

Meeting	PLANNING COMMITTEE
Time/Day/Date	4.30 pm on Tuesday, 4 April 2017
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 Council is aware that planning applications may be controversial and emotive for those affected by the decisions made by this Committee. However all persons present are reminded that the Council will not tolerate abusive or aggressive behaviour towards staff or other visitors attending this meeting and anyone behaving inappropriately will be required to leave the meeting and the building.

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 7 March 2017.	3 - 12
4.	PLANNING APPLICATIONS AND OTHER MATTERS	
	Report of the Head of Planning and Regeneration.	13 - 16



Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
A1	16/00216/FULM: Erection of road related facilities - including petrol filling, service station, restaurant, cafe and formation of petrol forecourts, aprons and parking areas Land Off Flagstaff Island Lountside Ashby De La Zouch Leicestershire LE65 1JP	PERMIT Subject to Section 106 legal agreement	17 - 28
A2	16/01430/FUL: Erection of three retirement dwellings with associated garages Land Adjacent To Highwinds Lower Moor Road Coleorton Coalville Leicestershire LE67 8FN	REFUSE	29 - 42
A3	17/00092/OUT: Erection of detached dwelling with associated garage along with alterations to the vehicular access (Outline - means access, scale and layout for approval) (Resubmission) 11 Rempstone Road Belton Loughborough Leicestershire LE12 9XA	REFUSE	43 - 54

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 7 MARCH 2017

Present: Councillor D J Stevenson (Chairman)

Councillors R Boam, R Canny, J Cotterill, J G Coxon, D Everitt, D Harrison, J Hoult, R Johnson, G Jones, V Richichi, S Sheahan (Substitute for Councillor R Adams), N Smith, M Specht and M B Wyatt

In Attendance: Councillor T J Pendleton

Officers: Mr C Elston, Mr J Mattley, Mr R McKillop, Mr A Mellor, Mrs M Meredith, Mr J Newton and Miss S Odedra

101. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R Adams, J Bridges and J Legrys.

102. DECLARATION OF INTERESTS

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

Councillor D J Stevenson declared that he had been lobbied without influence in respect of item A1, application number 16/00102/OUTM.

Councillors J G Coxon, J Hoult and G Jones declared a non pecuniary interest in items A4 and A8, application numbers 17/00034/FUL and 16/00835/FUL, as members of Ashby Town Council.

Councillor V Richichi declared a pecuniary interest in item A5, application number 16/00888/OUT, as a neighbour of the applicant.

Councillors N Smith, M Specht and D J Stevenson declared that they had been lobbied without influence in respect of item A5, application number 16/00888/OUT.

Councillors D Harrison, V Richichi, S Sheahan, D J Stevenson and M B Wyatt declared that they had been lobbied without influence in respect of item A6, application number 16/01056/FUL.

Councillor J Cotterill declared a non pecuniary interest in item A7, application number 17/00024/OUT, as Chairman of Coleorton Parish Council.

Councillor M Specht declared a non pecuniary interest in item A7, application number 17/00024/OUT, as Deputy Chairman of Coleorton Parish Council.

103. MINUTES

Consideration was given to the minutes of the meeting held on 31 January 2017.

Councillor M B Wyatt commented that he had not suggested that occupiers of social housing were anti social.

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

RESOLVED THAT:

The minutes of the meeting held on 31 January 2017 be approved and signed by the Chairman as a correct record.

104. 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.

105. A1 16/00102/OUTM: RESIDENTIAL DEVELOPMENT OF UP TO 30 NO. DWELLINGS AND ASSOCIATED INFRASTRUCTURE (OUTLINE - ACCESS ONLY) Talbot Place Donisthorpe Swadlincote Derby DE12 7PU

Officer's Recommendation: REFUSE

The Principal Planning Officer presented the report to members.

Mr C Timothy, applicant's agent, addressed the meeting. He stated that the application site was well related in scale and location to the existing pattern of development in Donisthorpe and was within easy walking distance to all services and public transport. He added that the land was not subject to any formal designations and there would be no adverse impact upon open space or the character of the surroundings. He commented that there were no objections in respect of highway safety and the proposals were not controversial locally. He confirmed that the Parish Council welcomed the provision of the green space. He highlighted the affordable housing provision and the willingness of the applicant to enter into a Section 106 Agreement in this respect. He stated that the development of the site represented sustainable development and the fact that it was located within the River Mease catchment area did not make the proposals unsustainable. He urged members to permit the application.

Councillor G Jones felt that the site lent itself well to the expansion of the estate and would raise the aspirations of residents.

Councillor M Specht felt that the proposals were not as intrusive as the development which had been permitted on the frontage. He made reference to the need for affordable housing, the need to identify a 5 year housing land supply with a buffer of 20% and the fact that the emerging Local Plan had not yet been tested and found to be sound.

It was moved by Councillor N Smith, seconded by Councillor J Houlton and

RESOLVED THAT:

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

106. A2 17/00023/FULM: DEMOLITION OF CARE HOME AND ERECTION OF 11 DWELLINGS Greenacres Linford Crescent Coalville Leicestershire LE67 4QT

Officer's Recommendation: PERMIT

The Planning Officer presented the report to members.

Councillor M B Wyatt stated that he could not support the proposals as the mix of social housing with the elderly would not work. He added that there was evidence of antisocial behaviour in this area due to changes in policy and elderly people would not come out of their homes because of the antisocial behaviour of young people in social housing.

Councillor D Harrison expressed support for the proposals which he felt would enthuse and lift the area. He added that it was the Council's responsibility to build better accommodation for people where possible.

It was moved by Councillor S Sheahan, seconded by Councillor J G Coxon and

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Regeneration, as amended by the update sheet.

**107. A3
16/01210/OUT: ERECTION OF THREE TWO STOREY DWELLINGS AND
ASSOCIATED ACCESS ARRANGEMENTS INCLUDING AMENDED PARKING FOR
NO'S 5,7 AND 9 BOROUGH STREET (OUTLINE - MEANS OF ACCESS AND LAYOUT
FOR APPROVAL)**

Land To The Rear Of 3-9 Borough Street Kegworth Derby DE74 2FF

Officer's Recommendation: PERMIT

The Senior Planning Officer presented the report to members.

Mrs G Tseng, objector, addressed the meeting. She expressed concerns regarding overlooking and the proximity of plot 1 to neighbouring properties being situated 11m away from the flats on Hollands Way which was contrary to planning guidance. She also expressed concerns regarding the siting of the car parking spaces for plots 2 and 3 as they were over the root protection zone and under the canopy of a protected ash tree and queried how car parking spaces could be provided without digging within the root protection zone. She felt that the car parking for 3 Borough Street should be retained to the rear as the proposals were unsafe due to the narrowing and steep incline of the street.

Mr M Sansom, applicant's agent, addressed the meeting. He highlighted that the site was a sustainable location for new development, being situated within walking distance of services. He felt that the proposals made best use of the site and the development could be comfortably accommodated without impacting upon the surroundings or neighbour amenity. He added that the proposals would not prejudice the safe use of the highway network. He confirmed that the amended layout showed homes outside the root protection area of the protected tree. He concluded that all material considerations had been addressed and the proposals accorded with planning policy. He urged members to permit the application.

Councillor J G Coxon commented that the site was currently an eyesore and once it was cleared, the size of the site would become evident.

Councillor M Specht highlighted that the application had been called in due to concerns in respect of overdevelopment of the site, however the proposed number of dwellings had now been reduced from 4 to 3. He also expressed concerns regarding the safety of the tree.

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

RESOLVED THAT:

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

108. A4**17/00034/FUL: DEMOLITION OF EXISTING GARAGE AND ERECTION OF DETACHED BUILDING TO PROVIDE TWO SELF-CONTAINED FLATS**

9 Grange Close Ashby De La Zouch Leicestershire LE65 2PQ

Officer's Recommendation: PERMIT Subject to a Section 106 legal agreement

The Principal Planning Officer presented the report to members.

Councillor D Harrison felt that the proposals could be an asset for local people. He expressed support for the proposals, saying that one garage for two flats was a good trade, acknowledged that the proposal was within the curtilage of the applicant's property and moved that the application be permitted in accordance with the officer's recommendation.

This was seconded by Councillor R Johnson.

Councillor G Jones stated that he had called the application in due to the concerns of neighbours in respect of the over-intensive use of the site and highway safety. He added that the proposals were out of character with the rest of the close.

Councillor J G Coxon agreed that the proposals represented overdevelopment of the site. He stated that he could not support the proposals as it was unfair on the neighbours, would not provide any benefit for the area and would leave no land for the amenity of residents.

Councillor D Everitt felt that the building line would go beyond the existing garage, the height of the proposed development would be intrusive and the development was over-intensive.

Councillor J Hoult agreed that the proposals represented overdevelopment of the site.

The motion to permit the application was then put to the vote and declared LOST.

Councillor G Jones moved that the application be refused on the grounds of highway safety and that the development would be over-intensive. This was seconded by Councillor J Hoult.

The Head of Planning and Regeneration strongly advised members in respect of the reasons for refusal that because the Highway Authority had considered the application and had raised no concerns, in what was a highly technical subject, the highway safety reason for refusal ought not to be pursued.

Following a discussion, the mover and seconded of the motion agreed to remove highway safety from the reasons for refusal and following further advice from the Head of Planning and Regeneration, added that the proposal would be out of character with the area..

It was moved by Councillor G Jones, seconded by Councillor J Hoult and

RESOLVED THAT:

The application be refused on the grounds that the proposals represented over-intensive use of the site and were not in keeping with the surrounding street scene.

Having declared a pecuniary interest, Councillor V Richichi left the meeting prior to consideration of the following item and took no part in the discussion or voting thereon.

- 109. A5**
16/00888/OUT: ERECTION OF ONE DETACHED DWELLING WITH DETACHED GARAGE AND STABLE BLOCK FOR USE IN CONNECTION WITH HORSE STUD AND FORMATION OF NEW ACCESS (OUTLINE- ACCESS AND LAYOUT INCLUDED)
 Land At Redburrow Lane Packington Ashby De La Zouch Leicestershire LE65 1UD

Officer's Recommendation: REFUSE

The Planning and Development Team Manager presented the report to members.

Mr A Large, applicant's agent, addressed the meeting. He highlighted an animal welfare argument for having a dwelling on the site following the approval of a residential development on an adjacent site now under construction. He said that senior officers had been supportive of the proposals until a few weeks previously. He made reference to the presumption in favour of sustainable development and a previous application in Packington similar to this which had been approved by the Committee. He added that the development provided a natural end stop to development fronting Normanton Road and the hedgerow offered good screening. He felt that the proposals would act as an attractive focal point and pointed out that there were no technical objections to the scheme. He urged members to support the proposals.

Councillor R Canny felt that ordinarily she would oppose developments like this, but the ongoing development adjacent to the site changed her mind about this proposal. She considered that the site was very pleasant, the proposals would be of benefit to the village and would screen some of the larger development.

Councillor M Specht expressed support for the proposals. He felt that the lane provided a natural buffer zone for the limits to development. He made reference to the housing white paper and the support for self builders. He urged members to set an example by putting the white paper's proposals into action.

Councillor G Jones expressed support for self build sites and welcomed the design and quality of the development.

Councillor D Harrison felt that the proposals would not enhance the site and were inappropriate for the site and village. He noted that the applicant did not live more than a short walk from the site, the scale of the proposed house was not a modest dwelling to keep an eye on the ponies, it was a large house and was not appropriate.

Councillor N Smith felt that the development was not required and the adjacent development was irrelevant. He noted that the Parish Council opposed the scheme, the Planning Committee had recently refused permission for housing opposite the site, and the site was outside the limits to development. He suggested that the proposed house would be desirable for the applicant, but was not required. He felt that permitting the application would set a precedent.

Councillor D J Stevenson said that the agent had been led to believe that the scheme would be supported, and expressed disappointment that the recommendation was to refuse permission.

It was moved by Councillor N Smith, seconded by Councillor J G Coxon and

RESOLVED THAT:

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

Councillor V Richichi returned to the meeting.

110. A6

16/01056/FUL: ERECTION OF DETACHED TWO STOREY DWELLING WITH ADJACENT GARAGE AND NEW VEHICULAR ACCESS

The Manor Overton Road Ibstock Coalville Leicestershire LE67 6PD

Officer's Recommendation: REFUSE

The Planning Officer presented the report to members.

Mr A Large, applicant's agent, addressed the meeting. He said that the officer had indicated that the application would be supported, and put forward uncertainty as to whether the site was within the curtilage of a listed building. He stated that the proposals were of a high quality and were sympathetic to the surroundings. He added that substantial works were also proposed to the coach house which had fallen into disrepair. He stated that the property would be self-build, and that the neighbours supported the proposal. He commented that there were no objections from any of the statutory consultees and he respectfully asked members to approve the application.

Councillor J G Coxon moved that the application be refused in accordance with the officer's recommendation. This was seconded by Councillor N Smith.

Councillor G Jones spoke in support of the proposals. He felt that this was a bespoke development and the coach house restoration was important.

Councillor V Richichi also spoke in support of the proposals. He felt that having the coach house brought back to its former glory would be of great benefit and the development would not affect the setting of the listed building.

Councillor D Harrison expressed concerns in respect of the comments made by the agent relating to pre-application advice. He felt that the site was ideal for an additional dwelling.

Councillor N Smith commented that grants were available to support the restoration of listed buildings.

The motion to refuse the application was then put to the vote and declared LOST.

It was moved by Councillor M Specht, seconded by Councillor G Jones and

RESOLVED THAT:

- a) The application be permitted on the grounds that the development site was not within the curtilage of a listed building, and that it would make a financial contribution of £50,000 towards the restoration of the coach house.
- b) Imposition of conditions and a legal agreement to secure the dwelling as self-build and the £50,000 contribution to the coach house restoration be delegated to the Head of Planning and Regeneration.

111. A7
17/00024/OUT: ERECTION OF A DETACHED DWELLING WITH ASSOCIATED ACCESS (OUTLINE - MEANS OF ACCESS AND LAYOUT FOR APPROVAL)
 1 Zion Hill Peggs Green Coleorton Coalville Leicestershire LE67 8JP

Officer's Recommendation: REFUSE

The Senior Planning Officer presented the report to members.

Mr A Large, applicant's agent, addressed the meeting. He said that pre-application discussions in respect of the proposals were supportive. He highlighted the proposal permitted close to the site which was also outside the limits to development. He added that there were no technical objections and urged members to support the proposals.

Councillor R Boam moved that the application be refused in accordance with the officer's recommendation. This was seconded by Councillor J G Coxon.

It was clarified that the application shared a boundary with an application which had been granted in the previous year.

Councillor G Jones felt that the proposals would enhance the area, specifically the pub's prospects and would support other local businesses.

Councillor D Harrison expressed concerns in respect of the comments made relating to positive pre-application advice. He felt that the proposals would complete the corner plot and enhance the area.

Councillor R Johnson agreed with the comments made and added that this was a sustainable village.

The motion to refuse the application was then put to the vote and declared LOST.

It was moved by Councillor G Jones, seconded by Councillor R Johnson and

RESOLVED THAT:

- a) The application be permitted on the grounds that the location was sustainable and the proposals would enhance the village, supporting local businesses.
- b) Imposition of conditions be delegated to the Head of Planning and Regeneration.

112. A8
16/00835/FUL: ERECTION OF ONE DWELLING AND FORMATION OF ACCESS
 Land Adjacent 16 Measham Road Ashby De La Zouch Leicestershire LE65 2PF

Officer's Recommendation: REFUSE

The Planning and Development Team Manager presented the report to members.

Mr A Large, applicant's agent, addressed the meeting. He highlighted that there were no objections from officers or any of the statutory consultees other than the concerns in respect of the River Mease. He highlighted the alternative proposal in respect of a non-mains drainage connection and explained that the applicant was happy to enter into conditions in respect of the mains drainage connection. He said that the proposal was self-build and urged members to support the proposals.

Councillor D J Stevenson commented that there were no objection to the proposals and there was currently capacity to enable a mains drainage connection. He stated that the application was within the limits to development and was sustainable.

Councillor G Jones expressed support for the proposals which he felt would enhance Measham Road.

It was moved by Councillor D J Stevenson, seconded by Councillor G Jones and

RESOLVED THAT:

- a) The application be permitted subject to conditions and a legal agreement to secure the dwelling as self-build and the River Mease contribution.
- b) The imposition of the conditions be delegated to the Head of Planning and Regeneration.

113. A9

16/01285/RET: RETENTION OF A FIRST FLOOR REAR WINDOW TO BE OPENABLE TO NO MORE THAN 50MM AND TO NOT BE FULLY OBSCURE GLAZED

7 Appleby Fields Close Appleby Magna Swadlincote DE12 7BF

Officer's Recommendation: PERMIT

The Planning and Development Team Manager presented the report to members.

Mr T Huxley, objector, addressed the meeting. He explained how the developer had not adhered to the restrictions in respect of the requirement for the window to be non opening and obscured glazed due to the overlooking nature of the dwelling to his own property. He felt that if the application were permitted, this would set a dangerous precedent on the ease of violating planning conditions. He urged members to send a message to developers not to ignore conditions.

Mrs A Davis, applicant, addressed the meeting. She highlighted that there were other properties in closer proximity to Old End than her own property and there was no means of view to the garden through any of the windows. She added that the view from all other upstairs windows was identical and the evergreen trees which had screened the majority of the garden from view had recently been cut down to fence height. She stated that the room in question was a bedroom and the restrictions as such were inappropriate.

Councillor R Johnson expressed concerns in respect of developers not adhering to conditions imposed. He felt strongly that the conditions should be enforced, or they should not be imposed.

The Head of Planning and Regeneration agreed that conditions should be enforced, however when taking enforcement action it was necessary to consider the public interest test. He commented that in some cases, it was not in the public interest to pursue a breach of conditions and that in this case it was officers' judgement that the costs of achieving full compliance with the condition in question would outweigh the benefits of such compliance. He confirmed that enforcement action would be taken against the owner of the building at the time of taking action, which may not be the same person that committed the breach of planning.

Councillor D Harrison expressed concerns in respect of the safety of a non opening window in a bedroom.

The Head of Planning and Regeneration explained that the safety of buildings and escape routes would be managed through building regulations.

Councillor N Smith felt that the developer should be made to adhere to the condition and it was unfair now to expect the person who had purchased the property to do so. He said that he did not want the committee to get involved in neighbour disputes.

It was moved by Councillor D J Stevenson, seconded by Councillor J Hoult and

RESOLVED THAT:

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

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 6.05 pm

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APPENDIX B

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

4 April 2017

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 road related facilities - including petrol filling, service station, restaurant, cafe and formation of petrol forecourts, aprons and parking areas

**Report Item No
A1**

**Land Off Flagstaff Island Lountside Ashby De La Zouch
Leicestershire LE65 1JP**

**Application Reference
16/00216/FULM**

**Applicant:
Euro Garages**

**Date Registered:
25 February 2016**

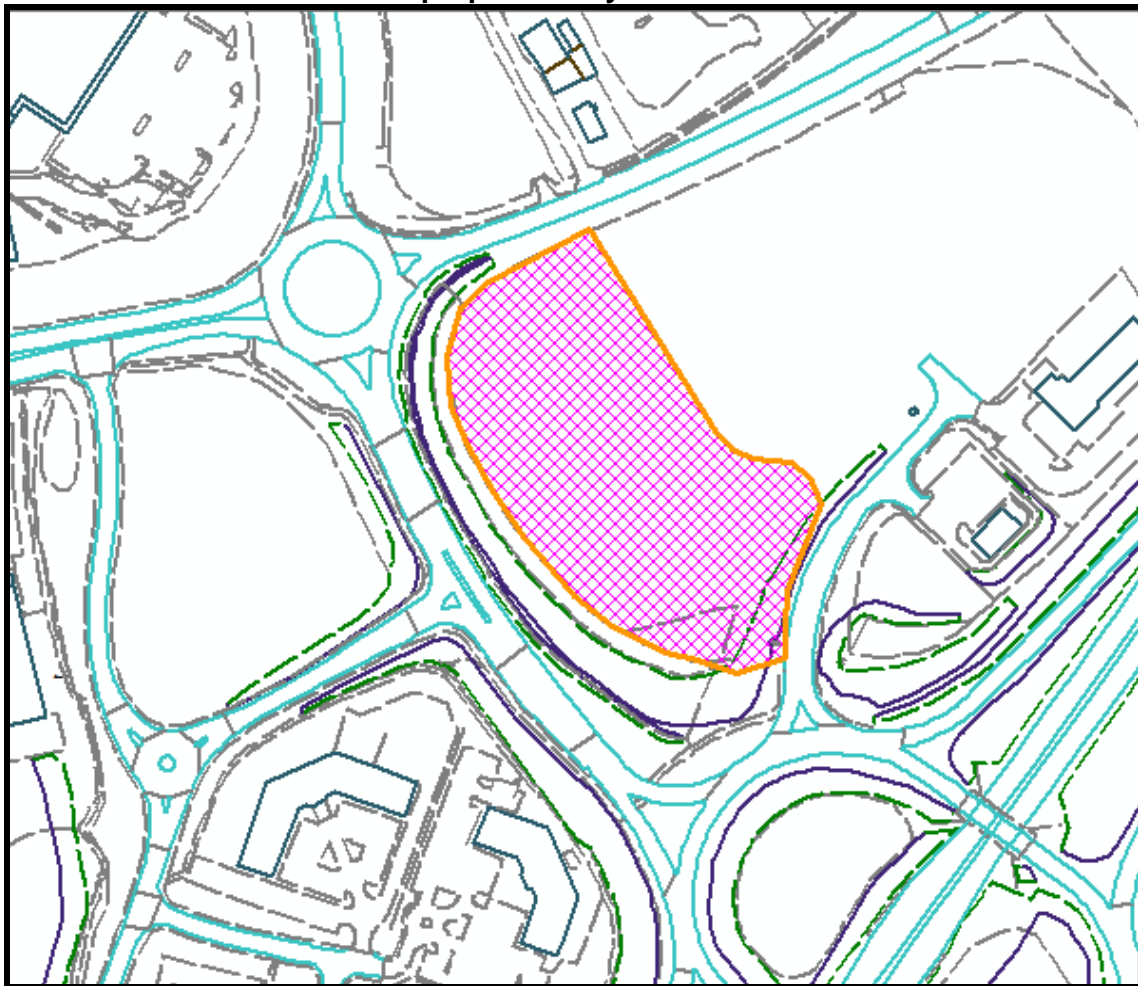
**Case Officer:
Adam Mellor**

**Consultation Expiry:
29 March 2016**

**Recommendation:
PERMIT Subject to Section 106 legal agreement**

**8 Week Date:
26 May 2016
Extension of Time:
5 April 2017**

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Reason for Call In

The application is reported to the Planning Committee, at the request of Councillor Allman on the grounds of highway safety, impact on traffic on Nottingham Road, un-sustainable development, services and facilities already being provided, air pollution and the application being matter of local concern.

Proposal

Full planning permission is sought for the erection of road related facilities at Flagstaff Island, Ashby de-la Zouch, including a petrol filling station, shop and two A3 restaurant/cafe uses.

Consultations

Ashby Town Council have raised objections to the application but no other objections have been raised by statutory consultees or third parties.

Planning Policy

The application site is located outside the Limits to Development, and is designated under Saved Policy T4(b) - Road Related Services, as defined in the adopted Local Plan.

Conclusion

The principle of development of the site, which has been established by previous grants of outline planning permission and Saved Policy T4(b) of the adopted Local Plan, indicates that in the event of the planning permission lapsing for road-related facilities on the site it will be renewed subject to the policies of the Local Plan and other material considerations. Whilst the site lies outside the Limits to Development, it is specifically designated under Policy T4(b) for such uses and as such, the application proposal is acceptable in terms of impact on the River Mease SAC and DCS2.

The proposal is considered to be acceptable in design terms and will have no significant impacts on highway safety, flooding, archaeology, ecology, land contamination or residential amenity.

It is therefore recommended that planning permission be granted, subject to the imposition of planning conditions and Section 106 obligations.

RECOMMENDATION - PERMIT, subject to Section 106 obligations and 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, 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

Full planning permission is sought for the erection of road related facilities at Flagstaff Island, Ashby de-la Zouch.

The scheme comprises Euro Garages, Petrol Filling Station and Forecourts, and Use Class A3 Restaurant and Cafe (intended to be Kentucky Fried Chicken Restaurant and Starbucks Coffee Shop).

The application site is located outside the Limits to Development, and is designated under Saved Policy T4(b) - Road Related Services, as defined in the adopted Local Plan Proposals Map 2002.

Relevant Planning History:-

12/00448/FULM - Erection of road related service facilities - Withdrawn - 03.09.2012

06/00235/OUT - Erection of road related service facilities (outline including details of access) - Approved - 12.10.2006

2. Publicity

7 Neighbours have been notified.

Site Notice displayed 2 March 2016.

Press Notice published Leicester Mercury 9 March 2016.

3. Summary of Consultations and Representations Received

The following summary of representations is provided. Members may inspect full copies of correspondence received on the planning file.

Ashby Town Council raises the following objections:-

"There are highways issues associated with increased traffic generation created by the new facilities. This leads to highway safety concerns on the Flagstaff Island. In addition there will be an impact on traffic flows and highways safety on roads leading to Flagstaff Island, caused by the increased volume in traffic".

Natural England has raised no objections to the application, subject to the imposition of planning conditions.

Environment Agency has raised no objections to the application, subject to the imposition of planning conditions.

Highways England has raised no objections to the application.

The Coal Authority has raised no objections to the application, subject to the imposition of a planning condition.

Leicestershire County Council - Highways has raised no objections to the application,

subject to the imposition of planning conditions.

Leicestershire County Council - Ecology has raised no objections to the application, subject to the imposition of a planning condition.

Leicestershire County Council - Archaeology has raised no objections to the application.

Leicestershire County Council - Lead Local Flood Authority has raised no objections to the application, subject to the imposition of planning conditions.

NWLDC Environmental Protection has raised no objections to the application, subject to the imposition of a planning condition.

NWLDC Environmental Protection - Land Contamination has raised no objections to the application, subject to the imposition of planning conditions.

Third Party Representations

No third party letters of representation have been received.

4. 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 adopted 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);
 Paragraphs 19 and 20 (Building a strong, competitive economy);
 Paragraphs 24 and 26 (Ensuring the vitality of town centres);
 Paragraphs 32 and 34 (Promoting sustainable transport);
 Paragraphs 57, 61 and 64 (Requiring good design);
 Paragraphs 100 and 103 (Meeting the challenge of climate change, flooding and coastal change); and
 Paragraphs 118 and 120 (Conserving and enhancing the natural environment).

Adopted North West Leicestershire Local Plan (2002)

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

Policy S3- Countryside

Policy T4 - Road Related Services - Commitments

Policy E2 - Landscaped Amenity Open Space
Policy E3 - Residential Amenities
Policy E4 - Design
Policy E7 - Landscaping
Policy F1 - National Forest General Policy
Policy T3 - Highway Standards
Policy T8 - Parking

Submitted North West Leicestershire Local Plan

The publication version of the Local Plan was agreed by Council on 28 June 2016 and submitted for examination on 4 October 2016. The weight to be attached by the decision maker to this submitted version should be commensurate to the stage reached towards adoption.

S1 - Future Housing and Economic Development Needs
S3 - Countryside
D1 - Design of New Development
D2 - Amenity
IF7 - Parking Provision and New Development
EN2 - River Mease Special Area of Conservation

Pre-Submission Ashby de la Zouch Neighbourhood Plan

The pre-submission Ashby Neighbourhood Plan has now been published and is currently out for consultation until 13 March 2017. The draft policies listed below are considered relevant to this application, however, in view of the early stage to which the pre-submission Neighbourhood Plan has been progressed only limited weight can be attributed to its policies at this stage.

Policy S1 - Presumption in favour of sustainable development
Policy S4 - Design
Policy T6 - Car Parking

Other Policies/Guidance

National Planning Practice Guidance - March 2014.
The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations').
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System.
River Mease Water Quality Management Plan - August 2011.
River Mease Water Quality Management Plan - Developer Contribution Scheme June 2016.

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.

5. Assessment

The main issues for consideration in the determination of this application relate to the principle of development, design, highway considerations, drainage and flood risk, impact upon the River Mease Special Area of Conservation/SSSI and other matters.

Principle of Development

Background

In January 1999, outline planning permission (ref: 98/0855) was granted for the erection of a hotel, restaurant and petrol filling station on land to the north west of the Flagstaff Island, adjacent to the A42 with vehicular access included for determination at that stage. The application was a renewal of a previous permission on the site, which had originally been granted on appeal in January 1992 (ref: 90/0395) and similar outline (ref: 94/1141).

In October 2001, reserved matters applications were approved for the erection of a 41-bedroom hotel situated at the north-eastern corner of the site adjacent to the northbound entry slip road onto the A42 (ref: 01/00964/REM) and for the construction of the access road into the site from the approved access position to the hotel site boundary (ref: 01/01111/REM).

A reserved matters application (ref: 01/00285/REM) was also approved for the erection of a restaurant with a drive through facility within the south-western area of site.

The hotel (Premier Travel Inn) and associated access road and the restaurant (McDonalds) have been completed and a series of applications (ref: 08/00670/FULM) for a hotel extension and various advertisement consent have subsequently been granted

In 2006, an application for outline planning permission (ref: 06/00235) was granted for the erection of road related service facilities.

This is the same area of the site which was previously the subject of the outline planning permission for such a use and the same as this application.

Policy Designation and Impact upon the Town Centre

The NPPF states that significant weight should be placed on the need to support and help achieve economic growth through the planning system and that local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.

The principle of development of the site, as set out above, has been established by the previous grants of outline planning permission and Saved Policy T4(b) of the adopted Local Plan indicates that in the event of the planning permission lapsing for road-related facilities on the site it will be renewed subject to the policies of the Local Plan and other material considerations.

Paragraph 6.24 of the adopted Local Plan states that "Service facilities are petrol filling stations and restaurants including those with rest facilities."

The site will fall outside Limits to Development within the submitted Local Plan and Policy S3 states that in areas designated as Countryside on the submitted plan Policies Map, development for transport infrastructure (criterion r) will be supported. It is, however considered that given that the policy has not yet been tested, in the opinion of the Local Planning Authority, the NPPF and Policy T4(b) at this stage carries greater weight, in this case.

Shop and restaurant uses are main town centre uses and an assessment on the impact on the town centre in terms of vitality and viability and the sequential test would normally be required. However, in this instance, given that Policy T4(b) indicates that in the event of the planning permission lapsing for road-related facilities on the site (which includes shop and restaurant uses), it will be renewed subject to the policies of the Local Plan and other material considerations, it is considered that no assessment in respect of the sequential test or impact on the vitality and viability of the town centre needs to be undertaken.

Accordingly, for the reasons discussed above, there is no objection in principle to the scheme submitted subject to all other matters below being adequately addressed.

Design

Discussions have been undertaken during the course of the application to improve the design and landscaping of the scheme.

The form of the buildings are predominantly rectangular in shape, of single storey proportions and with flat and mono pitch roofs.

The designs are contemporary and following the submission of amended plans there is a consistent approach across the site through the use of materials. The schemes now comprise a mixture of glazing, natural stone, timber vertical boarding and composite panels. The improvements to the materials ensures that this scheme reflects the National Forest setting.

The scheme is therefore considered to be in conformity with Saved Policy E4 of the adopted Local Plan, Policy D1 of the submitted Local Plan and overarching intentions of the NPPF.

Highway Considerations

Access is proposed from the existing access road, which already serves McDonalds, Premier Inn and Brewers Fayre.

The scheme proposes separate parking provision and cycle shelters for each of the uses, which are linked by footpath and raised pedestrian crossings. Off-site, the scheme proposes to construct a footpath to meet the existing footpath on Lountside.

The scheme has been considered by the Highways Agency who raises no objection, and the County Highway Authority (CHA) also raise no objections, subject to the imposition of conditions.

With regards to contributions, the CHA have requested contributions towards travel packs, 6 month bus passes, and a traffic regulation order (to secure road markings and signage) and inclusion of a routing agreement to be included within the legal agreement.

The CHA have also requested a condition in relation to the details of routing of construction traffic. In the opinion of the Local Planning Authority it would be difficult to differentiate between the general traffic and the specific construction traffic, and therefore it would not be enforceable. Furthermore, this is not considered necessary given the proximity of the site to the A42 and A511 and as such, a routing agreement will not be included in the legal agreement or be secured by condition.

Overall, it is considered that the development would not have any significant impact upon highway safety or parking provision and the proposal is considered to be acceptable in relation to Saved Policies T3 and T8 of the adopted Local Plan, Policy IF7 of the submitted Local Plan and Leicestershire County Council's 6Cs Design Guide.

Drainage and Flood Risk

The scheme has been considered by Leicestershire County Council - Lead Local Flood

Authority (LLFA) who originally required additional information in relation to sustainable drainage and associated calculations.

During the course of the application, additional information has been submitted by the applicant and re-consultation has been undertaken with the LLFA.

The LLFA have confirmed that they raise no objection, subject to conditions in relation to a surface water scheme, management and maintenance.

Accordingly, subject to the imposition of conditions it is considered that the scheme would not result in an un-acceptable adverse impact upon flood risk.

Impact on the River Mease Special Area of Conservation/SSSI

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

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

The River Mease Developer Contribution Scheme Second Development Window (DCS2) was adopted by the Council on 20 September 2016 which has limited capacity available for new development. Having regard to this limited capacity the Authority has had to decide how to deal with applications within the catchment area. In the Authority's opinion, the limited capacity should be directed to the most sustainable locations for new development within the District. Whilst the site lies outside the Limits to Development, it is specifically designated under Policy T4(b) of the adopted Local Plan for such uses and therefore the view is taken that this application is acceptable under DCS2.

During the course of the application, at the request of officers, the applicant has provided comparable figures from similar existing road related services. It is considered that this is a reasonable approach and the figures to be used to ascertain the contribution for this site is therefore:-

- a) Road Services = 591 customers x 12 (x 1mg/day) x 2.5 = £17,730
- b) Starbucks = 166 x 12 (x 1mg/day) x 2.5 = £4,980
- c) KFC = 166 x 12 (x 1mg/day) x 2.5 = £4,980
- d) Staff = 70 x 12 (x 1mg/day) x 2.5 = £2,100

Accumulatively this results in a contribution of £29,790.00. The applicant has confirmed that they are agreeable to paying the contribution which is to be secured by way of a legal agreement.

The flows will need to be taken into account against the existing headroom at Packington Treatment Works. At the time of writing this report sufficient capacity exists and therefore no concerns are raised in respect of capacity.

The Environment Agency has confirmed that as the site is located 75 metres from a tributary of the Gilwiskaw Brook, conditions are required in respect of a scheme to install underground tanks and a scheme to install oil and petrol separators, the details of which shall be first submitted to and approved in writing by the Local Planning Authority. Conditions to this effect are recommended to be imposed.

Severn Trent Water have raised no objection to the application, subject to the imposition of a condition in relation to the disposal of surface water and foul drainage. As Severn Trent do not comment on the discharge of conditions submissions in relation to surface water, a separate condition in relation to foul drainage is suggested, in this case.

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.

Other Matters

Impact upon Residential Amenity

There are no residential dwellings that will be immediately impacted upon as a result of the proposal.

The Council's Environmental Health Team have confirmed that whilst existing residential properties are sited at sufficient distances away, some mitigation from noise and dust during the construction phase should be afforded to the existing hotel and recommend a condition for a construction method statement.

Archaeology

The County Council Archaeologist has raised no objections to the application.

Ecology

The application has been accompanied by an Ecological Appraisal which has been considered by the County Council Ecologist who has raised no objection to the application, subject to a condition requiring that the landscaping is undertaken in accordance with the submitted details.

Land Contamination

The Council's Environmental Protection Team have raised no objections to the development with regards to ground contamination or land instability, subject to conditions.

Coal

The site lies within the Coal Authority Referral Area and accordingly a Coal Mining Risk Assessment accompanied the application submission. The Coal Authority has been consulted on the application and concurs with the recommendations of the Coal Mining Risk Assessment and site investigations which have been undertaken and raises no objection to the development, subject to the imposition of a planning condition.

Financial Contributions

On consideration of the financial requests received in respect of this application, it is considered that the following meet the CIL tests and a Section 106 Agreement would secure the following, which the applicant is agreeable to:-

- River Mease DCS2 contribution of £29,790;
- Either 0.36ha of woodland planting or a financial contribution of £7,200 in lieu of on-site provision;
- Traffic Regulation Order at a cost of £5,000;
- Travel Packs; and
- 6 Month Bus Passes.

Conclusion

The NPPF states that significant weight should be placed on the need to support and help achieve economic growth through the planning system and that local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.

The principle of development of the site, has been established by the previous grants of outline planning permission and Saved Policy T4(b) of the adopted Local Plan indicates that in the event of the planning permission lapsing for road-related facilities on the site it will be renewed subject to the policies of the Local Plan and other material considerations. It is considered that this type of use, would not be suitable, within the town centre and therefore the site represents the most sequentially preferable location for this specific development. Whilst the site lies outside the Limits to Development, it is specifically designated under Policy T4(b) of the adopted Local Plan for such uses and therefore the Authority is of the view that this application proposal is acceptable in terms of impact on the River Mease SAC and DCS2.

Subject to the imposition of conditions, the proposed development would be acceptable in terms of impact upon the residential amenities, highway safety, coal mining, flood risk and drainage, ecological and archaeological impacts and impact on the River Mease SAC/SSSI.

Appropriate contributions to the River Mease DCS2 and highway infrastructure would also be made so as to mitigate the impacts of the proposals.

There are no other relevant material planning considerations that indicate planning permission should not be granted and therefore, subject to the imposition of planning conditions and Section 106 obligations, the application is recommended for approval.

RECOMMENDATION - PERMIT, subject to section 106 obligations and the imposition of the following conditions:-

1. Time limit
2. Approved plans
3. Approved material samples
4. Levels to be agreed
5. Boundary treatments to be agreed
6. Landscaping to be agreed
7. Coal mining
8. Land contamination/verification investigation

9. Underground tanks
10. Oil and petrol separators
11. Construction method statement
12. Foul drainage
13. Site traffic management plan
14. Off-site footway provision
15. Parking, turning and cycle parking
16. No development within the public highway
17. Surface water

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Erection of three retirement dwellings with associated garages

Report Item No
A2

Land Adjacent To Highwinds Lower Moor Road Coleorton
Coalville Leicestershire LE67 8FN

Application Reference
16/01430/FUL

Applicant:
Mr P Harrington

Date Registered:
22 December 2016

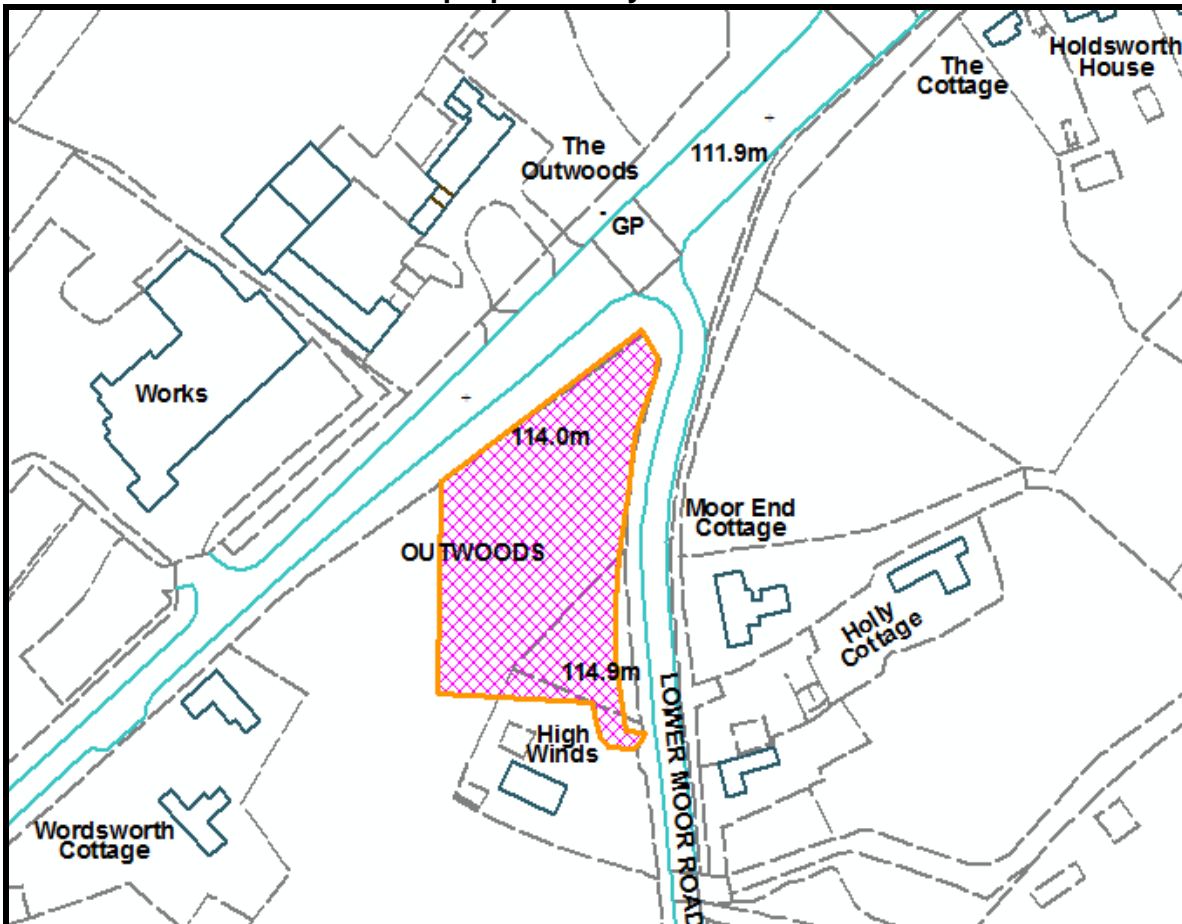
Case Officer:
Adam Mellor

Consultation Expiry:
9 February 2017

Recommendation:
REFUSE

8 Week Date:
16 February 2017
Extension of Time:
None Agreed

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 planning agent is related to a former councillor who has served within the last five years.

Proposal

Planning permission is sought for the erection of three retirement dwellings with associated garages at land adjacent to Highwinds, Lower Moor Road, Coleorton. The 0.33 hectare site is situated on the western side of Lower Moor Road and is outside the defined Limits to Development.

Consultations

A total of 26 representations have been received with 9 of those representations opposed to the development and 17 in support. A consultation response from Worthington Parish Council and Severn Trent Water are currently outstanding and will be reported to Members on the Update Sheet. All other statutory consultees have raised no objections subject to the imposition of conditions on any consent granted.

Planning Policy

The application site is outside the Limits to Development as defined in the adopted and submitted North West Leicestershire Local Plans. The application has also been assessed against the relevant policies in the NPPF, the adopted and submitted Local Plans and other relevant guidance.

Conclusion

The application site is a greenfield site situated outside the defined Limits to Development with the proposed development adversely affecting and diminishing the present open character of the environment in which it would be set and would represent an incongruous encroachment of development into the rural environment. As a result, the development would fail to protect or enhance the natural environment contrary to the environmental strand of sustainability enshrined within the NPPF, as well as Paragraph 17 of the NPPF, Policy S3 of the adopted Local Plan and Policies S2 and S3 of the submitted Local Plan. Policy S2 of the submitted Local Plan also identifies that on Lower Moor Road, Coleorton a limited amount of growth which would take place will be within the Limits to Development.

Given the focus of the development towards 'retired' people it is considered that the service provision which would be required to serve such an age demographic would not be conveniently located to the site, with the frequency of the bus service preventing access to such services in neighbouring settlements. As a consequence of this, the development of three retirement dwellings would not be socially sustainable with occupants being heavily reliant on the private car. The proposal would also be contrary to Policy S2 of the submitted Local Plan which outlines the settlement hierarchy for development.

In addition to the above, the proposal would result in three additional dwellings to the western side of Lower Moor Road which, when combined with recently approved development, would

result in an over concentration of dwellings to this side of the highway which would lead to its substantial urbanisation. The proposed layout of the dwellings would also be inconsistent with the pattern of development on this part of Lower Moor Road given the irregularity and positioning of dwellings to the immediate east. Such an urbanisation of the area to facilitate the development, along with the proposed layout, would be discordant with the overall rural character and appearance of the streetscape and therefore to its detriment. The lack of conformity and integration of the development into the streetscape is also compounded by a density of development in excess of 10 dwellings per hectare which is higher than that established in the immediate area. On this basis there would be further conflict with the environmental strand of sustainability, Paragraphs 61 and 64 of the NPPF, Policies E4, H6 and H7 of the adopted Local Plan and Policy D1 of the submitted Local Plan.

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 three retirement dwellings with associated garages at land adjacent to Highwinds, Lower Moor Road, Coleorton. The 0.33 hectare site is situated on the western side of Lower Moor Road, to the immediate north of Highwinds, and is outside the defined Limits to Development. It is currently utilised as grassland.

The proposed dwellings would be 3 bedroom two-storey (with habitable accommodation in the roof slope) detached types which would have floor areas of 142 square metres and utilise pitched gable ended roofs with ridge heights of 6.5 metres.

In respect of vehicular access, this would be via an existing access serving Highwinds with a new private drive being supplied to the three dwellings. Each property would be served by a detached garage which would cover a ground area of 23.76 square metres and utilise a pitched gable ended roof with a ridge height of 4.5 metres.

A planning statement, phase 1 habitat survey including an ecological survey and coal mining risk assessment have been submitted in support of the application.

Within the planning statement it is specified that the dwellings are to be provided for the retirement market, with the applicant being agreeable to a condition being imposed to restrict their occupancy to people over the age of 55.

No recent or relevant planning history was found.

2. Publicity

9 neighbours notified.

Site Notice displayed 19 January 2017.

Press Notice published Leicester Mercury 18 January 2017.

3. Summary of Consultations and Representations Received

The following summary of representations is provided. Members may inspect full copies of correspondence received on the planning file.

Leicestershire County Council - Archaeology has no objections subject to conditions.

Leicestershire County Council - Ecology has no objections subject to conditions.

Leicestershire County Council - Highways Authority has no objections subject to conditions.

NWLDC - Environmental Protection has no objections subject to conditions.

Severn Trent Water no representation received at the time of this report. Any comments will be reported to Members on the update sheet.

Worthington Parish Council no representation received at the time of this report. Any comments will be reported to Members on the update sheet.

Third Party Representations

Nine representations have been received which object to the development proposals with the comments raised summarised as follows: -

- Proposed development will impact adversely on the character of the area.
- Proposal results in a ribbon form of development.
- Development results in the loss of a greenfield site.
- If the properties are to be provided for retirement purposes this needs to be secured in perpetuity.
- Construction vehicles impact on highway safety.
- Construction noise results in detriment to amenities.
- Application site is outside the Limits to Development.
- Development is contrary to Policy S2 of the submitted Local Plan.
- Development will result in a high concentration of development at the end of Lower Moor Road which is discordant with the character of the area.
- The area lacks the relevant infrastructure to support these forms of development.
- Proposed development will result in highway safety implications.
- Design and scale of the dwellings would not be appropriate for a 'retired' person.
- There is a concern of subsidence issues on the site due to seam from New Lount Colliery.

17 representations have been received which support the development proposals with the comments raised summarised as follows: -

- Services are available to meet the needs of future residents.
- There is a need for this type of property in the area.
- Housing exists on three sides of the site.
- The design is attractive and fits into the area.

4. 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 NPPF. The closer the policies in the development plan to the policies in the NPPF, the greater weight they may be given.

Save where stated otherwise, the policies of the adopted 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 (Core planning principles);
- Paragraph 28 (Supporting a prosperous rural economy);
- Paragraphs 32, 34 and 39 (Promoting sustainable transport);
- Paragraphs 49 and 55 (Delivering a wide choice of high quality homes);

Paragraphs 57, 60, 61 and 64 (Requiring good design);
Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change);
Paragraphs 112, 118, 120 and 121 (Conserving and enhancing the natural environment);
Paragraph 141 (Conserving and enhancing the historic environment); and
Paragraphs 203 and 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 Local Plan.
The following adopted 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 H6 - Housing Density; and
Policy H7 - Housing Design.

Submitted North West Leicestershire Local Plan

The publication version of the Local Plan was agreed by Council on 28 June 2016 and submitted for examination on 4 October 2016. The weight to be attached by the decision maker to this submitted version should be commensurate to the stage reached towards adoption: -

Policy S1 - Future Housing and Economic Development Needs;
Policy S2 - Settlement Hierarchy;
Policy S3 - Countryside;
Policy D1 - Design of New Development;
Policy D2 - Amenity;
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 En3 - The National Forest;
Policy En6 - Land and Air Quality;
Policy He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment;
Policy Cc2 - Water - Flood Risk; and
Policy Cc3 - Water - Sustainable Drainage Systems.

Other Policies

National Planning Practice Guidance

In March 2014 the Government published National Planning Practice Guidance (NPPG) to supplement the NPPF. The NPPG 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 that local planning authorities 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.

5. Assessment

Principle of Development and Sustainability

In accordance with the provision of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, includes the adopted Local Plan (2002 (as amended)).

The application site lies outside the defined Limits to Development with residential dwellings not being a form of development permitted by Policy S3 of the adopted Local Plan, or Policy S3 of the submitted Local Plan. Policy S2 of the submitted Local Plan advises that the limited amount of growth permitted on Lower Moor Road, Coleorton will take place within the Limits to Development.

The NPPF requires that the District Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery. The Local Authority is able to demonstrate a five year supply of housing (with 20% buffer) against the requirements contained in the submitted Local Plan.

Paragraph 17 of the NPPF highlights the need to recognise the intrinsic character and beauty of the countryside, but does not specifically preclude development within the countryside. Consideration must therefore be given to whether the proposals constitute sustainable development (including in its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF. Further consideration of the proposals' compliance with the three dimensions of sustainable development is set out below.

Policy S2 of the submitted Local Plan specifies that the Lower Moor Road part of Coleorton is a 'Sustainable Village' for new residential development where a limited amount of growth will be permitted although, as identified above, this should take place within the defined Limits. Notwithstanding this fact the application site would be well related to the following services within Coleorton and Newbold which are within an acceptable walking distance of 800 metres, or 1000 metres for a school: -

- Shop/Post Office (Lower Moor Road) - 698 metres;
- Public House (Gelsmoor Inn, Rempstone Road) - 426 metres;
- School (Newbold Church of England Primary School, School Lane) - 747 metres; and
- Bus Stop for One Service (Robert Coaches Air Link Service 155 two hourly between Coalville and East Midlands Airport Monday to Saturday) - 249 metres.

A recreation ground (School Lane, Newbold) would also only be slightly in excess of the 800 metre threshold being 850 metres from the site. The walk to these services could be carried out along maintained footpaths which are well lit.

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 wellbeing. Whilst some services would exist within an acceptable walking distance of the application site it is acknowledged that the development is targeted at 'retired' people who are more likely to require convenient access to health, social and cultural facilities and who are more generally reliant on public transport. It is also recognised that a steep incline exists between the shop/post office and the application site, when travelling northwards, which may prevent it from being readily accessible to the target audience. Taking into account the lack of health, social and cultural facilities within the immediate area, the public house being the only 'social' facility, and irregularity of the bus service, it is considered that future occupants would be relatively isolated from services which would support their needs. This lack of ability to access basic services would weigh heavily against the development being socially sustainable as well as the conflict with Policy S2 of the submitted Local Plan.

From an environmental sustainability perspective it is noted that the application site is currently grassland and, as such, is classed as greenfield land. The site is also outside the defined Limits to Development on both the Proposals Map to the adopted and submitted Local Plans and would therefore be assessed against the criteria of Policy S3 of the adopted Local Plan and Policy S3 of the submitted Local Plan, particularly as the Local Authority is able to demonstrate a five year supply of housing against the requirements contained in the submitted Local Plan. Such policies are considered to be supported by the principles of the NPPF and the ministerial letter from Brandon Lewis of the 27th March 2015 urging Inspectors to protect the intrinsic beauty of the countryside.

It is, however, recognised that the NPPF does not necessarily preclude development on greenfield land and therefore a determination is also made as to whether the dwelling would be 'isolated' in the context of Paragraph 55, or impact adversely on the rural environment as specified at Paragraph 17 of the NPPF.

The application site comprises an open agricultural field defined by mature hedgerows and trees to its boundaries which links with the wider open fields to the immediate south-west and north-east. It is considered that the site represents one of the many 'green breaks' which exist along the northern parts of Lower Moor Road which are deemed important in containing the spread of development and emphasising the rural nature of the settlement of Coleorton. On this basis it is considered that it contributes positively to the character and appearance of the rural environment and local landscape. A development of the site for the form of development proposed, as well as its associated infrastructure, would result in an urbanisation of the site which would diminish its present open character and represent unwarranted development within the rural environment, given that there is no overriding need for this type of proposal to come forward on the land. In this circumstance it would conflict with a fundamental principle of the NPPF by virtue of its failure to protect or enhance the natural environment. As the development site is also outside the defined Limits to Development it would conflict with Policy S3 of the adopted Local Plan and Policy S3 of the submitted Local Plan.

Whilst a view is taken that the proposed development will impact adversely on the 'openness' of the rural environment, the dwellings would not be considered 'isolated' due to their relationship with Highwinds and Wordsworth Cottage, as well as the dwellings on the opposite side of Lower Moor Road to the south-east. On this basis no conflict with Paragraph 55 of the NPPF would arise.

Although it is the intentions of the application that the dwellings would be provided for 'retired people', which could be secured via a planning condition on any consent granted, no

justification or needs assessment has been provided to demonstrate why such dwellings are required in this particular settlement, as well as this particular location. It is also acknowledged that housing for retired people has already been provided in Ashby De La Zouch (such as McCarthy & Stone on Kilwardby Street), with their being a resolution to permit a further scheme in Moira (Willow Farm), settlements where this particular type of development should be focused due to their service provision and accessibility via public transport. On the basis that no needs assessment or justification has been provided limited weight has been given to this matter particularly given the substantial conflict with National and Local Plan policies specified.

To conclude, any support warranted to the economic benefits, which would be simply limited to the construction of the dwellings, would be significantly and demonstrably outweighed by the negative environmental and social sustainability impacts of the proposal. Accordingly the development cannot be considered to represent sustainable development and, therefore, the application would not be acceptable in relation to the NPPF as well as relevant policies of the adopted and submitted Local Plans.

The application site falls within Grade 4 of the Agricultural Land Classification and therefore does not represent Best and Most Versatile (BMV) land. Given this grading of the land it is considered that the proposal would not conflict with Paragraph 112 of the NPPF.

Residential Amenity

It is considered that the property most immediately impacted on as a result of the development would be Highwinds which is set to the south of the site.

Plot 1 would be the closest property to Highwinds. It would be set 21 metres from the northern corner of Highwinds which is angled so as to face towards Lower Moor Road rather than towards plot 1. Given such a separation distance, as well as the orientation of Highwinds to the application site and overall height of plot 1, it is considered that no adverse overbearing or overshadowing impacts would arise. No first floor windows would be provided in the south-eastern (side) elevation of plot 1 which would provide a direct view towards Highwinds and as a consequence there would be no adverse overlooking impacts.

Given the above conclusions the position of Highwinds would not result in any adverse implications to the future amenities of the proposed dwellings with the relationship between the plots themselves also being acceptable.

The Council's Environmental Protection Team have raised no objections to the application but have outlined that consideration should be given to the provision of noise reduction measures to the amenity and living areas for the dwellings so to reduce possible noise disturbance from Rempstone Road (B5324). It is considered that a scheme of works could be agreed as part of a planning condition which would be imposed on any consent granted.

Whilst there would be an increase in vehicular activity at the access associated with Highwinds this increase would not be significant and would not result in excessive disturbance to Highwinds, particularly as such a relationship would not be too dissimilar to that of a dwelling on a corner plot whereby roads run to two sides, which was considered to be an acceptable threshold to an acceptable standard in a 2008 appeal decision. The Council's Environmental Protection Team have also raised no objections to the application in this respect.

Overall the proposed development would accord with Paragraph 123 of the NPPF, Policy E3 of the adopted Local Plan and Policy D2 of the submitted Local Plan.

Impact on the Character and Appearance of the Streetscape

The need for good design in new residential development is outlined not only in adopted Local Plan Policies E4 and H7, as well as Policy D1 of the submitted Local Plan, but also Paragraphs 57, 60 and 61 of the NPPF.

The application site slopes marginally upwards from south to north with the western side of Lower Moor Road being largely undeveloped, Highwinds the only current property between Outwoods Lane and Rempstone Road although permission exists for three dwellings to the south of Highwinds (permitted under application reference 16/00352/FUL). In respect of the eastern side of Lower Moor Road nine dwellings exist with four being concentrated close together in a linear pattern around the junction with Aqueduct Road and the remaining five, directly opposite the application site, being separated from each other and having a degree of irregularity in their scales, orientations and proximity to Lower Moor Road.

Whilst permission was granted for three dwellings to the immediate south of Highwinds, under application reference 16/00352/FUL, it is considered that its linear layout was consistent with the pattern of development to the immediate south-east of that site, and it had a density of less than 10 dwellings per hectare. The current proposal would result in three additional dwellings to the western side of Lower Moor Road, which in general is less developed than the eastern side, and as consequence would create an over concentration of dwellings to this side of the highway which would lead to its substantial urbanisation. Along with the above, the layout of the dwellings would not be consistent with the pattern of development on this part of Lower Moor Road given the irregularity and positioning of dwellings to the immediate east of the site. It is considered that the urbanisation of the area to facilitate the development, and proposed layout of the dwellings, would be discordant with the overall rural character and appearance of the streetscape and therefore would be to its detriment. The lack of conformity and integration of the development into the streetscape is also compounded by a density of development in excess of 10 dwellings per hectare which is higher than that established in the immediate area.

There is no set design character prevalent in the area with all dwellings exhibiting differing features, given this context it is considered that the design of dwellings proposed would be acceptable and would include features which the Local Authority consider desirable (chimneys, eaves and verge detailing, brick plinth, stone cills and lintels and timber framed porches). Such features would be consistent and in keeping with properties in the immediate area which make a positive contribution to the visual amenity of the area.

It is highlighted on the submitted plans that the dwellings would utilise bricks or render to their elevations and either slate or clay tiles to the roofs. The use of such materials would be consistent with those used to neighbouring dwellings and, therefore, acceptable although a condition would be imposed, on any consent granted, for the precise materials to be agreed.

Overall the proposed development would result in conflict with the environmental strand of sustainability, as well as Paragraphs 61 and 64 of the NPPF, Policies E4, H6 and H7 of the adopted Local Plan and Policy D1 of the submitted Local Plan.

Highway Safety

The County Highways Authority have raised no objections to the application subject to conditions.

It is proposed that the three dwellings would be served via an existing access off Lower Moor Road, currently used in connection with Highwinds, which would be widened so as to accord with the guidance contained within the 6Cs Design Guide with improvements made to the visibility splays so as to ensure splays of 2.4 metres by 65 metres are provided in both directions. On the basis of such works being undertaken it is considered that vehicles exiting the site could do so in a safe and controlled manner and any vehicle entering the site whilst another vehicle exits could do so clear of the highway so as to not obstruct the free flow of traffic.

A private access drive would be provided to serve the three dwellings, internally within the site, with relevant manoeuvring facilities also being accommodated to enable vehicles to exit the site in a forward direction.

On the basis of the above, and subject to the imposition of relevant conditions to secure the works, the proposal would accord with Paragraph 32 of the NPPF, Policy T3 of the adopted Local Plan and Policy IF4 of the submitted Local Plan.

The submitted plans specify that each dwelling would be provided with a minimum of two off-street parking spaces, including a detached garage which would have sufficient internal dimensions so as to accommodate a vehicle, and this would be acceptable given the total number of bedrooms within each property. On this basis the proposal would accord with Paragraph 39 of the NPPF, Policy T8 of the adopted Local Plan and Policy IF7 of the submitted Local Plan.

Ecology

Following consideration of the submitted ecological appraisal and the information provided by the applicant relating to when the field was sprayed to kill off weeds, which consequently would also impact on any wildflower species, the County Council Ecologist has raised no objections to the application subject to the imposition of conditions on any consent granted for native species of planting to be provided as part of any landscaping scheme, and the timing for the removal of any vegetation. On this basis the proposed development would be considered compliant with Paragraph 118 of the NPPF, Circular 06/05 and Policy En1 of the submitted Local Plan.

Landscaping

The site is bounded by mature hedgerows with the majority of trees being situated off the site within the highway verges, although one tree does exist towards what would become a defined boundary of the gardens associated with plots 1 and 2. The closest forms of development to this particular tree would be the detached garages associated with the aforementioned plots, but as they would be situated outside the root protection area (RPA) of this tree, as well as the extent of its canopy spread, it is considered that no adverse impacts to the integrity of this tree would arise. The trees within the highway verge, as well as the hedges to the boundary, are also set away from the proposed development so as to ensure that their integrity would be preserved, in order to ensure that they are protected during the construction phase, a condition could be imposed on any consent granted for site specific tree and hedge protection plan to be agreed.

Notwithstanding the above, the only works proposed to the hedgerows would be part works to that along the eastern boundary of the site which would be partially removed to allow for the increase in the width of the vehicular access. Such works are considered to be relatively minor, particularly given the length of the hedgerow retained, and would not impact adversely on its long term integrity.

A condition could also be imposed on any consent granted for a landscaping scheme to be agreed so that additional planting can be provided, particularly given that the site is situated within the National Forest.

Subject to the imposition of such conditions, it is considered that the proposed development would accord with Policies E7, F1, F2 and F3 of the adopted Local Plan and Policy En3 of the submitted Local Plan.

Archaeology

The County Council Archaeologist has outlined that in 1992 a series of earthworks were surveyed within the parcel of land contained by Outwoods Lane and Lower Moor Road, which are thought to relate to coal and iron ore works undertaken around 1300 by Isabella de Hastings. The survey plan identifies that these recorded earthworks extend into the application site area and, as a consequence, there is a strong likelihood for the presence of below-ground archaeological deposits relating to the visible earthworks which have the potential to provide evidence for activity carried out on the site in the medieval period.

On this basis, the County Council Archaeologist suggests conditions should be imposed on any consent granted for a written scheme of investigation (including intrusive and non-intrusive investigation and recording) to be approved prior to the commencement of the development in order to record and advance the understanding of the historic activity undertaken in the area. Such conditions are considered reasonable given the archaeological interest in the area and because their inclusion would ensure the development is compliant with Paragraph 141 of the NPPF as well as Policy He1 of the submitted Local Plan.

Other Matters

Whilst a representation has been received raising an objection on land stability issues, it is noted that the application site is not situated within a Coal Mining Referral Area. As such, there is no reason to believe that an issue in this respect would arise particularly given the design and construction of the footings of the dwellings would be agreed under a separate building regulations process. A note to the applicant would, however, be imposed on any consent granted to advise of the sites proximity to the Coal Mining Referral Area which is to the south of the site. Subject to the imposition of such a note, it is considered that the proposal would accord with Paragraphs 120 and 121 of the NPPF as well as Policy En6 of the submitted Local Plan.

Conclusion

The application site is a greenfield site situated outside the defined Limits to Development with the proposed development adversely affecting and diminishing the present open character of the environment in which it would be set and would represent an incongruous encroachment of development into the rural environment. As a result, the development would fail to protect or enhance the natural environment contrary to the environmental strand of sustainability enshrined within the NPPF, as well as Paragraph 17 of the NPPF, Policy S3 of the adopted Local Plan and Policies S2 and S3 of the submitted Local Plan. Policy S2 of the submitted Local Plan also identifies that on Lower Moor Road, Coleorton a limited amount of growth which would take place will be within the Limits to Development.

Given the focus of the development towards 'retired' people it is considered that the service provision which would be required to serve such an age demographic would not be conveniently located to the site, with the frequency of the bus service preventing access to such services in

neighbouring settlements. As a consequence of this, the development of three retirement dwellings would not be socially sustainable with occupants being heavily reliant on the private car. The proposal would also be contrary to Policy S2 of the submitted Local Plan which outlines the settlement hierarchy for development.

In addition to the above, the proposal would result in three additional dwellings to the western side of Lower Moor Road which, when combined with recently approved development, would result in an over concentration of dwellings to this side of the highway which would lead to its substantial urbanisation. The proposed layout of the dwellings would also be inconsistent with the pattern of development on this part of Lower Moor Road given the irregularity and positioning of dwellings to the immediate east. Such an urbanisation of the area to facilitate the development, along with the proposed layout, would be discordant with the overall rural character and appearance of the streetscape and therefore to its detriment. The lack of conformity and integration of the development into the streetscape is also compounded by a density of development in excess of 10 dwellings per hectare which is higher than that established in the immediate area. On this basis there would be further conflict with the environmental strand of sustainability, Paragraphs 61 and 64 of the NPPF, Policies E4, H6 and H7 of the adopted Local Plan and Policy D1 of the submitted Local Plan.

It is therefore recommended that the application be refused.

RECOMMENDATION - REFUSE, for the following reasons;

- 1 Paragraph 7 of the National Planning Policy Framework (NPPF) defines sustainable development which includes that the planning system needs to perform an environmental role, including protecting and enhancing our natural environment and using natural resources prudently. Paragraph 17 of the NPPF states that planning decisions should recognise the intrinsic value of the countryside. Policy S3 of the adopted North West Leicestershire Local Plan and Policy S3 of the submitted North West Leicestershire Local Plan provide a presumption against non-essential residential development outside Limits to Development. Policy S3 of the submitted Local Plan states that land identified as countryside will be protected for the sake of its intrinsic character and beauty. Policy S2 of the submitted Local Plan advises that on Lower Moor Road, Coleorton a limited amount of growth will take place within the Limits to Development. The proposed development being on a greenfield site would adversely affect and diminish the present open character of the environment resulting in significant harm to the character and rural appearance in which it would be set and would represent an unwarranted and incongruous intrusion into the countryside. As a consequence the development would fail to protect or enhance the natural environment and would not therefore constitute sustainable development, contrary to the environmental strand of sustainability enshrined within the NPPF. In addition, the development would be contrary to Paragraphs 17 and 53 of the NPPF, Policy S3 of the adopted Local Plan and Policies S2 and S3 of the submitted Local Plan.

- 2 Paragraph 7 of the National Planning Policy Framework (NPPF) defines sustainable development which includes that the planning system needs to perform a social role by providing a 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 wellbeing. Policy S2 of the submitted Local Plan advises that on Lower Moor Road, Coleorton a limited amount of growth will take place within the Limits to Development. It is considered that the service provision available within the area would not meet or cater for the needs of the 'retired' occupants that the development is

intended for with the availability of public transport preventing convenient access to neighbouring settlements where such service provision would be available. On this basis future occupants of the dwellings would be socially isolated and heavily reliant on the private car to access basic services, therefore, to permit the development would be contrary to the social strand of sustainability enshrined within the NPPF as well as Policy S2 of the submitted Local Plan.

- 3 Paragraph 7 of the National Planning Policy Framework (NPPF) defines sustainable development which includes that the planning system needs to perform an environmental role by contributing to protecting and enhancing our built and natural environment. This is further supported by Paragraphs 61 and 64 of the NPPF which outline that planning decisions should address the connections between people and places and the integration of new development into the environment, as well as refusing development that fails to do so. Policies E4, H6 and H7 of the adopted North West Leicestershire Local Plan and Policy D1 of the submitted North West Leicestershire Local Plan are consistent with the above Paragraphs of the NPPF. The proposed development, when combined with other immediate permitted development, would result in a substantial urbanisation of this area of Lower Moor Road which would be discordant with its overall rural character and detrimental to the appearance of the streetscape. It is also considered that the intended layout of the dwellings and overall density proposed would further compound the negative implications to the character of the streetscape due to its inconsistency with the irregularity and positioning of dwellings to the immediate east and spaciousness afforded to them. On this basis there would be further conflict with the environmental strand of sustainability, Paragraphs 61 and 64 of the NPPF, Policies E4, H6 and H7 of the adopted Local Plan and Policy D1 of the submitted Local Plan.

Erection of detached dwelling with associated garage along with alterations to the vehicular access (Outline - means access, scale and layout for approval) (Resubmission)

Report Item No
A3

11 Rempstone Road Belton Loughborough Leicestershire
LE12 9XA

Application Reference
17/00092/OUT

Applicant:
Mr & Mrs Crichton

Date Registered:
30 January 2017

Case Officer:
Adam Mellor

Consultation Expiry:
15 March 2017

Recommendation:
REFUSE

8 Week Date:
27 March 2017
Extension of Time:
None Agreed

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 at the request of Councillor Rushton on the basis that there will be improvements to highway safety as a result of the provision of the dwelling due to proposed works to the raised footway and visibility splays at the site access.

Proposal

Outline planning permission is sought for the erection of a detached dwelling with associated garage along with alterations to the vehicular access at no. 11 Rempstone Road, Belton. The 0.09 hectare site is situated on the north-western side of Rempstone Road and is outside the defined Limits to Development.

Consultations

No representations to the application have been received from third parties or Belton Parish Council. Statutory consultees have raised no objections subject to the imposition of conditions on any consent granted.

Planning Policy

The application site is outside the Limits to Development as defined in the adopted and submitted North West Leicestershire Local Plans. The application has also been assessed against the relevant policies in the NPPF, the adopted and submitted Local Plans and other relevant guidance.

Conclusion

The application site is a greenfield site situated outside the defined Limits to Development with the proposed development adversely affecting and diminishing the present open character of the environment in which it would be set and would represent an incongruous encroachment of development into the rural environment which should be protected for its own sake. As a result of this the development would fail to protect or enhance the natural environment contrary to the environmental strand of sustainability enshrined within the NPPF, as well as Paragraph 17 of the NPPF, Policy S3 of the adopted Local Plan and Policies S2 and S3 of the submitted Local Plan. As the development would be located on a residential garden which would result in harm to the visual amenities of the rural environment, it is also considered that the development would conflict with Paragraph 53 of the NPPF. Policy S2 of the submitted Local Plan also identifies that in Belton the limited amount of growth which would take place will be within the Limits to Development.

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

Outline planning permission, with means of access, scale and layout for approval, is sought for the erection of a detached dwelling with associated garage along with alterations to the vehicular access at no. 11 (Forest View) Rempstone Road, Belton. The 0.09 hectare site is situated on the north-western side of Rempstone Road and is outside the defined Limits to Development with the surrounding area comprising residential dwellings to the north-east and south-west and open rural landscape to the north-west and south-east.

The application site currently comprises land forming a garden associated with no. 11 and it is proposed that a dwelling would be provided to the north-east of no. 11 which would cover a ground area of 185 square metres, including an attached garage. Scale is for approval at this stage and, following amendments, it is proposed that the eaves height would be 5.5 metres and the maximum ridge height would be 8.5 metres.

Vehicular access would be achieved via an existing access, associated with no. 11, which would be altered so as to improve the visibility associated with the access and would only be used in connection with the proposed dwelling. Off-street parking and manoeuvring facilities would also be provided within the site for the new dwelling.

A planning statement, incorporating a design and access statement, has been submitted in support of the application.

The proposal is a resubmission of application reference 16/01332/OUT, for the same development, which was refused on the 17th January 2017.

2. Publicity

2 Neighbours have been notified.

Site Notice displayed 22 February 2017.

Press Notice published Leicester Mercury 15 February 2017.

3. Summary of Consultations and Representations Received

The following summary of representations is provided. Members may inspect full copies of correspondence received on the planning file.

Belton Parish Council no representation received at the time of this report. Any comments will be reported to Members on the update sheet.

Leicestershire County Council - Archaeology has no objections.

Leicestershire County Council - Ecology has no objections subject to conditions.

Leicestershire County Council - Lead Local Flood Authority has no objections subject to their standing advice being considered.

Leicestershire County Council - Highways Authority has no objections subject to their standing advice being considered.

NWLDC - Environmental Protection has no objections.

Severn Trent Water no representation received at the time of this report.

Third Party Representations

No third party representations have been received.

4. 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 NPPF. The closer the policies in the development plan to the policies in the NPPF, the greater weight they may be given.

Save where stated otherwise, the policies of the adopted 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 (Core planning principles);
 Paragraph 28 (Supporting a prosperous rural economy);
 Paragraphs 32, 34 and 39 (Promoting sustainable transport);
 Paragraphs 49, 53 and 55 (Delivering a wide choice of high quality homes);
 Paragraphs 57, 60, 61 and 64 (Requiring good design);
 Paragraphs 103 (Meeting the challenge of climate change, flooding and coastal change);
 Paragraphs 118, 120 and 121 (Conserving and enhancing the natural environment);
 Paragraph 141 (Conserving and enhancing the historic environment); and
 Paragraphs 203 and 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 Local Plan. The following adopted Local Plan policies are relevant to this application: -

Policy S3 - Countryside;
 Policy E3 - Residential Amenities;
 Policy E4 - Design;
 Policy E7 - Landscaping;
 Policy T3 - Highway Standards;
 Policy T8 - Parking;
 Policy H6 - Housing Density; and
 Policy H7 - Housing Design.

Submitted North West Leicestershire Local Plan

The publication version of the Local Plan was agreed by Council on 28 June 2016 and submitted for examination on 4 October 2016. The weight to be attached by the decision maker to this submitted version should be commensurate to the stage reached towards adoption: -

Policy S1 - Future Housing and Economic Development Needs;
Policy S2 - Settlement Hierarchy;
Policy S3 - Countryside;
Policy D1 - Design of New Development;
Policy D2 - Amenity;
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 He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment;
Policy Cc2 - Water - Flood Risk; and
Policy Cc3 - Water - Sustainable Drainage Systems.

Other Policies

National Planning Practice Guidance

In March 2014 the Government published National Planning Practice Guidance (NPPG) to supplement the NPPF. The NPPG 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 that local planning authorities 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.

5. Assessment

Principle of Development and Sustainability

In accordance with the provision of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, includes the adopted Local Plan (2002 (as amended)).

The application site lies outside the defined Limits to Development with residential dwellings not being a form of development permitted by Policy S3 of the adopted Local Plan, or Policy S3 of the submitted Local Plan. Policy S2 of the submitted Local Plan advises that the limited amount of growth permitted within Belton will take place within the Limits to Development.

The NPPF requires that the District Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery. The Local Authority is able to demonstrate a five year supply of housing (with 20% buffer) against the requirements contained in the submitted Local Plan.

Paragraph 17 of the NPPF highlights the need to recognise the intrinsic character and beauty of the countryside, but does not specifically preclude development within the countryside.

Consideration must therefore be given to whether the proposals constitute sustainable development (including in its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF. Further consideration of the proposals' compliance with the three dimensions of sustainable development is set out below.

Policy S2 of the submitted Local Plan specifies that Belton is a 'Sustainable Village' for new residential development where a limited amount of growth will be permitted although, as identified above, this should take place within the defined Limits. Notwithstanding this fact, the application site would be well related to the followings services within Belton which are within an acceptable walking distance of 800 metres, or 1000 metres for a school: -

- Village Hall (School Lane) - 780 metres;
- Church (St John The Baptist Church, Church Lane) - 707 metres;
- School (Belton Church of England Primary School, Sadlers Wells) - 748 metres;
- Recreation Ground (Junction of Church Lane with Rempstone Road) - 261 metres; and
- Bus Stop for One Service (Paul S Winson Coaches no. 129 Service between Ashby De La Zouch and Loughborough - about 2 hourly Monday to Friday with a reduced service on Saturday and no service on Sunday) - 150 metres.

As well as the above services a shop (4 Long Street, Belton), public house (The Queens Head, 2 Long Street) and doctors surgery (Mill Lane) would only just be in excess of the acceptable walking distance of 800 metres being 834 metres, 806 metres and 879 metres, respectively, from the application site. It would be possible to access these services upon raised footways which are well lit, with the proposed application seeking to undertake works within the highway to increase the width of the raised footway.

Having regard to the location of the site it is considered that residents of the development would have access to services which would meet their day to day needs (i.e. a shop) with other facilities and employment opportunities being accessible on foot, as well as by utilising public transport. In these circumstances it is considered that a development of one dwelling would score well against the advice concerning social sustainability contained within the NPPF, with occupants of the property also assisting in sustaining these services for the future which is a key intention of Paragraphs 28 and 55 of the NPPF.

From an environmental sustainability perspective it is noted that the application site is currently residential garden associated with no. 11 and, as such, is classed as greenfield land. The site is also outside the defined Limits to Development on both the Proposals Map to the adopted and submitted Local Plans, and would therefore be assessed against the context of Policy S3 of the adopted Local Plan and Policy S3 of the submitted Local Plan, particularly as the Local Authority is able to demonstrate a five year supply of housing. Such policies are considered to be supported by the principles of the NPPF and the ministerial letter from Brandon Lewis of the 27th March 2015 urging Inspectors to protect the intrinsic beauty of the countryside.

It is, however, recognised that the NPPF does not necessarily preclude development on greenfield land and therefore a determination is also made as to whether the dwelling would be 'isolated' in the context of Paragraph 55, or impact adversely on the rural environment as specified at Paragraph 17 of the NPPF.

Whilst the application site comprises garden associated with no. 11 it is relatively open with it only being separated from the wider open countryside to the north-west by a post and rail fence. Soft mature landscaping present to the originally defined residential curtilage to no. 11 also leads to the application site being disassociated with the main garden particularly as no

structures or features exist, which would suggest that it is regularly used for 'enjoyment' by the occupants. A significant gap exists between no. 11 and 23 Rempstone Road and it is considered that this allows for views to be established into the wider countryside from the public domain whilst also separating the traditional built forms on this part of Rempstone Road from the more modern Council housing. Given such a context, it is considered that the application site makes a positive contribution to the character and appearance of the rural environment and wider landscape. A residential development on the site, as well as its associated infrastructure, would diminish this present open character and represent unwarranted development within the rural environment given that there is no overriding need for this type of proposal to come forward on the land. On this basis the proposal would conflict with a fundamental principle of the NPPF by virtue of its failure to protect or enhance the natural environment. As the development site is also outside the defined Limits to Development it would conflict with Policy S3 of the adopted Local Plan and Policy S3 of the submitted Local Plan.

Whilst it is considered that the proposed development will impact adversely on the 'openness' of the rural environment, it would be difficult to determine that the dwelling would be isolated given that its position would lead to it being visually read with the row of semi-detached and terraced units to the north-east.

To conclude, any support warranted to the economic benefits, which would be simply limited to the construction of the dwelling, and limited social benefits, given that only one property would be created, would be significantly and demonstrably outweighed by the negative environmental impacts of the proposal. Accordingly the development cannot be considered to represent sustainable development and, therefore, the application would not be acceptable in relation to the NPPF as well as relevant policies of the adopted and submitted Local Plans.

The site is currently used as garden land, which is excluded from the definition of previously developed land set out in the NPPF, and therefore effectively constitutes a greenfield site. It is highlighted within the NPPF that decisions should encourage the effective use of land by re-using land that has been previously developed and that Local Planning Authorities should consider the use of policies to resist inappropriate development of residential gardens (Paragraph 53). Neither the adopted or submitted Local Plans contain a specific policy which restricts development on garden land but in the circumstances that the development is detrimental to the character and appearance of the rural landscape, as assessed above, it is considered that there would be a conflict with Paragraph 53 of the NPPF.

Accessibility

The County Highways Authority have raised no objections to the application subject to their standing advice, in respect of access width, visibility splays, access surfacing and car parking, being considered in the determination of the application.

An existing access, already serving no. 11 Rempstone Road, would be utilised in connection with the proposed dwelling with no. 11 being served by a secondary access to the south-west of this property. It is proposed that the access would be upgraded with an improved visibility splay in a south-western direction which would involve the re-positioning of a boundary wall and hedge to the rear of this splay. Along with these works it is also proposed that the width of the raised footway be increased to 1.5 metres (currently 0.75 metres) given that the boundary of the site would be re-positioned in order to allow the provision of the visibility splay. On the basis that the proposed access is already utilised in connection with one dwelling, and this arrangement would not change on the basis of the development, it is considered that there would not be a severely detrimental impact on highway safety with the proposal also enhancing pedestrian

safety due to the widening of the raised footway. Within the site a suitable sized area would be provided in order to enable vehicles to manoeuvre so that they exit the site in a forward direction and overall the proposal would accord with Paragraph 32 of the NPPF, Policy T3 of the adopted Local Plan and Policy IF4 of the submitted Local Plan.

The off-street parking requirements for the property would be determined and assessed at the reserved matters stage, once the number of bedrooms was known, and in considering such an application it could be ensured that sufficient off-street parking is provided for the dwelling. Subject to such a matter being carefully considered at the reserved matters stage it is considered that the development would be compliant with Paragraph 39 of the NPPF, Policy T8 of the adopted Local Plan and Policy IF7 of the submitted Local Plan.

Neighbours and Future Occupants Amenities

It is considered that the properties most immediately affected by the proposed development would be no. 11 (Forest View) Rempstone Road, the applicants own property, set to the south-west and no. 23 Rempstone Road set to the north-east.

A separation distance of 27.5 metres would be provided between the south-eastern (side) elevation of the new dwelling and north-western (side) elevation of no. 23, 26 metres to the shared boundary, with 63.5 metres being provided between the south-western (side) elevation of the dwelling and north-eastern (side) elevation of no. 11. Whilst the boundary with land remaining within the ownership of the applicant would only be 2 metres from the proposed property, it is considered that this would be a secondary garden to no. 11 given that the main garden is further to the south-east. Overall it is considered that the separation distances would be sufficient in ensuring that no adverse overbearing or overshadowing impacts would arise.

In respect of overlooking impacts this would be assessed at the reserved matters stage once the position of habitable room windows was known, but the separation distances identified above would generally be considered sufficient in ensuring that no detrimental impact would arise in this respect.

The identified separation distances and position of habitable room windows on nos. 11 and 23 Rempstone Road would also ensure that the amenities of any future occupants would not be adversely impacted on in respect of overbearing, overshadowing or overlooking implications.

Overall, the proposal would be considered compliant with Policy E3 of the adopted Local Plan and Policy D2 of the submitted Local Plan.

Impact on the Character and Appearance of the Streetscape

The need for good design in new residential developments is outlined not only in adopted Local Plan Policies E4 and H7, as well as Policy D1 of the submitted Local Plan, but also Paragraphs 57, 60 and 61 of the NPPF.

In terms of topography the application site is relatively level with land levels rising upwards, beyond its rear boundary, in a north-western direction. The boundaries are currently defined by a post and rail fence (north-western), stone/brick wall and hedge (south-eastern) and hedging (north-eastern). Properties in the immediate area to the south-east abut the highway but are generally accessed via their side elevations whereas dwellings to the north-east are orientated so that their principal elevations address the highway, but are set back from the carriageway to allow off-street parking to their frontages. Predominately dwellings are two-storey in height,

although nos. 7 and 9 are three-storeys, with detached, semi-detached and terraced units being present in the streetscape.

It is noted that appearance and landscaping are included as matters to be considered at a later stage although the layout and scale are for approval under this application. The north-western side of Rempstone Road is where residential development is concentrated which follows a linear pattern and has two distinct building lines. It is proposed that the dwelling would be orientated so as to face Rempstone Road and have a building line broadly consistent with the dwellings to the north-east, which it would be more closely associated with than no. 11 given the separation distance. Given this conclusion it is considered that the layout to be progressed would not result in detriment to the character of the streetscape.

In respect of the scale it is considered that the eaves and ridge heights would be consistent with the built forms the dwelling would be associated with and, whilst the footprint would be slightly larger than development in the immediate area, when factoring into account an attached garage, it would be commensurate in scale to the plot of land on which it is situated. On this basis the scale of the dwelling would accord with the appearance, and established character, of the streetscape.

The appearance of the dwelling would be agreed at the reserved matters stage and it is considered that at this point an appropriate design could be achieved which would accord with the Council's current design agenda. This would be achieved by responding to, and reflecting, the positive characteristics of dwellings within the settlement of Belton.

Notwithstanding the principle objection to this proposal outlined above, the layout and scale of the dwelling would be acceptable and would ensure compliance with Paragraphs 57, 60 and 61 of the NPPF, Policy E4 of the adopted Local Plan and Policy D1 of the submitted Local Plan.

Ecology

The County Council Ecologist has reviewed the application and considers that the ornamental pond on the site is of recent construction and as there are no ponds on neighbouring land which could be a source of colonisation of this pond, a great crested newts survey was not required. A habitat survey was also not required as the application site is maintained as garden. In respect of the removal of the hedge to the front boundary of the site, in order to provide the visibility splay, the County Council Ecologist has no objections subject to a native hedgerow being re-planted to the back of this splay. Subject to the imposition of a condition to secure the planting of a replacement hedgerow, which would be via any reserved matters application when landscaping is agreed, it is considered that ecology would not act as a constraint on the development and therefore the proposal would comply with Paragraph 118 of the NPPF, Circular 06/05 and Policy En1 of the submitted Local Plan.

Landscaping

Mature soft landscaping is present to the site in the form of hedgerows to the north-eastern and south-eastern boundaries with a tree of significant stature being present within the north-eastern boundary hedgerow in close proximity to the site entrance.

In order to facilitate the provision of the dwelling in the position shown, it would be necessary to remove three trees which are immature in age and stature and as a consequence do not contribute positively to the visual amenities of the streetscape. On the basis of their maturity these trees would not act as a constraint on the development and therefore their removal would

be acceptable, particularly as replacement planting could be secured as part of a landscaping scheme submitted under a subsequent reserved matters submission. The hedge to the north-eastern boundary, as well as the mature tree, would be adequately protected by their distance from the dwelling and a condition could be imposed on any consent granted for protection to be provided to this soft landscaping during the construction phase.

The provision of an improved visibility splay in a south-western direction from the site access would lead to the removal of the hedgerow from the south-eastern boundary (a length of 85 metres). Whilst this hedgerow would be removed it would be possible for it to be re-positioned to the rear of the visibility splay, in order to re-define the boundary of the site with the public domain, and as a result its initial removal would be mitigated against. The securing of the replacement hedgerow could again be secured as part of the landscaping scheme submitted under any subsequent reserved matters application.

Overall the proposed development is considered to be compliant with Policy E7 of the adopted Local Plan.

Archaeology

The County Council Archaeologist has raised no objections to the application and considers that no archaeological mitigation would be required. On the basis that archaeology would not act as a constraint to development the proposal accords with Paragraph 141 of the NPPF and Policy He1 of the submitted Local Plan.

Drainage and Flood Risk

Whilst the site lies within Flood Zone 1, and therefore in an area at the lowest risk of flooding, the Environment Agency's Surface Water Flood Maps identify that parts of the site, namely those to the frontage and a pond to the south-west, are at a high risk of being flooded by surface water. As a result of this the Lead Local Flood Authority (LLFA) have been consulted on the application and following an assessment of the information submitted they have specified that consideration should be given to the finished floor level of the dwelling so as to ensure that it is not put at risk from surface water flooding. It is considered that this could be addressed by the imposition of a condition on any consent granted for the finished floor level of the dwelling to be agreed. In the circumstances that no adverse comments have been received from the LLFA it is considered that the development would be compliant with Paragraph 103 of the NPPF and Policies Cc2 and Cc3 of the submitted Local Plan.

Insofar as foul drainage is concerned, it is indicated on the application forms that this would be discharged to the mains sewer with such discharge being agreed with Severn Trent Water under separate legislation. Severn Trent Water have raised no objections to the development and as such the additional demands for foul drainage can be met by the existing sewerage system in place. On this basis the proposed development would accord with Paragraph 120 of the NPPF.

Conclusion

The application site is a greenfield site situated outside the defined Limits to Development with the proposed development adversely affecting and diminishing the present open character of the environment in which it would be set and would represent an incongruous encroachment of development into the rural environment which should be protected for its own sake. As a result of this the development would fail to protect or enhance the natural environment contrary to the

environmental strand of sustainability enshrined within the NPPF, as well as Paragraph 17 of the NPPF, Policy S3 of the adopted Local Plan and Policies S2 and S3 of the submitted Local Plan. As the development would be located on a residential garden which would result in harm to the visual amenities of the rural environment, it is also considered that the development would conflict with Paragraph 53 of the NPPF. Policy S2 of the submitted Local Plan also identifies that in Belton the limited amount of growth which would take place will be within the Limits to Development.

It is therefore recommended that the application be refused.

RECOMMENDATION - REFUSE, for the following reason;

- 1 Paragraph 7 of the National Planning Policy Framework (NPPF) defines sustainable development which includes that the planning system needs to perform an environmental role, including protecting and enhancing our natural environment and using natural resources prudently. Paragraph 17 of the NPPF states that planning decisions should recognise the intrinsic value of the countryside. Policy S3 of the adopted North West Leicestershire Local Plan and Policy S3 of the submitted North West Leicestershire Local Plan provide a presumption against non-essential residential development outside Limits to Development. Policy S3 of the submitted Local Plan states that land identified as countryside will be protected for the sake of its intrinsic character and beauty. Policy S2 of the submitted Local Plan advises that in villages such as Belton a limited amount of growth will take place within the Limits to Development. Paragraph 53 advises that inappropriate development on residential gardens should be resisted. The proposed development being on a greenfield site would adversely affect and diminish the present open character of the environment resulting in significant harm to the character and rural appearance in which it would be set and would represent an unwarranted and incongruous intrusion into the countryside. As a consequence the development would fail to protect or enhance the natural environment and would not therefore constitute sustainable development, contrary to the environmental strand of sustainability enshrined within the NPPF. In addition, the development would be contrary to Paragraphs 17 and 53 of the NPPF, Policy S3 of the adopted Local Plan and Policies S2 and S3 of the submitted Local Plan.

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