

Meeting	PLANNING COMMITTEE
Time/Day/Date	4.30 pm on Tuesday, 3 November 2015
Location	Council Chamber, Council Offices, Coalville
Officer to contact	Democratic Services (01530 454512)

All persons present are reminded that the meeting may be recorded and by attending this meeting you are giving your consent to being filmed and your image being used. You are kindly requested to make it known to the Chairman if you intend to film or record this meeting.

The Monitoring Officer would like to remind members that when they are considering whether the following items are exempt information under the relevant paragraph under part 1 of Schedule 12A of the Local Government Act 1972 they must have regard to the public interest test. This means that members must consider, for each item, whether the public interest in maintaining the exemption from disclosure outweighs the public interest in making the item available to the public.

AGENDA

Item	Pages
1. APOLOGIES FOR ABSENCE	
2. DECLARATION OF INTERESTS	
Under the Code of Conduct members are reminded that in declaring disclosable interests you should make clear the nature of that interest and whether it is pecuniary or non-pecuniary.	
3. MINUTES	
To confirm and sign the minutes of the meeting held on 6 October 2015.	3 - 8
4. PLANNING APPLICATIONS AND OTHER MATTERS	
Report of the Head of Planning and Regeneration.	



Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
5.	15/00881/FUL: ERECTION OF DETACHED DWELLING WITH DETACHED SINGLE GARAGE		
	Land To The South Of 1 Zion Hill Peggs Green Coleorton		9 - 24
6.	15/00978/FUL: CHANGE OF USE FROM A SHOP (A1) TO A MICRO PUB (A4)		
	16 High Street Coalville Leicestershire		25 - 32
7.	15/00744/FUL: RETENTION OF 4 NO EXISTING ROLLER SHUTTERS AND INSTALLATION OF 1 NO NEW ROLLER SHUTTER (PART RETROSPECTIVE)		
	23, 27, 31, 35 And 39 Blackfordby Lane Moira Swadlincote		33 - 40

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 6 OCTOBER 2015

Present: Councillor D J Stevenson (Chairman)

Councillors R Adams, G A Allman, R Boam, J Bridges, R Canny, J Cotterill, J G Coxon, D Everitt, D Harrison (Substitute for Councillor J Houlton), R Johnson, J Legrys, V Richichi, N Smith and M Specht

In Attendance: Councillors J Geary, T J Pendleton and A C Saffell

Officers: Mr S Bambrick, Mrs C Hammond, Mr J Knightley, Mrs A Lowe, Miss E Mattley, Mr A Mellor and Ms S Worrall

54. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J Houlton, G Jones and M B Wyatt.

55. DECLARATION OF INTERESTS

In accordance with the Code of Conduct, Members declared the following interests:

Councillor J G Coxon declared a non pecuniary interest in item A1, application number 15/00465/VCUM as a Member of Ashby de la Zouch Town Council.

Councillor D J Stevenson declared a non pecuniary interest in items A2, application number 15/00698/VCIM and A3, application number 15/00701/VCIM as his son worked for the developer; therefore he would leave the meeting during the consideration and voting thereon.

56. MINUTES

Consideration was given to the minutes of the meeting held on 8 September 2015.

It was moved by Councillor J G Coxon, seconded by Councillor J Legrys and

RESOLVED THAT:

The minutes of the meeting held on 8 September 2015 be approved and signed by the Chairman as a correct record.

57. ADMISSION OF ADDITIONAL ITEM

The Chairman advised Members that an additional item needed to be considered by the Committee before the next meeting and as the report was exempt it would be considered at the end of the meeting.

RESOLVED THAT:

By reason of special circumstance in that an additional item of business needs to be considered before the next meeting of the Planning Committee, the item entitled "Receipt of Advice in Respect of Appeal Ref. APP/G2435/W/15/3019451 (District Council Planning Application Ref. 14/00769/OUTM)" be considered at this meeting as a matter of urgency in accordance with Section 100B(4)(B) of the Local Government Act 1972.

58. PLANNING APPLICATIONS AND OTHER MATTERS

Consideration was given to the report of the Head of Planning and Regeneration, as amended by the update sheet circulated at the meeting.

The Chairman advised Members that he would be taking item A4 first.

59. A4
15/00652/FUL: ERECTION OF A DETACHED TWO STOREY DWELLING WITH INTEGRAL GARAGE ALONG WITH CONVERSION OF EXISTING DETACHED GARAGE TO RESIDENTIAL DWELLING WITH ASSOCIATED OFF-STREET PARKING
 23 High Street Castle Donington Derby DE74 2PP

Officer's Recommendation: PERMIT

The Senior Planning Officer presented the report to Members.

Councillor T Saffell, Ward Member, addressed the Committee. He advised the Members that the application was within the conservation area and that normal precedence would be to refuse such an application if harm to the area outweighed the benefits and therefore as the host house was in the conservation area then a modern building would in effect cause harm. He highlighted that the new property would be on high ground and therefore would be visible. He added that the application was flawed and urged Members to refuse the application.

Councillor R Canny moved a motion to refuse the application on the grounds that the development was not in keeping with the local character, but it was not seconded.

Councillor R Canny stated that as she lived in the area she had seen the erosion of precious land and felt that the modern design was not in keeping with the area, adding that in retrospect there were many beautiful period properties that had inappropriate developments in the grounds. Councillor R Canny felt that the application should also have been considered by the Authority's new Conservation Officer.

Councillor D Everitt stated that the buildings in the area covered different periods in time and highlighted examples of high profile period buildings that had had modern extensions added which complemented the older parts and added that the residents would still love the area. He moved the officer recommendation to permit the application. It was seconded by Councillor J Legrys.

Councillor J Legrys stated that he understood that the site was a conservation area however the modern application was exciting. He highlighted to Members that when looking at Google maps it was clear that the older properties in the area had PVC windows and there was some dubious brickwork on extensions, adding that a development in a back garden of that size in his ward would accommodate between 25-30 homes and that he supported the officer recommendation.

Councillor N Smith stated that he had spent most of his life renovating listed buildings and felt that the area should move forward with the times.

Councillor J G Coxon stated that it was not appropriate to keep building reproduction homes and that the new building would show the sign of the times.

Councillor M Specht stated that the new dwelling would be barely visible, that the new building against the old would complement the area and that he supported the recommendation.

Councillor J Bridges stated that he agreed with Councillor R Canny on a personal level but as there had been no objections to the application on planning grounds he had to support the recommendation.

Councillor V Richichi stated that the Committee used to look at refusal when an application would have an adverse effect on the area and the application should be shelved.

Councillor D J Stevenson highlighted that there were many old structures around the country that had modern buildings in close vicinity to them.

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Regeneration.

60.

A1

15/00465/VCUM: VARIATION OF CONDITIONS 2, 4 AND 6 TO AMEND THE FIRST PHASE OF DEVELOPMENT TO NO LESS THAN 50 DWELLINGS, THE TIME PERIOD FOR THE SUBMISSION OF THE RESERVED MATTERS FOR THE EXTRA CARE FACILITY EXTENDED TO 5 YEARS FROM THE DATE OF THE OUTLINE PERMISSION AND THE REMOVAL OF THE REFERENCE TO THE MASTER PLAN. REMOVAL OF CONDITIONS 7,8,14 AND 24 RELATING TO DRAINAGE TO DISCHARGE TO THE MAINS SEWER SYSTEM AND REPLACEMENT WITH A SINGLE CONDITION AND THE REMOVAL OF CONDITIONS 18,19 AND 20 RELATING TO SUSTAINABLE CONSTRUCTION METHODS AND ENERGY SUPPLY ATTACHED TO OUTLINE PLANNING PERMISSION 13/00486/OUTM.

Land Adjoining Holywell Farm Burton Road Ashby De La Zouch Leicestershire LE65 2LP

Officer's Recommendation: PERMIT Subject to a deed of variation to a Section 106 Agreement

The Planning Officer presented the report to Members.

The officer's recommendation to permit was moved by Councillor J Bridges and seconded by Councillor R Johnson.

Councillor D Everitt raised concerns over the removal of conditions 18, 19 and 20, and if the properties would be sustainable.

The Senior Planning Officer advised that the conditions were being removed due to changes in the Building Regulations but the properties would be sustainable.

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Regeneration.

61.

A2

15/00698/VCIM: VARIATION OF CONDITIONS 3 AND 22 OF 15/00019/VCIM TO INCLUDE ADDITIONAL BOUNDARY TREATMENTS TO PLOTS 176 AND 177 AS WELL AS LANDSCAPING REVISIONS

Land To The Rear Of Parkdale Ashby Road Ibstock Leicestershire

Officer's Recommendation: PERMIT

Having declared a non pecuniary interest in items A2 and A3 Councillor D J Stevenson left the chair and the meeting and took no part in the consideration and voting thereon.

Councillor J Bridges took the chair for the consideration of the items.

The Senior Planning Officer presented the report to Members and read out a letter from Councillor J Clarke, Ward Member.

In response to a question from Councillor J Bridges, the Senior Planning Officer advised Members that the correct notification and consultation process had been followed when all applications had been submitted by the developer.

Councillor J Legrys stated that the Committee had been assured that the developers did not own the land however it was proving difficult to ascertain who did own it, adding that it appeared the land was a ransom strip. He felt if the Committee refused the application the developer would win on appeal and that the residents should take private legal advice on what their options were.

Councillor R Canny raised concerns over the access current residents would have to the strip of land and legally where would they stand.

The Legal Advisor advised Members that if there were any issues over the access, there were legal provisions for the residents to look into.

Councillor M Specht raised concerns over the previous variation application, which had been permitted, which he felt should have been considered by the Committee as it was a significant amendment to the original plan. He asked officers to ensure that in future all variations to applications that had been permitted by the Committee went back to Committee for consideration.

Councillor D Everitt stated that it was a ridiculous situation and it should not have happened.

Councillor R Johnson agreed with Councillor D Everitt adding that the developer wanted to change the original plans and that it was wrong and unethical. He stated that he had sat and read all the objections and that it appeared that the developer had not spoken to any of the residents and as a gesture Bellway should consider one fence not two.

Councillor V Richichi queried which application was being considered as the presentation was misleading.

Councillor M Specht felt that the application should be deferred until the issue with the strip of land could be rectified.

A motion to defer the application for one month to seek a meeting between the developer, residents and officers to seek a way forward to resolve the situation was moved by Councillor J Bridges and seconded by Councillor V Richichi.

Councillor D Harrison raised concerns that as it was unknown who owned the strip of land the Council would have no right in demanding what action was taken.

The Legal Advisor clarified that officers were not saying that no one owned the land rather than it was unsure who owned the land.

Councillor M Specht stated that there should be a common sense approach to the boundary and that out of courtesy the developer should consider one fence only.

RESOLVED THAT:

The application be deferred for one month to allow discussions between parties to seek a way forward.

- 62. A3**
15/00701/VCIM: VARIATIONS OF CONDITIONS 3 AND 22 OF 15/00018/VCIM TO INTRODUCE ADDITIONAL BOUNDARY TREATMENTS TO PLOTS 185,186,187,188,189 AND 191 AS WELL AS LANDSCAPING REVISIONS
Land To The Rear Of Parkdale Ashby Road Ibstock Leicestershire

Officer's Recommendation: PERMIT

Councillor J Bridges moved that the application be deferred for one month to ask the developer to meet with residents and officers to discuss the concerns over the application and find a way forward. It was seconded by Councillor J Legrys.

RESOLVED THAT:

The application be deferred for one month to allow discussions between parties to seek a way forward.

Councillor D J Stevenson returned to the meeting and the chair.

- 63. A5**
15/00497/FUL: CONVERSION AND REDEVELOPMENT OF BARNES TO FORM FOUR OFFICES AND TWO STORAGE BUILDINGS WITH AN EXISTING ACCESS
Measham Lodge Farm Gallows Lane Measham Swadlincote Leicestershire DE12 7HA

Officer's Recommendation: PERMIT Subject to a Section 106 Agreement

The Principal Planning Officer presented the report to Members.

The officer's recommendation to permit was moved by Councillor J Bridges and seconded by Councillor J Legrys.

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Regeneration.

- 64. A6**
15/00587/LBC: CONVERSION AND RE-DEVELOPMENT OF BARNES TO FORM FOUR OFFICES (LISTED BUILDING CONSENT)
Measham Lodge Farm Gallows Lane Measham Swadlincote Leicestershire DE12 7HA

Officer's Recommendation: PERMIT

The Principal Planning Officer presented the report to Members.

The officer's recommendation to permit was moved by Councillor J Bridges and seconded by Councillor J Legrys.

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Regeneration.

- 65. A7**
15/00783/FUL: PROPOSED ERECTION OF A PIG SHED
Land At Junction Of Breedon Lane And Rempstone Road Osgathorpe Loughborough
Leicestershire LE12 9ST

Officer's Recommendation: PERMIT

The Senior Planning Officer presented the report to Members.

The officer's recommendation to permit was moved by Councillor J Legrys and seconded by Councillor J G Coxon.

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Regeneration.

- 66. EXCLUSION OF PRESS AND PUBLIC**

The officers consider that the press and public should be excluded during consideration of the following items in accordance with Section 100(a) of the Local Government Act 1972 as publicity would be likely to result in disclosure of exempt or confidential information.

RESOLVED THAT:

In pursuance of Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the remainder of the meeting on the grounds that the business to be transacted involves the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A to the Act and that the public interest in maintaining this exemption outweighs the public interest in disclosing the information.

- 67. RECEIPT OF ADVICE IN RESPECT OF APPEAL REF. APP/G2435/W/15/3019451 (DISTRICT COUNCIL PLANNING APPLICATION REF. 14/00769/OUTM)**

The Director of Services presented the report to Members.

RESOLVED THAT:

The recommendation as set out in the report be approved.

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 5.50 pm

APPENDIX B

**Report of the Head of Planning and Regeneration
To
Planning Committee**

6 October 2015

PLANNING & DEVELOPMENT REPORT



PLANNING COMMITTEE FRONT SHEET

1. Background Papers

For the purposes of Section 100(d) of the Local Government (Access to information Act) 1985 all consultation replies listed in this report along with the application documents and any accompanying letters or reports submitted by the applicant, constitute Background Papers which are available for inspection, unless such documents contain Exempt Information as defined in the act.

2. Late Information: Updates

Any information relevant to the determination of any application presented for determination in this Report, which is not available at the time of printing, will be reported in summarised form on the 'UPDATE SHEET' which will be distributed at the meeting. Any documents distributed at the meeting will be made available for inspection. Where there are any changes to draft conditions or a s106 TCPA 1990 obligation proposed in the update sheet these will be deemed to be incorporated in the proposed recommendation.

3. Expiry of Representation Periods

In cases where recommendations are headed "Subject to no contrary representations being received by [date]" decision notices will not be issued where representations are received within the specified time period which, in the opinion of the Head of Planning and Regeneration are material planning considerations and relate to matters not previously raised.

4. Reasons for Grant

Where the Head of Planning and Regeneration report recommends a grant of planning permission and a resolution to grant permission is made, the summary grounds for approval and summary of policies and proposals in the development plan are approved as set out in the report. Where the Planning Committee are of a different view they may resolve to add or amend the reasons or substitute their own reasons. If such a resolution is made the Chair of the Planning Committee will invite the planning officer and legal advisor to advise on the amended proposals before the a resolution is finalised and voted on. The reasons shall be minuted, and the wording of the reasons, any relevant summary policies and proposals, any amended or additional conditions and/or the wording of such conditions, and the decision notice, is delegated to the Head of Planning and Regeneration.

5. Granting permission contrary to Officer Recommendation

Where the Head of Planning and Regeneration report recommends refusal, and the Planning Committee are considering granting planning permission, the summary reasons for granting planning permission, a summary of the relevant policies and proposals, and whether the permission should be subject to conditions and/or an obligation under S106 of the TCPA 1990 must also be determined; Members will consider the recommended reasons for refusal, and then the summary reasons for granting the permission. The Chair will invite a Planning Officer to advise on the reasons and the other matters. An adjournment of the meeting may be necessary for the Planning Officer and legal Advisor to consider the advice required

If The Planning Officer is unable to advise at Members at that meeting, he may recommend the item is deferred until further information or advice is available. This is likely if there are technical objections, eg. from the Highways Authority, Severn Trent, the Environment Agency, or other Statutory consultees.

If the summary grounds for approval and the relevant policies and proposals are approved by resolution of Planning Committee, the wording of the decision notice, and conditions and the Heads of Terms of any S106 obligation, is delegated to the Head of Planning and Regeneration.

6 Refusal contrary to officer recommendation

Where members are minded to decide to refuse an application contrary to the recommendation printed in the report, or to include additional reasons for refusal where the recommendation is to refuse, the Chair will invite the Planning Officer to advise on the proposed reasons and the prospects of successfully defending the decision on Appeal, including the possibility of an award of costs. This is in accordance with the Local Planning Code of Conduct. The wording of the reasons or additional reasons for refusal, and the decision notice as the case is delegated to the Head of Planning and Regeneration.

7 Amendments to Motion

An amendment must be relevant to the motion and may:

1. Leave out words
2. Leave out words and insert or add others
3. Insert or add words

as long as the effect is not to negate the motion

If the amendment/s makes the planning permission incapable of implementation then the effect is to negate the motion.

If the effect of any amendment is not immediately apparent the Chairman will take advice from the Legal Advisor and Head of Planning and Regeneration/Planning and Development Team Manager present at the meeting. That advice may be sought during the course of the meeting or where the Officers require time to consult, the Chairman may adjourn the meeting for a short period.

Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of. The amendment must be put to the vote.

If an amendment is not carried, other amendments to the original motion may be moved.

If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendment, or if there are none, put it to the vote.

8 Delegation of wording of Conditions

A Draft of the proposed conditions, and the reasons for the conditions, are included in the report. The final wording of the conditions, or any new or amended conditions, is delegated

to the Head of Planning and Regeneration.

9. Decisions on Items of the Head of Planning and Regeneration

The Chairman will call each item in the report. No vote will be taken at that stage unless a proposition is put to alter or amend the printed recommendation. Where a proposition is put and a vote taken the item will be decided in accordance with that vote. In the case of a tie where no casting vote is exercised the item will be regarded as undetermined.

Erection of detached dwelling with detached single garage

Report Item No
A1

Land To The South Of 1 Zion Hill Peggs Green Coleorton
Coalville Leicestershire LE67 8JP

Application Reference
15/00881/FUL

Applicant:
Mr H. J Smith

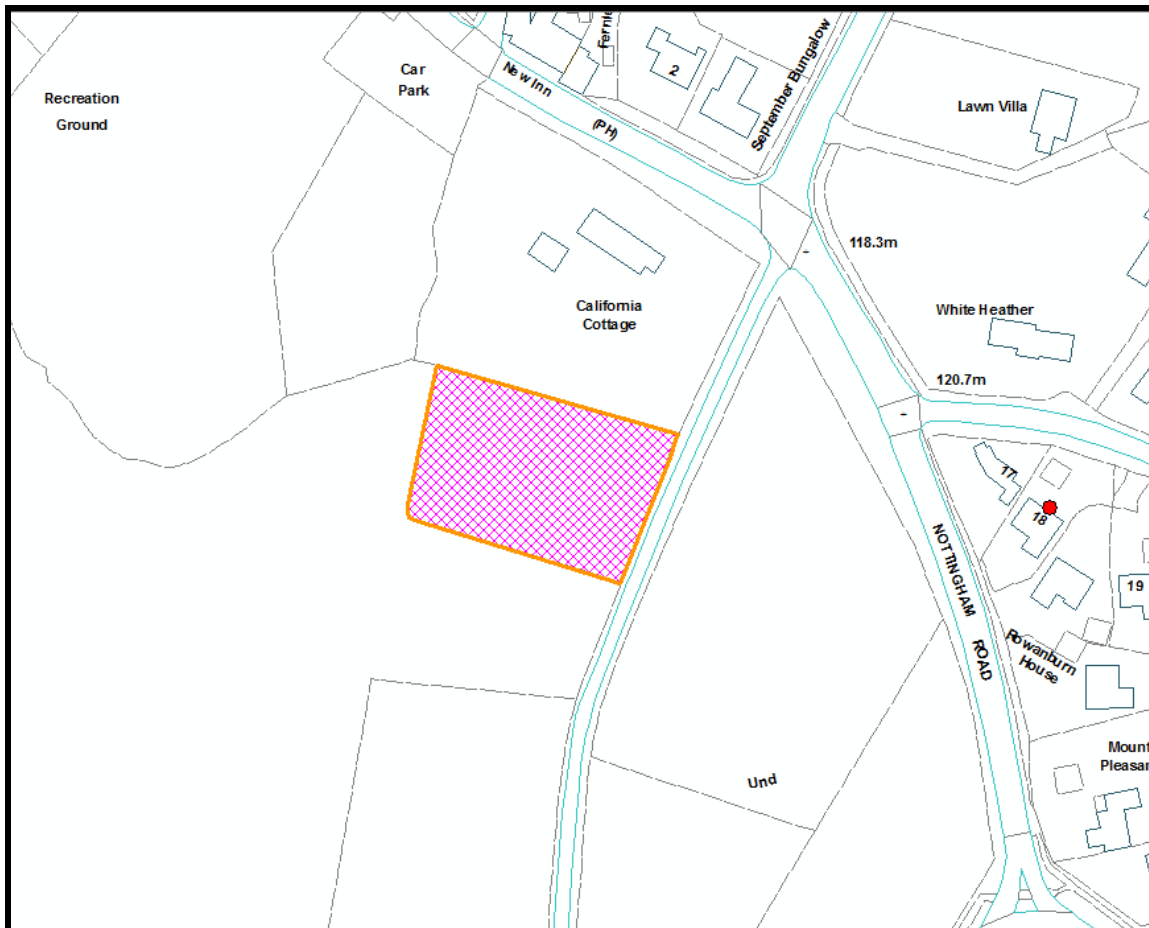
Date Registered
9 September 2015

Case Officer:
Adam Mellor

Target Decision Date
4 November 2015

Recommendation:
REF

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application is brought to the Planning Committee as the agent for the application is related to a serving councillor (Cllr Richard Blunt).

Proposal

The application relates to the provision of a two-storey detached dwelling (with habitable accommodation in the roof slope with associated detached garage at land to the south of 1 Zion Hill, Peggs Green. It is noted that the application site is outside the defined Limits to Development; it is being proposed by the applicant that the dwelling would meet a 'local need.'

Consultations

Twelve no. representations in support of the application have been received although Coleorton Parish Council has objected to the application. Most statutory consultees have no objections and whilst the County Highways Authority initially objected to the application they are currently reviewing the information shown on the amended access plan. Any further comments will be brought to the attention of the Planning Committee via the Committee Update Sheet.

Planning Policy

It is considered that the development would result in conflict with the social and environmental strands of sustainability and Paragraphs 17, 55, 57, 61 and 64 of the National Planning Policy Framework as well as Policies S3, E4, H4/1 and H7 of the adopted North West Leicestershire Local Plan.

Conclusion

The report below indicates that the site is a Greenfield site outside Limits to Development and that the area of Coleorton where the property would be located is not sustainable due to the site's proximity to an appropriate level of services.

A heavy reliance on the private car, an unsustainable mode of transport, by any future occupants to undertake their daily duties would not support the move towards a low carbon economy, or seek to use natural resources prudently. In these circumstances, the proposed development of the site is unacceptable in principle and would conflict with the environmental strand of sustainability enshrined within the NPPF, as well as Policies S3 and H4/1 of the Local Plan.

In addition, the site would not be situated within an acceptable walking distance of local services available within the sustainable part of Coleorton (Lower Moor Road) or Swannington (Main Street) and as such the development of the site would not provide accessibility to an appropriate level of services for people's day to day needs. Therefore the development would also conflict with the social strand of sustainability enshrined within the NPPF.

It is also considered that the development of the site for residential purposes would result in a dwelling which would be prominent and isolated from other substantial built forms, given the separation distances. As such it would be detrimental to the visual and rural amenity of the

surrounding area to permit the urbanisation of the land. Therefore to permit the development would be contrary to the intentions of Paragraphs 57, 61 and 64 of the NPPF and Policies E4 and H7 of the adopted Local Plan.

As such it is recommended that the application be refused.

RECOMMENDATION – REFUSE:

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

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the erection of a detached dwelling (with habitable accommodation in the roof slope) with detached single garage at land to the south of 1 Zion Hill, Peggs Green, Coleorton. The land is currently scrub grassland/allotments and lies to the south of a residential dwelling known as California Cottage (No. 1 Zion Hill). A road known as Tugbys Lane lies to the east, with open fields being located to the south and west. There are two public footpaths (M73 and M77) located outside the application site to the south which run from east to west. The site is situated outside the defined Limits to Development, as identified on the Proposals Map to the North West Leicestershire Local Plan.

The proposed three bedroomed dwelling would be situated 10.5 metres from Tugbys Lane and would have a ground area of 77.0 square metres and use of a pitched gable ended roof with an overall height of 7.5 metres. Vehicular access into the site would be achieved by the improvement to an existing access located within the south-eastern corner with a full width hard surfaced lay-by also being provided to the site frontage to act as a passing bay.

There would be appropriate off-street parking, one space of which would be within a detached single garage with a floor area of 23.8 square metres and ridge height of 4.4 metres. Turning facilities would also be provided within the curtilage.

A design and access statement along with a tree survey have been submitted in support of the application.

It is identified that the dwelling proposes to meet a local need, however, the particular need for the dwelling is not explicitly clear within the submission; there is reference made to the fact that the applicant visits the site twice a day to attend to his allotment and he has owned the land for 30 years. The application forms for application reference 14/00202/FUL identified that the applicant resides at 63 Brooks Lane, Whitwick.

The planning history of the site is as follows:

- 11/00339/FUL – Provision of a two-storey detached dwelling – Refused 28th June 2011;
- 12/00082/FUL – Provision of a two-storey detached dwelling – Refused 16th March 2012; Dismissed at Appeal 1st February 2013;
- 14/00202/FUL – Erection of three detached dwellings with associated garages – Refused 30th April 2014.

2. Publicity

16 no. neighbours notified 09 September 2015.

Site Notice posted 10 September 2015.

Press Notice published 16 September 2015.

3. Consultations

Coleorton Parish Council consulted 9 September 2015.

LCC Ecology consulted 9 September 2015.

LCC Footpaths consulted 9 September 2015.

LCC Highways Authority consulted 9 September 2015

NWLDC Environmental Protection consulted 9 September 2015.
 NWLDC Footpaths Officer consulted 9 September 2015.
 Severn Trent Water consulted 9 September 2015.

4. Summary of Representations Received

The following summary of representations is provided.

Coleorton Parish Council object to the application and state: *“we would like to object to this application on the same grounds as it has objected to previous applications on this site which were supported by the Planning Inspector at appeal. The site is outside the limits to development and is not sustainable. The access onto a narrow lane which itself exits onto the busy A512 so it is not a good place to increase traffic that is potentially turning.”*

Leicestershire County Council – Ecology has no objections.

Leicestershire County Council – Footpaths has no objections subject to notes to the applicant being imposed on any permission granted.

Leicestershire County Council – Highways initially objected to the application on the basis that the access did not have the appropriate visibility splays required for the speed of traffic on the road. They have been reconsulted on an amended access plan and any revised comments received will be reported to Members via the Committee Update Sheet.

NWLDC – Environmental Protection has no objections.

NWLDC – Environmental Protection (Contaminated Land) has no objections subject to the imposition of contaminated land conditions due to the historic use of the site, and neighbouring land, as a landfill site and railway land.

Severn Trent Water – has no objections.

Third Party Representations

12 no. representations have been received from occupants of The New Inn, Zion Hill, Peggs Green, Keepers Cottage, Rempstone Road, Coleorton, 179 The Moor, Coleorton, The Cottage, Gelsmoor, Coleorton, Nos. 90 and 100 Loughborough Road, Coleorton, 5 Ashby Road, Newbold, 26 School Lane, Newbold, Meadow View, Rempstone Road, Griffydham, 41 Springfield, Thringstone, 112 Hall Lane, Whitwick and 45 Wood Street, Ashby De La Zouch in support of the application whose comments are summarised as follows: -

- Development would allow a local person to be able to live locally where normally they would be priced out of the market;
- Development would support the local services;
- Development would relate well to existing dwellings;
- New passing bay will be to the benefit of highway users;
- Dwelling would be built to a high standard;
- Land in question is scrub land and formally used as a brickworks;
- Site is a brownfield site;
- Restricting the use to a local need would ensure that the house would remain affordable and available to people meeting this need;
- Development would enhance the area;
- Site is well connected to existing services;

- Smaller settlements should take their share of development not just the big towns.

5. Relevant Planning Policy

National Policies

National Planning Policy Framework

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

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

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

Paragraph 10 (Achieving sustainable development);
 Paragraph 14 (Presumption in favour of sustainable development);
 Paragraph 17 (Achieving sustainable development);
 Paragraph 28 (Supporting a prosperous rural economy);
 Paragraph 32 (Promoting sustainable transport);
 Paragraph 39 (Promoting sustainable transport);
 Paragraph 49 (Delivering a wide choice of high quality homes);
 Paragraph 53 (Delivering a wide choice of high quality homes);
 Paragraph 55 (Delivering a wide choice of high quality homes);
 Paragraph 57 (Requiring good design);
 Paragraph 60 (Requiring good design);
 Paragraph 61 (Requiring good design);
 Paragraph 75 (Promoting healthy communities);
 Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change);
 Paragraph 118 (Conserving and enhancing the natural environment);
 Paragraph 120 (Conserving and enhancing the natural environment);
 Paragraph 121 (Conserving and enhancing the natural environment);
 Paragraph 203 (Planning conditions and obligations);
 Paragraph 206 (Planning conditions and obligations);

Adopted North West Leicestershire Local Plan (2002)

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

Policy S3 - Countryside;
 Policy E3 - Residential Amenities;
 Policy E4 - Design;
 Policy E7 - Landscaping;
 Policy F1 - General Policy;
 Policy F2 - Tree Planting;

Policy F3 - Landscaping and Planting;
 Policy T3 - Highway Standards;
 Policy T8 - Parking;
 Policy H4/1 - Housing Land Release;
 Policy H6 – Housing Density;
 Policy H7 - Housing Design;

Emerging North West Leicestershire Local Plan

On 15 September 2015 the District Council’s Full Council considered a draft Local Plan and resolved to approve the draft Local Plan for consultation. The draft policies listed below are considered relevant to this application. However, in view of the very early stage to which the draft Local Plan has progressed, only very limited weight can be attributed to its policies at this stage.

Policy S1 – Presumption in Favour of Sustainable Development;
 Policy S2 – Future Housing and Economic Development Needs;
 Policy S3 – Settlement Hierarchy;
 Policy S4 – Countryside;
 Policy S5 – Design of New Development;
 Policy H6 – House Types and Mix;
 Policy IF4 – Transport Infrastructure and New Development;
 Policy IF7 – Parking Provision and New Development;
 Policy En1 – Nature Conservation;
 Policy En6 – Land and Air Quality;
 Policy Cc2 – Sustainable Design and Construction;
 Policy Cc4 – Water – Sustainable Drainage Systems;
 Policy IM1 – Implementation and Monitoring of the Local Plan;

Other Policies

National Planning Practice Guidance

In March 2014 the Government published National Planning Practice Guidance (NPPG) to supplement the NPPF. The Guidance does not change national policy but offers practical guidance as to how such policy is to be applied;

6Cs Design Guide (Leicestershire County Council)

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

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)

Circular 06/2005 sets out the procedures that local planning authorities should follow when considering applications within internationally designated sites and advises that they should have regard to the EC Birds and Habitats Directive in the exercise of their planning functions in order to fulfil the requirements of the Directive in respect of the land use planning system. The Circular sets out a flow chart for the consideration of development proposals potentially affecting European sites.

6. Assessment

Principle of the Development

In respect of this particular application it is noted that the dwelling is proposed to be provided to meet a 'local need' although the reasoning for the dwelling is based on the fact that the occupant owns an allotment on the site which he visits twice a day and that he has owned the land for 30 years. The supporting information also specifies that the 'need' for a dwelling of a similar scale cannot be met from the existing housing stock and in this regard it is stated that *"a search of local housing stock reveals 7 houses currently advertised for sale, 6 properties being applicable. The lowest asking price is £299,950 being a 3 bed detached house on New Road, Coleorton marketed by "Moving Made Cheaper" (source: Right Move Internet Search Engine Accessed on 4th September 2015)." An internet search on Right Move on the 14th October 2015 reveals that there are five 3 bed detached dwellings within one mile of the post code of the application site which range in price from £425,000 (Lower Moor Road, Coleorton) to £200,000 (Glebe Road, Thringstone). If the search area is reduced to 0.5 miles the only property applicable would cost £325,000 (Veleta Cottage, Coleorton).*

Using build cost figures of 2015 (www.homebuilding.co.uk) the District Council finds that build costs for a two-storey detached dwelling, with detached single garage, in the area using the most expensive build route (Main Contractor) and building to an Excellent specification, which would take into account better materials and improved building regulations standard (as well as VAT), would amount to £182,864. Using subcontractors would reduce the price to £166,882. Given these figures it would appear that the costs associated with building a new dwelling would be substantially less than any of the properties within the immediate area, which would meet the 'need' of the applicant.

Whilst a dwelling to suit the 'needs' of the applicant may not be available from the existing housing stock currently available in the area, this does not justify, on planning grounds, dwellings to be erected contrary to policy; particularly when the adopted local plan, the emerging local plan and the Paragraphs of the NPPF contain no policies relating to the provision of dwellings to meet a 'local need'. Although this is the case the agent for the application specifies that consideration should be given to the guidance on Starter Homes which is now incorporated into the National Planning Policy Guidance (NPPG).

The Starter Homes Exception Site Policy is aimed at young first time buyers, criteria which would not be met by the applicant, with such sites allocated for these purposes being proposed on *"under used or unviable industrial and commercial land that has not been currently identified for housing."* The agent specifies that the land is 'previously developed' given that it was formerly part of the 'California Colliery and Brickworks'. However, this view was not supported in the consideration of the previous applications on the site nor was it by the Planning Inspector in dismissing the planning appeal ref: APP/G2435/A/12/2183555 (planning application ref: 12/00082/FUL) where it was stated that *"the definition of Previously Developed Land given in the National Planning Policy Framework (the Framework) excludes "land that has been developed for mineral extraction" and "land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time." The appeal site, containing no obvious signs of industrial workings cannot, as a result, be regarded as previously developed land."* The applicant specifies that foundations to a former brick building still remain on the site but the visual physical evidence is that the land is predominately green and vegetated and therefore a view is taken that such remains have *"blended into the landscape in the process of time"* and as such the application site would not constitute previously developed land. In any event sites to meet the 'Starter

Homes Exception Site Policy' are likely to be allocated within the local plan, rather than being developed on an 'ad-hoc' basis, and thus no weight is attached to this particular argument.

Reference is also made to Paragraph 001, associated with Rural Housing, within the Planning Practice Guidance which identifies the following:-

- *"It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements;"*
- *"A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities;"*

The Planning Inspector, in dismissing an appeal for a detached dwelling at land adjacent to no. 1 Zion Hill (ref: APP/G2435/A/14/2221844) stated that: *"Like the Framework, LP Policies S3 and H4/1 do not prohibit development within countryside areas but rather set out the circumstances in which such proposals would be permitted. These policies do, however, differ to national guidance in that the Framework seeks to ensure that new housing is located where it will enhance or maintain the vitality of rural communities. Residential development in a rural area could contribute in this way and not necessarily fall into the categories of development deemed acceptable under LP Policies S3 and H4/1. As such, there is a tension between these LP Policies and the Framework in this regard. However, the board thrust of LP Policies S3 and H4/1 is broadly consistent with national guidance and I attach significant weight to them."*

Whilst acknowledging the sentiments of the Rural Housing guidance it is considered that although the future occupant of the dwelling could support some local businesses, services and facilities, as well as public transport, the likely contribution of the development to the vitality of the local community as a whole would be fairly limited given the modest scale of the development proposed. This conclusion was reached by the Planning Inspector in the above appeal (ref: APP/G2435/A/14/2221844).

In any event it is considered that the above Rural Housing Paragraphs do not set a principle that development in all rural areas should simply be accepted. Taking into account the above conclusions of the Planning Inspector in the decision associated with land adjacent to no. 1 Zion Hill (ref: APP/G2435/A/14/2221844) due regard still needs to be given to Policies S3 and H4/1 of the Local Plan as well as the overall sustainability credentials of the proposed site, be it for a market or 'local need' dwelling, given the presumption in favour of such as set out in the NPPF.

In terms of the sustainability credentials of the site, it is located at the following distances from a range of services:

- Griffydham County Primary School (Top Street, Griffydham) – 1133.0 metres;
- Recreation Ground (Zion Hill, Peggs Green) – 244.0 metres;
- Bus Stop (for Arriva Service 91 hourly between Burton on Trent and Loughborough via Ashby De La Zouch Monday – Sunday (limited service on a Sunday) on Loughborough Road, Coleorton) – 220.0 metres;
- Bus Stop (for Paul Winson Service 129 2 hourly between Ashby De La Zouch and Loughborough Monday – Saturday on Zion Hill, Peggs Green) – 120.0 metres;
- Bus Stop (for Robert Coaches Air Link Service 155 1 hourly between Coalville and East Midlands Airport Monday to Saturday on The Moor, Coleorton) – 1315.0 metres;
- Public House (The New Inn, Zion Hill, Peggs Green) – 174.0 metres;

- Shop/Post Office (Lower Moor Road, Coleorton) – 1443.0 metres;
- Church (St Georges Church, Church Hill, Swannington) – 495.0 metres;
- Social Centre (Beaumont Social Centre, Nottingham Road, Peggs Green) – 406.0 metres;

With regards to these distances to amenities, an Inspector in a appeal decision relating to Moira Road, Ashby De La Zouch (ref: APP/G2435/A/13/2192131) referred to Department of Transport (DoT) statistics which showed that the average trip length regularly undertaken by the population of Great Britain is, on average, walking about 1km, cycling about 4.5km and by bus 8km. Given the above distances some services would be available within walking distance of the site, however, most services occupiers would rely upon to meet their day to day needs would not be within such a reasonable distance (i.e. a shop/post office and school). The walk to such services would also involve walking along rural roads, often with no footway provision; if this were to be after dark or during inclement weather this would not be an attractive proposition for any future occupant, even if they were meeting a 'local need' criterion. Public footpaths would also not be usable for people with mobility difficulties or with pushchairs as they are not surfaced.

This view was taken by the Planning Inspector in dismissing the appeal on the site planning application ref: 12/00082/FUL and appeal ref: APP/G2435/A/12/2183555 where it was stated that:

“there are bus services within walking distance of the appeal site but they supply limited public transport due to the timetables. Reaching bus stops would still, however, require pedestrians to walk along unlit, narrow country lanes so this would not be an attractive option for potential occupants of the new house. Access to private transport would still be necessary for future occupiers of the proposed development particularly in the evenings when the services stop or at other times when the service is inconvenient. Public transport is also subject to the vagaries of the providers who could change their timetables at will.” The appeal decision relating to the site adjacent to no. 1 Zion Hill (Ref: APP/G2435/A/14/2221844) also supported this assertion by indicating that: *“it cannot be reasonably assumed that future occupiers would regularly walk or cycle the considerable distance to any of these destinations, especially along unlit rural roads after dark or during inclement weather. For these reasons, the site is in an unsustainable location because future occupiers would be heavily reliant on the private car for most journeys to shops, schools, places of employment, health and other services.”*

In respect of social sustainability the benefit of the development is that it would provide a dwelling to meet a 'local need' (albeit the 'need' of the particular applicant is questioned) which would be more affordable to local residents and the completion of a Section 106 Agreement would secure such a dwelling be permanently made available for such purposes. The 'local need' criteria are (a) a person or persons and their dependents residing permanently in the parish or adjoining parish, for at least 5 years or more in the previous 20 years; or (b) a person or persons required to live close to another person who satisfies criterion (a) and is in essential need of frequent attention and/or care due to age, ill health, disability and/or infirmity.

However the social role, as defined in Paragraph 7 of the NPPF, requires the supply of housing to be linked to accessible local services which meet the needs of the community and support its health, social and cultural well-being. As concluded above although the site is located within walking distance of certain services, those which would meet the 'day to day needs' of the occupant would not be within a reasonable walking distance, the walk to any service being along predominately unlit rural roads. On this basis any future occupant would be heavily reliant on the private car for most journeys to services to meet their 'day to day' needs and as such the

development would conflict with the social strand of sustainability.

From an environmental sustainability point of view, it is considered that the development site is a greenfield site and would not constitute previously developed land, as assessed above. Due consideration has been given to Paragraph 55 of the NPPF which, whilst promoting sustainable development in rural areas, does indicate that isolated homes in the countryside should be avoided unless there are special circumstances. None of the special circumstances indicated within Paragraph 55 of the NPPF would be met in this particular instance.

In dismissing the appeal on the site (planning application ref: 12/00082/FUL and appeal ref: APP/G2435/A/12/2183555) the Planning Inspector stated that: *“the proposed development, by reason of its positioning some distance from other buildings, would present an isolated development and would fail to meet any of the special circumstances listed in the policy. As such the scheme would be contrary to policy S3 and the provisions of the Framework.”*

There has been no material change in the environment around the site since the consideration of the appeal in 2013, therefore the development proposal (differing slightly from the previous application in that this is a three bedroomed dwelling compared to a five bedroomed dwelling) would result in conflict with Paragraph 55 as well as Policy S3 which are policies designed to protect the countryside. Furthermore Paragraph 17 of the NPPF outlines that decisions should *“recognise the intrinsic character and beauty of the countryside,”* and as such the physical intrusion of the development into the countryside of this type of development would be unwarranted. It could potentially set a precedent for the further expansion of the settlement into the surrounding fields which would be to the further detriment of the rural environment. Taking all of this into account, the development would not be environmentally sustainable. The heavy reliance on the private car to access the most basic of services would also conflict with the environmental aims of the NPPF which seek to use natural resources prudently and move towards a low carbon economy. This was a view taken by the Planning Inspector in respect of an appeal decision at Tea Kettle Hall in Diseworth (APP/G2435/A/13/2208611).

The agent has specified that the dwelling (in order to improve its environment credentials) could be built to Code for Sustainable Homes Level 5, however the Code for Sustainable Homes has been abolished and replaced with core standards which would be applicable to building regulations. It is considered that any environmental benefits associated with a dwelling built to a more sustainable standard would not outweigh the environmental harm caused by the provision of an isolated dwelling in a rural environment; particularly as the Local Planning Authority has no control over the standard of dwelling which would be constructed in respect of the internal environmental benefits which may be provided.

In conclusion even if a ‘local need’ for the dwelling was justified, which may be of benefit to the social strand of sustainability, this ‘need’ would be heavily outweighed by the overall negative social and environmental impacts of the development and this would render the proposal unacceptable in principle as it would not represent sustainable development.

Density

The application site area is 0.05 hectares and the provision of one dwelling on the site would result in a density of 20 dwellings per hectare which would be below the minimum threshold of 30 dwellings per hectare advised by Policy H6 of the Local Plan in other locations (other than the main settlements and those well served by public transport and accessibility to services and facilities).

Although this density would fall below that advised in Policy H6, this policy also identifies that it is important to factor into any assessment the principles of good design as well as green space and landscaping requirements. In the circumstances that the Local Authority values good design in its approach to residential development and there would be a need to retain and reinforce the landscaping of the site it is considered that the density proposed would represent an efficient use of the land in this instance. On this basis the proposal would not substantially conflict with the principles of Policy H6 as to warrant a refusal of the planning permission.

Residential Amenities

There are no residential properties located to the south, west and east of the application site. The closest residential property is California Cottage (No. 1 Zion Hill) which is located to the north of the site and is situated behind a substantial tree screen which exits to the southern (rear) boundary of this property.

The northern (side) elevation of the proposed dwelling, containing no windows, would be set 3.0 metres from the shared boundary with No. 1 Zion Hill and around 59.0 metres from its southern (rear) elevation. Given the distances involved, as well as the presence of vegetation to the site boundaries, it is considered that the development would result in no adverse overbearing, overshadowing or overlooking impacts on existing amenities.

It is also considered that the distance between the site boundaries and the southern (rear) elevation of No. 1 Zion Hill would ensure that the amenities of any future occupant would also be preserved.

Overall, therefore, the development would accord with Policy E3 of the Local Plan.

Impact on the Character and Appearance of the Area and Streetscape

The need for good design in new residential development is outlined not only in Local Plan Policies E4 and H7 but also in Paragraphs 57, 60 and 61 of the NPPF. Paragraph 61 states that although *“visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”*

The assessment made by the Planning Inspectorate in respect of ‘character and appearance’ in the planning application ref: 12/00082/FUL and appeal ref: APP/G2435/A/12/2183555 concluded the following: *“It is clear that the construction of a large 5-bedroom house on this isolated plot would have an urbanising effect upon the open countryside...The works required for the lay-by would entail the removal of the hedgerow at the boundary of the property and its replacement further back. This would significantly affect the character of the area by the removing the distinctive parallel hedging appearance and would urbanise the area...the proposal would result in a detrimental impact on the character and appearance of this open countryside area by the hedgerow removal and the introduction of the house and the full width tarmac lay-by.”*

Whilst it is now proposed that a three bedroomed property would be constructed, with associated detached garaging, it is considered that the conclusions reached by the Inspector in respect of the above appeal decision would still be applicable as the provision of this type of built form, along with its associated infrastructure, would result in the urbanisation of what is a rural site and is isolated from other built forms. Additional planting provided in the form of an

orchard would also not mitigate this impact; the development would be visually harmful to the rural environment and to its overall detriment.

In respect of the design of the property itself it is considered that it would accord with the design aspirations of the Local Authority by the inclusion of brick headers, eaves and verge detailing, a chimney and a timber framed canopy. Specific details of these design components, as well as the materials of construction, could be secured using an appropriately worded conditions on any consent granted.

Overall to permit the development would be contrary to the environmental strand of sustainability as well as the particular aims of Paragraphs 57, 61 and 64 of the NPPF and Policies E4 and H7 of the Local Plan.

Highway Safety

The County Highways Authority objected to the application on the basis the proposal would lead to an increase in traffic using an access onto a restricted (30mph) road where the horizontal alignment and proximity of adjacent boundaries are such that the access lacks appropriate visibility for the speed of traffic on the main road and the turning manoeuvres. This would be an additional source of danger to road users and not in the interests of highway safety. It was, however, identified that favourable consideration would be given to an amended plan that demonstrates that appropriate visibility will be provided at the access achieved by the access being positioned centrally.

An amended plan has been provided to show the new proposed access, along with a separate plan showing the visibility splays. The County Highways Authority has been re-consulted but is yet to provide a response on the suitability of this information. Any revised comments received by the County Highways Authority will be reported to Members via the Committee Update Sheet.

With regards to off-street parking it is considered that the internal dimensions of the garage would be sufficient for the parking of one vehicle and space would also exist within the site for additional off-street parking, the proposal would therefore accord with Paragraph 39 of the NPPF and Policy T8 of the Local Plan.

Ecology

The County Council Ecologist has raised no objections to the development as all hedgerows would be retained and a new orchard would be created to the rear of the site. Badger surveys previously carried out on the site have been negative and so protected species would not be a constraint on the development and it would remain compliant with Paragraph 118 of the NPPF and Circular 06/05.

Landscaping

The tree survey submitted in support of the application shows that the position of the proposed dwelling, as well as the single detached garage, would be outside the roof protection areas of the trees which are to be retained. It is also proposed that works would be undertaken to the hedgerow to the eastern (front) boundary of the site to facilitate the visibility splays, however, these works relate to the 'trimming back' of the hedge with a current gap where an access presently exists being closed and a new hedgerow provided.

A suitably worded condition(s) could be imposed on any permission granted for details of the soft landscaping, as well as any works to existing vegetation. This would be submitted to, and agreed with, the Local Planning Authority and as a result the development complies with Policies E7, F1, F2 and F3.

Other Matters

The Council's Environmental Protection team have raised no objections to the development, subject to conditions in respect of the submission of a land contamination assessment, with the application site not falling within a Coal Mining Referral Area. Subject to the imposition of the relevant condition it is considered that ground contamination and land stability would not be a constraint on the development which ensures compliance with Paragraphs 120 and 121 of the NPPF.

Conclusion

The report above indicates that the site is a Greenfield site outside Limits to Development and that the area of Coleorton, where the property would be located, is not sustainable due to the site's proximity to an appropriate level of services.

A heavy reliance on the private car, an unsustainable mode of transport, for any future occupants to undertake their daily duties would not support the move towards a low carbon economy or seek to use natural resources prudently. In these circumstances the proposed development of the site is unacceptable in principle and would conflict with the environmental strand of sustainability enshrined within the NPPF as well as Policies S3 and H4/1 of the Local Plan.

In addition, the site would not be situated within an acceptable walking distance of local services available within the sustainable part of Coleorton (Lower Moor Road) or Swannington (Main Street) and therefore the development of the site would not provide accessibility to an appropriate level of services. Consequently the development would also conflict with the social strand of sustainability enshrined within the NPPF.

It is considered that the development of the site for residential purposes would result in a dwelling which would be prominent and isolated from other substantial built forms, and as a result would be detrimental to the visual and rural amenity of the surrounding area from the urbanisation of the land. As such to permit the development would be contrary to the intentions of Paragraphs 57, 61 and 64 of the NPPF and Policies E4 and H7 of the adopted Local Plan.

As such it is recommended that the application be refused.

RECOMMENDATION - REFUSE, for the following reason(s):

1. The proposed dwelling would be situated in an area of Coleorton where access to appropriate services would be fairly limited and as a result the dwelling would not be situated within a sustainable settlement. The application site is also on unallocated Greenfield land located outside the Limits to Development of Coleorton, as defined on the Proposals Map to the North West Leicestershire Local Plan. Policy S3 of the adopted North West Leicestershire Local Plan (Local Plan) provides a presumption against non-essential residential development in the countryside. Policy H4/1 sets out a sequential approach to the release of land for residential development and seeks to direct new housing towards previously developed land in accessible locations, well served by,

amongst other things, public transport and services. Paragraph 17 of the National Planning Policy Framework (NPPF) indicates that planning should recognise the intrinsic character and beauty of the countryside and Paragraph 55 of the NPPF outlines that socially, development should provide the supply of housing required to meet the needs of present and future generations with accessible local services and the support of their health, social and cultural well-being; as well as the avoidance of isolated dwellings in the rural environment. Although the scheme would be considered acceptable in terms of the economic strand of sustainable development it would fail the environmental and social strands as it would physically intrude into the rural environment, by virtue of its isolation from other substantial built forms of development, whilst also creating a development whereby future occupants would be heavily reliant on the private car to access the most basic of services. This would lead to greater vehicle emissions and would not support the approach to a low carbon economy. Insufficient local services to serve the basic 'day to day' needs of future residents would also lead to such residents being socially isolated. An approval, therefore, would be contrary to the environmental and social strands of sustainability enshrined within the NPPF, as well as Paragraphs 17 and 55 of the NPPF and Policies S3 and H4/1 of the adopted Local Plan.

2. Paragraph 61 of the National Planning Policy Framework (NPPF) outlines that although the visual appearance and architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic consideration. Therefore decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Policies E4 and H7 of the adopted North West Leicestershire Local Plan (Local Plan) seek good quality design in all new housing development that respects the character of its surroundings. It is considered that the development of the site for residential purposes would result in a form of development which would be prominent and isolated from other substantial built forms and would be detrimental to the visual and rural amenity of the surrounding area by virtue of the urbanisation of the land. Therefore, to permit the development would be contrary to the intentions of Paragraphs 57, 61 and 64 of the NPPF and Policies E4 and H7 of the adopted Local Plan.

Notes to applicant

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. It is considered that the application is not acceptable in principle and as a result the Local Authority has not entered into dialogue to seek any amendments; although it was identified at the pre-application stage that the development would not be viewed favourably. The Local Planning Authority has therefore complied with the requirements of the National Planning Policy Framework (Paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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Change of use from a shop (A1) to a micro pub (A4)

Report Item No
A2

16 High Street Coalville Leicestershire LE67 3ED

Application Reference
15/00978/FUL

Applicant:
Mr Jonathan Hunt

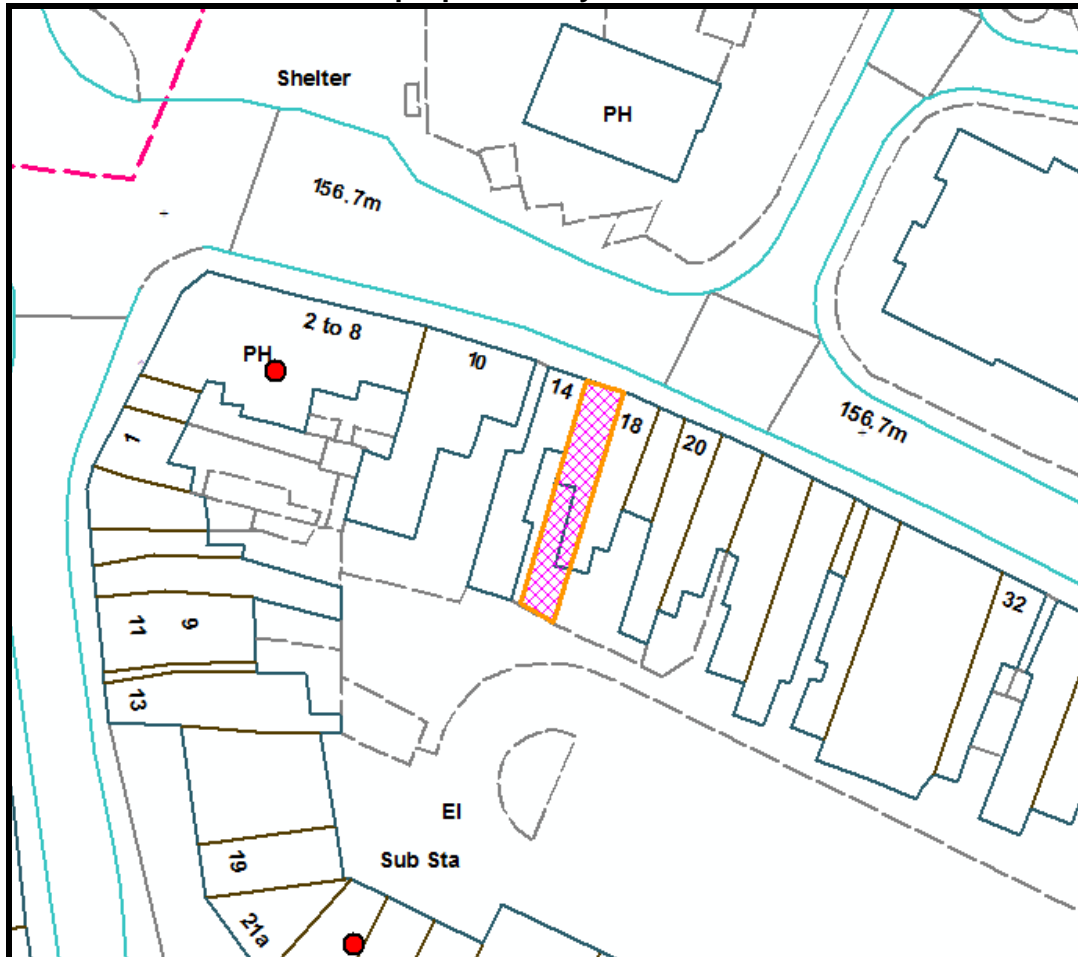
Date Registered
6 October 2015

Case Officer:
James Mattley

Target Decision Date
1 December 2015

Recommendation:
PER

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Proposal

Planning permission is sought for the change of use from a shop (A1) to a micro pub (A4) at 16 High Street, Coalville. The site is located within the Town Centre Area and also within the Coalville Conservation Area.

Consultations

Members will see from the report below that no letters of objection have been received in respect of the proposals.

Planning Policy

The application site lies within the limits to development and in the Town Centre where the principle of A4 uses are considered to be acceptable.

Conclusion

The proposed micro pub operation would retain the scale and character of the existing building within the Coalville Conservation Area, and would have no adverse impact on the town centre shopping area, designated heritage assets, residential amenities or highways in accordance with Policies R1, R19, E3, E4, T3 and T8 of the Adopted Local Plan and the provisions and intentions of NPPF. The application is, therefore, recommended for approval.

RECOMMENDATION - PERMIT, subject to conditions.

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

MAIN REPORT

1. Proposals and Background

This is a full application for the change of use of No.16 High Street, Coalville to a micro pub. The existing premises are currently in an A1 use and is occupied by a pet food shop. Whilst there is no set definition of a micro pub at present, the essence of such operations involves the sale of real ale and snacks, with no music, gaming machines, pool tables or television systems at the premises meaning that conversation becomes the focus.

No external alterations are proposed as part of the scheme. Servicing of the premises takes place to the rear of the site and is accessed off a public car park located to the rear of High Street. The proposed opening hours at present are proposed to be as follows:

Sunday to Thursday - 11am to 11.30pm
Friday to Saturday - 11am to 12 midnight.

The site lies within the Coalville Conservation Area and the local shopping area.

Relevant Planning History:

05/00213/FUL - Conversion of existing buildings to provide two first floor flats above existing shops and an office to the rear ground floor - permitted.

2. Publicity

No. 5 Neighbours have been notified. Date of last notification 7 October 2015

Site Notice displayed 07 October 2015

Press Notice published 14 October 2015

3. Consultations

County Highways Authority consulted 07 October 2015
Environmental Protection consulted 07 October 2015
NWLDC Conservation Officer consulted 07 October 2015
NWLDC Street Management consulted 07 October 2015
Kay Greenbank (Head of Coalville Project) consulted 07 October 2015
NWLDC Licensing consulted 07 October 2015

4. Summary of Representations Received

No letters of representation have been received from surrounding members of the public or the surrounding occupiers.

Council's Environmental Protection Section has no environmental observations subject to ensuring that adequate sound insulation is provided to the first floor flat.

County Highway Authority has no comments to make.

5. Relevant Planning Policy

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The

NPPF contains a number of references to the presumption in favour of sustainable development. It states that local planning authorities should:

- approve development proposals that accord with statutory plans without delay; and
- grant permission where the plan is absent, silent or where relevant policies are out of date unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

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

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

Paragraph 14 (Presumption in favour of sustainable development)
Paragraph 17 (Core Planning Principles)
Paragraph 19 (Building a strong, competitive economy)
Paragraph 23 (Ensuring the vitality of town centres)
Paragraph 32 (Promoting sustainable transport)
Paragraph 34 (Promoting sustainable transport)
Paragraph 123 (Conserving and enhancing the natural environment)
Paragraph 128 (Conserving and enhancing the historic environment)
Paragraph 129 (Conserving and enhancing the historic environment)
Paragraph 131 (Conserving and enhancing the historic environment)
Paragraph 132 (Conserving and enhancing the historic environment)
Paragraph 133 (Conserving and enhancing the historic environment)
Paragraph 134 (Conserving and enhancing the historic environment)
Paragraph 203 (Planning conditions and obligations)

The following policies of the adopted North West Leicestershire Local Plan are consistent with the policies in the NPPF and should be afforded weight in the determination of this application:

Policy S2 Limits to Development
Policy E3 Residential Amenities
Policy E4 Design
Policy R1 Central Shopping Areas
Policy R19 Acceptable Uses in Local Centres
Policy T3 Highway Standards
Policy T8 Parking

Other Policies

6Cs Design Guide (Highways, Transportation and Development) - Leicestershire County Council

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

Emerging North West Leicestershire Local Plan

On 15 September 2015 the District Council's Full Council considered a draft Local Plan and

resolved to approve the draft Local Plan for consultation. The policies listed below are considered relevant in the determination of this application. However, in view of the very early stage to which the draft Local Plan has progressed, only very limited weight can be attributed to its policies at this stage.

S1 - Presumption in favour of sustainable development

S5 - Design of new development

Ec9 - Town and Local centres: Hierarchy and management of Development

Ec11 - Town and Local centres: Primary Shopping Area - Non-Shopping uses

Ec13 - Primary and Secondary Frontages

6. Assessment

Principle of Development

The site lies within the Limits to Development of Coalville and is located within the Coalville Conservation Area. As no external alterations are proposed, the development would keep the active shop window frontage and would have visitors during the day and evening. Therefore, the proposal would not adversely affect the vitality, viability, character or function of the retail area and would, thus, be in accordance with Policies R1 and R19 of the adopted Local Plan. The principle of the development is considered to be acceptable but it is necessary to take into account other matters including design and heritage, residential amenity and highway considerations.

Design and Heritage Issues

No external alterations are proposed at the existing shop frontage. As such there would be no adverse impact on the character of the Conservation Area or the streetscene in general. The proposed development would, therefore, be in scale and character with its surroundings and would have no adverse impact on designated and non-designated heritage assets in accordance with Policy E4 of the Adopted Local Plan and the provisions of the NPPF.

Residential Amenity Issues

The buildings on High Street are occupied for a variety of uses including retail, restaurants and flats. The adjacent premises are in use as an estate agents and a shoe repair shop and there is a flat on the first floor above the proposed micro-pub. The use of the premises as a micro-pub would be unlikely to adversely impact on residential amenities due to the nature of the operation since there would be no loud intermittent noises from televisions, gaming machines, pool tables or sound systems. However, the Council's Environmental Protection Section recommends a condition in respect of sound insulation to protect the occupiers of the first floor flat. The size of the premises (some 56 sqm total) limits the extent of the operation, and if A4 use was granted it would be unlikely to be a suitable business prospect as a standard brewery pub.

Furthermore, the hours of operation would be Sunday to Thursday 11am to 11.30pm and Friday to Saturday - 11am to 12 midnight. These are considered to be overly restrictive in a town centre location and officers are of the view that opening hours of 9am to 11.30pm on Sunday to Thursday and 9am to midnight on Fridays and Saturdays would be more appropriate. These hours of operation would be unlikely to cause an unacceptable level of comings and goings to and from the site at unsocial hours.

A grant of permission for A4 (drinking establishments) use would mean that use classes A3

(restaurant/Café), A2 (professional and financial offices); and A1 (retail) could subsequently be implemented under permitted development rights. On the basis that the premises are in the Town Centre, and the size of the premises would limit many A4 use class operations, any of those uses would be appropriate and it is considered unnecessary to remove permitted development rights in relation to use class.

Due to the nature of the micro pub operation, and subject to appropriate conditions, the proposed development would have no adverse impact on the residential amenities of surrounding occupiers. Therefore the scheme is considered to be in accordance with the requirements of Policy E3 of the Adopted Local Plan.

Highway Issues

There is currently no off street parking available for the premises and this would not change as part of the proposed scheme. It is considered that the nearby public car parks and availability of public transport would be sufficient for users of the premises. The County Highway Authority has been consulted on the application and has no comments to make. As such the proposal would be in accordance with Policies T3 and T8 of the Adopted Local Plan.

Summary

The proposed micro pub operation would retain the scale and character of the existing building within the Coalville Conservation Area, and would have no adverse impact on the town centre shopping area, designated heritage assets, residential amenities or highways in accordance with Policies R1, R19, E3, E4, T3 and T8 of the Adopted Local Plan and the provisions and intentions of NPPF. The application is, therefore, recommended for approval.

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

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

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

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

Site location plan 1:1250 deposited with the local planning authority on 6 October 2015;
 Proposed floor plan (1:100) deposited with the local planning authority on 6 October 2015;
 Proposed floor plan (1:50) deposited with the local planning authority on 6 October 2015;
 Existing floor plan (1:50) deposited with the local planning authority on 6 October 2015.

Reason - To determine the scope of this permission.

- 3 The use hereby permitted shall not commence until internal noise insulation measures between the micro pub and the first floor flat above have been submitted to and agreed in writing by the Local Planning Authority. The agreed measures shall be provided in accordance with the agreed details and maintained as such.

Reason - To ensure against noise disturbance to the surrounding area or properties.

- 4 Operations or uses authorised under this permission shall be carried out within the application site only between the following times:

Between 0900hrs and 2330hrs Sundays to Thursdays;
Between 0900hrs and 0000hrs Fridays and Saturday.

An additional 30 minutes of opening will be permitted on the following days/dates:

- New Year's Day;
- Valentines Day;
- Thursday before Good Friday;
- Good Friday;
- Easter Saturday;
- Easter Monday;
- Sunday and Monday of all Bank Holiday weekends;
- St Patrick's Day;
- St David's Day;
- St George's Day;
- St Andrew's Day;
- 23rd to 30th December.

Reason - To ensure against noise disturbance to the surrounding area or properties.

Notes to applicant

- 1 As of 6th April 2008 written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97.00 per request. Please contact the Local Planning Authority on (01530) 454665 for further details.
- 2 The developers should note that this permission does not authorise any new shop front advertisement which may require advertisement consent. You may wish to contact the Local Planning Authority in relation to any new adverts which may be required.
- 3 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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Retention of 4 no existing roller shutters and installation of 1
no new roller shutter (part retrospective)

Report Item No
A3

23, 27, 31, 35 And 39 Blackfordby Lane Moira Swadlincote
Derby DE12 6EX

Application Reference
15/00744/FUL

Applicant:
Mr Chris Lambert

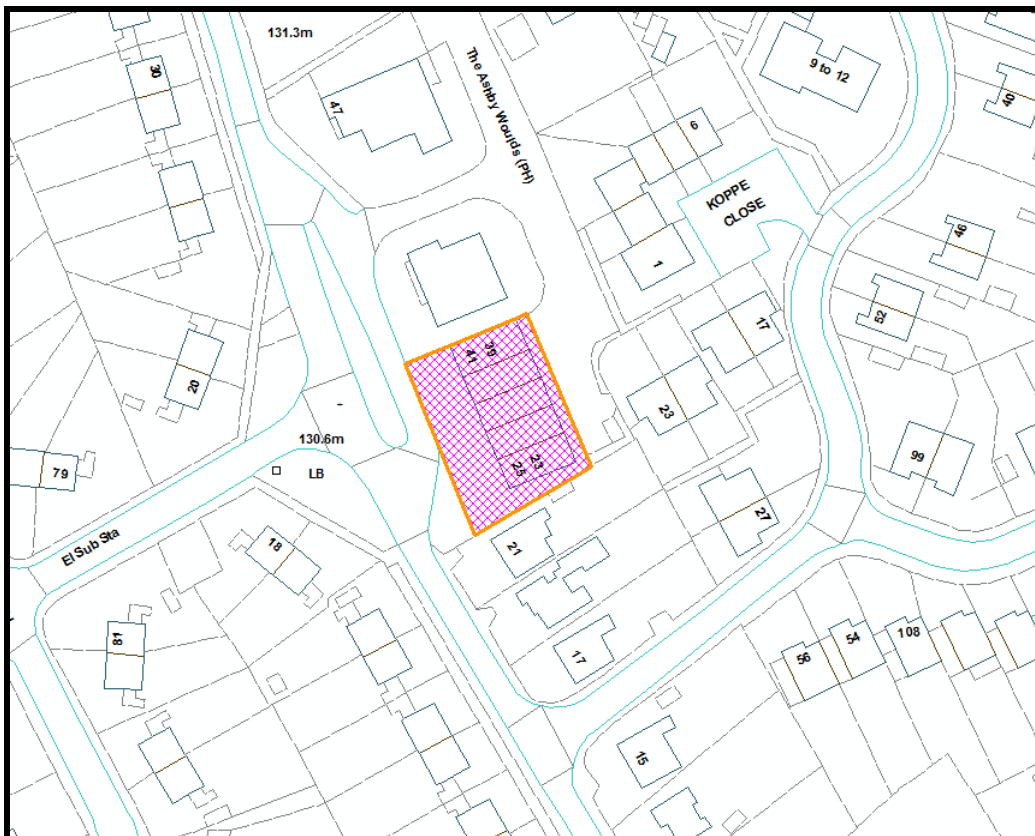
Date Registered
30 July 2015

Case Officer:
Ebony Mattley

Target Decision Date
24 September 2015

Recommendation:
PER

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

In accordance with the North West Leicestershire District Council Constitution, the application has been referred to Planning Committee, as the application is submitted by the Council for its own development and an objection has been received.

Proposal

Full planning permission is sought for the retention of four existing roller shutters and the installation of one new roller shutter, at 23, 27, 31, 35 and 39 Blackfordby Lane, Moira.

Consultations

Members will see from the main report below that one letter of objection has been received. Ashby Would Town Council raises no objections.

Planning Policy

It is considered that the development is compliant with all relevant Paragraphs of the National Planning Policy Framework (NPPF) as well as the relevant Policies of the North West Leicestershire Local Plan, other guidance and emerging draft Local Plan.

Conclusion

The site lies within Limits to Development where there is a presumption in favour of development subject to all other matters being addressed. The scheme does not give rise to any significant material impacts upon the occupiers of neighbouring dwellings, visual amenity and the character of the area, or highway safety and would not be likely to have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI. There are no other material impacts identified, that would indicate that the proposal is not in compliance with the NPPF or local development plan policies. Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

RECOMMENDATION: PERMIT SUBJECT TO THE IMPOSITION OF CONDITIONS

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

MAIN REPORT

Full planning permission is sought for the retention of four existing roller shutters and the installation of one new roller shutter, at 23, 27, 31, 35 and 39 Blackfordby Lane, Moira.

The galvanised shutters that have already been installed are positioned below existing shop signage and housed with a roller shutter box, when not in use. The proposed new shutter will reflect that of the existing shutters. The shutters seeking retrospective planning permission have been installed and in operation since April 2015.

The five ground floor shops are located within a three storey building, located within Limits to Development, as defined by the North West Leicestershire Local Plan Proposals Map 2002.

The application is not accompanied by any supporting documentation.

Relevant Planning History:-

15/0028/UNDOM - Enforcement Enquiry - Pending outcome of this application.

2005 applications for shop signage.

2. Publicity

No. 22 Neighbours have been notified. Date of last notification 11 September 2015

Site Notice displayed 4 August 2015

3. Consultations

Ashby Woulds Town Council consulted 30 July 2015
NWLDC Planning Enforcement consulted 30 July 2015

4. Summary of Representations Received

The following summary of representations is provided.

Ashby Woulds Town Council raises no objections.

Third Party Representations

1 letter of objection has been received raising the following objection:-

a) The sun reflects on the shutters and is blinding, and the curtains have to be kept drawn.

All responses from statutory consultees and third parties are available for Members to view on the planning file.

5. Relevant Planning Policy

National Policies

National Planning Policy Framework

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

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

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

Paragraph 14(Presumption in favour of sustainable development)
Paragraph 64(Requiring good design)

Adopted North West Leicestershire Local Plan (2002)

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

Policy S2 (Limits to Development)
Policy R1(Central Areas Shopping)
Policy R19(Acceptable Uses in Local Centres)
Policy E3 (Residential Amenities)
Policy E4 (Design)

Emerging North West Leicestershire Local Plan

On 15 September 2015, at a Full Council meeting, the District Council considered a draft Local Plan and resolved to approve the draft Local Plan for consultation. The draft policies listed below are considered relevant to this application. However, in view of the very early stage to which the draft Local Plan has progressed, only very limited weight can be attributed to its policies at this stage.

S1 - Presumption in favour of sustainable development
S5 - Design of new development
Ec14 - Local Centres

Other Guidance

National Planning Practice Guidance - March 2014.

The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations') as amended.

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System.

River Mease Water Quality Management Plan - August 2011.
River Mease Development Contributions Scheme - November 2012.

6. Assessment

The main issues for consideration in the determination of this application relate to the principle of development, scale and design, impact upon residential amenity and impact upon the River Mease Special Area of Conservation/SSSI and other matters. No weight can be given to the retrospective element of this application.

Principle of Development

The site is located within the Limits to Development as set out on the Proposals Map to the Local Plan where the principle of extensions and alterations to an existing building is considered to be acceptable, subject to all other planning matters being addressed.

The site is also located within an allocated retail area and would normally fall to be considered against Local Plan Policies R1 and R19; however these policies relate to new retail development and acceptable uses in this location and therefore are not applicable in the determination of this application.

It is considered that there is no in principle objection to the installation of these replacement galvanised roller shutters, subject to all other planning matters being adequately addressed.

Scale and Design

Whilst there would be a preference for perforated shutters, given that the shutters have been replaced on a like-for-like basis, with the only difference between the 4 recently installed and 1 proposed shutters, in comparison to the previous, being the cream colour finish, it is not considered perforated shutters would be a reasonable request, in this instance.

The shutters (once in operation) are not considered to be unduly prominent, as they are viewed against the backdrop of the three storey building, constructed of brick, with a range of differing proportioned windows and 5 no. different coloured fascia signs (some of which are illuminated).

Given that the roller shutters are only in operation, when the shops are not open, they are not a permanent addition to the streetscene and it is not considered that the galvanised appearance would result in any significant additional adverse visual impacts, over and above that of the previous roller shutters, to sustain a reason for refusal in this case.

Impact upon Residential Amenity

There are residential properties above the shop units at ground floor and neighbouring dwellings, adjacent to the row of shop fronts. It is considered by virtue of the nature of the proposal, that there would be no residential properties significantly impacted upon as a result of the proposal.

An objection has been raised regarding glare from the reflection of sunlight off the shutters. It is considered that this could only occur when the sun was shining and no other residents (directly opposite the site) have reported this as an issue.

Impact on the River Mease Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI)

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal would have a significant effect on the SAC is required.

Given the nature of the scheme there would no increase in foul drainage discharge and no change to surface water drainage.

Therefore it can be ascertained that the proposal on the site will, either alone or in combination with other plans or projects, have no likely significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

Highway Considerations

The current access and parking arrangements will remain unchanged and there is no further consideration required in respect of highway safety.

Conclusion

The site lies within Limits to Development where the principle of development is acceptable. The development by reason of its scale and design would not result in any adverse impact upon the appearance of the existing building or streetscene and the proposal would accord with Policy E4 (Design). The proposed development would not have any significant detrimental impact on the amenities of neighbours and would accord with Policy E3 (Residential Amenities) and there are no identified impacts upon access or parking and therefore the proposal would accord with Policy T8 (Parking). It is considered that the development would not significantly increase foul drainage discharge or surface water run-off from the site. As such, the integrity of the River Mease SAC would be preserved in accordance with Paragraph 118 of the National Planning Policy Framework and the 2010 Habitats Regulations and Circular 06/05.

Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

RECOMMENDATION - PERMIT subject to the following conditions:

- 1 The proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by a condition of this permission: Block Plan (Scale 1:500) and elevation, ground floor plans and elevations received by the Local Planning Authority on 30 July 2015.

Reason -To determine the scope of this permission.

- 2 The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing with the Local Planning Authority.

Reason- To ensure a satisfactory standard of external appearance.

Notes to applicant

- 1 Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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