



DEVELOPMENT CONTROL AND REGULATORY BOARD

13TH DECEMBER 2001

**REPORT OF THE ACTING DIRECTOR OF PLANNING AND
TRANSPORTATION**

**APPLICATION UPON WHICH THE COUNTY PLANNING AUTHORITY
IS CONSULTED BY THE DISTRICT COUNCIL**

**EAST MIDLANDS DEVELOPMENT AGENCY – PROPOSED RESIDENTIAL AND
INDUSTRIAL DEVELOPMENT, LAND OFF THORNBOROUGH ROAD,
COALVILLE (NORTH WEST LEICESTERSHIRE DISTRICT)**

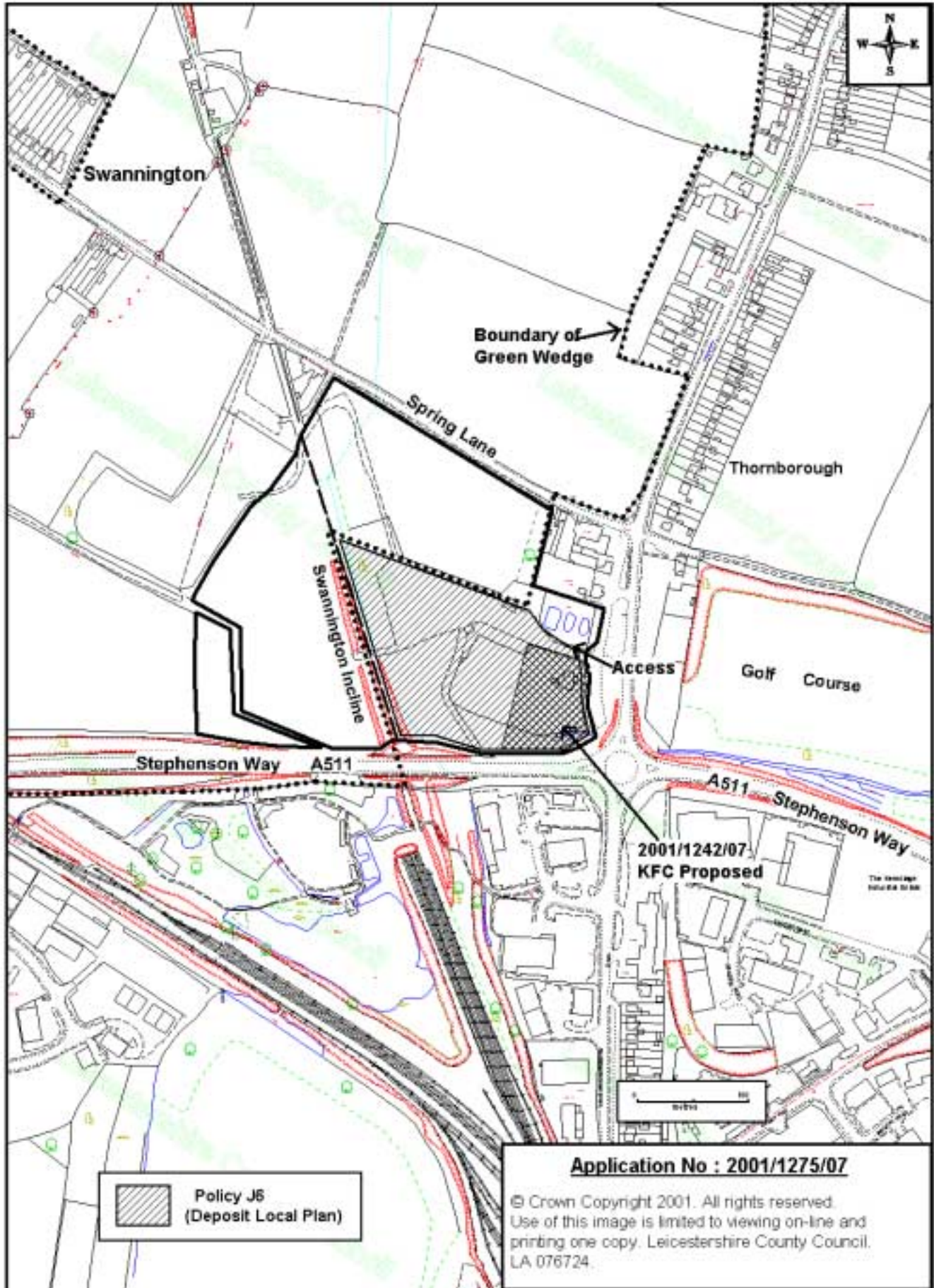
2001/1275/7 – Received by L.C.C. on 16th October 2001

Background

1. North West Leicestershire District Council has consulted the County Planning Authority (CPA) on this proposal for its formal views in the context of strategic planning policies for the area, its previous representations on the district-wide Deposit Local Plan and the relationship to former mineral operations in the immediate area.
2. The application represents a departure from the development plan. In the event of the District Council being minded to approve the proposal or the Secretary of State calling in the application for his own decision, he will wish to be advised of the formal views of the County Planning Authority.

Planning History

3. The application site was included within an approved coal stocking area for the National Coal Board, together with adjoining land to the west and south-west (ref. no. 80/1178/7), granted in June 1982. The 1982 consent was subject to conditions and a legal agreement that the application site, together with adjoining land previously used for coal stocking since the 1940's, should be restored to 'agricultural or other beneficial use'.
4. The agreed scheme provided for restoration of much of the application site within 12 months of the cessation of operations and the adjoining area within 12 months of the date of the consent. The permitted site included the operational plant and access from Thornborough Road to the east of the disused railway, being the central portion of the current application site. The area adjacent to Spring Lane (north part of the current site) was shown on the restoration scheme to be top soiled and seeded.



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5. The original consent allowed for stocking of coal raised at Snibston Colliery only and for a temporary period of 5 years. It was subsequently modified to permit the importation of a limited amount of coal for blending purposes.
6. The subsequent construction of the Coalville Relief Road (Stephenson Way) divided the coal stocking site, with the area to the south of the new road restored to a nature reserve by North-West Leicestershire District Council. The restoration of the remaining area to the north of the road was undertaken in the early 1990's, but the area off Spring Lane, whilst seeded, retains a semi-derelict appearance.
7. Over the intervening period, the site of the Swannington Incline has been opened up as a recreational facility off Spring Lane, with footpath links to the nature reserve on the south side of Stephenson Way and inclusion in the mining heritage trail.
8. A recent proposal was submitted by Birch Developments for a range of different options on the current application site (ref. no. 99/0121/7), including A3 (food and drink); B1 (offices, etc); B2 (industrial); B8 (storage); C1(hotel); C2 (residential institute); D1(non-residential institute); D2 (leisure and assembly), and car showroom/workshops. The B1/B2/B8 area would have covered about 75% of the site, with the remaining options on that portion fronting the Thornborough Road/Stephenson Way junction.
9. At that time, the County Planning Authority objected to the submitted proposals as being premature to the proper consideration of the Inspector's report into the Local Plan and any subsequent modifications to the Plan. The proposal was considered to be contrary to policies of the Structure Plan in regard to the Green Wedge, inappropriate industrial/employment uses, and previous restoration objectives following mineral activities on parts of the site.
10. It was recommended to the District Council that there might be scope for a comprehensive approach to the whole site without compromising the current allocations in the Deposit Local Plan, following further consideration of the Inspector's report. (see below). It was suggested that a substantial woodland planting scheme be included on the northern portion of the site, within the objectives for the green Wedge and National Forest. This previous application was not formally determined by the District Council.

Description of Proposal

11. The application site extends to some 8.64ha on the west side of Thornborough Road, on land between Stephenson Way (A511) and Spring Lane. The south-east portion of the site is occupied by a long-established scrap yard, situated on lower lying ground behind a mature boundary hedgerow. The remainder of the site forms part of the redundant coal stocking yard and is generally overgrown. There is a 7m high hedgerow with trees along the north side (Spring Lane frontage) and mature vegetation to the Stephenson Way frontage on the south side.

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12. The disused railway track to the west now provides part of the heritage trail between Swannington Incline and the town, passing between high boundary hedgerows. Along the Thornborough Road frontage, but beyond the site itself, there is a pocket of established development including a public house, dwelling, and car sales showroom. Another pocket of residential development exists on the Spring Lane frontage, with open countryside beyond to the north side.
13. The application site is approximately 800m from the town centre (Memorial at the crossroads of Ashby Road/Belvoir Road/Thornborough Road). In this direction there is commercial and industrial development to the west side of Thornborough Road and mixed commercial/residential development to the east.
14. The application is submitted in outline form and accompanied by a **supporting statement** (including master plan), although this provides little detail of the scale, design, appearance and layout of the proposed development. About 5.3ha of the site is identified for development, for (i) the provision of a new campus for Stephenson College (from Bridge Road in the town centre) and (ii) the erection of a fast food restaurant, both served by a new access road off the Thornborough Road.
15. The supporting statement implies that detailed applications will be submitted for the two separate elements of the scheme, at the same time as this outline proposal. However, no such application has been received in regard to the College development. It also implies that a transportation impact assessment will be undertaken and that a Green Travel Plan will accompany the subsequent detailed application for the College.
16. A concurrent detailed application has been submitted for the erection of the Kentucky Fried Chicken (KFC) outlet included in the scheme on an area of 0.44ha at the junction of Stephenson Way and Thornborough Road (ref no. 2001/1242/7). This provides for the erection of a single-storey fast-food restaurant (237 sq. m.) and 'drive-thru', built in the company's 'house' design and layout. 40 car parking spaces and service roads are included in the detailed scheme, linking to the new access road. The submitted plans indicate that a 10m high illuminated sign be erected on the A511 frontage, with low level (<1m high) landscaping to both road frontages.
17. The 'master plan' identifies a 10m wide woodland planting belt along the Spring Lane boundary and a landscaped area to the Stephenson Way frontage. Existing vegetation along the line of the railway embankment will be retained and enhanced. That part of the application site to the west of the railway embankment is to be retained as undeveloped within the Green Wedge.
18. The supporting statement also deals with ecological and archaeological issues. Part of the site (south of the Jolly Colliers public house) is populated by great crested newts; it is intended to relocate them to a new habitat on the west side of the railway embankment. Japanese Knotweed on the site will be eradicated and transferred as controlled waste to deep landfill. The industrial archaeology of the Swannington Incline will be safeguarded from development.

Planning Policy

National Policy Guidance

19. Planning Policy Guidance Note 1 (PPG1) deals with General Policy and Principles. It includes advice on the primacy of the development plan in the determination of planning proposals, in the context of Section 54A of the 1990 Act. It sets out the Government's advice on prematurity and provides that development proposals should not be determined in advance of the formal local plan process, unless it would not prejudice the likely intentions of the plan.
20. PPG1 also promotes forms of sustainable developments to meet future housing and employment requirements. Urban regeneration and the reuse of previously developed land help to create a more sustainable pattern of development, especially if those uses which generate a large number of trips are placed in central locations, well served by public transport.
21. PPG13 (Transport) was published in March 2001 and sets out the Government's intentions to secure an integrated land use-transportation policy that reduces the growth in use of the private car and encourages alternative means of transport. It applies the concept of a sequential approach to the location of new development, including educational and leisure facilities. Those uses that generate significant numbers of journeys should be directed to locations that provide for sustainable means of travel, accessible by public transport, and non-car modes.

Strategic Policy Considerations

22. The approved Structure Plan for Leicestershire sets out the overall strategy for development in the County between 1991 - 2006. Strategy Policy 1 sets out the overall intentions for development and provides that (inter alia):
 - most new development is located where a realistic choice of transport is or will be available; and
 - the reuse of derelict, vacant and underused land and buildings within and adjoining the built-up area is maximised.
23. *Strategy Policies 2 and 3* provide that major new development should be allocated within and adjoining urban areas and in locations which offer a choice of transport along specified corridors. In the District area, this includes sites adjoining the urban area of Coalville and Ashby and along the transport choice corridor of the Ivanhoe railway line.
24. *Strategy Policy 7* identifies the former coalfield area of North-West Leicestershire as a 'Priority Area for regeneration and redevelopment. Measures will be focused on the economic and environmental improvements, including the restoration and re-use of derelict and vacant/under-used land and buildings (also reflected in *Environment Policy 13* of the Plan).

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25. *Environment Policy 3* seeks to protect the open and undeveloped character of the Green Wedges (including the area between Coalville, Whitwick and Swannington. In this area, it is intended that new development should be restricted to appropriate agricultural, forestry, recreation, transport, and mineral activities, so long as they do not damage the character of the area.
26. *Environment Policy 12* sets out the objective for the National Forest. Where proposals are made for new buildings, significant structures or other operations, they are required to include proposals that create an appropriate woodland setting. All substantial proposals are required to reflect the Forest context in their landscaping and planting schemes.
27. The Draft Replacement Structure Plan (1996-2016) was placed on deposit in May 2000 and the subsequent Examination in Public (EIP) took place in June-July 2001, including consideration of the pre-EIP changes put forward by the LPA's. The Panel's report was published in September and is currently under consideration by the participating Authorities. It is anticipated that Modifications to the Plan will be published in Spring 2002.
28. The overall strategy of the Plan (as set out in *Strategy Policy 1*) seeks to promote a sustainable form of development by integrating land use and transportation, to reduce the need to travel or use the private car.
29. The locational policies of the Plan (*Strategy Policies 2 and 3*) provide for the vast majority of new development to be concentrated within and adjoining the main urban areas. A sequential approach is set out, whereby priority is given to development in and around the urban centres, and then other urban locations well served by alternative forms of transport.

Local Plan considerations

30. The Coalville Area Local Plan (adopted 1979) does not include the application site within the limits of development, but identifies it to be within an area where development would not normally be granted. This Plan was prepared in the context of the earlier Structure Plans and is now well out of date.
31. The Draft Local Plan for North West Leicestershire was placed on deposit in February 1995 and was the subject of an extensive public inquiry (Autumn 1996 – Spring 1997). The District Council has considered its responses to the Inspector's report and published its Modifications to the Plan. Adoption of the Plan is deferred, pending consideration of issues relating to a regional storage and distribution centre at Castle Donington. In the meantime, it is understood that the remainder of the Plan will be treated as the agreed intentions of the District Council for development control purposes.
32. The application site is subject to a specific *Policy J6*, which covers the southern portion of the site. It identifies this land as having considerable potential for a prestigious development in an attractive 'edge of town' location. A high standard of development and landscaping is demanded. The policy provides for 'a prestigious building of high architectural quality set in extensively landscaped grounds, for one of the following uses, namely food and drink (A3); Business

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(B1); hotel (C1); residential institution (C2); non-residential institution (D1); or leisure and assembly (D2). Other uses will not be permitted.

33. Development for these purposes is subject to the provisos that:
- It is comprehensive and not piecemeal;
 - The railway embankment along the west boundary is maintained;
 - Vehicular access is taken from Thornborough Road, including a right turning lane; and
 - Substantial landscaping is provided along the boundaries of the site.
34. The northern portion of the site is identified as being within the Green Wedge between existing ribbon development along Thornborough Road (Whitwick/New Swannington) and Swannington village to the west. *Policy E20* of the Plan states that development will not be permitted if it would adversely affect or diminish the open and undeveloped character of the Green Wedge.
35. The site is also within the National Forest area, in which it is intended that any new built development should be subject to the relevant planning guidelines, to achieve an appropriate Forest setting. *Chapter 14* of the Plan sets out the relevant policies, but makes it clear that the achievement of Forest-related planting should not, in itself, be seen as a reason to allow development.
36. Policy J6 of the Local Plan was the subject of representations at the local plan inquiry by British Coal (as site owners), on the basis that the allocated site should be extended to cover the whole of the current application site back to Spring Lane. Despite the District Council's views, the Inspector concluded that the area in question exhibits a scrubland appearance due to remnants of the previous use. He thought that the frontage land to Spring Lane could be treated as 'rounding off' between two pockets of development.
37. Subject to limitations on the height, scale, and mass of any buildings, he concluded that the development of the whole site would neither adversely affect the character and appearance of the locality, nor prejudice the objectives of the Green wedge for the adjoining area.
38. He recommended that the objection site be included in Policy J6 and the Plan be amended accordingly. Furthermore, he did not consider that any exceptional boundary treatment be required on the site, beyond that which might be achieved by normal planning conditions. However, he still recommended that the concept of comprehensive development with 'a prestigious building of high architectural quality, set within extensively landscaped grounds' be retained on the extended policy area.
39. The District Council has not chosen to make any amendments to the Local Plan in regard to Policy J6, and it does not form the subject of any proposed changes or modifications to the Plan.

Highway Considerations

40. At this time the highway response to the local planning authority has not yet been formulated, as there is insufficient information submitted with the application. A transport assessment (TA) has been requested and no highway comments will be made until such an assessment is submitted and its contents fully considered. There are initial reservations that the proposal is not consistent with PPG13 and will encourage pedestrian and cycle movements across the busy strategic road A511.

Assessment

41. The submitted application needs to be assessed against the relevant national, strategic and local plan policies, particularly Policy J6 of the emerging Local Plan. The application site is within a *general* location for transport choice in terms of the approved Structure Plan (i.e. adjoining the built up area of Coalville). However, the accessibility of the site to alternative means of transport needs to be measured in more specific terms, in the context of criteria in the Structure Plan Explanatory Memorandum.
42. The site is approximately 800m from the edge of the town centre, but is not well placed for regular bus services, cycles routes and pedestrian links to the centre. The degree of 'accessibility' should be determined by a transport assessment, which has not yet been prepared. In the absence of such evidence, there must be doubts about the suitability of the site for a replacement College and the practicality of any measures that would make it more sustainable.
43. Similarly, the latest Government advice in PPG13 stresses the importance of more sustainable forms of development, accessible to alternative means of travel. It emphasises the need to exercise a sequential approach to all forms of development, especially those that generate a large number of journeys.
44. The proposed uses fall within the range of definitions set out in the Local Plan (i.e. A3 food and drink; D1 non-residential institutional). Whilst such uses would appear to meet the intentions of Policy J6 *in principle*, the policy identifies the specific intention to achieve a 'prestigious development', with a high standard of design and 'substantial' landscaping. Without details of the proposed College development, there is no evidence that such objectives will be achieved.
45. The site is within the National Forest and any new development proposals should be subject to appropriate levels of on-site and/or off-site planting (e.g. 5x the footprint of built areas on site or 10x the footprint off-site). The landscaping proposals in the submitted 'master plan' do not confirm that the appropriate standards will be met. Similarly, the detailed application for the KFC outlet implies that much of the road frontages to the site will be 'opened up' without the intended landscape setting.
46. In the context of the local plan Inspector's conclusions on Policy J6, the previous objections of the CPA to the extension of the site into the Green Wedge on the east side of the railway embankment would be difficult to sustain. Even though the Local Plan policy has not been modified to take his views on board, it would

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be difficult for the District Council to ignore his conclusions. Subject to the details of the scheme it may be possible to secure an appropriate planting regime on this area (the Spring Lane side of the site). However, no built development should take place on the west side of the embankment.

47. In the circumstances, it is considered that, whilst the general principle of development is acceptable, there must be serious concerns for the nature and form of the proposals. Without additional information on the size, layout and setting of the proposed buildings, it is not possible to determine the impact of the proposal. In particular, the relocation of Stephenson College represents a potentially travel-intensive form of development, which needs to be thoroughly assessed for its sustainable transport implications.

Recommendations

Cabinet be recommended to forward the following views on behalf of the County Council as strategic planning authority:

North West Leicestershire District Council be advised that the County Planning Authority has no strategic objection to *the principle* of development of that part of the application site, to the east of the disused railway embankment, in the context of the approved Structure Plan, the relevant Policy J6 the emerging Local Plan, and the Inspector's finding on this policy. However, there are *strong reservations* regarding the nature, form and type of development set out in the submitted application, namely:

- (i) Without the relevant evidence of a transport assessment, it is not possible to determine whether this particular development – especially the proposed replacement Stephenson College – meets national and strategic objectives for sustainable forms of development. Such development should be directed to locations that enjoy a high level of transport choice, highly accessible by alternative means of transport.
- (ii) The submitted application provides inadequate information on the form, design and layout of the proposed development. There is little evidence that the development will provide for 'a prestigious building of high architectural quality set in extensively landscaped grounds', as required by Local Plan Policy J6. Similarly, it is not possible to determine the visual and traffic impact of the development without further details.
- (iii) There are concerns that the details incorporated in the concurrent proposal by KFC Ltd do not achieve the appropriate structural landscape setting for the site;
- (iv) The submitted proposals do not appear to meet the objectives for planting within the National Forest area, as set out in the relevant guidance. Further evidence of the scale and location of such planting is required.

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Circulation Under Sensitive Issues Procedures

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DEVELOPMENT CONTROL AND REGULATORY BOARD

The considerations set out below apply to all preceding applications.

EQUAL OPPORTUNITIES IMPLICATIONS

Unless otherwise stated in the report there are no discernible equal opportunities implications.

IMPLICATIONS FOR DISABLED PERSONS

On all educational proposals the Director of Education and the Director of Property will be informed as follows:

Note to Applicant Department

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person's Act 1970 and the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984.

You are advised to contact the County Council's Assistant Personnel Officer (Disabled People) if you require further advice on this aspect of the proposal.

BACKGROUND PAPERS

Unless otherwise stated in the report the background papers used in the preparation of this report are available on the relevant planning application files.

SECTION 54A OF TOWN AND COUNTRY PLANNING ACT 1990

Members are reminded that Section 54A of the 1990 Act requires that:

"Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise."

Any relevant provisions of the development plan (i.e. the Structure Plan or any approved Local Plans) are identified in the individual reports.

The circumstances in which the Board is required to "have regard" to the development plan are:

Section 70(2) :	determination of applications;
Section 77(4) :	called-in applications (applying s. 70);
Section 79(4) :	planning appeals (applying s. 70);
Section 81(3) :	provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991);
Section 91(2) :	power to vary period in statutory condition requiring development to be begun;
Section 92(6) :	power to vary applicable period for outline planning permission;
Section 97(2) :	revocation or modification of planning permission;
Section 102(1) :	discontinuance orders;
Section 172(1) :	enforcement notices (the phrase occurs also in the new s. 172 which is substituted by the Planning and Compensation Act 1991, but not in the new provisions relating to planning contravention notices (new s. 171C) and breach of condition notices (new s. 187A);
Section 177(2) :	Secretary of State's power to grant planning permission on enforcement appeal;
Section 226(2) :	compulsory acquisition of land for planning purposes;
Section 294(3) :	special enforcement notices in relation to Crown land;
Sched. 9 para (1) :	minerals discontinuance orders.