2010, it is accepted that, at this time, additional contributions to wider transport enhancements could not be reasonably required.

To ensure that the development is fully served by high quality non-motorised routes to locations outside of the site and to promote access to the site by walking and cycling, Leicestershire County Council considers that improvements to public rights of way L91 and L91a between the rear of the layby opposite the site and Long Horse Bridge would be appropriate, including resurfacing, signage, gates / access barriers, and marker posts where necessary. It is understood that the improvements to these routes would allow linkages to be secured with programmed works being promoted on the other side of the Long Horse Bridge by Derbyshire County Council and, as such, would allow for viable non-motorised routes for employees accessing the site from settlements within Derbyshire. It is considered that these improvements

could be secured by way of an appropriately worded condition.

In addition, the County Highway Authority notes that the RSA1 also identified that pedestrians should be encouraged to use the existing subway to minimise pedestrian collisions and that the design team has responded that measures would be put in place to encourage the use of the existing subway and that subway conditions would be checked and improved if required. On this basis, the County Council advises that a subway condition survey should be undertaken to ensure that subway facilities are appropriate to encourage its use and to minimise pedestrian collisions. The CHA also advises the provision of a Travel Pack and 6 month bus pass for each employee so as to encourage travel by sustainable modes.

Insofar as other measures are concerned, the submitted Environmental Statement includes a Travel Plan setting out existing conditions / accessibility (including public transport as already set out above), and identifying potential measures to encourage sustainable modes of travel to and from the site by employees. Following a revision of the submitted Travel Plan so as to include additional targets, the County Highway Authority considers that this document is now broadly acceptable (although notes that it is, in effect, a Framework Travel Plan in view of the currently unknown factors associated with the outline element of the proposals). The County Highway Authority also requires the provision of an iTrace monitoring fee (£11,337.50) so as to enable monitoring of the effectiveness of the Travel Plan.

On this basis, it is considered that an adequate level of accessibility by modes other than the private car would be available to employees of the development.

*Access and Transportation Contributions:*

Insofar as the various contributions requested by the County Highway Authority are concerned (and including those already referred to above), these are as set out below.

- iTrace monitoring fee (£11,337.50) in respect of the Framework Travel Plan;
- Construction traffic routeing;
- Appointment of a Framework Travel Plan Co-ordinator from occupation of the first unit for a minimum of five years following the occupation of the last unit
- Provision of travel packs to employees (or a financial contribution of £52.85 per pack to Leicestershire County Council in order for the County Council to provide the packs instead);
- Provision of one six month bus pass per employee (or a financial contribution of £586.50 per pass to Leicestershire County Council in order for the County Council to provide the passes instead);
- Provision of new or improvements to the two nearest bus stops (including raised and dropped kerbs to allow level access) (£3,263 per stop);
- Contribution towards information display cases at the two nearest bus stops (£120 per display);
- Provision of bus shelters at the two nearest bus stops (£4,908 per shelter);
- Contribution towards equipping the two nearest bus stops with Real Time Information (RTI) system (£5,150 in total)
- Improvements to Public Rights of Way L91 and L91a (as set out above)
- Implementation of Traffic Regulation Orders required to deliver the site access roundabout (£5,000 per order)

Of these, it is accepted that a number of these (and including in respect of works to bus stops / shelters and rights of way) can be addressed by way of condition; payment of costs incurred in respect of promoting / implementing Traffic Regulation Orders would appear to be more

appropriately addressed directly between the applicants and the County Highway Authority.

Other than these matters, it is considered that the contributions sought would meet the relevant NPPF and Community Infrastructure Levy Regulations tests as set out under Developer Contributions below, and would be appropriate.

### **Air Quality**

The Environmental Statement assesses the impacts on nitrogen dioxide and particles associated with the development, including impacts arising from the construction works and the additional traffic associated with the development once it is in use. The Environmental Statement has been assessed by the District Council's Environmental Protection team.

In terms of National policy, Paragraph 124 of the NPPF sets out the Government's approach to air quality and Air Quality Management Areas (AQMAs). However, this also needs to be read in the context of the wider approach to sustainable development as set out in the NPPF, and its economic, social and environmental roles.

The Environmental Statement considers likely air quality effects in two principal categories: impacts during the earthworks and construction phase (principally dust emissions), and impacts from road traffic during the operational phase (nitrogen dioxide and particulates).

In terms of the earthworks and construction phase, the Environmental Statement indicates that, during the early phases of the works, activities such as soil stripping, excavations and earthworks, temporary stockpiling of potentially dusty materials and the use of unsurfaced haul roads would be likely to be the principal sources of dust. During the middle phases, when the buildings are being erected from prefabricated materials, the principal sources of dust would, the Environmental Statement suggests, be likely to be from the cutting and grinding of materials and the movement of construction related road vehicles. During the latter phases, when the majority of the buildings and infrastructure would be complete, the landscaping and finishing works (and the associated the storage, handling and movement of materials) would be the principal sources of dust.

Insofar as receptors affected dust emissions are concerned, these are identified in the Environmental Statement as including residential properties near to the site boundary and a road side food retailer on Tamworth Road.

The earthworks and construction air quality impacts are identified in the Environmental Statement as being strongly influenced by weather conditions at the time of the works. With good site practice the earthworks would, the Environmental Statement suggests, have a slight adverse effect on amenity and a negligible effect on short term particulate concentrations at receptors. Insofar as construction impacts are concerned, the Environmental Statement states that the method of construction would make extensive use of pre-constructed materials and, as such, there would be less potential to generate emissions of dust than during the earthworks. Whilst dust emissions during construction could give rise to elevated dust deposition and particulate concentrations, these are, the Environmental Statement suggests, generally short-lived changes over a few hours or days, which occur over a limited time period of several weeks or months. Subject to the proposed good practice measures being implemented, the Environmental Statement concludes that the overall, residual impacts arising from the earthworks and construction phases would be local, short term adverse effects on local amenity (at worst) and a negligible effect on local air quality; the Environmental Statement does not consider these residual effects to be significant.



In terms of the operational phase, the impacts are considered to be limited to emissions from additional road traffic movements. Five receptor locations are identified in the Environmental Statement, including nearby residential properties plus Sawley Marina and the Plank and Leggit public house. The Environmental Statement identifies that all predicted concentrations for both nitrogen dioxide and particulates would be below the annual mean Air Quality Objective Values for England of 40 micrograms per cubic metre ( $\mu\text{g}/\text{m}^3$ ). The Environmental Statement provides that the predicted change in annual mean concentrations of nitrogen dioxide are  $0.4\mu\text{g}/\text{m}^3$  or less at residential receptors located off Tamworth Road and  $0.7\mu\text{g}/\text{m}^3$  or less at an existing residential property near the A50. It also states that the "imperceptible increase at receptors located off Tamworth road would have a negligible effect at these properties in the long term". No mitigation measures are proposed in respect of the operational phase but, nevertheless, the proposals are considered acceptable in this regard in that no mitigation is identified as being necessary.

Further to a request by the Local Planning Authority, an additional technical note has been provided to consider the impacts on the Castle Donington AQMA (located in the vicinity of the High Street / Delven Lane / Park Lane junction). This indicates that an additional 260 vehicles (light vehicles only due to the weight limit) would be expected to be directed towards Castle Donington from the site (i.e. via the A50 Sawley Crossroads junction). On the assumption that all of these would pass through the junction, this would, the technical note provides, represent an increase of 1% of the am or pm peak passenger car units (PCUs), an insignificant impact, and thus not affecting the overall Environmental Statement conclusions.

No objections are raised in respect of air quality issues by the District Council's Environmental Protection team. The proposed development is considered acceptable in terms of its air quality implications, both generally, and within the Castle Donington AQMA.

### **Neighbours' Amenities**

In terms of amenity issues, the impacts of the proposed development need to be considered both in terms of the effects on nearby residents arising from the undertaking of the construction of the proposed development (including, in particular, construction noise and vibration), as well on the future living conditions of residents following construction, having regard to the noise and other amenity impacts of the proposed development. These are considered in turn below.

#### *Construction Noise and Vibration*

The submitted Environmental Statement suggests that the potential for significant construction noise effects at the façade of residential properties, is likely to be limited to the closest residential properties to the north and south of the site. Whilst specific details of the activities and plant required to construct the proposed development are not available at this stage, it is anticipated that piled foundations are likely to be required for the new buildings on the site, and the Environmental Statement therefore includes example calculations of noise levels from driven piling at each of the closest four properties. The Environmental Statement indicates that, at the most affected property (70m away for the purposes of the noise calculations), the estimated one hour noise level at the dwelling's façade would be  $75\text{LAeq},1\text{h}$ . It also suggests, however, that, given the size of the development site, the duration of works at the closest approach to these receptors would be likely to be limited and that, when works occur away from the site boundaries, the magnitude of the construction noise levels would be considerably reduced.

Insofar as the vibration effects of the foundation piling is concerned, the Environmental

Statement indicates that, having regard to the distance between the proposed piling locations and the nearest dwellings, there would be no risk of damage to buildings, and any annoyance as a result of the vibration would (at the most affected property) be classed as "minor adverse" and over a short-term period only.

The Environmental Statement also considers the noise effects of construction traffic; the assessment concludes that, having regard to the existing volume of traffic on the proposed construction traffic route (i.e. southwards along Tamworth Road towards the A50) and the lack of receptors on this section of Tamworth Road, the magnitude of the direct (short term) adverse construction traffic noise impact would be likely to be very low.

Insofar as construction phase noise mitigation is concerned, the Environmental Statement sets out a range of good practice measures which, if adopted, would reduce the residual effect to moderate to minor adverse.

#### *Post Construction / Operational Impacts*

Insofar as the noise impacts arising from operation of the proposed development itself are concerned, these are considered within the Environmental Statement in terms of the noise from additional road traffic in the surrounding area, and from the on-site operations.

With respect to traffic noise implications, the Environmental Statement indicates that the magnitude of the impact of the change in traffic noise levels would be "very low" on the A50 and on that part of Tamworth Road to the north of the site. On that part of Tamworth Road to the south of the site the magnitude of the permanent direct impact is classed as "low" but, given the absence of sensitive receptors adjacent to this section of Tamworth Road, the significance of this impact would be classed as "negligible".

In terms of on-site noise impacts, the Environmental Statement suggests that the noise sources are likely to include:

- Light vehicles on site associated with the car park;
- Heavy vehicles on site associated with the goods in and goods out yards;
- "Shunter" vehicle operating in the goods out yard moving trailers;
- Electric Forklift operating in the recycling area;
- Balers and compactors process cardboard and plastic in the recycling area; and
- Rooftop refrigeration plant

The on-site noise impacts are assessed in respect of four principal receptors (i.e. the four closest dwellings), and having regard to the two principal elements of the scheme (i.e. the full and outline parts of the proposals) and the impacts during the daytime and at night. Insofar as properties closest to the site of the full application proposals (i.e. those dwellings located to the north of the application site) are concerned, the dominant noise impacts are predicted to be from the proposed recycling area, and from vehicular movements. Insofar as the recycling area is concerned, the main noise source would be the balers and at night (when the balers would not be in use) from the electric forklift in the recycling area. In terms of vehicle impacts, HGV movements in the goods in yard would affect these properties, although to a lesser extent at night (due to fewer HGVs being present). Noise from rooftop plant is not predicted to be significant. In addition to the three properties to the north, a further dwelling is located to the south of the site, adjacent to the area of the site subject to the outline element of the application. The dominant noise sources affecting this dwelling would, assuming the general form of development indicated on the outline proposals and the associated shielding of noise by that proposed building, be vehicle movements and the operation of the "shunter" in the goods out yard serving the full application unit.

In terms of the extent of this disturbance, the Environmental Statement suggests that one of the adjacent properties on Tamworth Road would experience the greatest impact, having regard to its proximity to the goods in yard. In all cases, however, when taking into account existing background noise conditions and proposed operational phase mitigation (including various operational practices and a proposed landscaped earthworks bund of between 2 and 4 metres in height to the northern edge of the site), the residual on-site operational noise would, the Environmental Statement concludes, be negligible.

Overall in terms of noise and vibration, therefore, whilst there would clearly be significant amounts of activity on the site both during construction and once the site was operational, the impacts in this regard would not appear likely to be unacceptable, and particularly when having regard to the proposed implementation for the various mitigation measures set out in the Environmental Statement. No objections on noise or vibration grounds have been raised in respect of the proposed development by the District Council's Environmental Protection team.

#### *Other Residential Amenity Impacts*

In terms of the impacts on neighbouring occupiers arising from the proposed buildings themselves, the application site is in the vicinity of existing residential properties, namely three to the north of the site, and one to the south. The existing dwellings to the north are located at distances of between approximately 145m and 225m from the proposed full application unit at its closest point (albeit areas of residential curtilage would be located closer than this), and the unit would be of maximum height 17.9m above finished floor level; having regard to the ground level of the proposed recycling area to this northern side and the relationship to the finished floor level, however, the unit would, in effect, be 20m high when viewed from this direction. Whilst the southern unit is only proposed in outline form at this stage, the siting as indicated on the proposed parameters plan indicates a building of maximum height 17.5m above finished floor level approximately 65m from the existing dwelling to the south of the application site (or approximately 45m from the closest part of the dwelling's curtilage).

Whilst these existing dwellings would be some distance from the proposed buildings, the proposed development would clearly be of some scale in terms of height and width when viewed from adjacent land. Whilst it is accepted that significant impacts on existing dwellings in terms of loss of light or overshadowing would seem unlikely at any time of year given the height of the proposed unit and the distances involved, it is considered that issues relating to overdominance and visual impacts would arise. However, the view is taken that, whilst some adverse impacts on amenities would be likely to result from the development in this regard, those impacts would not be so unduly significant so as to warrant a refusal of the application; loss of view is not a material planning consideration.

#### **Historic Environment**

The application is accompanied by a Heritage Statement.

In terms of designated heritage assets, whilst the Statement identifies a number of Conservation Areas and scheduled monuments in the wider vicinity, it is accepted that no Conservation Areas or monuments would be materially affected by the proposals.

Insofar as listed buildings are concerned the Statement considers in particular the impacts on Hemington House, a Grade II listed building, (one of the dwellings located to the north of the application site). Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, special regard should be had to the desirability of preserving the building or its setting. The Statement suggests that the setting of Hemington House was originally defined by open fields and a predominately rural landscape, and that the most significant part of its setting lies immediately to the north and north-west. Whilst the historic field divisions to the south would have originally contributed to the building's setting, the subsequent mineral extraction has, the Statement suggests, resulted in the loss of field boundaries and hedgerows with the resulting loss of any historical relationship between the application site and Hemington House. Having regard to this, and to the twentieth century transformation of nearby land from agricultural fields to water filled gravel pits, the Statement suggests that the wider setting of the listed building has changed exponentially. On this basis, the applicants consider that the most historically significant extant setting of the listed building is experienced within close proximity to the building itself (namely the approaches from Tamworth Road), and note that the proposal would not result in any harm to this significance. The Heritage Statement also suggests that any visual impact of the proposed development on the southern aspect of the listed building would be mitigated through the creation of a landscaped bund, and, on this basis, any harm to the setting of Hemington House would, the Statement provides, be defined as "less than substantial" under the threshold set out in the NPPF. The District Council's Conservation Officer agrees with the applicants' findings in this regard, and it is accepted that a less than substantial degree of harm would arise, particularly when bearing in mind previous impacts on the setting of the listed building. Paragraph 134 of the NPPF provides that, "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use". In this instance, therefore, any harm considered to arise in respect of the heritage asset needs to be weighed against public benefits (which, in this case, would, it is considered, principally be in respect of the contributions to the economic and social strands of sustainable development). In accordance with the requirements of NPPF Paragraph 132, "great weight" should be given to the asset's conservation and, notwithstanding the approach set out in Paragraph 134, regard nevertheless still needs to be had to the statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990. In this case, and when applying the duty under Section 66 of the Act together with the tests set out in the NPPG, the view is taken that, whilst there would be a degree of harm to the setting of the listed building, the overall impact would be acceptable. The Heritage Statement also identifies the presence of two other listed buildings in the vicinity (mile posts), but it is noted that these have previously been relocated from their original locations, and no material impact on their setting or value would seem likely.

Insofar as non-designated heritage assets are concerned, the applicants' heritage consultant considers that there are no buildings, monuments, sites, places, areas or landscapes within or surrounding the site which could potentially be considered non-designated heritage assets. In terms of the archaeological potential of the site the applicants consider that any which may have existed would no longer be present having regard to the site's working for minerals and subsequent restoration with PFA. Again, this position is accepted; no comments have been received from Leicestershire County Council's Planning Archaeologist.

### **Design**

The application is supported by a Design and Access Statement explaining the applicants' rationale for the scheme as proposed, and setting out the principal design considerations. In terms of constraints and opportunities, the Design and Access Statement identifies these as including:

- Mitigation of the visual impact of the development from the dwellings to the North of the

- site
- Existing adjacent roads
- Flood considerations
- Future development considerations
- Ground remediation considerations
- The need to accommodate 6 pallet high racking
- Restriction of solar gain (use of colour)

Opportunities are identified within the Design and Access Statement as including:

- The positive use of a vacant plot of land
- Additional employment opportunities
- Improvement of existing habitat around the site
- Amenity space for staff

Insofar as the proposed full application unit is concerned, the Design and Access Statement provides that the design is based upon a standard regional distribution centre template developed by Aldi, and sets out the rationale for the scale of the building and the disposition of the various functions within it. Use of materials is, the Design and Access Statement indicates, dictated to by the need to minimise solar gain in this temperature controlled environment.

The proposal has been assessed by the District Council's Urban Designer (both prior to submission and during the course of the application's consideration), who has raised a number of issues regarding the scheme. In particular, it is noted that the applicants do not appear to have explored layout and massing options (i.e. they are instead relying on a pre-determined standard type design for both layout structure used elsewhere) and, as such, the effect is that the applicants are then put in a position whereby they are trying to minimise the visual impact through planting (which will always have limited impact due to the height of trees and the scale of the proposed structure) and use of cladding / materials etc. In this sense, the concern is raised that the scheme is one that runs counter to the design led process embedded in planning policy. In particular, it is noted that the NPPF provides in Paragraph 64 that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Whilst these concerns have been raised, it would appear that the applicants are unwilling or unable, operationally, to follow what would, it is considered, be a more appropriate approach to formulating the design. On this basis, the District Council's Urban Designer has queried whether the form of the buildings would be negotiable, even if the positioning is not (and queries, for example, whether the buildings have to be in a rectangular "box" type form, suggesting that, for instance, the roof form could be curved with roof lights to bring natural daylight into interior spaces). It is also suggested that different options could be explored in terms of cladding treatment. Nevertheless, no further options in respect of these issues have been provided, and the application remains as submitted.

As such, the position remains that, in terms of the design led approach to development, the scheme is not considered to have been fully explored so as to whether it makes best use of the opportunities available as per the requirements of the NPPF. However, this also needs to be considered in the context of the merits of the scheme proposed. In this regard it is considered that, whilst it has not, officers consider, been demonstrated that the scheme proposed (and, in particular the northern (full application) unit) represents the most appropriate option for development achievable, it is nevertheless accepted that the scheme would, subject to appropriate control over materials, not be unacceptable in design terms.

### **Agricultural Land Quality**

Paragraph 112 of the NPPF suggests that, where significant development of agricultural land is demonstrated to be necessary, poorer quality land should be used in preference to that of a higher quality. Having regard to the employment land requirements issue as set out above, it would seem inevitable that land outside Limits to Development (much of which will be agricultural in terms of use) will need to be released. Best and Most Versatile (BMV) agricultural land is defined as that falling within in Grades 1, 2 and 3a of the Agricultural Land Classification. Whilst the application submissions do not contain an assessment of agricultural land quality, under MAFF's Post 1988 Agricultural Land Classification, the site falls primarily within Grade 4 and, as such, would not constitute BMV land. The development of the site is therefore considered acceptable in this regard.

### **Other Matters**

#### **Developer Contributions**

Paragraphs 203 and 204 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 relevant developer contributions are as per those requested by the County Highway Authority and as set out under Means of Access, Highways and Transportation Issues above; in view of the nature of the proposals, no other contributions are considered to be required to mitigate the impacts of the development.

### **Conclusions**

As set out above, the site is considered suitable in principle for the proposed development. It is considered that the supporting information indicates that the development is acceptable in technical terms, and the conclusions as set out in the applicants' Environmental Statement and other supporting documents are for the most part accepted (and, where not fully concurred with, officers are content that no unacceptably adverse impacts would arise in any event). Whilst the site is outside Limits to Development and, therefore, would be contrary to existing National and Development Plan policies designed to protect the countryside from unnecessary development, regard also needs to be had to other material considerations and including the District's employment land requirements as well as the NPPF's stated aim of supporting economic growth through the planning system. The need for and the benefits of the development in terms of stimulating economic growth are in this case considered to outweigh any conflict with the Development Plan. Whilst the design of the northern unit does not appear to have been formulated specifically for this site, the scheme would not, it is considered, have such adverse impacts so as to render the development unacceptable in this respect.

In terms of other technical issues affecting the proposed development, and as set out in the applicants' Environmental Statement and other supporting documents, it is considered that the proposals are, overall, acceptable. It is also proposed that appropriate contributions to transportation infrastructure would be secured in order to accommodate the development, and

the proposals would make a significant contribution to local employment opportunities. Whilst these benefits need to be considered in the context of the other environmental effects, and whilst there would, it is considered, be implications on the outlook of nearby dwellings, it is considered that, overall, these impacts would be acceptable environmentally and, when assessed in the wider context of all three dimensions to sustainable development as set out in the NPPF, the proposed development would benefit from the presumption in favour of sustainable development, and approval is therefore recommended.

**RECOMMENDATION- PERMIT, subject to Section 106 Obligations, and subject to the following conditions**

- 1 The development within that part of the application site edged in red on drawing no. A13A49-P004 Rev F shall be begun before the expiration of one year 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), and to ensure that the development takes place within a reasonable period, having regard to the timescales as set out within the submitted flood risk sequential test documents.*

- 2 Save for the details of vehicular access into the site from Tamworth Road, details of the access, appearance, landscaping, layout, and scale in respect of that part of the application site edged in red on drawing no. A13A49-P005 Rev F, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced within that part of the site.

*Reason - This permission is in outline only.*

- 3 Plans and particulars of the reserved matters referred to in Condition 2 above, relating to the access (save for the details of vehicular access into the site from Tamworth Road), appearance, landscaping, layout, and scale shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

*Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).*

- 4 Application for approval of the reserved matters referred to in Condition 2 above shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development scale in respect of that part of the application site edged in red on drawing no. A13A49-P005 Rev F shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

*Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).*

- 5 The proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by a condition of this permission:
  - Site location plan (A13A49-P001 Rev A) deposited with the Local Planning Authority on 13 January 2015
  - Site layout and parameters plan (A13A49-01-P002 Rev H) deposited with the Local

- Planning Authority on 13 January 2015
- Existing site boundary (A13A49-P003 Rev F) deposited with the Local Planning Authority on 13 January 2015
- Site boundary (full) (A13A49-P004 Rev F) deposited with the Local Planning Authority on 13 January 2015
- Site boundary (outline) (A13A49-P005 Rev F) deposited with the Local Planning Authority on 13 January 2015
- Proposed elevations (A13A49-01-P006 Rev C) deposited with the Local Planning Authority on 13 January 2015
- Proposed gatehouse (A13A49-01-P007 Rev A) deposited with the Local Planning Authority on 13 January 2015
- Proposed truck wash, servicing and fuel (A13A49-01-P008 Rev B) deposited with the Local Planning Authority on 13 January 2015
- Site sections (A13A49-01-P009) deposited with the Local Planning Authority on 13 January 2015
- Proposed office floor plans (A13A49-01-P010) deposited with the Local Planning Authority on 13 January 2015
- Ambient and TCA warehouse plan (A13A49-01-P011) deposited with the Local Planning Authority on 13 January 2015
- Proposed roundabout access (NTT/2438/100-01 Rev P9) deposited with the Local Planning Authority on 2 June 2015

*Reason - To determine the scope of this permission.*

- 6 A total floorspace of no more than 117,209 square metres (gross internal) shall be erected.

*Reason - To define the scope of this permission.*

- 7 Save for any approved works associated with the diversion of watercourses within the site, no development shall commence on the site (or, in the case of phased development, in respect of the relevant phase) until such time as precise details of all means of mitigation measures for the site or that particular phase as set out in the Environmental Statement (and appendices), and including timetables for their provision, have been submitted to and agreed in writing by the Local Planning Authority. The approved measures shall be implemented in accordance with the approved details and timetables unless in accordance with any variation first agreed in writing by the Local Planning Authority.

*Reason - To ensure the development and associated impacts take the form envisaged in the Environmental Statement.*

- 8 Notwithstanding the submitted details, nor Condition 5 above, save for any approved works associated with the diversion of watercourses within the site, no development shall commence on that part of the application site edged in red on drawing no. A13A49-P004 Rev F until such time as precise details of all external building materials / finishes to be used in the construction of the external surfaces of the buildings / structures within that part, together with details of the interface between materials and methods of fixing, have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the agreed details.

*Reason - To enable the Local Planning Authority to retain control over the external appearance,*



*in the interests of the amenities of the area.*

- 9 Save for any approved works associated with the diversion of watercourses within the site, no development shall commence on that part of the application site edged in red on drawing no. A13A49-P004 Rev F until such time as a landscaping scheme for that part (including earthworks bunds where applicable), and to accord generally with the principles shown on plan no. Bir.4703\_12A, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in the first planting and seeding season following either the first occupation or the bringing into use of the development hereby approved unless an alternative implementation programme is first agreed in writing with the Local Planning Authority.

*Reason - To ensure satisfactory landscaping is provided within a reasonable period, and to comply with Policies E2 and E7 of the North West Leicestershire Local Plan.*

- 10 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.*

- 11 The development permitted by this planning permission shall be carried out in accordance with the submitted Environmental Statement (Chapter 9: Drainage and Flood Risk) and the submitted Flood Risk Assessment, Rev 2 dated 05/01/2015.

*Reason - To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site and to protect water quality; to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided; to ensure flood protection to the development, thereby reducing the risk of flooding.*

- 12 Notwithstanding the submitted details nor Conditions 5, 7 and 11 above, no development shall commence on site until such time as precise details of all measures of foul and surface water drainage for the site or that particular phase (and including a scheme for the provision, implementation and future maintenance of a Sustainable Drainage (SuDs) system and any alterations to existing watercourses), together with a timetable for its implementation and details of its ongoing management, has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out and thereafter so maintained in accordance with the agreed details and timetable.

*Reason - To ensure the site is adequately drained, to prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site and to protect water quality.*

- 13 Notwithstanding the submitted details nor Conditions 5, 7, 11 and 12 above, no development shall commence on site until such time as a scheme for the provision and implementation of level for level compensatory flood storage for the site or that particular phase, together with a method statement of proposed working, a timetable for its implementation and details of its ongoing management, has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out and thereafter so maintained in accordance with the agreed details and timetable.

*Reason - To ensure that compensatory storage of flood water is provided, thereby reducing the risk of flooding, and to comply with Policy E30 of the North West Leicestershire Local Plan.*

- 14 Notwithstanding the submitted details nor Conditions 5, 7, 11 and 12 above, save for any approved works associated with the diversion of watercourses within the site, no development shall commence on the site (or, in the case of phased development, in respect of the relevant phase) until such time as precise details of all ground and finished floor levels within the site or phase (and including all earthwork bunds) have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out and thereafter so maintained in accordance with the agreed details.

*Reason - To ensure flood protection to the development, thereby reducing the risk of flooding, to ensure the development takes the form envisaged by the Local Planning Authority, in the interest of amenity, to limit the harm to the significance of the nearby listed building, and to comply with Policies E3, E4 and E30 of the North West Leicestershire Local Plan.*

- 15 Notwithstanding the submitted details nor Conditions 7, 11 and 12 above, no development shall commence on the site (or, in the case of phased development, in respect of the relevant phase) until such time as a scheme for the site or that particular phase to treat and remove suspended solids from surface water run-off during construction works has been submitted to and agreed in writing by the Local Planning Authority. No construction works shall be undertaken at any time other than in accordance with the agreed scheme.

*Reason - To minimise the risk of pollution of the water environment.*

- 16 Notwithstanding the submitted details nor Conditions 2, 5, 7 and 9 above, no development shall commence on the site (or, in the case of phased development, in respect of the relevant phase) until a habitat protection, creation, biodiversity and landscape management plan for the site or phase, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas for the site or that particular phase has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include the following elements:

- Detail of the extent and type of new native species planting;
- Details of maintenance regimes;
- Detailed designs of any new / compensatory habitats created on site, ensuring habitat connectivity within the site and off site to the wider landscape;
- Details of treatment of site boundaries and/or buffers around water bodies;
- Detailed management plan for newly created and existing habitats on site; and
- Timetables for implementation

The site and landscaping shall thereafter be maintained in accordance with the agreed management plan and timetables (or in accordance with any alternative management plan and / or timetables first submitted to and agreed in writing by the Local Planning Authority).

*Reason - To ensure the protection of wildlife and supporting habitat and to secure opportunities for the enhancement of the nature conservation value of the site.*

- 17 Notwithstanding the submitted details, nor Condition 7 above, save for any approved

works associated with the diversion of watercourses within the site, no development or site clearance shall commence on the site until such time as a timetable for the undertaking of updated surveys in respect of badger in relation to commencement of site works on the relevant phase (and including the specification of maximum periods between undertaking of surveys and commencement of work on the relevant phase) has been submitted to and agreed in writing by the Local Planning Authority. No development shall thereafter be undertaken at any time unless the relevant surveys have been undertaken and the results (including mitigation measures and a timetable for such mitigation where appropriate) have been submitted to and agreed in writing by the Local Planning Authority, and the development shall thereafter be undertaken strictly in accordance with the agreed mitigation measures and timetable.

*Reason - In the interests of nature conservation.*

- 18 Notwithstanding the submitted details, nor Condition 7 above, save for any approved works associated with the diversion of watercourses within the site, no development or site clearance shall commence on the site until such time as a timetable for the undertaking of updated surveys in respect of semi-improved grassland on the site in relation to commencement of site works on the relevant phase (and including the specification of maximum periods between undertaking of surveys and commencement of work on the relevant phase) has been submitted to and agreed in writing by the Local Planning Authority. No development shall thereafter be undertaken at any time unless the relevant surveys have been undertaken and the results (including mitigation measures and a timetable for such mitigation where appropriate) have been submitted to and agreed in writing by the Local Planning Authority, and the development shall thereafter be undertaken strictly in accordance with the agreed mitigation measures and timetable.

*Reason - In the interests of nature conservation.*

- 19 Notwithstanding the submitted details, nor Condition 7 above, save for any approved works associated with the diversion of watercourses within the site, no development shall commence on the site (or, in the case of phased development, in respect of the relevant phase) until such time as a Risk Based Land Contamination Assessment has been submitted to and agreed in writing by the Local Planning Authority. 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;
  - 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 (Environment Agency 2004)

*Reason - To ensure that the land is fit for purpose, to ensure protection of controlled waters and to accord with the aims and objectives in respect of pollution as set out in the National Planning Policy Framework.*

- 20 If, pursuant to Condition 19 above, any unacceptable risks are identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan for the site or that particular phase shall be 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

(Environment Agency 2004), and 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 (Environment Agency 2010) and CLR 11 Model Procedures for the Management of Land Contamination (Environment Agency 2004). If, during the course of development, previously unidentified contamination is discovered, development shall cease on the affected part of the site and it shall be reported in writing to the Local Planning Authority within 10 working days. No work shall recommence on that part of the site until such time as a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) has been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be undertaken in accordance with the approved details and thereafter be so maintained.

*Reason - To ensure that the land is fit for purpose, to ensure protection of controlled waters and to accord with the aims and objectives in respect of pollution as set out in the National Planning Policy Framework.*

- 21 None of the development hereby permitted shall be brought into use until such time as a Verification Investigation for the relevant part of the site has been undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme relevant to either the whole development or that part of the development. No part of the development (or, in the case of phased development, no part of the relevant phase) shall be brought into use until such time as a report showing the findings of the Verification Investigation has been 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, to ensure protection of controlled waters and to accord with the aims and objectives in respect of pollution as set out in the National Planning Policy Framework.*

- 22 Unless any alternative measures or timescale is first agreed in writing by the Local Planning Authority, no development shall commence on that part of the application site edged in red on drawing no. A13A49-P004 Rev F until such time as all existing trees or hedgerows within 10 metres of that part of the application site and shown as retained on drawing no. BIR.4703\_1-A (Environmental Statement Appendix 3.1) have been securely fenced off in accordance with the scheme for their protection first submitted to and agreed in writing by the Local Planning Authority. Within the fenced off areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and back-filled by hand, unless any alteration is first agreed in writing by the Local Planning Authority.

*Reason - To ensure that existing trees are adequately protected during construction in the interests of the visual amenities of the area.*

- 23 Save for any approved works associated with the diversion of watercourses within the site, no development shall commence on that part of the application site edged in red on drawing no. A13A49-P004 Rev F until such time as precise details of all hard surfacing within that part of the site have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the agreed details.

*Reason - To ensure the development takes the form envisaged by the Local Planning Authority, in the interests of the amenities of the area, and to comply with Policies E4 and E7 of the North West Leicestershire Local Plan.*

- 24 No external lighting shall be installed on site (and including during the construction phase) unless in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

*Reason - In the interests of the amenities of the area and nearby residents, in the interests of nature conservation, in the interests of highway safety and to comply with Policy E4 of the North West Leicestershire Local Plan.*

- 25 Notwithstanding the submitted drawings, nor Condition 5 above, save for any approved works associated with the diversion of watercourses within the site, no work shall commence in respect of those parts of the application site edged in red on drawing nos. A13A49-P004 Rev F and A13A49-P005 Rev F respectively until such time as precise details of all measures proposed to be incorporated within the relevant part of the site as set out generally within Section 5 of the submitted Sustainability Statement (dated December 2014 and produced by Dalkin Scotton Partnership Architects), together with a timetable for their implementation, have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and timetable.

*Reason - To ensure the environmental integrity of the scheme is secured.*

- 26 No vehicles shall be washed, serviced or fuelled on the site at any time other than those ordinarily used for the distribution of goods to and from the site.

*Reason - To ensure the development takes the form envisaged by the Local Planning Authority, in the interests of the amenities of the area.*

- 27 Notwithstanding the submitted drawings, nor Condition 5 above, nor the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), save for those detailed on drawing no. A13A49-01-P008 Rev B, no fences, gates, walls or other means of enclosure shall be erected on the site unless in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

*Reason - To preserve the amenities of the locality, in the interests of highway safety, in the interests of the amenities of the area, and to comply with Policies T3 and E4 of the North West Leicestershire Local Plan.*

- 28 Notwithstanding the submitted drawings, nor Condition 5 above, no externally sited sprinkler tanks or associated equipment shall be installed at any time unless in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

*Reason - To ensure the development takes the form envisaged by the Local Planning Authority, in the interests of visual amenity, and to comply with Policy E4 of the North West Leicestershire Local Plan.*

- 29 Notwithstanding the submitted drawings, nor Condition 5 above, there shall be no external storage or processing of any goods, materials, pallets, packaging or waste items at any time unless in accordance with a detailed external storage strategy (including details of types of items stored, maximum height of storage above ground level and any mitigation where applicable) first submitted to and agreed in writing by the Local Planning Authority.

*Reason - To ensure the development takes the form envisaged by the Local Planning Authority, in the interests of visual amenity, and to comply with Policy E4 of the North West Leicestershire Local Plan.*

- 30 Notwithstanding the submitted drawings, nor Condition 5 above, the weighbridge as shown on drawing no. A13A49-01-P002 Rev H shall not be installed until such time as details have been submitted to and agreed in writing by the Local Planning Authority. The weighbridge shall be installed strictly in accordance with the agreed details.

*Reason - To ensure the development takes the form envisaged by the Local Planning Authority, in the interests of visual amenity, and to comply with Policy E4 of the North West Leicestershire Local Plan.*

- 31 Notwithstanding the submitted drawings, nor Condition 5 above, no part of the development hereby permitted shall be brought into use until such time as the site access on B6540 Tamworth Road (and as shown generally on drawing no. NTT/2438/100-01 Rev P9) has been provided in full and made available for use in accordance with precise details (including any associated forward horizontal and vertical visibility) first submitted to and agreed in writing by the Local Planning Authority. Once provided the access shall thereafter be so maintained.

*Reason - In the interests of highway safety, to provide adequate site access, and to comply with Policy T3 of the North West Leicestershire Local Plan.*

- 32 No development shall commence on the site (or, in the case of phased development, in respect of the relevant phase) until such time as a construction traffic / site traffic management plan, including wheel cleansing facilities and construction vehicle parking facilities for the site or that particular phase, and a timetable for their provision, has been submitted to and agreed in writing by the Local Planning Authority. Unless any alternative management plan has first been submitted to and agreed in writing by the Local Planning Authority, no development shall be undertaken at any time other than 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 associated with the development does not lead to on-street parking problems in the*

area.

- 33 Notwithstanding the submitted Travel Plan, no part of the development shall be brought into use until details of an updated Travel Plan for that part of the site has been submitted to and agreed in writing by the Local Planning Authority. The updated Travel Plan shall be prepared taking into account the quality of provisions available, including the pedestrian subway, and shall address the travel implications of the use of the whole site as if the development approved were to have been fully completed and occupied. The Plan shall specify facilities and measures with measurable output and outcome targets designed to:
- Reduce single occupancy vehicle use, reduce vehicular travel at peak traffic times and reduce vehicle emissions for journeys made for all purposes to and from the developed site;
  - Increase the choice and use of alternative transport modes for any journeys likely to be made to and from the developed site and, in particular, to secure increases in the proportion of travel by car sharing, public transport use, cycling and walking modes and the use of IT substitutes for real travel; and
  - Manage the demand by all users of the developed site for vehicle parking within and in the vicinity of the developed site.

The Plan shall also specify:

- The on-site Plan implementation and management responsibilities, including the identification of a Travel Plan Co-ordinator;
- The arrangements for regular travel behaviour and impact monitoring surveys and Plan reviews covering a period extending to at least one year after the last unit of development is occupied or a minimum of 5 years from first occupation, whichever will be the longer;
- The timescales or phasing programmes for delivery of the Plan's proposals and for the achievement of the specified output and outcome targets;
- Additional facilities and measures to be implemented if monitoring shows that the Plan's targets are not likely to be met, together with clear trigger dates, events or threshold levels for invoking these measures; and
- Proposals for the regular ongoing monitoring and review of associated targets and measures, together with mechanisms for agreement of those details by the Local Planning Authority

The development hereby permitted shall not be occupied at any time other than in accordance with the approved details (or any alternative Travel Plan first submitted to and agreed in writing by the Local Planning Authority).

*Reason - To ensure that adequate steps are taken to achieve and maintain reduced travel, traffic and parking impacts and to provide and promote use of more sustainable transport choices to and from the site.*

- 34 Notwithstanding the submitted drawings, nor Condition 5 above, no part of the development within that part of the application site edged in red on drawing no. A13A49-P004 Rev F shall be brought into use until such time as a detailed scheme of off-street car and cycle parking to serve that part of the development has been implemented in full in accordance with details first submitted to and agreed in writing by the Local Planning Authority. Once provided the relevant parking provision shall thereafter be so maintained.

*Reason - To ensure that an appropriate level of car and cycle parking is available to serve the development, and to comply with Policy T8 of the North West Leicestershire Local Plan.*

- 35 No part of the development within that part of the application site edged in red on drawing no. A13A49-P004 Rev F shall be brought into use until such time as the whole of the lorry parking to serve that part of the development as shown on drawing no. A13A49-01-P002 has been implemented in full and, once provided, shall thereafter be so maintained.

*Reason - To ensure that an appropriate level of lorry parking is available to serve the development, and to comply with Policy T8 of the North West Leicestershire Local Plan.*

- 36 Unless any alternative timescale is first agreed in writing by the Local Planning Authority, no part of the development shall be brought into use until such time as a scheme of bus stop provision to Tamworth Road (including details of raised and dropped kerbs, information display cases, bus shelters and Real Time Information) has been implemented in full in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

*Reason - In the interests of encouraging use of sustainable modes of travel to and from the site, achieving modal shifts, and reducing car use.*

- 37 Unless any alternative timescale is first agreed in writing by the Local Planning Authority, the development shall not brought into use until such time as a scheme of improvements to public right of ways L91 and L91a between the junction of right of way L91a with Tamworth Road and Long Horse Bridge (including details of resurfacing, signage, gates / access barriers and marker posts as appropriate) has been implemented in full in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

*Reason - To ensure that the development is fully served by high quality non-motorised routes and to promote access to the site by walking and cycling.*

### 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 prior to the application's submission 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 Your attention is drawn to the attached report of the Environment Agency.
- 3 Your attention is drawn to the attached report of the Highways Agency.
- 4 Your attention is drawn to the attached report of Leicestershire County Council's Director of Environment and Transport in respect of highways and transportation matters.
- 5 Your attention is drawn to the attached report of Leicestershire County Council's Principal Ecologist.
- 6 Your attention is drawn to the attached report of National Grid.
- 7 The applicant is advised that information about business support in North West Leicestershire can be obtained from the NWLDC Business Focus Team and website [www.nwleics.gov.uk](http://www.nwleics.gov.uk). In addition, information about business support in Leicester and Leicestershire can be found via <http://www.llep bizgateway.co.uk/> and includes information on starting a business, growing a business, accessing finance, hiring and



training and premises and investing in addition to compliance information via the Better Business for All pages.

- 8 For the avoidance of doubt, all references to phases of development within the conditions above should be construed as being those elements of the development within the two areas of the site indicated on drawing nos. A13A49-P004 Rev F and A13A49-P005 Rev F.
- 9 This decision is in accordance with the resolution of the Planning Committee of 23 June 2015 and is subject to a Section 106 Obligation.