

Meeting	<b>PLANNING COMMITTEE</b>
Time/Day/Date	4.30 pm on Tuesday, 4 July 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**

<b>Item</b>		<b>Pages</b>
<b>1. APOLOGIES FOR ABSENCE</b>		
<b>2. DECLARATION OF INTERESTS</b>		
	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.	
<b>3. MINUTES</b>		
	To confirm and sign the minutes of the meeting held on 6 June 2017	<b>3 - 6</b>
<b>4. PLANNING APPLICATIONS AND OTHER MATTERS</b>		
	Report of the Head of Planning and Regeneration.	<b>7 - 10</b>



## Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
<b>A1</b>	<b>17/00340/OUTM: Residential scheme for up to 38 dwellings including a mix of affordable and market dwellings (Outline - all matters reserved)</b>  Land At Swepstone Road Heather Coalville Leicestershire LE67 2RF	<b>REFUSE</b>	<b>11 - 24</b>
<b>A2</b>	<b>17/00020/FUL: Erection of one dwelling</b>  The Farm Manor Road Donington Le Heath Coalville Leicestershire LE67 2FW	<b>PERMIT</b>	<b>25 - 38</b>
<b>A3</b>	<b>16/01229/FUL: Conversion of part of existing outbuilding and erection of two storey extension to outbuilding to form one dwelling</b>  Rear Of 66 Leicester Road New Packington Ashby De La Zouch Leicestershire LE65 1TQ	<b>PERMIT subject to S106 Agreement</b>	<b>39 - 48</b>
<b>A4</b>	<b>17/00383/FUL: Erection of two storey rear extension and formation of no. 2 car parking spaces to rear</b>  25 Main Street Long Whatton Loughborough Leicestershire LE12 5DF	<b>PERMIT</b>	<b>49 - 56</b>
<b>5.</b>	<b>RECENT PLANNING APPEALS AND DECISIONS</b>  Report of the Head of Planning and Regeneration		<b>57 - 62</b>

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 6 JUNE 2017

Present: Councillor D J Stevenson (Chairman)

Councillors R Adams, J Bridges, D Everitt, J Hoult, R Johnson, G Jones, J Legrys, P Purver and V Richichi

Officers: Mr C Elston, Mrs H Exley, Mr A Mellor, Miss S Odedra and Mrs R Wallace

## **128. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors R Boam and J Cotterill.

The Chairman informed Members that Councillor J Cotterill was unwell and it was agreed that a letter wishing him a quick return to health be sent on behalf of the Committee.

## **129. DECLARATION OF INTERESTS**

Councillors R Adams, R Canny, G Jones, J Legrys, M Specht and D Stevenson declared that they had been lobbied without influence in respect of item A2, application number 17/00381/FUL.

## **130. MINUTES**

Consideration was given to the minutes of the meeting held on 9 May 2017.

With regards to his comments at minute number 127, Councillor J G Coxon asked for an amendment to reflect that fact that he did not agree with the whole application and not just the one bed units as stated.

It was moved by R Adams, seconded by Councillor J Legrys and

RESOLVED THAT:

Subject to the above amendment, the minutes of the meeting held on 9 May 2017 be approved and signed by the Chairman as a correct record.

## **131. 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.

## **132. A1**

### **17/00284/OUT: ERECTION OF ONE SELF BUILD DWELLING (OUTLINE - MEANS ACCESS AND LAYOUT FOR APPROVAL)**

Barn Farm Babelake Street Packington Ashby De La Zouch Leicestershire LE65 1WD

Officer's Recommendation: REFUSE

The Senior Planning Officer presented the report to Members.

Mr S Bradwell, agent, addressed the Committee. He stressed that it was a self build project for a genuine family need to ensure the operation of the farm. He explained that the farm had been in the same family for four generations and the proposed dwelling would allow the applicant's son to be on site at all times instead of travelling each day. Mr S Bradwell stated that the area was full of sporadic development and therefore would not

stand out, plus it would be well screened by an existing hedgerow. He explained that the proposed dwelling could not be sited on the opposite side of the bungalow as it would impact on the everyday operation of the farm. He concluded that a much bigger dwelling had been approved on the opposite side of the road and it was difficult to see how a different recommendation was given to a similar application.

Councillor G Jones moved that the application be permitted on the grounds that it was a necessity to maintain the operation of the farm to keep it in the family and would lead to a reduction in traffic due to the applicant's son not having to commute. It was seconded by Councillor J Hoult.

Councillor J Legrys commented that he did not support the motion and agreed with the officer's recommendation to refuse the application. He raised concerns regarding the number of applications for self builds or agricultural need being considered by the Committee, especially as he suspected that in many cases a contractor would be brought in. He added that the site was outside the limits to development and he therefore trusted the officer's opinion.

Councillor J G Coxon commented that there was no real statement of need for this dwelling within the report and asked if anything had been submitted by the applicant. The Planning and Development Team Manager responded that there had not been anything submitted by the applicant with regards to an agricultural assessment. He added that as he understood it, the applicant's son did not assist his father with the operation of the farm on a full time basis as he had another occupation.

Councillor D Harrison commented that during the site visit he could see the requirement for assistance with the operation of the farm. He stated that the Committee permitted many applications such as this one which were judged on individual merits, therefore he believed that there was a real need which should be seriously considered. He felt it was important to think of the people that Members represented and that the applicant needed support.

Councillor D Everitt supported the officer's recommendation because he felt that if the applicant really was in need then the relevant evidence should have been provided. As the application stood, he believed the officer's had done a good job and their recommendation should be supported.

Councillor R Canny raised concerns of setting a precedent by granting permission as she believed it would encourage more applications in the area in future which could result in ribbon development. She also stated that the submitted Local Plan could now be given more weight.

The motion to permit the application was put to the vote.

A recorded vote having been requested by Councillor J Legrys, the voting was as follows:

For the motion:

Councillors D Harrison, J Hoult, G Jones and V Richichi (4).

Against the motion:

Councillors R Adams, J Bridges, R Canny, J G Coxon, D Everitt, R Johnson, J Legrys, P Purver, M Specht, and D J Stevenson (10).

Abstentions:

(0).

The motion was declared LOST.

The Chairman then put the officer's recommendation to the vote.

RESOLVED THAT:

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

**133. A2**

**17/00381/FUL: SUBDIVISION OF 5 BEDROOM DWELLING INTO A TWO BEDROOMED DWELLING AND A THREE BEDROOMED DWELLING, AND CHANGE OF USE OF AGRICULTURAL LAND TO RESIDENTIAL CURTILAGE TO PROVIDE PARKING**

70 Elder Lane Griffydham Coalville Leicestershire LE67 8HD

Officer's Recommendation: PERMIT

The Senior Planning Officer presented the report to Members.

Mr A Andrews, objector, addressed the Committee. He stated that the proposed parking area was outside the limits to development, plus the application contradicted the NPPF and local plan as it was out of character with the surrounding area. He commented that the access to the site crossed over the access to his property and impacts the visibility of the highway. He also stated that he has attempted passing two medium sized vehicles on the access as detailed within the report and it was not possible. He concluded that the proposal did not make the area more sustainable, it did not add to the housing supply figures and the access was dangerous, therefore he urged Members to refuse planning permission.

Mr A Large, agent, addressed the Committee. He commented that he had been to the Committee many times and spoken regarding the importance of small builds in villages with an aging population. This was no different as the applicant was an aging gentleman living in a five bedroomed property by himself. The granting of the application would allow his family to move in and all to remain in the village. He explained that the proposal was well supported and he believed there was not an issue with the parking space as the paddock area had already been sub-divided and would have no impact behind the established hedge

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

RESOLVED THAT:

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

**134. 5.**

**TO CONSIDER THE MAKING OF A TREE PRESERVATION ORDER ON LAND AT 23A ASHBY ROAD DONISTHORPE**

Report of the Head of Planning and Regeneration.

Officer's Recommendation:

The Chairman reminded Members that the proposed Tree Preservation Order was for two trees out of a total of 17 trees in the orchard.

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

Mr S Clarke, agent, addressed the Committee. He detailed the law regarding the confirmation of a Tree Preservation Order and urged Members not to use the power lightly. He informed Members that the removal of the trees was proposed as part of planning application 16/00678/FUL which had been submitted nine months prior. As it had taken so long to put the Tree Preservation Order in place, Mr S Clarke questioned how important the officers felt the trees were and intimated it was a method of preventing planning permission being permitted. He concluded that there would be no benefit to the visual amenity by retaining the trees as there was no public view or any footpath nearby.

The officer's recommendation was moved by Councillor J Legrys and seconded by Councillor D Everitt.

Councillor J Bridges raised concerns regarding the timescale of the proposed Tree Preservation Order as the agent had highlighted that the related planning application had been in process for nine months. He stated that he would like to see a proper survey undertaken as to why the trees should be protected.

Councillor M Specht was surprised that the proposal was to protect only two of the trees. He also asked if the confirmation of the Tree Preservation Order would affect the planning application. The Planning and Development Team Manager reported that the application had not yet been determined but if confirmed, the Tree Preservation Order would form part of the considerations. He added that the applicant had not provided any evidence to suggest that the trees should be felled rather than retained.

The chairman also raised concerns regarding the timescales, especially as the owners could have taken the decision to remove the trees at any time previously.

In response to a question from Councillor G Jones, the Planning and Development Team Manager stated that he was unsure as to the reasons for the timescales. He explained that the initial planning application was submitted in mid-2016 and a number of issues had held it up. Also the proposed Tree Preservation Order was the result of an objection received to the removal of the trees, which had led to an officer visiting the site and taking the decision to protect the trees as detailed in the report. He explained that the lengthy timescales would not constitute a reason not to confirm the order.

The officer's recommendation to confirm the Tree Preservation Order was put to the vote and LOST.

Councillor J Bridges moved that the confirmation of the Tree Preservation Order be deferred to allow a thorough survey to be undertaken on the two trees in question. It was seconded by Councillor J Legrys.

**RESOLVED THAT:**

The confirmation of the Tree Preservation Order be deferred to allow the site owner to undertake a thorough tree survey of the trees recommended to be protected.

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 5.20 pm

## **APPENDIX B**

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

**4 July 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.

Residential scheme for up to 38 dwellings including a mix of affordable and market dwellings (Outline - all matters reserved)

Report Item No  
A1

Land At Swebstone Road Heather Coalville Leicestershire  
LE67 2RF

Application Reference  
17/00340/OUTM

Applicant:  
Mr. V Richichi

Date Registered:  
10 March 2017

Case Officer:  
James Mattley

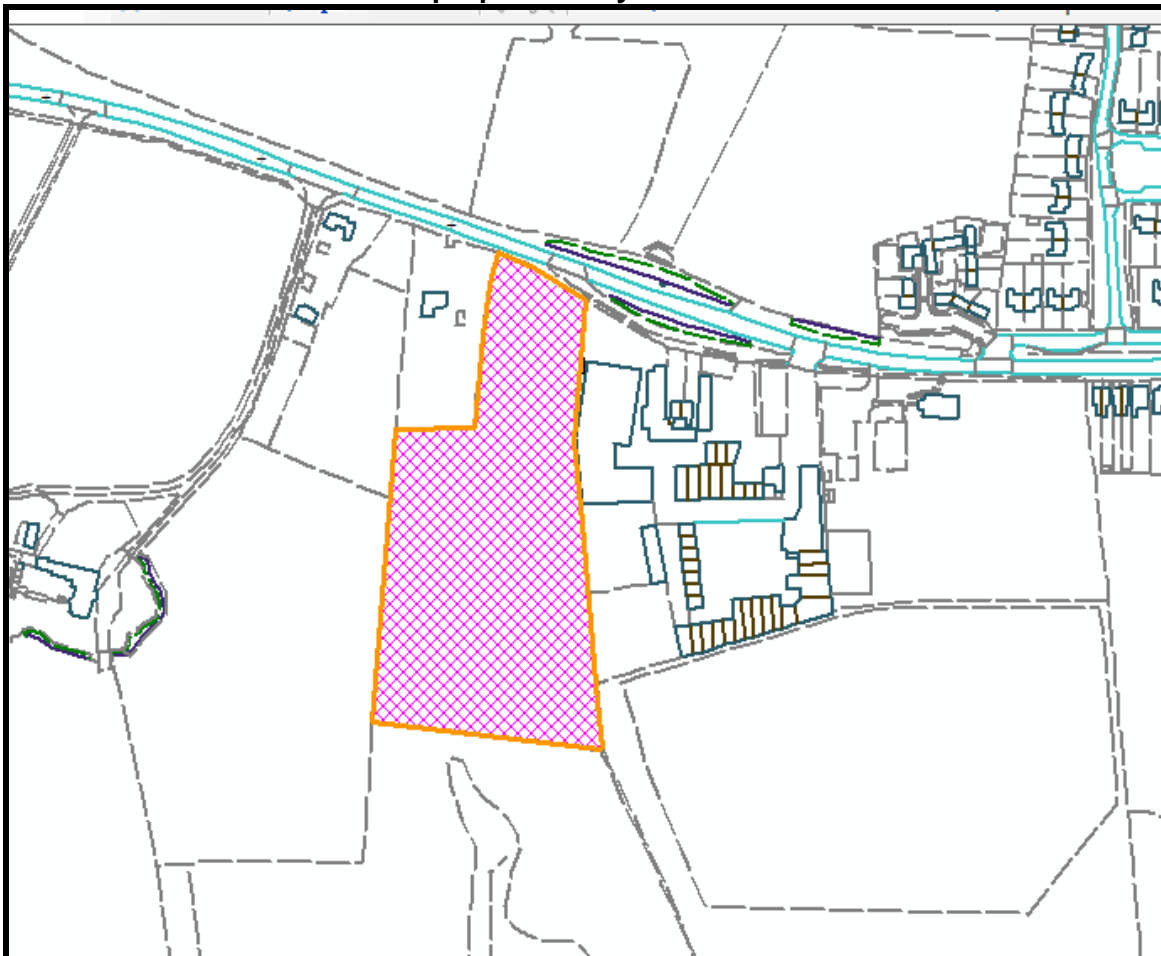
Consultation Expiry:  
4 May 2017

8 Week Date:  
9 June 2017

Recommendation:  
REFUSE

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 being considered by the Planning Committee because the applicant is a serving member of the Council.

### **Proposal**

Planning permission is sought for a residential scheme for up to 38 dwellings (outline - all matters reserved) at Swepstone Road, Heather. The application site which measures 2 hectares is located outside the Limits to Development as defined by the adopted and submitted Local Plans.

### **Consultations**

A total of four representations have been received opposing the development. A total of 15 representations have been received supporting the development. The Parish Council object to the development. All other statutory consultees have raised no objections subject to the imposition of conditions on any consent granted.

### **Planning Policy**

The application site lies outside Limits to Development as defined in the adopted and submitted Local Plan. Also material to the determination of the application, however, is the supply of housing in the context of the National Planning Policy Framework (NPPF) and whether the scheme represents sustainable development.

### **Conclusion**

As set out in the main report below, the proposal would be contrary to Policies S3 of the adopted and submitted Local Plans, as well as Policy S2 of the submitted Local Plan, and would result in a significant degree of harm to the rural environment by way of the loss of a greenfield site which is rural in appearance and poorly related to the main built up settlement of Heather. The resulting environmental harm from these impacts would significantly and demonstrably outweigh the social and economic benefits. Accordingly, the proposal cannot be considered to represent sustainable development and, therefore, the application is not considered to be acceptable in relation to the NPPF.

Therefore, it is recommended that the application be refused for these reasons.

## **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 a residential scheme for up to 38 dwelling (outline - all matters reserved) at Sweptstone Road, Heather. The application site which measures 2 hectares is located outside the Limits to Development as defined by the adopted and submitted Local Plans.

Whilst all matters are reserved for subsequent approval, an illustrative masterplan has been submitted showing the proposed dwellings, together with public open space and landscaping.

The following housing types are proposed:

22 x market houses  
4 x self build dwellings  
12 x affordable houses

The application is accompanied by a flood risk assessment, heritage report, archaeological desk-based assessment, ecological survey, building for life assessment, design and access statement, noise impact assessment, coal mining report and geotechnical desk study.

Relevant Planning History:

16/00617/OUTM - Residential scheme for up to 40 dwellings including a mix of local need, starter, affordable and market dwellings (outline - all matters reserved) - withdrawn.

### 2. Publicity

89 No neighbours notified (date of last notification 28/03/2017)

Site Notice displayed 28 March 2017.

Press Notice published Leicester Mercury 5 April 2017.

### 3. Summary of Consultations and Representations Received

A total of four letters/emails have been received objecting to the application on the following grounds:

- More housing in Heather is not sustainable;
- No public transport in Heather;
- Roads are already congested;
- Lack of infrastructure;
- Cumulative effects of other applications should be considered;
- Site is separate from the main built up area of Heather;
- No need for more housing in the area;
- Would not be compatible with adjacent use at Dawsons Yard;
- No transport assessment has been submitted;
- Site is outside the limits to development and not in accordance with the Local Plan.

A total of 15 letters/emails have been received supporting the application on the following grounds:

- Land is enclosed which would prevent further expansion;

- Site has been un-productive for years;
- Minimal effect on other houses;
- Would have a safe access;
- Ideally sited and sized development would be sympathetic to the village;
- Would represent sustainable development;
- Limited development would cause less strain on infrastructure;
- Will assist the younger generation getting on the housing ladder;
- There is a need for affordable properties in the village.

The full contents of these letters/emails are available for members to inspect on the case file.

**Heather Parish Council** objects to the proposal on the following grounds:

- outside the limits to development and not in accordance with S2 or S3;
- the school is full;
- there is no bus service;
- the doctors surgery is at capacity;
- there is no post office;
- there is no footpath from the application site to local services;
- would be close to an industrial site (Dawsons Yard);
- impact upon nearby listed buildings;
- highway safety issues;
- impact on sewage system.

**Leicestershire County Council Archaeologist** has no objections subject to conditions.

**Leicestershire County Council Civic Amenity Team** requests a developer contribution of £2484.

**Leicestershire County Council Ecologist** has no objections to the proposed development subject to conditions.

**Leicestershire County Council Education Department** requests a developer contribution of £69,749.61.

**Leicestershire County Council Lead Local Flood Authority (LLFA)** has no objections subject to conditions.

**Leicestershire County Council Library Service Team** requests a developer contribution of £1150.

**Leicestershire County Council Highway Authority** has no objections subject to conditions.

**National Forest Company** has no objections subject to conditions/obligations.

**North West Leicestershire Contaminated Land Officer** has no objections subject to conditions.

**North West Leicestershire Environmental Protection Section** has no objections.

**Severn Trent Water** has no objection to the proposal subject to the imposition of conditions.

#### 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 7 (Achieving sustainable development)  
 Paragraph 14 (Presumption in favour of sustainable development)  
 Paragraph 17 (Core planning principles)  
 Paragraph 28 (Supporting a prosperous rural economy)  
 Paragraph 32 and 34 (Promoting sustainable transport)  
 Paragraph 47, 49 and 55 (Delivering a wide choice of high quality homes)  
 Paragraph 57, 59, 60 and 61 (Requiring good design)  
 Paragraph 100, 101, 103 (Meeting the challenge of climate change, flooding and coastal change)  
 Paragraph 109, 112, 118, 123 and 124, (Conserving and enhancing the natural environment)  
 Paragraph 131, 132, 134, 137 and 141 (Conserving and enhancing the historic environment)  
 Paragraph 203 and 204 (Planning conditions and obligations)

##### **Adopted North West Leicestershire Local Plan (2002)**

The North West Leicestershire Local Plan forms the development plan and the following policies of the Local Plan 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:

Policy S3 - Countryside  
 Policy E2 - Landscaped Amenity Open Space  
 Policy E3 - Residential Amenities  
 Policy E4 - Design  
 Policy E7 - Landscaping  
 Policy F1 - National Forest General Policy  
 Policy F2 - National Forest Tree Planting  
 Policy F3 - National Forest Landscaping and Planting  
 Policy T3 - Highway Standards  
 Policy T8 - Parking  
 Policy H4/1 - Housing Land Release  
 Policy H6 - Housing Density  
 Policy H7 - Housing Design  
 Policy H8 - Affordable Housing  
 Policy L21 - Children's Play Areas

### **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. Examination hearing sessions were held in January and March 2017 and the Council commenced consultation on its Main Modifications on 12 June 2017. The weight to be attached by the decision maker to this submitted version (as proposed to be modified) should be in accordance with the approach set out in Paragraph 216 of the NPPF, having regard to the stage now reached towards adoption, the extent to which there are unresolved objections to the policies relevant to the determination of this application, and the degree to which the emerging policies are consistent with the NPPF.

S1 - Future housing and economic development needs  
S2 - Settlement Hierarchy  
S3 - Countryside  
D1 - Design of new development  
D2 - Amenity  
H4 - Affordable Housing  
IF1 - Development and Infrastructure  
IF4 - Transport Infrastructure and new development  
IF7 - Parking provision and new development  
En1 - Nature Conservation  
En3 - The National Forest  
Cc2 - Flood risk  
Cc3 - Sustainable Drainage Systems

### **Other Policies**

#### **North West Leicestershire District Council Affordable Housing SPD**

Key Principle AH2 provides that affordable housing will be sought on all sites of 5 or more dwellings in the Heather area

Key Principle AH3 requires a minimum of 30% of residential units to be available as affordable housing within the Heather area.

#### **North West Leicestershire District Council Play Area Design Guidance SPG**

The District Council's Play Area Design Guidance SPG sets out the requirements in respect of children's play provision in association with residential development.

#### **Planning (Listed Buildings and Conservation Areas) Act 1990**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

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

## 5. Assessment

### Principle 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.

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 District Council 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 (inclusive of 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.

In respect of social sustainability, it is noted that third party representations have been received which comment that Heather is not socially sustainable, however the District Council considers Heather to be a sustainable settlement for new residential development given the range of services available, including a shop, primary school and nursery, public houses, church and recreation ground as well as some limited employment uses at Dawsons Yard and along Mill Lane. It is also recognised that Policy S2 of the submitted Local Plan, which can be attached some weight in the decision making process, highlights that Heather is a 'Sustainable Village' where a limited amount of growth will be permitted although it does refer to sites which are located within the limits to development which this site is not. The scheme includes for the inclusion of a new footpath on the northern side of Sweystone Road in order to access the services identified above.

Having regard to the location of the site it is considered that residents of the proposed development would have access to some services which would meet their day to day needs (e.g. a shop, school, pubs), with other facilities and employment opportunities being accessible on foot but it is noted that the site is physically separate to and located on the edge of the settlement, with the result that these services are more distant. The provision of 38 dwellings could result in future residents also assisting in sustaining these services for the future, which is a key intention of Paragraphs 28 and 55 of the NPPF.

From a social perspective the development would provide 38 dwellings with the following housing typologies proposed:

22 x market houses  
4 x self build dwellings  
12 x affordable houses

The provision of self-build dwellings and the full 30% affordable housing requirement would make some contribution towards the social dimensions of the scheme. In addition, it is

accepted that the development has some potential to make some contribution to the economic dimension by virtue of the growth associated with the proposed development (as would be expected from any residential scheme).

In terms of environmental sustainability the site is greenfield land. The site is outside the defined Limits to Development and therefore the 'principle' of the proposal would be in direct conflict with Policies S3 of the adopted and submitted Local Plans. It is also noted that whilst Policy S2 of the submitted Local Plan identifies that Heather is a sustainable village, it does specify that any 'growth' should be accommodated on land within the Limits to Development. Such policies are 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.

However, as highlighted above, given that the NPPF does not necessarily preclude development on greenfield land and determination would need to be made as to whether the proposed dwellings would impact adversely on the rural environment as specified at Paragraph 17 of the NPPF.

On the basis of the Proposals Map to the adopted and submitted Local Plan, the application site would not abut the defined Limits to Development and is divorced from the existing settlement of Heather. The site is rural in nature and the proposal would result in significant harm to the character and appearance of the locality. The development of this site would result in an incongruous development in the countryside which would be contrary to the advice in the NPPF. It is considered that the landscape and visual impact of up to 38 dwellings on the site would be significantly harmful and the proposed development would not be in keeping with the character and appearance of the surrounding area.

In conclusion, the proposal would be contrary to Policies S3 of the adopted and submitted Local Plans, as well as Policy S2 of the submitted Local Plan, and would result in a significant degree of harm to the rural environment by way of the loss of a greenfield site which is rural in appearance and divorced from the main built up settlement of Heather. The resulting environmental harm from these impacts would significantly and demonstrably outweigh the social and economic benefits. Accordingly, the proposal cannot be considered to represent sustainable development and, therefore, the application is not considered to be acceptable in relation to the NPPF.

### **Detailed Issues**

In addition to the principle of development, consideration of other issues relevant to the application is set out in more detail below.

### **Means of Access and Transportation**

All matters are reserved for subsequent approval including the access point into the site and the internal access arrangements. The illustrative layout shows internal access roads and a new vehicular access in the north-eastern section of the site. However, these access arrangements would be a matter for the reserved matters stage(s).

The application is accompanied by a design and access statement which indicates that a new pedestrian footpath would be provided and that the 30mph signage would be relocated. The County Highway Authority (CHA) has reviewed the submitted information and raises no objections to the proposal providing that the reserved matters submission includes for the

downgrading of the existing service road to Dawsons Yard. Suitable conditions and legal obligations would need to be included if planning permission were to be granted and would need to secure details of the routeing of construction traffic along with other contributions in respect of public transport.

In conclusion, the County Highway Authority raises no highway safety objections to the proposed scheme subject to the inclusion of relevant conditions and obligations. Taking these matters into account, therefore, the proposed development is considered acceptable in terms of Means of Access and Transportation issues and would comply with Policy T3 in the adopted Local Plan, Policy IF4 in the submitted Local Plan and the advice in the NPPF.

### **Neighbours' Amenities**

The impacts on neighbouring occupiers arising from the proposed development would need to be assessed at the reserved matters stage(s); notwithstanding the details shown on the illustrative layout, there would appear to be no reason in principle why up to 38 units could not be provided on the site in a manner which would not significantly adversely impact upon neighbours' amenities.

The application is accompanied by a noise report given that the application site is located directly adjacent to the Dawsons Yard industrial estate. This report concludes that a residential development could be located on the site without causing significant disturbance to internal noise levels and external garden areas of the proposed properties and that no additional mitigation measures would be required.

The District Council's Environmental Protection team has reviewed the submitted information and has no objections and it is not considered that the proposal would result in significant adverse impacts on health or quality of life. Accordingly, the requirements under Policy E3 of the adopted Local Plan and D2 of the submitted Local Plan are considered to have been met by the scheme and the proposal would not conflict with paragraph 123 of the NPPF.

### **Design**

The proposed scheme includes for an illustrative layout which is identical to that which was submitted and assessed by the District Council's Urban Designer as part of planning application 16/00617/OUTM. The previous assessment rated the scheme in accordance with CABE's Building for Life 12 criteria which scores on the basis of red/amber/green. The Council's Urban Designer at the time raised some concerns over the proposal. These concerns included issues regarding the amount of development and form of development especially as no illustrative layout was submitted with the original application.

The applicant's agent submitted a more detailed illustrative layout, which has also been submitted as part of the current application, showing how the dwellings could be positioned on the site with areas of public open space. It is accepted that the majority of these issues would need to be fully addressed by reserved matters. Suitable conditions and notes to applicant can be provided to indicate that the design concerns would need to be fully addressed as part of any future reserved matters application(s).

Therefore, whilst the scheme in outline cannot be assessed fully against Building for Life, it is considered that it has been demonstrated that, in principle, an appropriate scheme for up to 38 dwellings could be satisfactorily developed on the site, and would comply with Policy E4 of the adopted Local Plan, Policy D1 of the submitted Local Plan and advice in the NPPF.

### **Density**

Adopted Local Plan Policy H6 provides that, for sites of 0.3 hectares and above, residential development should meet a minimum density of 40 dwellings per hectare within locations well served by public transport and accessible to services, and a minimum density of 30 dwellings per hectare elsewhere.

The application site area is given as 2.00 hectares and the maximum of 38 dwellings proposed by the developer would therefore equate to a maximum density of 19 dwellings per hectare, which would fall short of the requirements set out in Policy H6. However, when considering that parts of the site would be taken up by the creation of landscaping and public open space, the net dwelling density would be higher and more in-line with that stated in Policy H6. It is also recognised that a reduced density would be more appropriate in this edge of settlement location. Therefore, the scheme is considered to have an appropriate density.

### **Ecology and Trees**

The application is supported by an ecological appraisal. The appraisal concludes that the proposed development of the site will have no adverse effect on any protected species on site or in the immediate and wider local area. No further mitigation measures are deemed to be required by the submitted ecological appraisal.

There are trees and hedges on the site boundaries which may provide suitable habitat for protected species. The majority of hedgerows and trees are to be retained although there could be some impacts in respect of the access point along Sweptstone Road although the extent of tree/hedgerow loss would need to be considered further at the reserved matters stage. In the event that planning permission were to be granted, conditions could be attached to any planning permission requiring root protection areas to be specified at the reserved matters stage.

Leicestershire County Council's ecologist considers that the ecology report is satisfactory and accepts the assessment that there will be no significant impacts subject to conditions if planning permission were to be granted.

Therefore, subject to the imposition of suitably-worded conditions and notes to applicant the submitted scheme is considered acceptable in ecological terms and in respect of the impact upon trees. The scheme is, therefore, acceptable in relation to Policy E7 of the adopted Local Plan, En1 of the submitted Local Plan and the advice in the NPPF.

### **Flood Risk and Drainage**

A Flood Risk Assessment (FRA) has been submitted in support of the application. The Environment Agency flood zone maps indicate that the site lies within Flood Zone 1, and on this basis the site would appear suitable for development in principle (and in flood risk sequential terms, would meet the requirements of the NPPF).

It is proposed to manage surface water run-off from the development through the implementation of a sustainable drainage system, limiting the proposed maximum discharge rate to the site-specific greenfield rate, providing on-site attenuation in the form of a pond located within the proposed public open space.

Overall, in terms of issues of Flood Risk and Drainage, it is considered that the scheme is

acceptable, and would provide for appropriate drainage solutions to accommodate the proposed development. In coming to this conclusion it is noted that the LLFA and Severn Trent Water raise no objections to the proposed development subject to the inclusion of relevant planning conditions and notes to applicant.

### **Archaeology**

The Leicestershire and Rutland Historic Environment Record (HER) notes that the site is located within an area of archaeological interest. An archaeological desk-based assessment has been submitted which confirms that there is good potential for the presence of archaeology but that there has been ground disturbance on the site.

On the basis of this information, the County Archaeologist has confirmed that the required archaeological investigation can be secured through suitable worded planning conditions. Therefore, the development is deemed to be compliant with Paragraph 141 of the NPPF and Policy He1 of the submitted Local Plan.

### **Heritage**

Heather Hall is a Grade II listed building located to the west of the application site. On the basis of the heritage report that has been submitted, the Council's Conservation Officer considers that any harm arising from the proposed development could be mitigated through careful landscaping and ensuring that the access into the site is utilised rather than a new access being formed closer to Heather Hall. Such matters would need to be considered further at the reserved matters stage although it is clear that it would be possible to site up to 38 dwellings on the site without causing any harm to heritage assets.

On this basis, the scheme is considered to be acceptable in relation to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the advice in the NPPF.

### **Developer Contributions**

Paragraphs 203 and 204 of the NPPF set out the Government's policy in respect of planning obligations and, in particular, provide that planning obligations should be:

- necessary to make the proposed development acceptable in planning terms;
- directly related to the proposed development; and
- fairly and reasonably related in scale and kind to the proposed development.

Equivalent legislative tests are contained within the Community Infrastructure Levy (CIL) Regulations 2010.

The requested developer contributions are listed below.

#### *Affordable Housing*

The Council's SPD on affordable housing indicates that for developments of this scale in the Ravenstone area 30% of the units should be provided as affordable housing (i.e. 12 units, assuming the construction of the maximum 38 dwellings as proposed). In terms of tenure split, the District Council's Affordable Housing Enabler advises that a tenure split of 80% affordable rented and 20% shared ownership would be sought and the District Council's Strategic Housing Team is seeking the following:

Affordable Rented - 9  
2 x 1 bed homes

3 x 2 bed homes  
3 x 2 bed homes (bungalows)  
1 x 3 bed home

Shared ownership - 3  
2 x 3 bed home  
1 x 2 bed home

However, it is accepted that the current requirements are likely to change over time, and it is considered appropriate for the Section 106 agreement to secure a minimum of 30% (and including the tenure split suggested above) with the actual contribution in terms of unit types to be agreed by the District Council.

#### *Transportation Contributions*

The County Highway Authority has requested the following developer contributions, required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, reducing car use and highway safety:

- Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).
- 6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £350.00 per pass - NOTE it is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate).

The County Highway Authority have also requested that details of the routing of construction traffic be included in the legal agreement. The applicant is agreeable to making this contribution.

#### *Education*

In respect of the proposed education contributions, Leicestershire County Council comments as follows:

##### *Primary School Requirements*

The site falls within the catchment area of Heather Primary School. The School has a net capacity of 112 and 125 pupils are projected on the roll should this development proceed; a deficit of 13 pupil places. No pupil places at this school are currently funded by S106 agreements for other developments in this area.

There are two other Primary Schools within a 2 mile walking distance of the site, Ibstock Junior and Ibstock St Deny's C of E Primary which have a combined surplus of 14 pupil places. As there is an overall surplus in this sector after including all primary schools within a two mile walking distance of the development of 14 pupil places, no education contribution has been requested for this sector.

##### *High School Requirements*

The site falls within the catchment area of Ibstock Community College. The School has a net capacity of 705 and 820 pupils are projected on the roll should this development proceed; a deficit of 115 pupil places. There are 162 pupil places at this school being funded by S106

agreements from other developments in the area to be discounted which reduces the deficit at this school and creates a surplus of 47 pupil places. On this basis, an education contribution has not been requested for this sector.

#### *Upper School Requirements*

The site falls within the catchment area of Ashby School, which has a net capacity of 1842 and 2017 pupils are projected on roll should this development proceed; a deficit of 175 pupil places. A total of 153 pupil places are being funded at this college from S106 agreements for other developments in this area which need to be discounted and reduces the total deficit to 22 pupil places (of which 18 are existing and 4 are generated by this proposed development). There are no other upper schools within a three mile walking distance of the site and an education contribution in this sector is therefore justified. As such, £69,749.61 is requested which would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Ashby School. The applicant is agreeable to making this contribution.

#### *Children's Play Equipment*

There is an existing children's play area on Swepstone Road which would be less than 400 metres from the proposed site. As such, no on-site play area is proposed under this application although a contribution towards the maintenance and enhancement of existing recreation and children's play areas within the village will be sought. The precise contribution required would be secured through a S106 agreement and the applicant is agreeable to making this contribution.

#### *Library Services*

The proposed development is within 5.3km of Measham Library and the proposal would impact on local library services in respect of additional pressures on the availability of local library facilities. Therefore, a library contribution of £1,150 is requested. The applicant is agreeable to making this contribution.

#### *Civic Amenity*

The nearest Civic Amenity Site is located in Coalville. The proposal would impact on this site in respect of additional waste which would not exist but for the proposed development. Therefore, a civic amenity contribution of £2,484 is requested. The applicant is agreeable to making this contribution.

#### *National Forest Planting*

The application site extends to 2ha and the National Forest Company's (NFC) Planting Guidelines, as set out in the Guide for Developers and Planners, expects 20% of the site area to be for woodland planting and landscaping. This would equate to 0.4ha in this instance.

The NFC raises no objection subject to either 0.4ha of on-site woodland planting being shown at the reserved matters stage or a financial contribution of £8,000 in lieu of this on-site planting. In the event that planning permission is granted, this would need to be secured by condition or legal obligation.

Subject to the inclusion of relevant conditions and obligations the National Forest Company raise no objection to the proposed development.

## Conclusions

As set out in the main report above, the proposal would be contrary to Policies S3 of the adopted and submitted Local Plans, as well as Policy S2 of the submitted Local Plan, and would result in a significant degree of harm to the rural environment by way of the loss of a greenfield site which is rural in appearance and divorced from the main built up settlement of Heather. The resulting environmental harm from these impacts would significantly and demonstrably outweigh the social and economic benefits. Accordingly, the proposal cannot be considered to represent sustainable development and, therefore, the application is not considered to be acceptable in relation to the NPPF.

Therefore, it is recommended that the application be refused for these reasons.

## RECOMMENDATION - REFUSE for the following reasons:

- 1 Paragraph 17 of the NPPF states that planning decisions should recognise the intrinsic character and beauty of the countryside. Policy S2 of the submitted Local Plan allows for limited growth within limits to development and Policy S3 of the adopted and submitted Local Plan set out the circumstances in which development outside limits to development would be acceptable. The land that forms the application is a greenfield site, located outside of the limits to development as defined in the adopted and submitted Local Plans and is poorly related to the existing settlement. The proposal would result in significant harm to the character and rural appearance of the locality and any development on this site would appear as an unwarranted and incongruous intrusion into the countryside. Approval of the application would result in the unnecessary development of land located outside limits to development, not constituting sustainable development, and contrary to the policies and intentions of the NPPF and Policy S2 and S3 of the adopted and submitted Local Plans.

## Notes to applicant

- 1 Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. In the Local Planning Authority's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. The Local Planning Authority has therefore complied with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Erection of one dwelling

Report Item No  
A2

The Farm Manor Road Donington Le Heath Coalville  
Leicestershire LE67 2FW

Application Reference  
17/00020/FUL

Applicant:  
Esprit Land Limited

Date Registered:  
11 January 2017

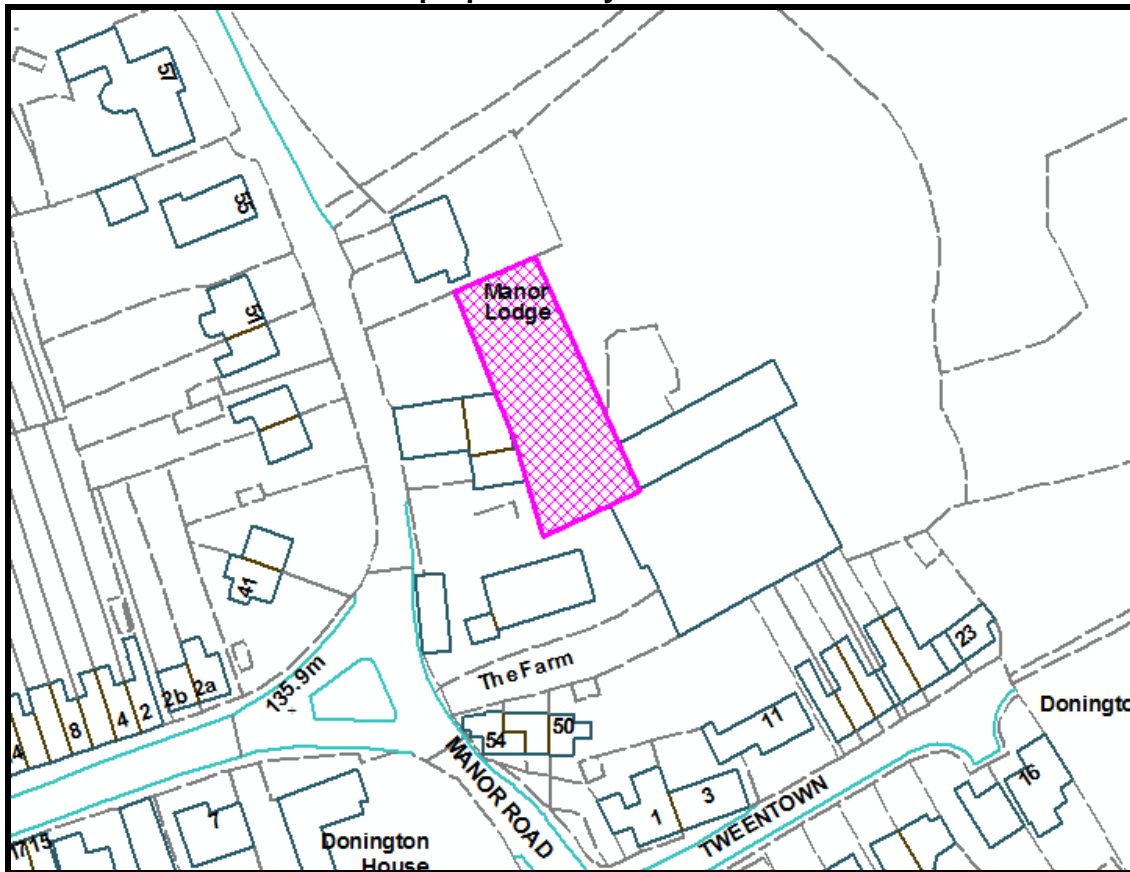
Case Officer:  
Adam Mellor

Consultation Expiry:  
14 February 2017

Recommendation:  
PERMIT

8 Week Date:  
8 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 has been brought to the Planning Committee at the request of Councillor Johnson on the basis that the proposal results in the loss of open space, impacts on the historic environment and heritage assets, is an overdevelopment in the Conservation Area, impacts on residential amenity, the scheme is not intrinsic to the streetscape, no affordable housing would be provided, the scheme is not in the public interest and the acceptability of the design and layout of the proposal (e.g. it is not in keeping with the character of the area and/or the host property).

### **Proposal**

Planning permission is sought for the erection of one dwelling at The Farm, Manor Road, Donington Le Heath. The application site is situated on the north-eastern side of Manor Road and is within the defined Limits to Development as well as the Donington Le Heath Conservation Area. The dwelling is associated with a wider residential development of the site approved under application reference 15/00459/FULM.

### **Consultations**

Three third party representations have been received objecting to the application. Hugglescote and Donington Le Heath Parish Council have also objected to the proposal. All other statutory consultees have no objections subject to the imposition of conditions on any consent granted.

### **Planning Policy**

The application site is within 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 within the Limits to Development where the principle of the proposed form of development is acceptable under Policy S2 of the adopted and submitted Local Plans with the site being sustainable. It is also considered that the proposal would not result in detriment to residential amenity, the character and appearance of the streetscape or wider area, the significance of heritage assets, highway safety, ecology or landscaping with it being possible to provide appropriate means of drainage and mitigate any contaminated land implications. It is also concluded that it would not be viable for the scheme to provide affordable housing or an affordable housing contribution. There are no other material planning considerations that indicate planning permission should not be granted and accordingly the proposal, subject to relevant conditions, is considered acceptable for the purposes of the policies referred to.

**RECOMMENDATION - PERMIT, subject to conditions.**

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation**

responses, planning policies, the Officer's assessment and 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 one dwelling at The Farm, Manor Road, Donington Le Heath. The site is situated within the defined Limits to Development with the surrounding area being predominately residential and consisting of properties which vary in their type and design. It is also within the Donington Le Heath Conservation Area.

Under application reference 15/00459/FULM planning permission was granted, on the 8th December 2015, for the demolition of existing farm buildings and erection of 14 dwellings, along with the retention of the farmhouse with associated off-street parking and new vehicular access onto Manor Road. This application now seeks to provide an additional detached dwelling which would be set to the east of the retained farmhouse (plot 15) and would cover a ground area of 102 square metres and utilise a pitched gable ended roof with a ridge height of 8.25 metres. In respect of vehicular access to the property this would be achieved via the proposed access serving the remainder of the cul-de-sac as approved under application reference 15/00459/FULM.

A planning statement, incorporating a design and access statement and heritage statement, and viability appraisal have been submitted in support of the application.

The recent and relevant planning history of the site is as follows: -

- 98/1064/P - Erection of two dwellings and access road (outline) - Refused 26th May 1999.
- 12/01018/FULM - Retrospective application for the change of use of agricultural buildings to storage and distribution of building supplies and equipment and dismantled car parts - Withdrawn 28th October 2013.
- 13/00671/OUTM - Residential development for 14 dwellings, retention of existing farmhouse, demolition of existing farmbuildings, alterations to an existing vehicular access and closure of existing vehicular access (outline - details of access and layout) - Approved 20th June 2014.
- 16/01173/VCIM - Variation of condition 2 of 15/00459/FULM to revise the design details of the farmhouse (plot 15) and to amend the elevation details for plots 2, 4, 5, 6, 7, 8, 9, 10, 13 and 14 - Pending Consideration.

### 2. Publicity

45 Neighbours have been notified (date of last notification January 2017)

Press Notice published Leicester Mercury 1 February 2017.

Site Notices posted 23 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.

**Hugglescote and Donington Le Heath Parish Council** objects to the application on the following grounds: -

- New property removes an area of open space on the site;
- The density of the development is too high which compromises the design aspects of the

- development;
- Houses within the conservation area are well spaced with a degree of openness, this scheme does not reflect that fact;
- There is insufficient off-street parking to cater for the amount of vehicles which would be associated with the development.

**Leicestershire County Council - Ecology** has no objections.

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

**NWLDC - Affordable Housing Enabler** has outlined the affordable housing contribution for the scheme and indicated that a viability appraisal would be required if this contribution is not provided.

**NWLDC - Conservation Officer** has no objections.

**NWLDC - Environmental Protection** has no objections.

**NWLDC - Environmental Protection (Contaminated Land)** has no objections subject to conditions.

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

### **Third Party Representations**

Three letters of representation have been received which object to the application with the comments raised summarised as follows: -

- There will be a lack of off-street parking provided for the dwelling and the development as a whole.
- The plans keep changing to increase the amount of bedrooms in each dwelling which leads to more off-street parking being required.
- The provision of the property will result in the loss of an area of open space.
- The density of the development now proposed is too high for a conservation area setting.
- The lack of space between dwellings is inconsistent with the character of the conservation area.
- People who have committed to buy a dwelling have been mis-sold due to the introduction of this additional dwelling.
- Dwellings have impacted on the views.

## **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 due weight in the determination of this

application.

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

Paragraph 14 (Presumption in favour of sustainable development);  
 Paragraph 17 (Core planning principles);  
 Paragraphs 18-20 (Building a strong, competitive economy);  
 Paragraphs 32 and 39 (Promoting sustainable transport);  
 Paragraphs 47, 49, 50 and 54 (Delivering a wide choice of high quality homes);  
 Paragraphs 57, 59, 60, 61 and 64 (Requiring good design);  
 Paragraphs 73 and 75 (Promoting healthy communities);  
 Paragraphs 100, 101 and 103 (Meeting the challenge of climate change, flooding and coastal change);  
 Paragraphs 109, 112, 120, 122 and 123 (Conserving and enhancing the natural environment);  
 Paragraphs 131, 132, 134, 137 and 141 (Conserving and enhancing the historic environment);  
 and  
 Paragraphs 203, 204 and 206 (Planning conditions and obligations).

### **Adopted North West Leicestershire Local Plan (2002)**

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

Policy S1 - Overall Strategy which sets out 13 criteria which form the strategy for the adopted Local Plan;  
 Policy S2 - Limits to Development;  
 Policy E2 - Landscaped Amenity Open Space;  
 Policy E3 - Residential Amenities;  
 Policy E4 - Design;  
 Policy E7 - Landscaping;  
 Policy E8 - Crime Prevention;  
 Policy F1 - General Policy: National Forest;  
 Policy F2 - Tree Planting;  
 Policy F3 - Landscaping and Planting;  
 Policy T3 - Highway Standards;  
 Policy T8 - Parking;  
 Policy H4/1 - Housing Land Release;  
 Policy H6 - Housing Density;  
 Policy H7 - Housing Design;  
 Policy H8 - Affordable Housing;  
 Policy L21 - Children's Play Areas; and  
 Policy L22 - Formal Recreation Provision.

### **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. Examination hearing sessions were held in January and March 2017 and the Council commenced consultation on its Main Modifications on 12 June 2017. The weight to be attached by the decision maker to this submitted version (as proposed to be modified) should be in accordance with the approach set out in Paragraph 216 of the NPPF, having regard to the stage now reached towards adoption, the extent to which there are unresolved objections to the policies relevant to the determination of this application, and the degree to which the emerging policies are consistent with the NPPF.

Policy S1 - Future Housing and Economic Development Needs;  
Policy S2 - Settlement Hierarchy;  
Policy D1 - Design of New Development;  
Policy D2 - Amenity;  
Policy H4 - Affordable Housing;  
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.

#### **Donington Le Heath Conservation Area Character Appraisal and Management Plan - September 2010.**

This document outlines the special character of Donington le Heath is derived from the survival of mediaeval and post-mediaeval agricultural 'village-scape' with a matrix of lanes, sunken and enclosed by walls and hedges, within which survive a mediaeval manor house and two of the other three original farmsteads.

#### **North West Leicestershire District Council Affordable Housing SPD**

Key Principle AH2 provides that affordable housing will be sought on all sites of 15 or more dwellings in the Greater Coalville Area (which includes Donington Le Heath).

Key Principle AH3 requires a minimum of 20% of residential units to be available as affordable housing within the Greater Coalville Area.

#### **North West Leicestershire District Council Play Area Design Guidance SPG**

The District Council's Play Area Design Guidance SPG sets out the relevant requirements in respect of children's play provision required in association with residential development.

#### **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.

#### **Leicestershire County Council Statement of Requirement for Developer Contributions in Leicestershire**

The County Council's Statement of Requirement for Developer Contributions in Leicestershire sets out the circumstances in which developer contributions will be required in respect of County and District service areas, as well as other public services, and the level of contributions required.

#### **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.

**Planning (Listed Buildings and Conservation Areas) Act 1990**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act) requires that special regard shall be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

**5. Assessment****Principle and Sustainability**

The site is located within the Limits to Development where the principle of residential development is considered acceptable, under Policy S2 of the adopted and submitted Local Plans, subject to compliance with the relevant policies of the adopted and submitted Local Plans and other material considerations. Within the NPPF there is a presumption in favour of sustainable development and proposals which accord with the development plan should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies as a whole or if specific policies in the NPPF indicate development should be restricted.

Policy H4/1 of the adopted Local Plan, relating to the release of land for housing states that a sequential approach should be adopted. Whilst a sequential test is outdated in the context of the NPPF, the sustainability credentials of the scheme would still need to be assessed against the NPPF. Policy S2 of the submitted Local Plan highlights that the Coalville Urban Area, to which Donington Le Heath is part, is the Principal Town which is the primary settlement in the District.

On the basis of the above Donington Le Heath would be considered a sustainable settlement for new development, due to it forming part of the Coalville Urban Area, with the principle of residential development on the wider site being granted planning permission under application reference 15/00459/FULM.

As a result of this the proposal would be considered sustainable in accordance with the core principles of the NPPF as well as Policy H4/1 of the adopted Local Plan.

**Residential Amenity**

It is considered that the properties most immediately impacted on as a result of the development would be Manor Lodge, to the north-west, the existing farmhouse (plot 15), set to the west, and plots 13 and 14, set to north-east and east.

The dwelling would be set 20 metres from the south-eastern (side) elevation of Manor Lodge, 14 metres from the south-western (rear) elevations of plots 13 and 14 and 6 metres from the eastern (side) elevation of the existing farmhouse (plot 15). It is noted that a second floor window is proposed in the south-eastern (side) elevation of the existing farmhouse (plot 15).

which would be the only window to a habitable room (bedroom). Whilst this is the case the street scene drawing identifies that the proposed dwelling would have a lower ridge height than the existing farmhouse (plot 15) which, as a consequence, would mean that the bedroom window would not be directly impacted on by the position of the proposed dwelling. On this basis it is considered that an acceptable relationship with the existing farmhouse (plot 15) would be established with the separation distances and orientation of the proposed dwelling to the other properties identified above also being acceptable. As a result no adverse overbearing or overshadowing impacts would arise.

No windows are proposed in the side elevations of the proposed dwelling with there being an acceptable separation distance to the boundary with Manor Lodge. On this basis no adverse overlooking impacts would arise.

On the basis of the above assessment it is also considered that the future amenities of any occupant of the dwelling would also be adequately protected.

The right to, or loss of, a view is not a material planning consideration which could be taken into account in an assessment of the application.

Overall the proposal would accord with Policy E3 of the adopted Local Plan and Policy D2 of the submitted Local Plan.

### **Impact on the Character and Appearance of the Area, Streetscape and Historic Environment**

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

It is considered that the application site is associated with the residential redevelopment of the former farm site approved under application reference 15/00459/FULM which provided 14 new dwellings and the retention and restoration of the farmhouse. The aesthetics of that scheme were deemed appropriate, subject to conditions, with there being no harm to the character and appearance of the streetscape or the historic significance of heritage assets.

In respect of the impacts on the historic environment from the provision of an additional dwelling, the scheme as approved under application reference 15/00459/FULM sought to provide the retained farmhouse (plot 15), which is recognised as an unlisted building of merit in the Donington Le Heath Conservation Area Character Appraisal and Management Plan of September 2010, with a large curtilage so as to protect its setting and to be consistent with that established from historic mapping of the site.

Consultation has been undertaken with the Council's Conservation Officer on the proposal who has stated: -

*"The proposal comprises the erection of a further dwelling adjacent to the farmhouse. The site has a detailed history which includes the removal of the barns adjacent to the farmhouse and re-development of the site. I do not consider the proposal would have a negative impact on the setting of the listed buildings to the north or on the character and appearance of the Conservation Area. The proposed dwelling would be read as part of the overall re-development scheme and would not have a significant visual impact above that from the approved dwellings. As such no objection is raised on conservation grounds."*

Whilst, therefore, the historic curtilage and setting of the farmhouse would be eroded to provide the additional dwelling it is considered, on balance, that the conclusions of the Council's Conservation Officer would lead to a determination being made that no harm would arise to the historic significance of heritage assets in this instance. In the circumstances that 'no harm' arises an assessment against Paragraph 134 of the NPPF is not required.

The dwelling has been designed to reflect a traditional two-storey barn which was demolished as part of the wider redevelopment of the site under application reference 15/00459/FULM and whilst the appearance of the dwelling would not necessarily be wholly compliant with such a design approach, given the proportions and design of the openings and the depth of the structure, it is considered that its fenestration would include features that would be compliant with the wider development and therefore it would integrate into its setting. It is also considered that the proposed development would not result in any significant implications to the character and appearance of the streetscape or wider area given the visual integration of the proposed dwelling with the wider site redevelopment. Its footprint and scale would also be consistent with that established on the site to further ensure its integration into the environment in which it is set.

With regards to the external materials it is anticipated that these would be a mix of red brick and render to the elevations and slate tiles to the roof. The use of such materials would be acceptable given their use on the wider site and would be conditioned accordingly on any permission granted.

Overall the design, scale and appearance of the dwelling would be acceptable and would ensure compliance with Paragraphs 57, 60, 61, 131, 132, 134 and 137 of the NPPF, Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy E4 and H7 of the adopted Local Plan and Policies D1 and He1 of the submitted Local Plan.

## **Highway Safety**

The County Highways Authority have raised no objections subject to their standing advice being considered in respect of access widths, visibility splays, surfacing and car parking dimensions and requirements.

It is proposed that the dwelling would be served via the vehicular access approved under application reference 15/00459/FULM which was designed with a sufficient width and visibility splays so as to cater for the vehicular movements associated with the development. The introduction of the additional dwelling would not lead to a substantial increase in the amount of vehicular movements which would be associated with the vehicular access and as a result it is considered that it would not have a severe impact on pedestrian or highway safety. On this basis 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.

In respect of off-street parking the proposed dwelling would have four bedrooms and therefore would require a minimum of three off-street parking spaces. An integral garage would be provided which would accommodate one vehicle and space would exist to the frontage of the dwelling to provide the additional spaces, as such a sufficient level of off-street parking is provided. Whilst it is noted that the provision of the additional dwelling impacts on the land previously associated with the retained farmhouse (plot 15) changes have been made to the frontage of this plot so as to ensure four external off-street parking spaces are provided with one space being accommodated in a garage. A total of five spaces would be acceptable for a six

bedroom property. Also the provision of the dwelling also does not impact on the visitor parking spaces adjacent to plot 14. Overall a sufficient level of off-street parking would be provided and as a consequence the development would accord with Paragraph 39 of the NPPF, Policy T8 of the adopted Local Plan and Policy IF7 of the submitted Local Plan.

### **Ecology**

The County Council Ecologist has raised no objections and considers that no ecological surveys will be required as part of the application. On this basis ecology would not act as a constraint on the development and, as such, it would accord with Paragraph 118 of the NPPF, Circular 06/05 and Policy En1 of the submitted Local Plan.

### **Landscaping**

The site lies within the National Forest and, as such, a strong landscaping presence would generally be encouraged in new development. As the wider site is currently being developed the proposed soft landscaping strategy for the site has not yet been agreed under the conditions of 15/00459/FULM.

It is considered that the submitted site layout suggests that soft landscaping would be incorporated as part of the development including hedgerow planting to the frontage of the property and the potential provision of tree planting in the rear garden area. In the absence of any precise information it is considered reasonable to impose a condition of any consent granted for a soft landscaping scheme to be submitted to the Local Planning Authority for approval to ensure that the species of trees and hedges to be planted are appropriate. On the basis that relevant planting is provided the development would accord with Policies E2, E7, F1, F2 and F3 of the adopted Local Plan and Policy En3 of the submitted Local Plan.

### **Viability of the Development**

A request has been made for a Section 106 Contribution towards affordable housing. This has been assessed against the equivalent legislative tests contained within the Community Infrastructure Levy (CIL) Regulations 2010 (CIL Regulations) as well as Paragraphs 203 and 204 of the NPPF which outline that planning obligations should be: -

- necessary to make the proposed development acceptable in planning terms;
- directly related to the proposed development; and
- fairly and reasonably related in scale and kind to the proposed development.

### *Affordable Housing*

The Council's Affordable Housing Supplementary Planning Document states that in the Coalville Urban Area schemes for 15 or more dwellings should provide 20% of the proposed units as affordable housing. Policy H4 of the submitted Local Plan has been modified to specify that affordable housing will be sought on schemes of 11 or more dwellings or 1000 square metres gross floor space. Whilst the proposed development seeks to provide one open market dwelling it is considered that it is intrinsically linked with the 14 dwellings granted under application reference 15/00459/FULM, the proposed site being within the same redline boundary and requiring the use of the same access, and consequently an affordable housing contribution should be sought.

In commenting on the application the Council's Affordable Housing Enabler has stated that the

affordable housing requirement would be two dwellings but one dwelling would be accepted if the single storey property at plot 12 was provided. If there was no affordable housing allocation the Council's Affordable Housing Enabler indicated that a viability appraisal should be submitted which should be assessed against the whole site and not just the single dwelling.

It has been identified by the planning agent that there are viability constraints associated with the development. This is due to there being significant financial costs involved in providing a higher standard of finish to the dwellings, due to their location within the Donington Le Heath Conservation Area, as well as other abnormal costs associated with site preparation, sewer diversion, abnormal ground levels, foundation depths, ecological costs and anthrax ground survey. These abnormal costs would result in the development not providing a competitive return to any landowner or developer.

A viability appraisal was submitted in support of the application and this assessment was independently reviewed by the District Valuer (DV) who concluded the scheme could be policy compliant. This was based on a scheme for 15 dwellings, a policy compliant affordable housing provision and Section 106 contributions of £43,932 (as secured under application reference 15/00459/FULM).

Following a review of this information a meeting took place between the applicant and the DV where the viability was discussed and additional information supplied to the DV for their further consideration. After reviewing the additional details a revised consultation response has been provided by the DV which states that the site would not be viable with the provision of affordable housing.

Paragraph 173 of the NPPF outlines that careful attention to viability and costs in plan-making and decision-taking should be undertaken with it being necessary for plans to be deliverable. As a result of this the NPPF outlines that development "should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened," and that to ensure viability contributions should take account of normal costs for development and "provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."

Whilst it is now regrettable that affordable housing can no longer be provided, given the final conclusions of the DV, Paragraph 173 is clear that careful attention should be paid to viability in the decision making process. As a consequence the conflict which arises with Policy H8 of the adopted Local Plan and Policy H4 of the submitted Local Plan would not justify a refusal of the application.

For the avoidance of doubt the Section 106 contributions secured under application reference 15/00459/FULM (education, libraries, civic amenity and leisure) would still be payable.

### **Other Matters**

The Council's Land Contamination Officer has reviewed the application and has raised no objections subject to the imposition of conditions on any consent granted to provide a contamination assessment given the conclusions from previous uses on the site. Subject to the imposition of this condition it is considered that the scheme would be compliant with Paragraphs 120 and 121 of the NPPF.

Whilst the foul and surface water drainage scheme for the wider site has been agreed the specific drainage proposals for this particular development would not have been considered at

that time. Therefore it is reasonable to impose a drainage condition on any consent granted, as requested by Severn Trent Water, to ensure that this matter is satisfactorily addressed so as to accord with Paragraphs 103 and 120 the NPPF and Policies Cc2 and Cc3 of the submitted Local Plan.

In terms of the matters raised that have not been considered above the potential circumstances of people being 'mis-sold' their property on the development, this is not a planning matter and instead a separate legal matter between the buyer and the seller. In addition the proposed development would not result in the loss of open space with the plans approved under application reference 15/00458/FULM identifying that part of the land around plot 15, which is in close proximity to the highway, was SLOP (Space Left Over after Planning) which may have been gravelled or likely sold to the occupant of plot 15 so as to provide additional garden space.

### **Summary Reasons for Granting Planning Permission**

The application site is within the Limits to Development where the principle of the proposed form of development is acceptable under Policy S2 of the adopted and submitted Local Plans with the site being sustainable. It is also considered that the proposal would not result in detriment to residential amenity, the character and appearance of the streetscape or wider area, the significance of heritage assets, highway safety, ecology or landscaping with it being possible to provide appropriate means of drainage and mitigate any contaminated land implications. It is also concluded that it would not be viable for the scheme to provide affordable housing or an affordable housing contribution. There are no other material planning considerations that indicate planning permission should not be granted and accordingly the proposal, subject to relevant conditions, is considered acceptable for the purposes of the policies referred to above.

It is therefore recommended that the application be permitted.

### **RECOMMENDATION - PERMIT, subject to conditions;**

- 1. Time Limit**
- 2. Approved Plans**
- 3. External Materials**
- 4. Removal of Permitted Development Rights**
- 5. Soft and Hard Landscaping**
- 6. Replacement Trees**
- 7. Boundary Treatments**
- 8. Off-Street Car Parking**
- 9. Foul and Surface Water Drainage**
- 10. Contaminated Land Report**
- 11. Verification Assessment**

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**Conversion of part of existing outbuilding and erection of two storey extension to outbuilding to form one dwelling**

**Report Item No  
A3**

**Rear Of 66 Leicester Road New Packington Ashby De La  
Zouch Leicestershire LE65 1TQ**

**Application Reference  
16/01229/FUL**

**Applicant:  
Mrs Irons**

**Date Registered:  
12 October 2016**

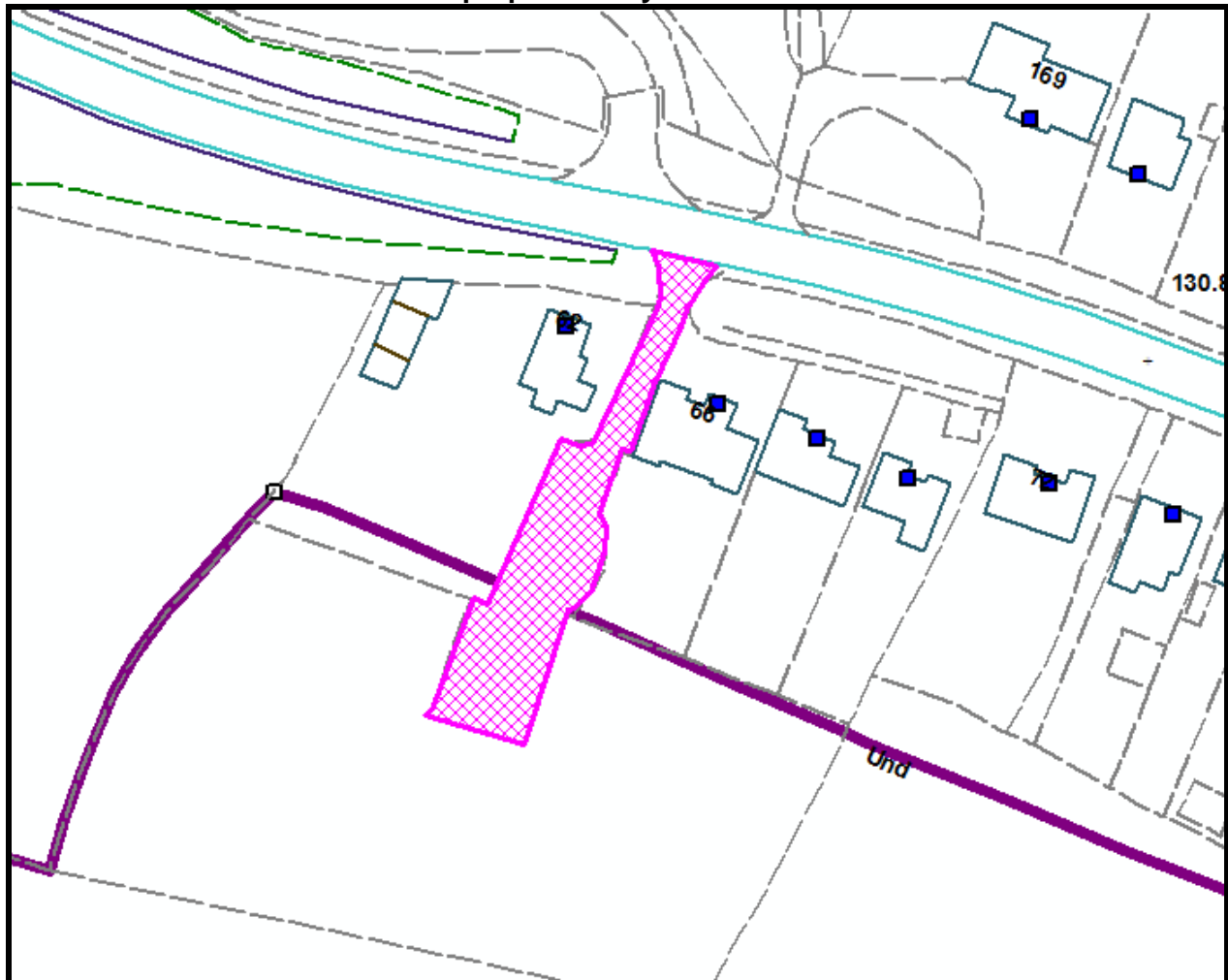
**Case Officer:  
Jenny Davies**

**Consultation Expiry:  
28 June 2017**

**Recommendation:  
PERMIT subject to S106 Agreement**

**8 Week Date:  
7 December 2016  
Extension of Time:  
None Agreed**

**Site Location - Plan for indicative purposes only**



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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

### **Call In**

The application is brought before Planning Committee as the application site is owned by a serving councillor (Councillor Coxon) and contrary representations to the recommendation to permit the application have been received.

### **Proposal**

Planning permission is sought for the conversion of part of an existing outbuilding and the erection of a two storey extension to the outbuilding to form one dwelling, on land to the rear of No. 66 Leicester Road, New Packington. The existing building is of modern construction and currently used for garaging and storage.

### **Consultations**

One letter of representation has been received. Ashby de la Zouch Town Council supports the application. The Environment Agency objected in relation to use of a non-mains drainage system; however use of the mains sewer is now proposed. There are no objections raised by other statutory consultees.

### **Planning Policy**

The majority of the site lies within the Limits to Development as identified in the adopted North West Leicestershire Local Plan, and the whole site lies outside the Limits to Development in the submitted North West Leicestershire Local Plan. The application has been assessed against the relevant policies in the NPPF and the adopted and submitted Local Plans and other relevant guidance.

### **Conclusion**

As set out in the main report below, it is considered that the proposal is acceptable in principle, and would not have an adverse impact in terms of design, the character and visual amenities of the area, residential amenities, highway safety, protected species, the River Mease SAC/SSSI, contaminated land, trees/hedgerows, and drainage and flood risk. As such the proposal is considered to constitute a sustainable form of development. There are no other relevant material planning considerations that indicate planning permission should not be granted. It is therefore recommended that planning permission be granted, subject to the signing of a legal agreement and imposition of planning conditions.

### **RECOMMENDATION - PERMIT subject to conditions and the signing of a Section 106 Agreement**

**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 conversion of part of an existing outbuilding and the erection of a two storey extension to the outbuilding to form one dwelling, on land to the rear of No. 66 Leicester Road, New Packington. The existing building is of modern construction and currently used for garaging and storage. The dwelling would occupy its southern end (including the proposed extension) with garaging for the new dwelling and No. 66 at its northern end. The extension would project 5.9 metres from the southern end and part of the outbuilding would be altered by an increase in the height of its roof and insertion of new openings, including rooflights. Two timber storage buildings at the southern end of the building would be removed. Access would be via the existing driveway off Leicester Road that serves four existing dwellings, and parking and turning space and a private garden for the new dwelling are proposed adjacent to the existing outbuilding. Residential development and open fields adjoin the site.

The majority of the site lies within the Limits to Development as identified in the adopted North West Leicestershire Local Plan (with the southern part of the site lying outside the Limits to Development) and the whole site lies outside the Limits to Development in the submitted North West Leicestershire Local Plan. The site lies within the catchment area of the River Mease Special Area of Conservation.

Planning permission was granted for the building (as a triple garage and store) in October 1999 (99/0653), and permission was subsequently granted for an extension to the building in November 2004 (04/01483/FUL). There are no records of planning applications having been submitted for the timber structures to the south of the building. No objection was raised to an application for prior notification for a steel barn (11/00141/AGP) in February 2011, which has not been constructed and was proposed in the location of the two timber structures.

### 2. Publicity

5 Neighbours have been notified (date of last notification 20 October 2017)  
Site Notice displayed 22 October 2016.

### 3. Summary of Consultations and Representations Received Statutory Consultees

**Ashby de la Zouch Town Council** supports the application.

**Packington Parish Council** has no comments to make.

**The Council's Environmental Protection team** has no environmental observations subject to conditions.

**The County Ecologist** has no objections.

**Natural England** has no objections subject to conditions.

**The Environment Agency** objected to the application when a non-mains drainage system was proposed.

**The County Highway Authority** refers to its Standing Advice.

No comments have been received from Severn Trent Water by the date of this report. Any comments received will be reported on the Update Sheet.

### **Third Party Representations**

One letter of representation has been received which makes the following comments:

- blocked sewage pipes and flooding of the neighbouring garden would be exacerbated;
- discrepancies on the submitted plans relating to the position of the boundary with No. 62 Leicester Road;
- covenants in place relating to the drive over which the owners of the neighbouring property have a right of access.

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

## **4. Relevant Planning Policy**

### **National Planning Policy Framework (NPPF) - March 2012**

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.

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)

Paragraphs 32 and 35 (Promoting sustainable transport)

Paragraphs 47, 49, 53 and 55 (Delivering a wide choice of high quality homes)

Paragraphs 57, 58, 60, 61 and 64 (Requiring good design)

Paragraph 69 (Promoting healthy communities)

Paragraphs 96, 99, 100 and 103 (Meeting the challenge of climate change, flooding and coastal change)

Paragraphs 109, 111, 118, 119, 120 and 121 (Conserving and enhancing the natural environment)

Paragraph 203, 204 and 206 (Planning conditions and obligations)

### **Adopted North West Leicestershire Local Plan (2002):**

The North West Leicestershire Local Plan forms the development plan and the following policies of the Local Plan 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:

Policy S1 - Overall Strategy

Policy S2 - Limits to Development

Policy S3 - Countryside

Policy E2 - Landscaped Amenity Open Space

Policy E3 - Residential Amenities

Policy E4 - Design

Policy E7 - Landscaping

Policy E8 - Crime Prevention

Policy E24 - Re-use or Adaptation of Rural Buildings

Policy F1 - National Forest - General Policy

Policy F2 - Tree Planting  
Policy F3 - Landscaping & Planting  
Policy T3 - Highway Standards  
Policy T8 - Parking  
Policy H4/1 - Housing Land Release  
Policy H6 - Housing Density  
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. Examination hearing sessions were held in January and March 2017 and the Council commenced consultation on its Main Modifications on 12 June 2017. The weight to be attached by the decision maker to this submitted version (as proposed to be modified) should be in accordance with the approach set out in Paragraph 216 of the NPPF, having regard to the stage now reached towards adoption, the extent to which there are unresolved objections to the policies relevant to the determination of this application, and the degree to which the emerging policies are consistent with the NPPF.

S1 - Future Housing and Economic Development Needs  
S2 - Settlement Hierarchy  
S3 - Countryside  
D1 - Design of New Development  
D2 - Amenity  
IF4 - Transport Infrastructure and New Development  
IF7 - Parking Provision and New Development  
En1 - Nature Conservation  
En2 - River Mease Special Area of Conservation  
En3 - The National Forest  
En6 - Land and Air Quality  
Cc2 - Water - Flood Risk  
Cc3 - Water - Sustainable Drainage Systems

**Pre-Submission Ashby Neighbourhood Local Plan**

The Pre-Submission Ashby Neighbourhood Local Plan was out for consultation until 13 March 2017. The draft policies listed below are considered relevant to this application. However, in view of the very early stage to which the pre-submission Neighbourhood Plan has progressed, only very limited weight can be attributed to its policies at this stage.

Policy S1 - Presumption in favour of Sustainable Development  
Policy S2 - Limits to Development  
Policy S3 - Development proposals outside of the Limits to Development  
Policy S4 - Design Principles  
Policy S5 - Priority to be given to Brownfield Sites  
Policy H1 - Sustainable Housing Growth  
Policy H3 - Windfall Sites  
Policy T1 - Traffic Management  
Policy T6 - Car Parking  
Policy NE4: Biodiversity  
Policy NE 5: Trees and Hedgerows  
Policy DC1: Community Infrastructure

## Other Guidance

National Planning Practice Guidance 2014

The Conservation (Natural Habitats &c.) 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

The River Mease Developer Contributions Scheme (DCS)

The Community Infrastructure Levy Regulations 2010

6Cs Design Guide - Leicestershire County Council

Good Design for North West Leicestershire SPD

## 5. Assessment

The main issues for consideration in the determination of this application relate to the principle and sustainability of the development, its design and visual impact and its impact on residential amenities, highway safety, protected species and on the River Mease Special Area of Conservation.

### Principle

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

The majority of the application site lies within the defined Limits to Development within the adopted Local Plan (with the southern part lying outside the Limits to Development), and the whole site lies outside the Limits to Development within the submitted North West Leicestershire Local Plan. Under Policy S2 of the submitted Local Plan New Packington is considered to be a hamlet, which is defined as a small group of dwellings with no services and facilities, where development will be considered in the context of the countryside policy (i.e. Policy S3). 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.

The NPPF requires that the 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 Council is able to demonstrate a five year supply of housing (with 20% buffer) against the housing requirement contained in the submitted Local Plan.

The re-use of rural buildings can be acceptable under Policies S3 and E24 of the adopted Local Plan and Policy S3 of the submitted Local Plan and is supported at paragraph 28 of the NPPF. No information in relation to an assessment of alternative uses, as required by Policy E24, has been submitted. However there is no such requirement under Policy S3 of the submitted Local Plan or the NPPF.

Also under Policy E24 buildings must be of permanent and substantial construction, structurally sound and capable of conversion without major or complete reconstruction or significant alteration or extension. However whilst this element of Policy E24 is not consistent with the requirements of the NPPF and Policy S3 of the submitted Local Plan, it is considered to have some weight as it is a material consideration as to whether the buildings are capable of conversion, given the in-principle support for this type of development in the countryside as opposed to many forms of new-build development. Whilst a full structural survey has not been undertaken, the agent has advised that the building has cavity walls, concrete strip foundations, a concrete floor and a tiled roof. On this basis it is considered that a reason for refusal on the

basis of lack of alternative use assessment and it not being satisfactorily demonstrated that the building is not structurally sound could not be justified in this case.

It is considered that the proposal would comply five of the six criterion set out under the second part of submitted Policy S3, as it would not be significantly harmful to the appearance and character of the landscape (as discussed in more detail below), would not undermine separation between settlements, would not create ribbon development and would be well integrated with existing development and buildings. The proposal would not comply with the sixth criterion, which is discussed in more detail below in relation to social sustainability.

Consideration must also 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.

In terms of social sustainability, whilst the proposal would not result in an 'isolated' dwelling in the countryside given the proximity of other dwellings, New Packington does not benefit from any services or facilities and does not appear to have a bus service. The closest settlement with facilities/services and public transport is Ashby de la Zouch. Whilst the site has good accessibility to Ashby, given the lack of services within New Packington itself, it is considered that future residents are likely to choose to use the private car to make journeys to both settlements. The lack of a bus service would also severely limit the opportunities for residents to travel to work by public transport. As such the site would not be socially sustainable in terms of access to services/facilities.

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF. However in this case on balance the use of an existing rural building, which is previously developed land, both of which are encouraged within the NPPF, are considered to outweigh the conflict with the social strand of sustainable development.

In terms of environmental sustainability as set out in more detail below, the proposal would not result in any unacceptable impacts on the natural, built or historic environment. There would also be very limited economic benefits which would include local construction jobs and helping to maintain local services in the area.

In conclusion, the proposal would not have unacceptable impacts on the natural, built or historic environment and would have very limited economic benefits. Whilst future occupiers of the dwellings would be reliant upon the private motorcar to access basic day to day needs, which weighs against the site being socially sustainable, the use of an existing building which is previously developed land is considered to outweigh the conflict with the social strand of sustainable development. Therefore in the overall balance it is considered that whilst the proposal would not fully comply with Policy S3 of the submitted Local Plan it represents a sustainable form of development as it would not significantly conflict with paragraphs 14 and 17 of the NPPF and would comply with both Policies S2 of the adopted and submitted Local Plans.

### **Design and Visual Impact**

The need for good design in new residential development is outlined in adopted Local Plan Policies E4 and H7, as well as Policy D1 of the submitted Local Plan and Paragraphs 57, 60 and 61 of the NPPF.

The alterations and extension to the building would be in keeping with its scale and design, and a large extent of the site is already hardsurfaced. Given that the building is at a lower land level

than Leicester Road, the set back from the road and the development would be seen alongside existing dwellings, it is considered that the proposal would not be overly prominent in the streetscene. The development is likely to be visible from public bridleway P20 located to the west, but would be some distance away and seen against the backdrop of existing dwellings. The site could accommodate all of the necessary requirements (private garden, parking/turning space, bin collection area) and would not be cramped or overdeveloped. As such it is considered that the proposal would not be significantly harmful to the character and visual amenities of the streetscene and countryside and would comply with the provisions of adopted Policies E4 and F1 and submitted Policy S3 and would not be significantly contrary to submitted Policy D1.

### **Residential Amenities**

The proposal is likely to result in an increase in traffic using the driveway which runs adjacent to existing dwellings and rear gardens. However the situation would not be dissimilar to a development on a corner site with a side road running close to dwellings and rear gardens, which was considered in an appeal decision to be a yardstick for an acceptable standard.

The proposed extension (which includes rooflights) would be over 30 metres from the rear windows to Nos. 62 and 66 Leicester Road, and the raised roof would be over 25 metres away from both dwellings. Whilst the raised roof would in part be adjacent to No. 62's garden, it does not have any rooflights, and whilst the extension would be within four metres of No. 62's garden, its rear rooflight serves a staircase. Furthermore No. 62's rear garden area is large in size. The extension would be nine metres from No. 66's rear garden, and the raised roof would be six metres away. The front rooflights would serve habitable rooms, although they would face towards the rear part of No. 66's garden. All other new openings would be at ground floor.

As such it is considered that the proposal is unlikely to result in significant detriment to residential amenities in terms of loss of light, loss of privacy and oppressive outlook or noise and disturbance, and as such would comply with the provisions of Policy E3 of the adopted Local Plan and Policy D2 of the submitted Local Plan.

### **Highway Safety**

The County Highway Authority refers to its Standing Advice. The dwelling would be served by an existing access onto Leicester Road, which currently serves four other dwellings. There is adequate space within the site for parking and turning provision. It is therefore considered that the proposal would not result in a severe impact on highway safety, and would comply with Policies T3 and T8 of the adopted Local Plan, Policies IF4 and IF7 of the submitted Local Plan and paragraph 32 of the NPPF.

### **Protected Species**

The site is adjoined by open fields and large gardens, a pond is nearby and a building would be converted. All of these are features that could be used by European Protected Species (EPS) or national protected species. As EPS may be affected by a planning application, the Local Planning Authority has a duty under regulation 9(5) of the Habitats Regulations 2010 to have regard to the requirements of the Habitats Directive in the exercise of its functions. The County Ecologist advises that as the proposal relates to conversion of a modern building and is minor in nature, with poor connectivity to the pond, there is no need for ecological surveys. Part of the building would not be converted and would be retained in its current use, and there are large areas of grassland habitat adjacent to the site. As such it is considered that protected species would not be adversely affected and the proposal meets the requirements of the Habitats Regulations 2010 in respect of protected species, and would also comply with Policy EN1 of the submitted Local Plan.

### **River Mease Special Area of Conservation**

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC)/SSSI. 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 First and Second Development Windows (DCS1 and 2) have been produced to meet one of the actions of the River Mease Water Quality Management Plan (WQMP). Both DCS1 and DCS2 are considered to meet the three tests of the 2010 CIL Regulations and paragraph 204 of the NPPF.

The application initially included use of a non-mains drainage system as it was submitted before DCS2 was adopted by the Council on 20 September 2016. However there is only limited capacity available for new development until pumping out of foul drainage discharge from the SAC catchment area takes place. It is considered that this limited capacity should be directed to the most sustainable locations for new development within the District as set out in Policy S2 of the submitted Local Plan. Therefore as the application lies partly within the Limits to Development in the adopted Local Plan and relates to conversion of an existing building, the Authority is of the view that the proposal is acceptable under DCS2. As such the application has been amended so that the mains sewer would be used. The applicant has indicated they are willing to pay the required DCS contribution and the Council's solicitors have been instructed.

A condition could be imposed requiring surface water from the extension and additional hardsurfacing to discharge to soakaway or other sustainable drainage system.

The flows from the additional dwelling needs to be taken into account against the existing headroom at Packington Treatment Works. At March 2016 capacity was available for 3368 dwellings but this is reduced by the number of dwellings that already have consent or are under construction at March 2016 (1444), and the number of dwellings that have subsequently been approved or have a resolution to permit (376). As such it is considered that capacity is available at the relevant treatment works for the foul drainage from the site.

Therefore it can be ascertained that the proposal 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, and would comply with the Habitat Regulations, the NPPF and Policies S2, EN1 and EN2 of the submitted Local Plan.

### **Other Matters**

The Environmental Protection team has requested the imposition of conditions relating to contaminated land due to the unknown use of the building and as such the proposal complies with Policy EN6 of the submitted Local Plan.

Concerns have been raised that the proposal would exacerbate blocked sewers in the vicinity of the site, Severn Trent Water has been consulted twice but no response has been received to date. Any comments received will be reported on the Update Sheet. The site is within Flood Zone 1 and a small area at low risk of surface water flooding covers part of the existing driveway. As such it is considered that the proposal would not impact on flood risk and would therefore comply with Policies CC2 and CC3 of the submitted Local Plan.

In respect of matters raised in the letter of representation that have not been addressed above, matters relating to covenants are not a planning matter and are a private matter which afford no weight in the determination of this application. This letter also indicates that the boundary between No. 62 Leicester Road and the site is shown incorrectly on the site plan, and that the boundary runs along the rear wall of the outbuilding, rather than following an existing hedge line. The agent has been informed of the comments in respect of the covenants and the boundary. However development is not proposed within the area in question, and the occupiers of No. 62 have been notified of the application. As such it is considered that this is private matter to be addressed between the two parties.

### **Conclusion**

The proposal is acceptable in principle, and would not have an adverse impact in terms of design, the character and visual amenities of the area, residential amenities, highway safety, protected species, the River Mease SAC/SSSI, contaminated land, trees/hedgerows, and drainage and flood risk. As such the proposal is considered to constitute a sustainable form of development. There are no other relevant material planning considerations that indicate planning permission should not be granted. It is therefore recommended that planning permission be granted.

**RECOMMENDATION, PERMIT, subject to the signing of a Section 106 Agreement and the following condition(s):**

- 1 Time limit
- 2 Approved plans
- 3 Demolition - timber structures
- 4 Materials
- 5 Surface water drainage
- 6 Parking and turning space
- 7 Landscaping and boundary treatments and replanting
- 8 Extent of curtilage
- 9 Removal of permitted development rights
- 10 Contaminated land - investigation and verification

Erection of two storey rear extension and formation of no. 2  
car parking spaces to rear

Report Item No  
A4

25 Main Street Long Whatton Loughborough Leicestershire  
LE12 5DF

Application Reference  
17/00383/FUL

Applicant:  
Ms Katherine Blunt

Date Registered:  
4 April 2017

Case Officer:  
Anna Edwards

Consultation Expiry:  
9 June 2017

8 Week Date:  
30 May 2017

Recommendation:  
PERMIT

Extension of Time:  
9 June 2017

Site Location - Plan for indicative purposes only



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## **EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR APPROVAL**

### **Call In**

The application is brought to the Planning Committee at the request of Councillor Rushton on the basis of residential amenity issues, the lack of car parking and the number of objections to the proposal.

### **Proposal**

Planning permission is sought for the erection of a two storey rear extension and formation of no. 2 car parking spaces to rear at 25 Main Street, Long Whatton. The site is located within Limits to Development, as defined by the adopted and submitted Local Plan and within the Long Whatton Conservation Area.

### **Consultations**

Members will see from the report below that 5 letters of objection have been received from members of the public. All other statutory consultees have no objections.

### **Planning Policy**

The application site is within the Limits to Development as defined in the adopted and submitted 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 proposal is not considered to significantly affect residential amenity in the area, have any significant detrimental design impacts, have a negative impact upon highway safety or impact upon the Conservation Area. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the adopted Local Plan, in this case S2, E3, E4, T3 and T8; the submitted Local Plan, in this case D1, D2, IF4, IF7 and He1, Paragraphs 131 and 132 of the NPPF and sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is therefore recommended that the application be permitted.

### **RECOMMENDATION - PERMIT, subject to conditions.**

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

## MAIN REPORT

### 1. Proposals and Background

Planning permission is sought for the erection of a two storey rear extension and formation of no.2 car parking spaces to rear at 25 Main Street, Long Whatton. The site is located within Limits to Development, as defined by the adopted and submitted Local Plan and within the Long Whatton Conservation Area. The subject dwelling and row of terraced properties are considered to be important non-listed buildings in the designation.

The application property is a mid-terraced two storey dwellinghouse situated on the northern side of Main Street. The two storey extension will be to the northern / rear elevation. The proposed parking area for two vehicles will be formed to the northern boundary of the site and will be accessed via a private drive off Main Street which currently serves 'The Court' to the north of the subject site. Precise measurements and details of the proposal are available to view on the submitted plans.

Amended plans were sought and received during the course of the application to improve the visual appearance of the proposed extension in line with conservation officer recommendations.

Relevant Planning History:-  
None

### 2. Publicity

6 no neighbours notified (date of last notification 18 April 2017).  
Press Notice published Derby Evening Telegraph 26 April 2017.  
Site notice posted 18 April 2017

### 3. Summary of Consultations and Representations Received

5 letters of representation has been received during the course of the application, raising objections to the proposal on the following grounds:

- First two storey extension in the row of properties
- Height needs to be in keeping and not overbearing - in proportion to the properties
- The two storey extension would ruin the character of the cottages
- The proposal affects the rear access for the row- access would need to be diverted
- The existing access should be blocked up and new access formed further along
- Objection to parking at rear - the road to 'The Court' is private
- Object to parking to rear - already used by large number of cars and congested
- Parking could set precedent
- Increased traffic to un-adopted road

The full contents of these letters/emails are available for members to inspect on the case file.

**Long Whatton Parish Council** has no objection.

**Leicestershire County Highway Authority** has no comment to make.

## **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 North West Leicestershire Local Plan as listed in the 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 7 (Achieving sustainable development)  
 Paragraph 14 (Presumption in favour of sustainable development)  
 Paragraph 17 (Core planning principles)  
 Paragraph 131 (Conserving and enhancing the historic environment)  
 Paragraph 132 (Conserving and enhancing the historic environment)  
 Paragraph 203 and 204 (Planning conditions and obligations)

### **Adopted North West Leicestershire Local Plan (2002)**

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

Policy S2 - Limits to development  
 Policy E3 - Residential Amenities  
 Policy E4 - Design  
 Policy T3 - Highway Standards  
 Policy T8 - Parking

### **Other Policies**

#### **National Planning Practice Guidance**

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

### **Planning (Listed Buildings and Conservation Areas) Act 1990**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act) requires that special regard shall be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

### **Submitted Version 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. Examination hearing sessions were held in January and March 2017 and the Council commenced consultation on its Main Modifications on 12 June 2017. The weight to be attached by the decision maker to this submitted version (as proposed to be modified) should be in accordance with the approach set out in Paragraph 216 of the NPPF, having regard to the stage now reached towards adoption, the extent to which there are unresolved objections to the policies relevant to the determination of this application, and the degree to which the emerging policies are consistent with the NPPF.

D1 - Design of new development

D2 - Amenity

He1 -Conservation and enhancement of North West Leicestershire's historic environment

IF4 - Transport Infrastructure and new development

IF7 - Parking provision and new development

### **Leicestershire County Council's 6Cs Design Guide document.**

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 site is located within the Limits to Development as set out on the Proposals Map to the adopted and submitted Local Plan where the principle of extensions and alterations to existing dwellings are considered to be acceptable subject to impacts upon design, amenity, highway safety and any other material considerations.

### **Residential Amenity**

Consideration has been given to the impact of the development on surrounding residential properties and 5 no. letters of representation have been received from neighbouring properties during the course of the application. The most immediately affected dwellings would be the adjacent dwellings; No 23 Main Street attached to the west and No.27 Main Street attached to the east.

The proposed two storey rear extension will be located to the northern / rear elevation. A neighbour objection letter highlighted that the height of the extension needs to be in keeping and not overbearing and in proportion to the properties. The proposed extension will project out some 4.0 metres to the rear and will have a pitched roof which will pitch away from the neighbouring properties. The extension will have a dropped ridge height and will be set in from the boundaries of the site by 2.2 metres with No. 27 and by 0.5 metres with No.23 Main Street. Given this, and that no habitable windows to the neighbouring properties will be affected by the proposal it is considered that there will be no significant detrimental overlooking, overshadowing or overbearing impact upon the neighbouring residential dwellings as a result of the proposed two storey rear extension. It is noted that the extension does not encroach upon the 45 degree angle rule when taken from the neighbouring first floor rear windows.

The proposed rear car parking is not considered to give rise to any overlooking, over bearing or overshadowing impacts upon the neighbouring residential amenity.

It is, therefore, deemed that the development would not have any significant detrimental impact upon neighbouring residential amenities and is considered to be acceptable in relation to Policy E3 of the adopted Local Plan and Policy D2 of the submitted Local Plan.

### **Design**

Consideration has also been given to the design of the proposal and whether the proposal

would have an acceptable impact upon the character and appearance of the dwelling itself and the street scene.

It was raised in the neighbour letters of objections that the proposed extension would be the first two storey extension in the row of properties; that the height needs to be in keeping and in proportion to the properties; and that the two storey extension would ruin the character of the cottages. The proposed two storey rear extension is, however, considered to be of appropriate design, size and scale and is considered to remain in keeping with the existing dwellinghouse and surrounding area. The proposed extension will be set in from the side elevations and will have a dropped ridge to ensure that the extension appears subservient to the existing dwellinghouse. The windows are of a design that is in keeping with the subject property and the adjoining row of terraced properties. The extension will be finished in brickwork walls, timber windows and Swithland Slate roof tiles which will ensure that the extension appears well related to the existing dwellinghouse and the surrounding properties.

The proposed car parking area is considered to be acceptable in relation to visual amenity; indeed, an area of hard standing, for example a patio or paved area could be implemented within the rear garden without the requirement of planning permission, however details of the surfacing and boundary treatment will need to be agreed by planning condition to ensure a satisfactory appearance.

Overall, the design, appearance and scale of this proposal is acceptable and would not look out of keeping with the character and appearance of the existing dwelling or surrounding area and is considered to be compliant with Policy E4 of the adopted Local Plan and Policy D1 of the submitted Local Plan.

### **Impact on Heritage Assets**

In determining any planning application, special attention shall be paid to the desirability of preserving conservation areas and listed buildings as set out in sections 72 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Significant weight has been given to preserving the conservation area and the setting of the adjacent Grade 2 listed buildings; No's 22 and 24 Main Street. The adjacent listed buildings are situated to the west of the subject site, separated by the highway and a significant distance from the proposal; it is therefore considered that the proposal would have no impact upon the adjacent Listed Buildings. Significant weight has also been given to preserving the conservation area. The two storey rear extension is considered to be of appropriate proportions and the Conservation Officer had no objection to the scale, height and massing of the extension. The Conservation Officer did however recommend that design details such as any corbelling, cills and lintels should be conditioned as part of the permission to ensure a satisfactory appearance. No objection was raised by the Conservation Officer in relation to the proposed parking area; however details of the surfacing and boundary treatment will need to be agreed by planning condition. Given this, subject to appropriate design, materials and boundary treatment conditions, it is considered that the proposal would not cause harm to the conservation area.

It is therefore considered that the development would accord with the principles of Paragraphs 131 and 132 of the NPPF and sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and He1 of submitted Local Plan.

### **Highway Safety**

It was raised in the letter of objections that the parking at rear accessed via the road to 'The Court' is a private road; that the access road is already used by large number of cars and congested, leading to increased traffic to un-adopted road and that the proposed parking could

set a precedent.

The proposal would result in the creation of one additional bedroom resulting in a dwelling with 3 bedrooms. The site visit and block plan submitted show that the rear parking would be able to provide two off-street car parking spaces. The property currently does not benefit from access to any off street parking. The proposed car parking would be accessed via an un-adopted road and therefore such access would be pursuant to a private arrangement between the applicant and the owner(s). As such, this limits the weight of the planning considerations in respect of any impact caused following the additional access from Main Street. The access is via private drive (rather than public highway) and County Highways had no comment to make on the application. The Local Plan requires an average of 1.5 spaces per dwelling; however more up to date advice in the County Council's 6C's document requires 2 parking spaces for a dwelling with 3 bedrooms. The proposed scheme complies with this advice and would therefore be in accordance with T3, T8 of the Local Plan, IF7 of the submitted Local Plan and the 6Cs Document.

### **Others matters**

Concerns have been raised by neighbours about the 'right of access' for the rear of the group of properties to the covered alleyway which allows the only access to Main Street for the collection of bins and large deliveries. The proposal will affect the existing access, it is noted that the access could be diverted around the proposed extension. The fact that the proposed extension does impact upon the existing access is not a material planning consideration and cannot be relied upon in the determination of this application. The matter should be dealt with as a private matter.

### **Conclusion**

There have been 5.no neighbour objections to the proposed development. However, the proposal is not considered to significantly affect residential amenity in the area, have any significant detrimental design impacts, have a negative impact upon highway safety or impact upon the Conservation Area. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the adopted Local Plan, in this case S2, E3, E4, T3 and T8; the submitted Local Plan, in this case D1, D2, IF4, IF7 and He1, Paragraphs 131 and 132 of the NPPF and sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is therefore recommended that the application be permitted.

### **RECOMMENDATION - PERMIT, subject to the following conditions**

1. **Time limit**
2. **Approved plans**
3. **External materials**
4. **Design details**
5. **Hard surfacing**
6. **Boundary treatments**

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**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**PLANNING COMMITTEE – 4 JULY 2017**

Title of report	<b>RECENT PLANNING APPEALS AND DECISIONS</b>
Contacts	<p>Councillor Trevor Pendleton 01509 569746 <a href="mailto:trevor.pendleton@nwleicestershire.gov.uk">trevor.pendleton@nwleicestershire.gov.uk</a></p> <p>Head of Planning and Regeneration 01530 454782 <a href="mailto:jim.newton@nwleicestershire.gov.uk">jim.newton@nwleicestershire.gov.uk</a></p>
Purpose of report	To report recent planning appeal decisions
Council Priorities	Homes and Communities
Implications:	
Financial/Staff	As set out in the report below
Link to relevant CAT	Not applicable
Risk Management	Not applicable
Equalities Impact Assessment	Not applicable
Human Rights	Not applicable
Transformational Government	Not applicable
Comments of Acting Head of Paid Service	Report is satisfactory
Comments of Deputy Section 151 Officer	Report is satisfactory
Comments of Deputy Monitoring Officer	Report is satisfactory
Consultees	None
Background papers	None

Recommendations	<b>THAT MEMBERS NOTE THE CONCLUSIONS IN THE REPORT</b>
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## **1.0 INTRODUCTION AND BACKGROUND**

- 1.1 The table in Appendix 1 to this report provides a summary of appeals submitted to the Planning Inspectorate since March 2016, including details of appeals determined and those where a decision is still awaited.
- 1.2 The table provides information on appeal decisions made in relation to applications determined by officers under delegated authority and those made by the Planning Committee.

## **2.0 ANALYSIS OF APPEAL DECISIONS**

- 2.1 Of the 25 appeals, 9 remain to be determined, 3 were withdrawn and 1 related to an enforcement appeal.
- 2.2 Of the 12 appeals determined, 7 of the applications were decided by Planning Committee and 5 were decided under delegated authority. 6 appeals were allowed, 5 were dismissed and 1 had a split decision. The split decision dismissed alterations to a roof but allowed a replacement garage at 18 Manor Road, Heather.
- 2.3 Of the applications decided by Planning Committee, 5 of the 7 had been recommended for approval and 2 for refusal. All of the applications recommended for approval were subsequently allowed at appeal. Therefore, in appeals submitted since March 2016, **100%** of appeals that were a result of Planning Committee overturns were allowed. One appeal was dismissed following a decision by Planning Committee to refuse a large residential development on the Green Wedge at Hall Lane, Whitwick, in accordance with the officer recommendation, and one appeal was allowed following a decision by Planning Committee to refuse an application for the retention of a shop front at the Rose of Bengal, Castle Donington, which was also in accordance with the officer recommendation.
- 2.4 The appeals allowed which had been recommended for approval by officers but refused by Planning Committee included applications for the retention of a boundary fence at a Bellway Homes site in Ibstock, a scheme for residential development at The Spittal, Castle Donington, a scheme for residential development at The Green, Donington le Heath and a proposal for a single dwelling at Coleorton. With regards to the appeal at Donington le Heath, an award of costs was made against the Council on the basis that the alleged harm to highway safety had not been demonstrated and therefore the reason for refusal could not be substantiated. The final amount of costs for the Council totals £7,786.00.
- 2.5 Of the applications decided by officers, 4 out of the 5 appeals were dismissed and 1 had a split decision. Therefore, aside from the split decision, **100%** of the appeal decisions on applications decided by officers were dismissed.

### **3.0 CONCLUSIONS**

- 3.1 There is a significant difference in the Council's performance at appeal between decisions made in accordance with officer recommendation and those that have been made contrary to it. A number of appeals were withdrawn, including the Peveril scheme at Moira, which was withdrawn because permission was granted, and the larger Rosconn scheme at Heather.



**Appendix**  
**Table of appeals submitted since March 2016**

<b>Application Reference</b>	<b>Appellant</b>	<b>Address</b>	<b>Start Date</b>	<b>Type of Appeal</b>	<b>Decision</b>	<b>Decision Made</b>	<b>Original Decision Level</b>
15/00701/VCIM	Bellway Homes	Land rear of Parkdale Ibstock	03-Mar-16	<i>Written Reps</i>	20.07.2016	Allowed	Committee
15/00698/VCIM	Bellway Homes	Land rear of Parkdale Ibstock	03-Mar-16	<i>Written Reps</i>	20.07.2016	Allowed	Committee
15/01073/FUL	Mr and Mrs Ian Hayden	18 Manor Road, Heather	21-Mar-16	<i>Written Reps</i>	13/05/216	Split	Delegated
15/01132/FUL	Mr K Cardall	105 Park Lane Castle Donington	25-Apr-16	<i>Written Reps</i>	29.07.2016	Dismissed	Delegated
14/00207/BOC	Mr D Rodgers	Tankmania Gallows Lane Measham	21-Jun-16	<i>Written Reps</i>	23.01.2017	Dismissed (Subject to conditions)	Enforcement
14/00800/OUTM	Jelson Ltd	Land off Hall Lane Whitwick	06-Jul-16	<i>Inquiry</i>	05.05.2017	Dismissed	Committee
16/00070/FULM	Radleigh Group	Land at Loughborough Road Whitwick	27-Jul-16	<i>Written Reps</i>	TBD	TBD	Committee
15/01218/OUTM	John Barnett	Land South East Of Station Hill Swannington	15-Jul-16	<i>Written Reps</i>	11/10/2016	Dismissed	Delegated
16/00027/FULM	Quod Bonum (FFS) Ltd	71 The Spittal Castle Donington	23-Sep-16	<i>Hearing</i>	18/01/2017	Allowed	Committee
16/00160/FUL	Mr Hana Miah	Rose of Bengal, 42 Borough Street Castle Donington DE74 2LB	27-Oct-16	<i>Written Reps</i>	28/02/2017	Allowed	Committee
16/00967/OUTM	Rosconn Strategic Land	Land off Sweptstone Road Heather	13-Dec-16	<i>Inquiry</i>	04.04.2017	Withdrawn	Committee
16/00799/FUL	Mr Benjamin Canty	76 Hough Hill Swannington	03-Jan-17	<i>Written Reps</i>	03.02.2017	Withdrawn	Delegated
15/00951/OUTM	Wrenbury Properties Ltd	Land south of The Green Donington Le Heath	22-Dec-16	<i>Written Reps</i>	28.03.2017	Allowed	Committee
16/00364/OUT	J A Davis Contractors Limited	Land Adjacent To The Hovel Measham Road Snarestone	22-Dec-16	<i>Written Reps</i>	14.03.2017	Dismissed	Delegated

**Appendix**  
**Table of appeals submitted since March 2016**

15/00966/VCUM	Peveril Homes Limited	Land off Measham Road Moira	16-Jan-17	<i>Written Reps</i>	21.02.2017	Withdrawn	Committee
16/01220/TPO	Mr Gary Beynon	The Old St Helens Vicarage Upper Church Street Ashby	13-Jan-17	<i>Written Reps</i>	24.05-.2017	Dismissed	Delegated
16/00296/FUL	Mr & Mrs M & C Pearson	Field adjoining Ashby Road Belton	14-Feb-17	<i>Hearing</i>	TBD	TBD	Committee
16/00832/OUTM	Rosconn Strategic Land	Land off Sweptstone Road Heather	31-Jan-17	<i>Inquiry</i>	TBD	TBD	Committee
15/01051/OUT	Mr and Mrs B T Mosely	Land to the north east of Normanton Road Packington	03-Mar-17	<i>Written Reps</i>	TBD	TBD	Committee
16/00404/FUL	Ms Rachel Walker	Corner of Ashby Road & The Moor Coleorton	03-Mar-17	<i>Written Reps</i>	16.05.17	Allowed	Committee
16/00360/OUTM	Mr John Blunt	Land at Worthington Lane, Breedon	12-Apr-17	<i>Written Reps</i>	TBD	TBD	Committee
17/00034/FUL	Mr Nitesh Patel	9 Grange Close, Ashby	05-May-17	<i>Written Reps</i>	TBD	TBD	Committee
16/00833/FUL	Mr and Mrs P Standen	6 Top Street and the rear of 6 Top Street, Appleby Magna	11-Apr-17	<i>Written Reps</i>	TBD	TBD	Delegated
16/01145/OUT	Mr and Mrs K Parsons	23 Church Hill, Swannington	11-Apr-17	<i>Written Reps</i>	TBD	TBD	Committee
16/01192/FUL	Mr and Mrs S Saunders	34 Main Street, Snarestone	12-May-17	<i>Written Reps</i>	TBD	TBD	Delegated