

- One six month bus pass per employee £350 per pass
- A framework travel plan monitoring fee £11,337.50
- National Rail Pedestrian crossing monitoring scheme in line with submitted mitigation strategy
- National Forest off site Planting and green infrastructure scheme

- Planning conditions outlined at the end of this report.

1.2. That the Chief Planning and Development Officer be given powers to determine the final detail of planning conditions.

1.3. That the Chief Planning and Development Officer be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

2. Planning Application Description

2.1. This application is an outline application with access the only detail for approval at this stage. All other matters, apart from access, are reserved for subsequent approval. The proposal is for employment development for storage and distribution uses (Class B8) and General Industrial uses (Class B2) together with ancillary offices and associated infrastructure. The application falls within the administrative areas of Hinckley and Bosworth and North West Leicestershire District Council (NWLDC); however Hinckley and Bosworth Borough Council has no power to determine the application in within the NWLDC area. A separate application for the development proposed within North West Leicestershire has been submitted to NWLDC. Joint working has been undertaken with NWLDC to ensure all issues across boundaries have been considered.

2.2. Whilst some matters are reserved for subsequent approval, a parameters plan has been submitted which shows:

- Max floor area: 120,773 square metres
- Max number of buildings to be developed within the site to be 10
- Max height of roof ridge 20 metres

2.3. The proposed vehicular access would be from Victoria Road (B585), and would be positioned south west of the existing access which serves the Farm. Internal circulation routes through the site are reserved for subsequent approval.

2.4. The application has been accompanied by an Environmental Statement under Regulation 16 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and has been advertised accordingly.

3. Description of the Site and Surrounding Area

3.1. The site is 29.39 hectares and located within the open countryside to the north east of Bagworth, and west of Stanton Under Bardon. The north boundary of the application site is defined by a railway line that serves the quarry at Stanton under Bardon situated to the east of the application site; the railway line follows the curved northern edge of the site.

3.2. To the north of the railway line the site is surrounded by industrial development known as Interlink Bardon Industrial Estate. The application site is currently an operational farm known as Battleflat Lodge Farm which is located centrally within

the application site. An existing public footpath runs through the site from south to north and connects with a large rural footpath network. A belt of woodland planting situated to the north east boundary is protected by an existing Tree Preservation Order. Within the site there are a number of isolated and sporadic trees and existing hedgerows which are not protected by a tree preservation order.

4. Relevant Planning History

None Relevant.

5. Publicity

5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press. Two letters of representation have been received, raising the following concerns:-

- 1) The proposed development would bring an increase in traffic along a poor road.
- 2) The proposal would result in the erosion of green belt
- 3) Lack of provision for forestry and loss of farm
- 4) Erosion of rural and domestic road
- 5) Development should be placed elsewhere

6. Consultation

6.1. No objection, subject to conditions have been received by:

Natural England
Highways England
Environment Agency
Coal Authority
National Forest Company
Severn Trent Water Limited
Ramblers Association
Leicestershire County Council (Ecology)
Leicestershire County Council (Archaeology)
Leicestershire County Council (Highways)
Leicestershire County Council (Flooding) (Lead Local Flood Authority)
Leicestershire County Council (Rights of Way)
Leicestershire County Council (Minerals)
HBBC Environmental Health (Pollution)
HBBC Environmental Health (Drainage)
Leicestershire and Rutland Wildlife Trust
Leicestershire Footpaths Association
HBBC Waste Services
Stanton Under Bardon Parish Council
Bagworth Parish Council

An objection has been raised by HBBC's Tree Officer.

7. Policy

- 7.1. Core Strategy (2009)
- Policy 21: National Forest

- 7.2. Site Allocations and Development Management Policies DPD (2016)
- DM1: Presumption in favour of Sustainable Development
 - DM3: Infrastructure and Delivery
 - DM4: Safeguarding the Countryside and Settlement Separation
 - DM6: Enhancement and Biodiversity and Geological Interest
 - DM7: Preventing Pollution and Flooding
 - DM10: Development and Design
 - DM11: Protecting and Enhancing the Historic Environment
 - DM13: Preserving the Boroughs Archaeology
 - DM17: Highways and Transportation
 - DM18: Vehicle and Parking Standards
 - DM20: Provision of Employment Sites
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2012)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
- Employment Land and Premises Review (July 2013)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area
- Siting Design and Layout
- National Forest
- Highway Considerations
- Developer Contributions and Obligations
- Impact upon neighbouring residential amenity
- Impact upon Drainage and Flood Risk
- Impact upon Ecology
- Land Contamination and Pollution
- Impact upon Archaeological Heritage Assets
- Impact upon trees
- Impact upon public right of way

Assessment against strategic planning policies

- 8.2. Paragraph 11 - 13 of the National Planning Policy Framework (NPPF) states that the development plan is the starting point for decision taking and that the NPPF is a material consideration in determining applications. The development plan in this instance consists of the Core Strategy (2009), and the Site Allocations and Development Management Policies Development Plan Document DPD (SADMP).
- 8.3. Policy DM1 of the SADMP sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay unless materials consideration indicate otherwise.
- 8.4. The application site is situated outside any defined settlement boundaries, and is therefore situated within the countryside. Policy DM4 of the SADMP seeks to

safeguard the countryside from unsustainable development. Policy DM4 identifies several criteria outlining where development in the countryside will be considered sustainable. The policy identifies that development in the countryside will be considered sustainable where proposed development would significantly contribute to economic growth, job creation and/or diversification of rural business; subject to it meeting further detailed criteria.

- 8.5. Paragraph 19 of the NPPF seeks to ensure that the planning system does everything it can to support sustainable economic growth, and that planning should operate to encourage and not act as an impediment to sustainable growth, and confirms that significant weight should be placed on the need to support economic growth through the planning system.

Employment Land Study

- 8.6. The Employment Land Availability Monitoring Statement 2014-2015 identifies that there has been a positive gain of 12.17 hectares of employment land within the rural villages and hamlets, ranging from small scale to large scale proposed at Nailstone Colliery, Wood Road, Nailstone, meeting the requirement of the Core Strategy.
- 8.7. The Employment Land and Premises Review (2013), which is an evidence base document, identifies that there is 'relative scarcity of a range and choice of available developable employment land, due to the domination of the supply by just four sites. The Employment Land and Premises Review also identifies that the Borough Council does not need to allocate additional employment sites and confirms that the forecast provided within the review represents an absolute minimum amount of land required to accommodate the activities of different industry sectors, and therefore there should be a continuing supply to accommodate site development beyond this. The proposed provision of an additional employment site would therefore provide more competition and choice and would continue the supply of employment land within the borough.
- 8.8. Policy DM20 of the SADMP states that the location of a new employment development on a greenfield site, outside the settlement boundary, will only be found acceptable where it is demonstrated that there are no suitable alternative sites identified sequentially in the following locations:
- 1) Within settlement boundaries
 - 2) On previously development land
 - 3) Adjacent to existing employment sites
 - 4) Adjacent to settlement boundaries
- 8.9. Whilst the site is situated outside any settlement boundary, it is situated adjacent to an existing employment site known as Interlink Park, Beveridge Lane, an allocated employment site (Ref: STA20) and is identified within the Employment Land and Premises Review as a category A site, meaning it is a key employment site to be retained. The proposal would effectively extend and expand the adjacent Interlink Park employment site.
- 8.10. The proposed development is for up to 120773 sq.m of B2/B8 floorspace and is therefore considered a strategic proposal requiring a large site. Although indicative, the proposed scale and layout suggests a number of individual units based on market demands in the area. The applicant has demonstrated that the proposal could not be accommodated within existing settlement boundaries, and given the scale of the site would not be possible to be accommodated on any available

previously developed land. It would also be situated adjacent to existing employment sites and there are no other sites suitable or available in this part of Leicestershire. It is therefore considered that the location is acceptable due to the proximity of an existing employment site.

Loss of Agricultural Land

- 8.11. The site includes 10 agricultural fields a total of 26.5 hectares, the remaining land comprises tracks, hardstandings and farm buildings. This development would result in the loss of this agricultural land.
- 8.12. An assessment has been undertaken upon the agricultural quality of the land and has concluded that 100% of the land is sub-grade 3b quality, which is low quality. The NPPF identifies that where significant development of agricultural land is demonstrated to be necessary, areas of poor quality land should be used in preference to higher quality. Due to the issues identified above the development must be situated upon greenfield land and therefore the quality of this land is limited and is a preferable location compared to other greenfield sites which could involve the loss of best and most versatile agricultural land.

Contribution to sustainable development

- 8.13. The NPPF identifies that there are three core strands underpinning the presumption in favour of sustainable development which give rise to the need for planning to perform a number of roles. These considerations are economic, social and environmental. Paragraph 8 of the NPPF sets out that these roles should not be undertaken in isolation because they are mutually dependent. Therefore those roles need to be balanced and a cost benefit analysis undertaken to determine whether a development is considered to be sustainable. The NPPF defines the three dimensions of sustainable development as follows:-

Economic

- 8.14. 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 a minimum of 1300 jobs within the B2 and B8 industries. The site would also provide economic benefits through the construction phase.

Social

- 8.15. The economic benefits associated with the proposed development could, by virtue of the jobs created, encourage new residents and employees to the local area who would in turn support local services and facilities.

Environmental

- 8.16. The site falls within the countryside, Policy DM4 of the SADMP supports development within the countryside where it has been demonstrated that development would significantly contribute to economic growth and job creation, and does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements, does not exacerbate ribbon development, and if within the National Forest contributes to the delivery of National Forest Strategy.

- 8.17. The proposal would result in the loss of agricultural land; however the surrounding area is dominated by employment uses. Whilst the NPPF makes it clear that site of lower environmental quality should be preferred to those of higher value, the applicant has demonstrated during the course of the application that there are no brownfield sites within the Borough of the scale of this proposed development and the proposal would significantly contribute towards economic growth and the creation of jobs. The proposal would result in development outside any defined settlement boundary, as set out in more detail elsewhere within this report, but it would not result in unacceptable impact in terms of the environment, by virtue of its location, close to the existing built up areas of industrial uses and associated services. As such the proposal is considered to be sustainable from an environmental perspective.

Summary

- 8.18. It is considered that the proposal would support economic development and benefit the economy of the immediate area and the Borough as a whole. The proposal is considered to be sustainable economic development which will not have any significant detrimental impact upon the character of the countryside. The development therefore accords with Policy DM1, DM4 and DM20 of the adopted SADMP. Given this context the application is considered to be sustainable and acceptable in principle, subject to all other planning matters being appropriately addressed.

Impact upon the character of the area

- 8.19. As discussed the site in policy terms lies outside of any defined settlement boundaries and therefore within an area designated as countryside. Policy DM4 of the SADMP seeks to resist unsustainable development within countryside locations and seeks to ensure proposals reflect the surrounding character of the countryside, and protect its intrinsic value, beauty and open character.
- 8.20. Within the Landscape Character Assessment 2006, which is an evidence based document, the application site falls within the Forest Hills Character Area. Key characteristics of this area are predominantly rural landscapes with arable and rough set-aside influenced by industrial and urban features. This area is identified as more resilient to change due to the evolving nature of the landscape.
- 8.21. The site comprises agricultural land and farm, with an area of 29.3 hectares situated to the northern edge of the Borough and surrounded by industrial uses and buildings, and quarries. Defining the application sites southernmost boundary is a belt of woodland trees which enclose the application site and are to be retained, to the east north and west a curved railway line. The surrounding land comprises of predominately quarrying, employment and agriculture, and the neighbouring employment buildings and quarrying activity is evident in long distance views from higher ground.
- 8.22. The site comprises of undulating topography with a higher land level to the north east of the site. The belt of woodland along the southern boundary largely restrict views into the site and encloses West Lane/Victoria Road and screens long distance views from the south. The indicative plans seeks to retain the belt of trees to the south of the site and seeks to provide potential footpath and cycle links to the wider employment site to the north reinforced by sympathetic landscaping. The application would also allow for a high quality landscaping scheme to be delivered within the site. This would mitigate the loss of existing trees within the site and

strengthening the existing landscaping along the south boundary. This would provide a continuous green corridor to surround the proposed built form and would relate well to the existing woodland and trees which are present within the wider surrounding area, such as the newly planted national forest area to the south of the brick works.

- 8.23. The proposed employment development would be viewed against the existing built form situated to the north of the site, and would relate to and be read in conjunction with this wider industrial use. The proposed development would result in loss of its current agricultural character, however, in the context of the wider area, which is dominated by industrial uses, it is not considered to have a detrimental impact would be significant. The development therefore considered to be in accordance with Policy DM4 of the SADMP.

Siting, Design and Layout

- 8.24. Policy DM10 of the adopted SADMP requires developments to complement and enhance the character of the surrounding area.
- 8.25. The detailed design, siting, appearance and layout of the scheme are reserved matters however from the indicative scheme submitted a well designed development laid out to minimise impact on the character of the surrounding area and existing pattern of industrial development to the north, east and west can be achieved. Open space and landscaping would be carefully considered as part of any reserved matters submission to ensure that the development would assimilate into its surroundings.
- 8.26. Therefore subject to the detailed layout proposed at reserved matters stage, it is considered that layout could be achieved that would result in a high quality form of development that would accord with Policy DM10 of the SADMP and the NPPF.

National Forest

- 8.27. Core Strategy Policy 21 requires development to contribute towards the delivery of the National Forest Strategy. Developments will be required to reflect the Forest context in their accompanying landscape proposals and shall provide on-site or nearby landscaping that meets the National Forest development planting guidelines. The National Forest has requested that 30% of the site is set for woodland planting and landscaping which would equate to 8.82ha.
- 8.28. The application was supported by the submission of a National Forest Statement, which sets out the proposed approach in delivering and meeting the requirement of Policy 21 of the Core Strategy. It is proposed that the expected woodland planting and landscaping would be met through a combination of bringing existing on site woodlands into management as well as on site planting and off site planting. It is identified by the National Forest that the full 8.82ha may not be provided. However they acknowledge that the ecological connectivity provided by the proposed off-site planting would address the deficiency in quantity on this occasion as it would be unlikely that the National Forest Commission would be able to deliver the connectivity through any other method. This request is for the delivery of woodland planting is considered to be directly, fairly and reasonable related in scale and kind to the development proposed and can be secured through a Section 106 legal agreement.

Highway Considerations

- 8.29. Policies DM17 and DM18 of the emerging SADMP require adequate access and off-street vehicle parking facilities to be provided to serve developments.
- 8.30. Given the scale of this proposal the application has been accompanied by a Transport Assessment. This has taken account of existing traffic conditions, accessibility, and sustainable modes of transport, accidents and vehicular impacts.
- 8.31. The applicant proposes that the site would be accessed via new T junction with a ghost island right turn lane on the B585. West Lane enters Victoria Road which is subject to a 60mph speed limit. The design of the new junction has been submitted as part of the Transport Assessment. Leicestershire County Council (Highways) have considered the application, and whilst a development of this proposed scale would have more than 1 point of access there is limited potential for a second point of access being proposed in the instance. The proposed visibility splay is considered satisfactory and Leicestershire County Council (highways) have no objection to the proposed splays.
- 8.32. Although there have been a number of recorded injury accidents in the area, with the majority resulting in slight injuries, there is no common trend which can be identified for the cause of these accidents. A fatal accident has been recorded at the Wood Road/Station Road junction which is situated to the west of the application site. However it is not considered that this proposal would have an impact on the safety of the junction and would not be made worse by the proposed development. Therefore Leicestershire County Council (Highways) do not object to the principle of the development.
- 8.33. In terms of highway capacity, the impact upon the wider highway network has been investigated within the submitted Transport Assessment. It is forecast that in 2020 with the additional background traffic growth Junctions 1 to 3 along the A511 are likely to operate with some queues/ delays without this development. When the development traffic is added to the local road junctions in the area, although it is acknowledged there would be an increase, it would not be considered severe in the context of Paragraph 32 of the NPPF, subject to mitigation measures to overcome the impact upon the local road network. These mitigation measures are outlined below within the developer contributions and obligations section.
- 8.34. Given the outline nature of the proposed development the internal road layout would have to be considered at the detailed design stage, and would be required to ensure that the internal road layout would not impact upon the external highway network. The applicant has indicated that car parking and cycle provision would be provided in accordance with the guidance set out in the 6C's Design Guide, and indicated that there would be a minimum of 302 HGV parking spaces to be provided on site, which would be in accordance with guidance as set out within the 6Cs Design Guide. However this detail would be secured through the detailed design stage of the application.
- 8.35. In summary, Leicestershire County Council (Highways) has no objection subject to the imposition of planning conditions. The scheme is considered to be in accordance Policies DM17 and DM18 of the adopted Site Allocations and Development Plan Policies DPD and the guidance contained within the NPPF. The development is also not considered to result in a severe highway impact in accordance with Paragraph 32 of the NPPF.

Developer Contributions and Obligations

- 8.36. Policy DM3 of the SADMP identifies that where development will create a need to provide additional or improved infrastructure, amenities or facilities, developers will be expected to make such provision directly or indirectly through the appropriate funding mechanism. Paragraphs 203 and 204 of the NPPF also provides 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 of the proposed development. This wording reflects the tests set out within the Community Infrastructure Regulations 2010.
- 8.37. Developer contributions and obligations have been requested by Leicestershire County Council (Highways). As previously mentioned above, the proposed development due to its size and scale would have wider impacts upon the highway network. It is therefore identified that mitigation measures are required to ensure this does not have a severe impact. In terms of the cumulative impact of this development, Leicestershire County Council (Highways) consider that a contribution should be provided towards improvements of the wider highway network in the area and a contribution of £1,560,640 towards the Coalville transportation infrastructure for accommodating growth is sought. In addition to this obligation the following contributions/obligations are requested by the County Council and are as follows:-
- One Travel Pack per employee, to be provided from first occupation. This can be provided through Leicestershire County Council at a cost of £52.85 per pack. If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which may involve an administration charge.
 - A Framework Travel Plan monitoring fee of £11,337.50 for Modeshift STARS (Sustainable Travel Accreditation and Recognition for School) for website. To enable Leicestershire County Council to provide support to the appointed Travel Plan Co-ordinator, audit annual Travel Plan performance report to ensure that Travel Plan outcomes are being achieved, and to take responsibility for any necessitated planning enforcement.
 - Provision of bus services calling at new bus stops to be agreed with the Local Planning Authority. The proposed bus services shall be scheduled to coincide with the 6am, 2pm and 10pm shift changes seven days a week and the 9am and 5pm office hours five days per week. The bus services shall be operational at 25% occupation of the development, unless an alternative date is agreed in writing by Leicestershire County Council (Highways), and until five years following 50% occupation. Details of the bus services and any amendments are to be submitted to and approved in writing by Leicestershire County Council (Highways). The agreed bus services may be secured through area wide initiatives provided that the minimum service level provision is met. To encourage employees to use bus services as an alternative to the private car.
 - The appointment of a Framework Travel Plan Co-ordinator from commencement of the development until 5 years following the occupation of the last unit. For the effective implementation and monitoring of the Travel Plan submitted in support of the planning application.
 - A construction Traffic Routing Agreement to be submitted to and approved in writing by Leicestershire County Council. During the period of construction, all traffic to and from the site shall use the agreed route at all times. To ensure that all construction traffic associated with the development does not use unsatisfactory roads to and from the site.

- 8.38. Policy DM17 identifies that development should have 'convenient and safe access for walking and cycling to services and facilities' and 'the need to travel will be minimised and the use of sustainable transport modes can be maximised'. The submitted travel plan includes a number of measures designed to encourage sustainable forms of transport. In addition to the footways which will run contiguously with the internal estate roads and green corridors to enable walking and cycling to destinations within the site. It is considered that the request is directly, fairly and reasonable related in scale and kind to the development proposed and can be secured through a S106 legal agreement.

Impact upon Residential Amenity

- 8.39. Policy 10 of the adopted SAMP seeks to ensure that development does not adversely affect the privacy and amenity of neighbouring properties.
- 8.40. The nearest dwellings to the site are located to the south of the application and access from Stanton Lane, at a distance of excess of 100 metres, known as Bramble Wood. The illustrative submission and Design and Access statement seek to provide a robust planting scheme along the southern boundary of the site, and retain the existing belt of trees, through the implementation of a long term management plan. The illustrative submission also indicates that any proposed buildings would be a maximum of 20 metres in height. Given the existing landscaping and the proposed landscaping together with the significant separation distance of any surrounding properties being in excess of 100 metres it is considered that in principle a form of development could be achieved which would not lead to any undue loss of amenity by virtue of any loss of light, dominance or any other residential amenity impacts. Environmental Health (Pollution) have no objection to the proposed development
- 8.41. Subject to further details at the reserved matter stage, it is considered that the development would be in accordance with Policy DM10 of the adopted SADMP with regard to impacts on neighbouring residential amenity.

Impact upon Drainage and Flood Risk

- 8.42. Policy DM7 of the SADMP requires adverse impacts from flood to be prevented and that development should not create or exacerbate flooding and be located away from area of flood risk unless adequately mitigated. The application has been accompanied by a Flood Risk Assessment (FRA) and the scheme has been considered by Leicestershire County Council (Drainage), Environment Agency, Environmental Health (Drainage) and Seven Trent.
- 8.43. The applicant has submitted a Flood Risk Assessment (FRA). The site is located in flood zone 1 (low less than 1 in 1,000 annual probability of flooding). The proposal includes a surface water management strategy to control outflows to a private surface water sewer aligned north to south that passes through the western part of the site, and below ground features, such as modular storage, with surface water run off being limited to existing greenfield rates of 1 in 100 year plus climate change event.
- 8.44. Leicestershire County Council (Drainage) has assessed the information accompanying the application, including the further submission of an addendum to the initial submitted Flood Risk Assessment. Given the outline nature of the application the precise nature and layout of the proposal is to be determined, and the addendum to the Flood Risk Assessment provides the principles of the drainage

scheme, Leicestershire County Council (Drainage) has no objections to the proposal subject to the imposition of conditions. These include the submission of a surface water drainage scheme.

- 8.45. The Environment Agency does not object to the proposal subject to the imposition of a condition relating to the installation of oil interceptors, for surface water draining from areas of hardstanding, prior to being discharged into any watercourses, which is necessary and reasonable to reduce any risk of pollution to the water environment.
- 8.46. Severn Trent Water have confirmed that it has no objections to the proposals subject to the inclusion of a condition for drainage details for surface and foul sewerage to be submitted to and approved in writing.
- 8.47. Therefore it is not considered that the proposal would lead to harm to the quality of groundwater from surface or foul water, and would not cause or aggravate flooding in accordance with Policy DM7 of the SADMP.

Impact upon Ecology

- 8.48. Policy DM6 of the SADMP states that major developments must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. On-site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term.
- 8.49. The application has been accompanied by an Ecology Report. The content of this has been considered by Leicestershire County Council (Ecology), who raise no objections in principle to the development however concerns were raised with regards to further details through a badger survey and the layout must include a 5-10 metre buffer of natural vegetation along the locally important wildlife corridors. Several planning conditions have been recommended.
- 8.50. As the application is for outline with access only the layout of the development is a matter to be determined at a later date and at this point the 5-10 metre buffer can be identified. A badger survey has been submitted and LCC Ecology are content with this report and request a planning condition to require an updated badger survey prior to the commencement of development if it is over a year from the date of the badger survey.
- 8.51. The main habitat of value is the woodland strip to the south east of the site, which is to be retained, the wider site being species poor. Wrapping round the northern perimeters and western perimeters of the site is the railway lines which are locally important wildlife corridors which act as a complimentary wildlife corridor and a clear buffer zone should be provided to protect the corridor. During the course of the application the applicant has submitted a proposal for a natural corridor running along the western and northern parameters of the application site. Additionally there are no protected species on site, however a great crested newt colony is known to exist off-site and therefore precautionary working practices throughout the construction period are necessary.
- 8.52. Given the proposal would involve the demolition of farm buildings which has nesting birds evident a condition is considered necessary to ensure demolition of any buildings and removal of any hedges and trees is carried out outside the bird nesting season. It is also suggested that the open space and sustainable drainage

features should be designed to optimise wildlife value to mitigate any loss of bird habitats, with appropriate planting of native trees and shrubs of value as bird-nesting and feeding habitats. Accordingly, subject to conditions the development would be in accordance with Policy DM6 of the adopted SADMP with regard to biodiversity enhancements.

Land Contamination and Pollution

- 8.53. Policy DM7 of the adopted SADMP seeks to prevent the risk of pollution resulting from development.
- 8.54. The application was submitted with a noise report, Environmental Health (Pollution) have no objection to the principle of the development, however the scheme through the design stage would require this to be revisited, to ensure the development would not result in materially adverse impacts in terms of noise and pollution arising from the site. Given the proposal is indicative a number of conditions are necessary and these include an investigation into the impact on air quality from the proposed development any mitigation measures, imposition of conditions relating to land contamination on site, a scheme for ventilation of the premises, proposed noise attenuation to protect nearby dwellings from noise from the proposed development, an environmental construction management plan, proposed lighting scheme and odour management, prior to any commencement of development on site.
- 8.55. Given the size of development and the range of employment uses there is potential for the storage of oils, fuels or chemicals on site. It is therefore recommended by Environmental Health that a condition is included to ensure that oil interceptors are provided and all surface water shall pass through these before being discharged into any watercourse, soakaway or surface water sewer. This condition is considered reasonable and necessary.
- 8.56. Subject to the conditions, it is considered that the proposed development would be in accordance with Policy DM7 of the SADMP.

Impact upon Archaeological Heritage Assets

- 8.57. Policy DM11 and DM12 of the adopted SADMP seeks to ensure that development proposals shall protect, conserve and enhance the historic environment.
- 8.58. A geophysical survey, field walking, metal detector survey and a Cultural Heritage statement was submitted as part of the Environmental Statement. The Leicestershire and Rutland Historic Environment Records show that the site lies within an area of archaeological interest. There are a number of recorded sites in the vicinity of the application area, including Neolithic flint scatters from Common Hill Wood and Pickering Grange (HER Ref: MLE10590 and MLE10595) approximately 1.5 km to the west, and an Iron age/roman enclosure and roundhouse to the North (HER Ref: MLE10594).
- 8.59. The place name 'Battleflat' is identified on Leicestershire HER as being of post medieval origin (HER Ref: MLE2956). The cultural heritage statement which accompanies the application identified a possible link between the place name 'Battailwonge' or 'Batalyewonge' recorded in 14th century documentary evidence, which may be interpreted as a Saxon derivative meaning 'site of battle'. Field walking and metal detector surveys carried out across the site have not provided strong evidence for archaeology activity within the application area. Geophysical survey of the site indicates the presence of a number of sub surface anomalies

which may be of archaeological origin, which would require further investigation, through intrusive evaluation, in the form of trial trenching.

- 8.60. Given that the geophysical survey and fieldwalking of the site has already been carried out, an effective trial trenching investigation of the development area should provide a 2% sample of the site. Based on the site area of 26.8 hectares this would amount to a total of 5360m² of trenching. This investigation is to be secured by a two stage mitigation scheme. Leicestershire County Council (Archaeology) do not object to the proposal. It seeks further information with regard to the archaeological evaluation of the site. This information can be secured by condition and is considered to be a reasonable approach to ensure that any archaeological remains present are treated appropriately. Subject to the inclusion of this condition the development would not have a detrimental impact upon the understanding of the significance of any heritage asset, and would therefore be in accordance with Policies DM11 and DM12 of the SADMP.

Impact upon Trees

- 8.61. The application has been accompanied by an Arboricultural report considering the impact that the development proposal may have upon the surrounding trees and providing any mitigating measures. The proposed layout has been designed to accommodate the key boundary trees along the southern boundary of the site which run parallel to the B585, and are subject to a Tree Preservation Order. The development would result in the partial removal of one woodland group along the southern boundary for the proposed site access and tree loss has been limited to that which is necessary to enable development, with replacement tree planting to be provided as part of a landscaping plan, with the majority of the loss of trees central to the site, and not protected by way of a preservation order, the key boundary arboricultural features are proposed to be retained and protected during the course of the development.
- 8.62. Concerns have been raised by the Tree Officer concerning the loss of the trees on site which are considered to be veteran trees, especially those that denote existing field boundaries within the site and flank the existing access up to the farm stead of Battleflat. The existing belt of trees and woodland to the south of the application site are subject to an existing Tree Preservation Order and some partial removal of this woodland would be necessary for the access and required visibility splay. The Tree officer agrees that this loss could be mitigated by replacement woodland. However a number of individual trees would be removed which are categorised as mature and over mature. These trees are concentrated to the east of the application site.
- 8.63. Paragraph 118 of the NPPF indicated that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and loss of aged veteran trees found outside of ancient woodland, unless the need and benefits of the development in that location clearly outweigh the loss.
- 8.64. Due the location of the mature trees within the site, options to develop the scheme around the affected trees would render the scheme undeliverable. Given the significant economic benefits this proposal would deliver, the loss of the trees within the application site are considered to be outweighed by the significant economic benefits of the proposal.
- 8.65. The development would provide an opportunity for the inclusion of a well designed landscaping scheme on site, as well as providing off site planting within the National

Forest, providing an important green corridor linking the application site with the wider National Forest. Given the loss of trees any subsequent application should seek to mitigate this loss through the incorporation of a high quality and sympathetically designed landscaping proposal. It is therefore considered that the loss of trees would not provide a reason not to support the proposal given the on site and off site mitigation that could be provided and the significant economic benefits of this development.

Impact upon Public Right of Way

- 8.66. An existing public right of way N50 currently runs through the site from south to north and links in to a wider public right of way N47 which spans the perimeter of the site to the north. The proposal would seek to divert the existing footpath which would be realigned through the site providing a public link and corridor, however given the indicative nature of the application the precise alignment would be fixed at the detailed design stage. Following Consultation with Leicestershire County Council (Public Rights of Way) they have no objection to the proposed diversion, however the construction and surface specification would be subject to a separate consent from Leicestershire County Council.
- 8.67. To the north of the site, the railway line denotes the northern boundary of the application site. The public right of way N50 provides access to a wider footpath network to the north of the application and includes access over the railway line via level crossing. Network Rail has provided comments in respect of the application, which would likely result in the increased use of the level crossing with more people walking to the site for work, given the wider connectivity to the north of the application site. Network Rail have therefore requested that such impacts upon the level crossing is required to be monitored following the completion of the development and any arising mitigating safety improvements to the level crossing are agreed and carried out following any subsequent monitoring. The applicant has provided during the course of this application a monitoring proposal which includes the agreement of a single one off payment to £10,000 to be paid to Network Rail towards implementing improved safety measures at this crossing. The sum would be time limited, and if following monitoring is not required or spent within a defined period of full occupation would be returned. This would be secured through Section 106 agreement.

9. Equality Implications

- 9.1. Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-
(1) A public authority must, in the exercise of its functions, have due regard to the need to:
(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3. There are no known equality implications arising directly from this development.

10. Conclusion

- 10.1 It is considered that the scheme provides significant economic benefits which would outweigh the harm to the countryside, the scheme is considered to comprise sustainable development adjacent to an existing category 'A' employment site, and due to the size and scale of the proposed development the applicant as demonstrated there are no other suitable alternative sites. The application has demonstrated that it meets the requirement as set out by the Core Strategy and the Site Allocations and Development Management Plan Policies DPD. The proposal therefore accords with the provisions of the Development Plan, specifically Policy CS21 of the Core Strategy and Policies DM1, DM3, DM4, DM6, DM7, DM10, DM11, DM13, DM17, DM18 and DM20 of the SADMP.
- 10.2. Potential environmental effects arising from this development have been appropriately addressed and it is considered that with appropriate mitigation the proposal would not have a detrimental impact upon the highway network, ecology, neighbouring residential amenity, flood risk, land contamination and pollution and contributions to the National Forest. Appropriate matters can also be further considered at the reserved matters stage. This outline application is therefore recommended for approval subject to conditions and appropriate contributions and obligations being secured through a legal agreement.

11. Recommendation

11.1. Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
 - Highways-
 - Coalville transportation infrastructure strategy contribution £1,560,640
 - Provision of new bus service
 - One travel pack per employee £52.85 per pack from first occupation
 - One six month bus pass per employee £350 per pass
 - A framework travel plan monitoring fee £11,337.50
 - National Rail Pedestrian crossing monitoring scheme in line with submitted mitigation strategy
 - National Forest off site Planting and green infrastructure scheme
- Planning conditions outlined at the end of this report.

11.2. That the Chief Planning and Development Officer be given powers to determine the final detail of planning conditions.

11.3. That the Chief Planning and Development Officer be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

11.4. Conditions and Reasons

1. An application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than 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 51 of the Planning and Compulsory Purchase Act 2004.

2. Approval of the following details (hereinafter called "reserved matters") shall be obtained from the local planning authority in writing before any development is commenced:
 - a) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development.
 - b) The scale of each building proposed in relation to its surroundings.
 - c) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
 - d) The landscaping of the site including the provision of treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

Reason: This planning permission is submitted in outline form only and the reserved matters are required to be submitted in accordance with the requirements of Part 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

3. The proposed development shall be carried out strictly in accordance with the following plans deposited with the Local Planning Authority on 18 December 2016, unless otherwise required by a condition of this permission:

Site location plan (30751-PL-101)
LPA boundary plan (6756-L-06)
Parameters plan (30751-PL-102B)
Access junction layout (ADC1231/001 Rev E)
Proposed footway provisions (ADC1231/002 Rev A)

Reason: To define the terms of the reserved matters and for the avoidance of doubt, in the interests of proper planning.

4. Notwithstanding Conditions 1 and 2 above, the first reserved matters application shall include a masterplan for the whole of the site setting out indicative details of site layout, areas of open space, landscaping / National Forest planting, density parameters and scale, as well as details of any proposed phasing of development. The masterplan shall accord with the principles of the submitted Design and Access Statement. All subsequent reserved matters applications shall be in accordance with the approved masterplan unless any alteration to the masterplan is first agreed in writing by the Local Planning Authority. All development of the site shall thereafter be undertaken in accordance with the agreed phasing and timetable details (or any alternatives subsequently agreed in writing by the Local Planning Authority).

Reason: To ensure that the development of the site (including where undertaken in a phased manner) takes place in a consistent and comprehensive manner and to ensure a high quality scheme is development in accordance with the design principles of the development to accord with Policy DM4 and DM10 of the adopted Site Allocations and Development Management Plan Document.

5. 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 as set out in the Environmental Statement, 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

6. No development shall commence on the site until such time as a Design Code for the entirety of the site (based upon, and according with, the general principles set out in the Design and Access Statement) has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed details, or in accordance with any amendment to the Design Code subsequently agreed in writing by the Local Planning Authority.

Reason: To ensure an appropriate form of design, and to comply with Policy DM4 and DM10 of the adopted Site Allocations and Development Management Plan Document.

7. Notwithstanding the submitted details, nor Condition 6 above, no development shall commence on the site until such time as a surface water drainage scheme has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include:

- The utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality;
- The limitation of surface water run-off to equivalent greenfield rates;
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations;
- The responsibility for the future maintenance of drainage features;
- Full details for the drainage proposal (including but not limited to, headwall details, pipe protection details, long sections and full model scenarios for the 1 in 1, 1 in 30 and 1 in 100 year plus climate change events);
- Details of any discharging of surface water to sewers (including the discharge modelled as surcharged for all events above the 1 in 30 year event); and
- A timetable for its implementation

The scheme shall thereafter be fully implemented and subsequently maintained in accordance with the agreed details and timing / phasing arrangements.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water the site in accordance with Policy DM7 of the adopted Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document 2014, and in the interests of ensuring the safety, operations needs and integrity of the railway.

8. Notwithstanding the submitted details, nor Condition 6 above, no development shall commence on the site until such time as a scheme of foul drainage (and including a timetable for its implementation) has been submitted to and agreed in

writing by the Local Planning Authority. The scheme shall thereafter be fully implemented and subsequently maintained in accordance with the agreed details and timing / phasing arrangements.

Reason: To ensure that the development is provided with a satisfactory means of foul drainage, to reduce the risk of creating or exacerbating a flooding problem, to minimise the risk of pollution, and in the interests of ensuring the safety, operational needs and integrity of the railway, to accord with Policy DM7 of the adopted Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document 2014.

9. Notwithstanding the submitted details, nor Condition 6 above, the first reserved matters application in respect of the development (or, in the case of phased development, the first reserved matters application in respect of the relevant phase) shall be accompanied by full details of all measures proposed in respect of the enhancement of the biodiversity of the area, including proposals in respect of future maintenance and a timetable for the implementation of the relevant measures. The development shall thereafter be undertaken and occupied in accordance with the agreed measures and timetable unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the development contributes to enhancement and management of biodiversity of the area to accord with Policy DM6 of the adopted Hinckley and Bosworth Site Allocations and Development Plan Document 2014.

10. No development shall take place within each phase of development, until a Construction Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall set out the overall strategies for:

- a) The means of access and routing for demolition/ ground work and construction traffic
- b) The parking of vehicles of site operatives and visitors
- c) Loading and unloading of plant and materials
- d) Storage of plant and materials used in constructing the development
- e) Location of Contractor compound(s)
- f) Wheel washing facilities
- g) Management of surface water run-off including details of any temporary localised flooding management system and a scheme to treat and remove suspended solids from surface water run-off during construction
- h) Temporary highway works
- i) Prevention of impact to existing and proposed residents from dust, odour, noise, smoke, light and land contamination during construction
- j) Details of how the above will be monitored and a procedure for the investigation of complaints.

The approved CEMP shall be adhered to throughout the construction period for that phase of development to which it relates.

Reason: To ensure appropriate mitigation for the impacts caused by the construction phases of the development and to reflect the scale and nature of development in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

11. With the exception of any works associated with the formation of the accesses and highway network connections as shown in ADC Drawing No. ADC1231_001 Rev H no development shall commence on the site until such time as the site accesses shown in in ADC Drawing No. ADC1231_001 Rev H has been provided in full and is available for use by vehicular traffic.

Reason: To provide vehicular access to the site, including for construction traffic and in the interests of highway safety Policy DM17 of the Site Allocations and Development Management Policies.

12. No part of the development shall be occupied until such time as pedestrian improvement works to tie in with existing pedestrian infrastructure are delivered to the satisfaction of the Local Planning Authority in accordance with ADC Drawing no 1231_002 Rev A.

Reason: To provide access to the site for pedestrians from public transport services in the area, and to ensure adequate steps are taken to achieve and maintain reduced travel, traffic and parking impacts and to encourage the use of more sustainable transport choices to and from the site, in accordance with Policy DM17 of the Site Allocations and Development Management Plan Document.

13. No part of the development hereby permitted shall be brought into use until such time as a scheme of mitigation measures at the Beveridge Lane/ Whitehill Road/ Midland Road/ Ibstock Road double-mini-roundabout junction in Ellistown has been undertaken and implemented in full in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate steps are taken to mitigate the vehicular impact of the development in accordance with Policy DM17 of the Site Allocations and Development Management Plan Policies DPD.

14. Notwithstanding the submitted Framework Travel Plan prior to first occupation, a list of measures to promote sustainable travel and their timetable for implementation shall be submitted to the Local Planning Authority and approved in writing.

Reason: To ensure that adequate steps are taken to provide a choice in mode of travel to and from the site to accord with Policy DM17 of the Site Allocations and Development Management Policies DPD.

15. If any vehicular gatehouses, access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 60 metres behind the highway boundary and shall be hung so as not to open outwards.

Reason: To enable sufficient space for vehicles to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway to accord with Policy DM17 of the Site Allocations and Development Management Policies DPD.

16. Prior to first use of the development hereby permitted, the existing vehicular access to Battleflat Lodge Farm that becomes redundant as a result of this proposal shall be closed permanently and the existing vehicular crossings reinstated in accordance with a scheme that shall first have been submitted to and approved by the LPA in consultation with the Highway Authority.

Reason: To reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD.

17. No works shall be undertaken within 20 metres of the existing railway identified on the submitted plans, unless in accordance with a method statement for the works first submitted to and agreed in writing by the Local Planning Authority in consultation with Network Rail.

Reason: In the interests of ensuring the safety, operational needs and integrity of the railway

18. No work shall commence on site until such time as precise details of all measures designed to prevent unauthorised and / or accidental vehicular or pedestrian access onto the adjacent railway (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, and the agreed measures shall thereafter be so maintained.

Reason: In the interests of ensuring the safety, operational needs and integrity of the railway.

19. No development (including any associated demolition) shall commence on site until such time as a programme of archaeological mitigation, informed by an initial phase of trial trenching and including provision for historic building recording, has been detailed within a Written Scheme of Investigation first submitted to and agreed in writing by the Local Planning Authority. The scheme shall include:

- An assessment of significance and research questions;
- The programme and methodology of site investigation and recording;
- The programme for post-investigation assessment;
- Provision to be made for analysis of the site investigation and recording;
- Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- Provision to be made for archive deposition of the analysis and records of the site investigation;
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation; and
- A timetable for its implementation

No development (including any associated demolition) shall take place on the site at any time, nor shall the development be occupied at any time, other than in accordance with the agreed Written Scheme of Investigation and timetable.

Reason: To ensure satisfactory archaeological investigation and recording in accordance with Policy DM13 of the Site Allocations and Development Management Policies DPD.

20. No site works of any description in respect of the formation of the vehicular access and associated visibility splays as shown on drawing no. ADC1231/001 Rev E shall take place on the site at any time unless all tree protection fencing as shown on inset nos. 4, 5 and 6 of drawing no. D15-1682 Rev v2 (within the amended Lockhart Garratt Arboricultural Report (ref. 15-1723 3872 01, version 5,

dated April 2016)) within 10 metres of any part of the access or its visibility splays is erected in accordance with details 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: The trees are an important feature in the area and this condition is imposed to make sure that they area properly protected while building works take place on the site in accordance with Policy DM and DM10 of the adopted Site Allocations and Development Management Policies.

21. No development shall commence, in any phase, unless and until such time as a scheme for the investigation of any potential land contamination on that phase has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To protect future users of the land from land contamination in accordance with adopted Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document.

22. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To protect future users of the land from land contamination in accordance with adopted Policy DM7 of the Site Allocations and Development Management Policies Development Policies Document.

23. Before the commencement of development, a scheme for protecting nearby dwellings from noise from the proposed development should be submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be carried out and completed before first use of the development.

Reason: To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of noise to accord with Policy DM10 and DM7 of the Site Allocations and Development Policies Document.

24. Details of any external lighting on site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area, the environment and local residents from nuisance from artificial light to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies Plan.

25. No development shall commence until a scheme for protecting nearby dwellings from odour from the proposed development has been submitted to and approved by the Local Planning Authority. All works which form part of the scheme shall be completed before first use of the development.

Reason: To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of odour to accord with Policy DM7 of the Site Allocations and Development Policies Document.

26. No development shall commence until an investigation into the impact on air quality from the proposed development and any identified mitigation measure have been submitted to and approved in writing by Local Planning Authority. The identified mitigation measures shall be completed before first use of the site.

Reason: To ensure the development does not have an adverse impact upon the air quality within the surrounding area to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies Plan.

27. Surface water draining from areas of hardstanding shall be passed through an oil interceptor or series of oil interceptors, prior to being discharged into any watercourse, soakaway or surface water sewer. The Interceptor(s) shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained.

Reason: To protect the water environment and to ensure compliance with Policy DM7 of the Site Allocations and Development Management Policies Plan.