

Meeting	PLANNING COMMITTEE
Time/Day/Date	4.30 pm on Tuesday, 1 August 2017
Location	Council Chamber, Council Offices, Coalville
Officer to contact	Democratic Services (01530 454512)

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

The Council is aware that planning applications may be controversial and emotive for those affected by the decisions made by this Committee. However all persons present are reminded that the Council will not tolerate abusive or aggressive behaviour towards staff or other visitors attending this meeting and anyone behaving inappropriately will be required to leave the meeting and the building.

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

AGENDA

Item		Pages
1.	APOLOGIES FOR ABSENCE	
2.	DECLARATION OF INTERESTS	
	Under the Code of Conduct members are reminded that in declaring disclosable interests you should make clear the nature of that interest and whether it is pecuniary or non-pecuniary.	
3.	MINUTES	
	To confirm and sign the minutes of the meeting held on 4 July 2017.	3 - 8
4.	PLANNING APPLICATIONS AND OTHER MATTERS	
	Report of the Head of Planning and Regeneration.	9 - 12



Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
A1	16/01407/OUTM: Erection of up to 270 dwellings with public open space, landscaping, sustainable drainage systems, car parking area for New Swannington Primary School and vehicular access points from Thornborough Road and Spring Lane (outline - all matters other than part means of access reserved) Land At Thornborough Road Coalville Leicestershire	REFUSE	13 - 40
A2	17/00427/REM: Reserved matters application for the erection of 3 no. dwellings following outline planning permission 16/00198/FUL (Matters for approval: access, appearance, landscaping, layout and scale) Land West Of 67 Loughborough Road Coleorton Coalville Leicestershire LE67 8HJ	PERMIT	41 - 50
A3	17/00475/FUL: Change of use to mixed residential and dog grooming business operating from new shed 17 Briton Lodge Close Moira Swadlincote Derby DE12 6DD	PERMIT	51 - 58
A4	17/00585/FUL: Erection of two storey front extension Oakfield House Tamworth Road Ashby De La Zouch Leicestershire LE65 2PR	PERMIT	59 - 66
A5	17/00204/FUL: Conversion of sun room to plant room, erection of vertical flag pole, retention of increase of tower height and installation of additional rooflight to northern elevation Oakfield House Tamworth Road Ashby De La Zouch Leicestershire LE65 2PR	PERMIT	67 - 74
A6	16/00902/FUL: Change of use to restaurant (A3) with hot food takeaway sales (A5) and retention of flue to rear elevation 2 Borough Street Castle Donington Derby DE74 2LA	PERMIT	75 - 84
A7	17/00635/3FD: Change of use of flat 4 to a NWLDC Housing Department 'hub office' for use by staff only 4 Hood Court North Street Ashby De La Zouch Leicestershire LE65 1HY	PERMIT	85 - 92

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 4 JULY 2017

Present: Councillor D J Stevenson (Chairman)

Councillors R Adams, R Boam, J Bridges, R Canny, J Clarke (Substitute for Councillor V Richichi), J Cotterill, J G Coxon, D Everitt, J Houlst, R Johnson, G Jones, J Legrys, P Purver, N Smith (Substitute for Councillor D Harrison), M Specht and M B Wyatt

In Attendance: Councillors J Geary, T J Pendleton and A V Smith MBE

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

8. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors D Harrison and V Richichi.

9. DECLARATION OF INTERESTS

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

Councillor J G Coxon declared a pecuniary interest in item A3, application number 16/01229/FUL, as the owner of the site and the father of the applicant.

Councillor R Johnson declared a non pecuniary interest in item A2, application number 17/00020/FUL, as the Chairman of Hugglescote and Donington le Heath Parish Council.

10. MINUTES

Consideration was given to the minutes of the meeting held on 6 June 2017.

It was noted that the attendance details had been incorrectly recorded in the minutes.

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

RESOLVED THAT:

The minutes of the meeting held on 6 June 2017 be approved and signed by the Chairman as a correct record.

11. 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.

12. 17/00340/OUTM: RESIDENTIAL SCHEME FOR UP TO 38 DWELLINGS INCLUDING A MIX OF AFFORDABLE AND MARKET DWELLINGS (OUTLINE - ALL MATTERS RESERVED)

The Principal Planning Officer presented the report to members.

Mrs A Wright, Parish Councillor, addressed the meeting. She stated that this was a greenfield site outside the limits to development and a stand-alone site which could in no way be considered to be an integral part of the village. She added that the proposals were not compliant with policy S2. She highlighted the village had no access to public transport, new residents would be reliant upon cars and this would add to congestion on

Main Street. She added that the site was liable to flooding. She referred to the objection from Leicestershire County Council and the complaints in respect of Dawson's Yard adjacent to the site. She asked members to give due regard to the heritage aspects of the proposal. She stated that the development was not necessary to meet the needs of local people and the housing land supply had been provided. She asked members to refuse the application.

Mr R Marshall, supporter, addressed the meeting. He stated that Heather was classed as a sustainable village and therefore would have to accept some development. He expressed support for the application as the entrance and exit provided good visibility along Sweptstone Road in both directions and the proposed footpath would provide access to the play area without the need to cross the road. He added that the plot was definitive and could not be extended, and the application would not erode the character of the village and the visible countryside. He commented that the response from village residents had been quite small which suggested that there was not too much opposition to the proposals. He stated that the land had been wild scrubland for decades and provided no agricultural benefit. He stated that if the application was wrongly refused, there was no doubt in his mind of the likelihood of the application being permitted at appeal.

Mr A Large, agent, addressed the meeting. He stated that members needed to judge whether the conflicts with the Local Plan could be outweighed by the presumption in favour of sustainable development. He reminded members of a similar scheme in the previous year which had been recommended for approval on that basis. He made reference to the noise survey and expressed disappointment that there was no reference in the report of the significant built form to the east of the site. He added that the site was not prime agricultural land and the topography created a plateau. He stated that the proposals would not appear incongruous with the surroundings, most residents accepted that additional housing was required and there were no technical objections to the scheme. He asked members to permit the application.

Councillor M B Wyatt moved that the application be refused in accordance with the officer's recommendation. The motion was seconded by Councillor R Adams.

Councillor N Smith stated that he could see no problem whatsoever with developing this site. He commented that the yard next door was an eyesore, the proposals would cause no environmental harm, the site was a contained area and could not be expanded, the site was behind a layby and the hall could not be seen from the site. He felt that this was the type of housing that was needed in the village. He made reference to the previous application opposite this site which was an open field.

Councillor J Bridges expressed concerns in respect of the yard adjacent to the site and the possibility of this expanding into the site at some point. He felt that officers would be unable to refuse such an application.

Councillor J Legrys stated that the site was outside the limits to development in both the current and emerging local plan. He made reference to the desire of residents to ensure that development remained within the limits. He highlighted that there were other applications in the Heather area which had been refused for this reason and he supported the officer's recommendation.

Councillor G Jones expressed support for the application. He stated that the site was wild scrubland rather than a greenfield site. He felt that the yard adjacent was causing harm to the application and the topography of the site would make for a very desirable development.

Councillor J Clarke stated that the application found him between a rock and a hard place and he had been lobbied by both sides. He added that previous experience showed that

objectors were far more likely to submit representations than those who were in support of the application and this had not been the case in respect of this application. He made reference to the fact that there was no bus service in the village, the site was outside the limits to development and was neither a greenfield nor brownfield site. He questioned what would become of the site if it was not utilised for housing and felt the wishes of locals who would like the site to be developed should be listened to, whilst ensuring consistency.

As Councillor J Clarke had read from a prepared speech, the Legal Advisor recommended that he remove himself from the meeting during consideration of this item due to the appearance of pre-determination.

Councillor J Clarke left the meeting and took no further part in the consideration or voting on this item.

Councillor R Adams stated that the site was outside the limits to development and he could not support the application.

Councillor J Legrys requested a recorded vote.

Councillor M Specht stated that he had listened to the speakers and he welcomed the self-build aspect of the proposals and the affordable housing contributions. He felt that the proposals would not cause significant harm to the environment, however Dawson's Yard did cause harm. He felt that reliance upon motor vehicles was not a concern and added that none of the main consultees objected to the proposals. He expressed support for the proposals.

Councillor R Canny stated that this was a fairly evenly balanced argument, however at this moment in time she felt members ought to be guided by the local plan and added that this document needed to be respected in order to withstand unwanted development in future.

Councillor D Everitt commented that Dawson's Yard was muddying the waters however it would still be there regardless of the outcome of the application. He stated that he supported the officer's recommendation.

Councillor M B Wyatt commented that wild scrubland was good for the environment and did not have to be developed.

The Head of Planning and Regeneration stated that Dawson's Yard was already in existence. He reminded members that the site was outside the limits to development in both the submitted and existing local plan, the Council had demonstrated a five year housing land supply and as such there was no reason to release this site. With regards to whether Dawson's Yard could expand into the site at a later date, he advised that this would also require planning permission. He explained that the application was compliant with policy in respect of the promotion of self-builds and affordable housing contributions, and refusal was not recommended on those grounds. He felt that the benefits did not outweigh the harm in that the proposals were contrary to the local plan in principle.

The Chairman then put the motion to refuse the application to the vote.

A recorded vote having been requested, the voting was as follows:

For the motion:

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

Against the motion:

Councillors J Bridges, J Cotterill, J Hoult, G Jones, N Smith and M Specht (6).

Abstentions:
None (0).

It was therefore

RESOLVED THAT:

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

Councillor J Clarke returned to the meeting.

13. 17/00020/FUL: ERECTION OF ONE DWELLING

The Senior Planning Officer presented the report to members.

Mr S Palmer, Parish Councillor, addressed the meeting. He referred to the concerns raised that the original proposals represented overdevelopment of the site and felt that the additional dwelling was a step too far. He also expressed concerns in respect of lack of parking.

Mr S Atha, applicant's agent, addressed the meeting. He stated that the applicant had worked closely with officers throughout and had responded constructively to feedback. He explained that the dwelling had been designed in the style of a barn to replicate the former barn on the site. He added that there were no objections from the conservation officer and the proposals would complement the development as a whole, making the most efficient use of site as a whole. He stated that the density was in accordance with the guidance and the parking provision exceeded the standards. He reminded members that the site was inside the limits to development and felt that the officer recommendation should be followed. Councillor R Johnson moved that the application be refused. The motion was seconded by Councillor J Legrys.

Councillor R Johnson stated that he had observed a double garage had been built on the site. He felt that the development was excellent and the finish was exceptional. However he considered that the additional dwelling represented overdevelopment of the site and would spoil the intrinsic value of the streetscape. He felt that the application should be refused on the grounds of overdevelopment in a conservation area.

Councillor J Legrys stated that he felt very strongly about this application and took great exception to the application being changed particularly during the building process and following an application having been approved and accepted by the committee. He felt that he could not accept the officer's recommendation on principle.

Councillor D Everitt stated that he felt the additional dwelling would spoil the look of the whole development.

Following a question from Councillor M Specht, the Senior Planning Officer clarified that the scheme was originally approved with the farmhouse and double garage, therefore what had been built on site was in accordance with the existing planning permission. He advised that in order to facilitate the additional dwelling, part of that garage would have to be demolished, as the site was not wide enough.

Councillor M Specht expressed concerns that the applicant was seeking to evade the affordable housing contribution by submitting an initial application for 14 dwellings.

In response to a question from Councillor R Canny, the Head of Planning and Regeneration advised that an application for 15 dwellings would have triggered a requirement for 20% affordable housing, which for this site would be 2 dwellings in total. An application for 14 dwellings was below the threshold and therefore required no affordable housing contribution.

Councillor J Legrys requested a recorded vote.

The Chairman then put the motion to refuse the application to the vote.

A recorded vote having been requested, the voting was as follows:

For the motion:

Councillors R Adams, R Boam, J Bridges, R Canny, J Clarke, J Cotterill, J G Coxon, D Everitt, J Hault, R Johnson, G Jones, J Legrys, P Purver, N Smith, M Specht, D J Stevenson and M B Wyatt (17).

Against the motion:

None (0).

Abstentions:

None (0).

It was therefore

RESOLVED THAT:

The application be refused on the grounds of overdevelopment in a conservation area and the negative impact upon the character to the wider development.

14. 16/01229/FUL: CONVERSION OF PART OF EXISTING OUTBUILDING AND ERECTION OF TWO STOREY EXTENSION TO OUTBUILDING TO FORM ONE DWELLING

Having declared a pecuniary interest, Councillor J G Coxon left the room during consideration of this item and took no part in the discussion or voting thereon.

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

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

RESOLVED THAT:

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

Councillor J G Coxon returned to the meeting.

15. 17/00383/FUL: ERECTION OF TWO STOREY REAR EXTENSION AND FORMATION OF NO. 2 CAR PARKING SPACES TO REAR

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

Mrs M Hobbs, Parish Councillor, addressed the meeting. She made reference to the three story house which had been built at the bottom of the private drive and the issues in respect of access to the proposed parking spaces at the rear of the property and the existing parking problems.

Mrs E Palfreyman, objector, addressed the meeting. She expressed concerns regarding the overbearing height of the extension, the negative impact on visual amenity and overlooking which would affect one of her habitable rooms. She felt that a single story extension would lessen the impact and would be more in keeping with the pattern of other extensions. She emphasised the importance of the visual amenity of the roofline, and felt that the elevation projecting from the top of the roof would be harmful as it would be visible from the street. She felt that the proposals were harmful to existing occupants.

Mr M Brunt, applicant, addressed the meeting. He stated that he believed the application was reasonable and it would be unfair for it to be refused. He commented that the application should be determined based on fact rather than preference. He stated that he had worked closely with officers to ensure the proposal complied with all policies. He added that there would be no overshadowing as the proposed extension was south facing.

Councillor J Hoult moved that the application be permitted in accordance with the officer's recommendation. The motion was seconded by Councillor G Jones.

Councillor G Jones stated that he would like to add a condition that Swithland slate be utilised and the pattern of the existing roof line be followed. Councillor J Hoult indicated that he was in agreement with this.

Councillor J Legrys endorsed this comment fully and felt the use of Swithland slate was essential. He sought clarity in respect of the parking spaces and whether refusal of access by the land owners would nullify the application.

The Head of Planning and Regeneration clarified that this was not a planning matter and the existing dwelling did not have any off street parking provision.

The Chairman then put the motion to the vote. It was

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Regeneration, subject to the imposition of a condition relating to the use of Swithland slate. The wording of the condition to be delegated to the Head of Planning and Regeneration.

16. RECENT PLANNING APPEALS AND DECISIONS

The Head of Planning and Regeneration presented the report to members, outlining the appeal process and the different types of appeal. He highlighted the contrast in the rate of appeals lost as a result of the Planning Committee overturning an officer recommendation as opposed to an officer decision to refuse an application. He advised that there were a number of outstanding appeal decisions and an update would be provided in due course.

RESOLVED THAT:

The report be noted.

Councillor A V Smith entered the meeting at 5.15pm during the discussion on item A2, application number 17/00020/FUL.

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 5.54 pm

APPENDIX B

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

1 August 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

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Erection of up to 270 dwellings with public open space, landscaping, sustainable drainage systems, car parking area for New Swannington Primary School and vehicular access points from Thornborough Road and Spring Lane (outline - all matters other than part means of access reserved)

Report Item No
A1

Land At Thornborough Road Coalville Leicestershire

Application Reference
16/01407/OUTM

Applicant:
Gladman

Date Registered:
30 November 2016

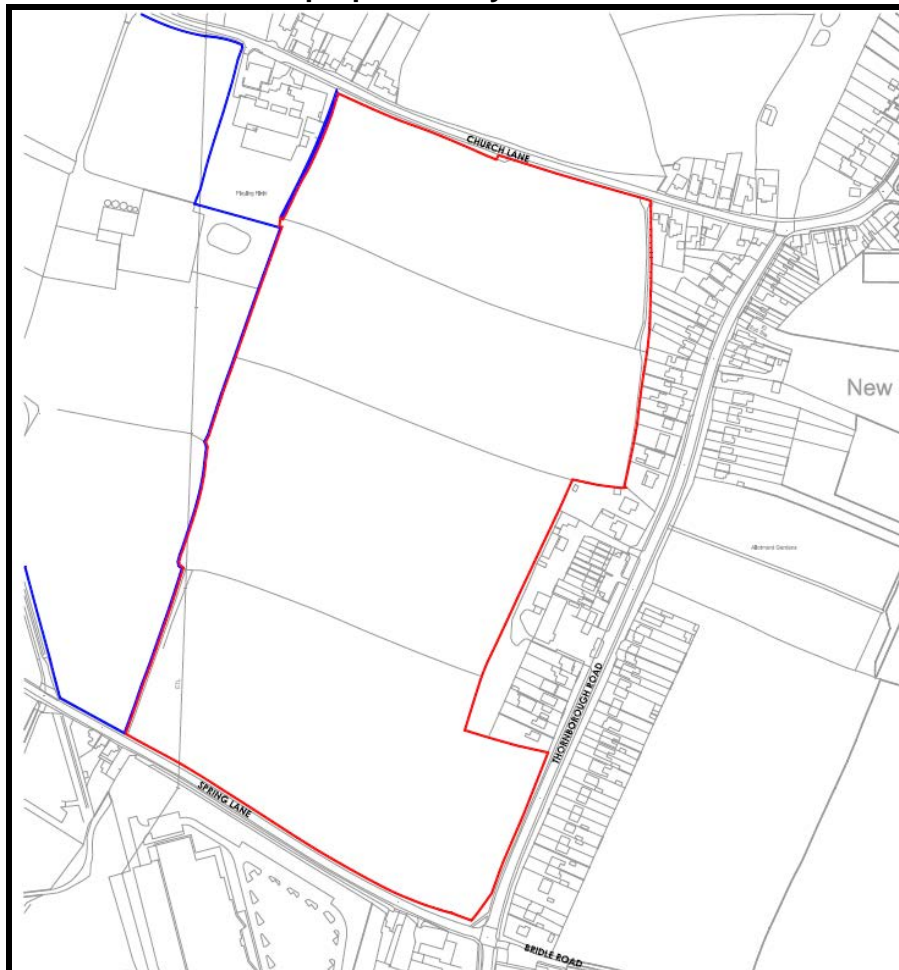
Case Officer:
James Knightley

Consultation Expiry:
10 July 2017

Recommendation:
REFUSE

8 Week Date:
1 March 2017
Extension of Time:
30 June 2017

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Proposal

This application seeks outline planning permission for residential development of up to 270 dwellings.

Consultations

Members will see from the main report below that no objections have been received from statutory consultees in respect of the proposals.

Planning Policy

The application site lies outside Limits to Development as defined in the adopted North West Leicestershire Local Plan; it is also within a Green Wedge and, therefore, is subject to Policy E20 of the adopted Local Plan. Within the submitted North West Leicestershire Local Plan, the site is also identified as being outside Limits to Development.

Conclusion

The report below indicates that, whilst the site has a reasonable degree of connectivity to local services, the view is taken that release of the site would not in any event constitute sustainable development, particularly when having regard to its location outside Limits to Development (wherein Policies S3 of both the adopted and submitted Local Plans presume against development of this type) and its associated landscape and visual impacts. In addition, the application as submitted does not provide sufficient information to demonstrate that an appropriate form of design would be secured, nor that harm to non-designated heritage assets would not result.

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 and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

This is an outline planning application for the erection of up to 270 dwellings on a site of approximately 15 hectares currently in agricultural use. Whilst some matters are reserved for subsequent approval, a development framework plan has been submitted which shows residential development accessed via both Thornborough Road and Spring Lane and with National Forest planting to the western portion of the site.

All matters are reserved save for the access insofar as it relates to the proposed means of vehicular access into the proposed residential development which, following amendment, would be gained from Thornborough Road and Spring Lane (having previously proposed access via Thornborough Road and Church Lane). In addition, a car parking area is proposed to be provided off Church Lane to serve the adjacent New Swannington Primary School. The remainder of the "access" matters (i.e. including the pedestrian and cycle links to adjacent land and circulation routes through the site itself as shown on the illustrative masterplan) are reserved for subsequent approval.

The application is referred to the Planning Committee for a decision at the request of Councillors L Goacher, T Gillard and S Gillard.

2. Publicity

120 Neighbours have been notified (date of last notification 16 June 2017).

Press Notice published Leicester Mercury 14 December 2016

3. Summary of Consultations and Representations Received

East Midlands Airport has no objections

Leicestershire County Council Archaeologist advises that additional archaeological survey work will be required prior to the application's determination so as to establish the archaeological potential of the site and any potential impacts of the proposed development

Leicestershire County Council Education Authority requests a financial contribution in respect of the high school sector of £482,656.59, and a financial contribution in respect of the special school sector of £94,803.06.

Leicestershire County Council Highway Transportation & Waste Management Authority requests a developer contribution of £17,653

Leicestershire County Council Library Services Development Manager requests a developer contribution of £8,150

Leicestershire County Council Ecologist has no objections subject to conditions

Leicestershire County Council Highway Authority has no objections subject to conditions and planning obligations

Leicestershire County Council Lead Local Flood Authority has no objections subject to conditions

Leicestershire Footpath Association has no objections subject to various alterations set out in its response

National Forest Company has no objections subject to conditions and planning obligations

North West Leicestershire District Council Cultural Services Officer advises that the two public footpaths crossing the site may need to be diverted depending on the layout

North West Leicestershire District Council Environmental Health has no objections subject to conditions

Severn Trent Water has no objections subject to conditions

Swannington Parish Council (adjacent parish) objects on the following grounds:

- Huge impact on Swannington roads and environment
- Church Lane already used as a rat run by parents of children at New Swannington Primary School
- Parish Councillors are concerned at the highway problems that may be caused
- Confusion over number of access points

West Leicestershire Clinical Commissioning Group requests a healthcare contribution of £47,157.43

Whitwick Parish Council objects on the following grounds:

- Would set a precedent for development of the Green Wedge and countryside
- Contrary to Local Plan policies
- Premature to the emerging Local Plan
- Adequate housing land available
- Unsafe access / impact on existing roads and junctions
- Exacerbation of existing flooding
- Loss of agricultural land

If permitted, the Parish Council requests Section 106 obligations in respect of:

- Junction / transportation improvements
- Green spaces transferred to a public body for maintenance

In addition to the Parish Council's objections, the Parish Council also draws attention to comments made to it by residents including:

- Insufficient time provided to comment
- No reference in the agent's documents referring to protecting Whitwick from merging with Coalville

Third Party representations

84 representations have been received, objecting on the following grounds:

- Increased traffic / congestion
- Local roads unsuitable for increased traffic
- Adverse impact on highway and pedestrian safety
- Pollution
- Noise
- Impact on countryside / landscape

- Loss of view
- Subsidence due to former coal workings
- Insufficient infrastructure / services (including education, healthcare, District Council services, policing and highways)
- Site is within the greenbelt
- Flood risk
- Insufficient details within the application
- Adverse impact from proposed landscaping
- Access should be via Spring Lane
- Loss of property value
- Site is in the Green Wedge
- Impact on rights of way
- Contrary to planning policy
- Council has a five year housing land supply
- Impact on wildlife / ecology
- Loss of open space
- Development should have a through route for public transport
- Increased litter and anti-social behaviour (including in association with the proposed new school car park)
- Insufficient pre-application consultation
- Poor design
- Scheme disregards Parish boundaries
- Unsustainable form of development
- Loss of agricultural land
- Proposed school car park too small
- Loss of separation between settlements
- Brownfield sites are available
- Dust
- Insufficient amenities in Coalville (i.e. empty shops, no cinema etc.)
- Play area in wrong place
- Poor public transport connections
- Impacts of increased use of public rights of way adjacent to existing dwellings
- Overlooking

Comments have also been received to the effect that, should planning permission be granted, the development should include:

- Increased car parking for adjacent school
- Management strategy for existing rights of way
- Traffic calming
- Road sweeping / cleaning
- Restrictions on loading / unloading of construction vehicles
- Regular liaison between the developer and residents
- Any changes to the scheme to be determined by Planning Committee
- Hours of construction limitations
- Light pollution minimisation
- Noise monitoring
- Dust monitoring
- Flood prevention
- Tree planting

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 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)
 Paragraphs 12 and 14 (Presumption in favour of sustainable development)
 Paragraph 17 (Core planning principles)
 Paragraphs 32 and 34 (Promoting sustainable transport)
 Paragraphs 47, 49 and 50 (Delivering a wide choice of high quality homes)
 Paragraphs 56, 57, 59, 61 and 64 (Requiring good design)
 Paragraphs 100, 101, 102 and 103 (Meeting the challenge of climate change, flooding and coastal change)
 Paragraphs 109, 118, 120, 123 and 124 (Conserving and enhancing the natural environment)
 Paragraphs 128, 131 and 135 (Conserving and enhancing the historic environment)
 Paragraph 173 (Using a proportionate evidence base)
 Paragraphs 203 and 204 (Planning conditions and obligations)

Further advice is provided within the DCLG's Planning Practice Guidance.

Adopted North West Leicestershire Local Plan (2002)

The application site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan, and is also within a Green Wedge. The following Local Plan policies are relevant to this application:

Policy S3 - Countryside
 Policy E2 - Landscaped Amenity Open Space
 Policy E3 - Residential Amenities
 Policy E4 - Design
 Policy E7 - Landscaping
 Policy E8 - Crime Prevention
 Policy E20 - Green Wedge
 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
Policy L22 - Formal Recreation Provision

Other Policies

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, for the purposes of the SPD, includes the settlements of Coalville, Whitwick, Thringstone, Greenhill, Ellistown and Battleflat, Bardon and Hugglescote).

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.

Priorities for Developer Financial Contributions for infrastructure provision relating to Major Residential Development Proposals in and around Coalville

On 11 June 2013, and following the completion of consultation on the draft policy, the District Council's Cabinet approved the revised policy document. The adopted policy states that "Where the Council is satisfied that a major residential development proposal in or around the Coalville area is proven to be unviable as a result of required developer financial contributions (e.g. off site highway works; education provision and affordable housing requirements), the Council will consider relaxing its normal affordable housing requirements proportionately so as to:

- (a) Give highway infrastructure investment the highest priority for funding
- (b) Ensure all other essential infrastructure is provided
- (c) Continue to contribute to affordable housing provision as far as possible whilst ensuring that the development scheme is viable.

For development proposals where the Council accepts no affordable housing or a lower proportion of affordable housing contribution (both on site provision and/or a financial contribution in lieu of provision) the Council will reduce the time period for any planning permission to be commenced to 2 years and shall include in the Section 106 agreement provision to enable the Council to periodically revisit the affordable housing contribution if the economic factors determining the level of affordable housing improves before the development is commenced".

In addition to agreeing the policy, Cabinet agreed that, for major developments in Coalville, the Planning Committee be asked to consider the policy through Section 106 agreements and recommended that Planning Committee, where appropriate, prioritises the requirement for highways infrastructure contributions in Coalville above affordable housing contributions where such contributions are necessary, in accordance with the policy.

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.

The site is located outside Limits to Development as defined in the submitted Local Plan.

The following draft Local Plan policies are considered relevant:

Policy S3 - Countryside

Policy D1 - Design of new development

Policy D2 - Amenity

Policy H4 - Affordable housing

Policy H6 - House types and mix

Policy IF1 - Development and infrastructure

Policy IF3 - Open space, sport and recreation facilities

Policy IF4 - Transport infrastructure and new development

Policy IF7 - Parking provision and new development

Policy En1 - Nature conservation

Policy En3 - The National Forest

Policy En6 - Land and air quality

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

Policy Cc2 - Flood risk

Policy Cc3 - Sustainable Drainage Systems

5. Assessment

Principle of Development

Insofar as the principle of development is concerned, and 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)).

As set out under Relevant Planning Policy above, the site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan as well as being within the Green Wedge (as also defined in that Plan). The site is also outside Limits to Development as defined in the submitted North West Leicestershire Local Plan. As a site in agricultural use, it constitutes greenfield land.

Weight to be attached to relevant Development Plan Policies

The key *development plan* policies considered relevant in this case are Policies S3 and E20 of the adopted North West Leicestershire Local Plan. The Supreme Court's judgment in *Suffolk Coastal District Council v Hopkins Homes Ltd and another & Richborough Estates Partnership LLP and another v Cheshire East Borough Council* clarified the relationship between the NPPF and the statutory development plan, and the approach to applying NPPF Paragraphs 14 and 49.

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 Local Authority is able to demonstrate a five year supply of housing (with 20% buffer) against the requirements contained in the submitted Local Plan. The applicant's submissions suggest that a five year supply cannot be demonstrated by the Local Planning Authority; these submissions pre-date the appeal decision in respect of Hall Lane, Whitwick, however.

Paragraph 49 of the NPPF provides that, where the Local Planning Authority is unable to demonstrate a five year supply of deliverable housing, relevant policies for the supply of housing should not be considered up-to-date; in such circumstances, the provisions of Paragraph 14 would apply which provides that, where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In accordance with the approach favoured by the Supreme Court in the case mentioned above, adopted Local Plan Policies S3 and E20 above would not constitute policies for the supply of housing under Paragraph 49. Regardless, however, in view of the current ability to demonstrate a five year (plus buffer) supply, these policies would not be deemed out of date by virtue of Paragraph 49.

The Supreme Court's judgment reiterated the statutory primacy of the development plan. However, in determining an application, the decision-maker needs to consider whether the policies of the development plan are up-to-date and, if not, whether other material considerations (and including the policies within the NPPF) ought to attract greater weight.

Whilst it is considered (having regard to the approach favoured by the Court and the Council's current ability to demonstrate a five year supply of housing) that Paragraph 14 is not engaged in this case by virtue of Paragraph 49, it is considered that it is nevertheless engaged by virtue of the adopted Local Plan's policies' age and degree of consistency with the NPPF.

Adopted Local Plan Policy S3:

In the case of adopted Policy S3 it is noted that the Limits to Development as defined in the adopted Local Plan only made provision for development up until 2006 and, as such (and notwithstanding the approach to adopted Policy S3 taken by the Inspector in determining a recent appeal in respect of a site at Worthington Lane, Breedon on the Hill), the weight to be attached to adopted Policy S3 would need to be reduced as a result. The Inspectors in respect of other recent decisions (including Swepstone Road, Heather and Normanton Road, Packington) also reduced the weight to be afforded to adopted Policy S3 insofar as the policy allows for a narrower range of development types in the countryside than allowed for within the NPPF. However, it is noted that, should the submitted plan (which would provide for the District's development requirements until 2031) be adopted as currently proposed, the site would remain outside Limits to Development. In terms of the weight to be attached to this emerging policy, Paragraph 216 of the NPPF provides that, unless other material considerations indicate otherwise, weight may be given to policies in emerging plans according to:

- "...- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."*

In terms of the stage that the emerging plan has reached, the Local Plan has progressed a long way towards adoption, having been to examination with the Inspector's report currently awaited. It is also considered that emerging Policy S3 would be entirely consistent with the NPPF. Insofar as the extent to which there are unresolved objections is concerned, it is noted that objections have been raised in respect of the policy (albeit not site-specific to this site's exclusion from Limits to Development). However, it is also noted that the applicant has raised objection to emerging Policy H3 (new housing allocations) on the basis that this site is not included as an allocation. In effect, therefore, there is an unresolved objection relating to this site (which, if upheld, would affect the site's Limits to Development status) and, therefore, the weight to be afforded to emerging Policy S3 ought to be reduced to some extent to reflect this. Having said this, it is noted that the submitted Local Plan has been to Examination and, whilst the Inspector's report is still awaited, the proposed Main Modifications (published for consultation in June 2017) do not propose any changes to the status of this site. Overall, therefore, it is considered that significant weight can reasonably be attached to the emerging Policy S3 and, in view of this (and given the intended ongoing retention of this site as land outside Limits to Development), the view is taken that, notwithstanding the age of adopted Policy S3, significant weight can reasonably still be applied to it in this instance.

Adopted Local Plan Policy E20:

The site is part of a wider area identified as a Green Wedge in the adopted Local Plan. Policy E20 of the adopted Local Plan provides that *"Development will not be permitted which would adversely affect or diminish the present open and undeveloped character of the Coalville-Whitwick-Swannington Green Wedge, identified on the Proposals Map.*

Appropriate uses in the Green Wedge are agriculture, forestry, minerals extraction and outdoor sport and recreation uses.

Any built development permitted within the Green Wedge will be limited to minor structures and facilities which are strictly ancillary to the use of the land for these purposes."

As a proposal for residential development, it is considered that the proposed development would clearly conflict with the provisions of this policy. However, in assessing the weight to be attached to the policy, regard must be had to how up-to-date it is. When determining the appeal for a site at Hall Lane, Whitwick, the Inspector concluded that Policy E20 was not consistent with the NPPF in that it "imposes a total ban on housing in the Green Wedge and there is no mechanism to balance the benefits of housing with any identified harm that may arise. The determinative factor, however, in my view is that the Council has accepted that its Green Wedge policy cannot be supported on this site". [This final comment refers to the District Council's previous reassessments of the existing Green Wedges (which found that they did not meet all the relevant criteria for designation as Green Wedge) and its resulting intended approach of not retaining the Green Wedges within the submitted Local Plan. In the case of the Hall Lane site, that part of the Green Wedge is considered to retain part of its intended function (i.e. to maintain physical separation between settlements) and the Council's intention is to re-designate it as an Area of Separation in the new Local Plan. In terms of this application however, the site would be identified as countryside outside Limits to Development.]

On the basis of the above, therefore, it is considered that only very limited weight ought to be attached to Policy E20 in this case.

Limits to Development

As set out above, the site lies outside Limits to Development as defined in both the adopted and submitted North West Leicestershire Local Plans; the adopted Local Plan forms part of the statutory development plan. For the reasons set out above, it is considered that Paragraph 14 of the NPPF is engaged in this instance and, therefore, an assessment as to whether the adverse impacts of approving the proposals would significantly and demonstrably outweigh the benefits is necessary.

Whilst issues in respect of landscape are addressed in more detail below, it is accepted that the site does not fall within a "valued landscape" as referred to in Paragraph 109 of the NPPF. However, Paragraph 17 provides that planning should "take account of the different roles and character of different areas...recognising the intrinsic character and beauty of the countryside...".

The High Court judgment in the case of *East Staffordshire Borough Council v Secretary of State for Communities and Local Government and Barwood Strategic Land II LLP* clarified that, whilst Paragraph 14 of the NPPF is silent on the approach to be taken where development proposals do not accord with the development plan, it is implicit from Paragraph 14 that, where this is the case, development should not be approved. The judge considered that this approach was consistent with Paragraph 12 in that that paragraph provides that development that conflicts with an up-to-date Local Plan should be refused unless other material considerations indicate otherwise; the judge's conclusions were subsequently upheld by the Court of Appeal (*Barwood Strategic Land II LLP v East Staffordshire Borough Council and Secretary of State for Communities and Local Government*). As such, it would appear that, for those policies which remain up-to-date, the approach set out in Paragraph 12 would apply, and that proposals which conflict with the development plan ought to be refused unless other material considerations indicate otherwise.

As set out above, it is accepted that, in general terms, the Limits to Development as set out in the adopted Local Plan are, by virtue of their age, out of date. However, in this instance, this needs to be considered in the context of the emerging Local Plan which, if adopted as submitted, would maintain this site as lying outside Limits to Development. In accordance with the approach taken by the Courts, the "tilted balance" set out in Paragraph 14 is a material consideration which needs to be considered alongside the position set out in the development plan. In this case, having regard to the intended retention of the site as outside Limits to Development within the submitted Local Plan, it is considered that the balancing exercise required under Paragraph 14 would not (when taking into account other factors below, and including the landscape and visual impacts of releasing this site located within the countryside) indicate that planning permission ought to be granted.

Site Accessibility and Policy H4/1

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 this policy is considered to be out of date (because a sequential approach to residential development is outdated in the context of the NPPF, albeit the Inspector in respect of the recent appeal in respect of Loughborough Road, Whitwick took an alternative view on Policy H4/1), the sustainability credentials of the scheme (in terms of accessibility to services) would still need to be assessed.

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF. Insofar as the site's accessibility is concerned, the view is taken that, as a site adjacent to the built up area of Coalville and Whitwick, and the

range of services available therein, it performs relatively well in this regard. The site is (at its closest point) located approximately 1,000m from Coalville town centre and 1,100m from the Whitwick local centre (as defined on the adopted Local Plan Proposals Map). It is also close to bus stops on Thornborough Road served by buses connecting the site with the centres of Coalville and Whitwick and other settlements (including Burton on Trent, Ashby de la Zouch, Leicester and Nottingham (via East Midlands Airport)) at regular intervals.

Other Matters

It is noted that the applicant draws attention to the site's inclusion in the District Council's 2016 Strategic Housing Land Availability Assessment (SHLAA) which identified the site is being potentially suitable subject to the removal of the Green Wedge designation (albeit noting that the Publication Local Plan identifies the site as being outside of the Limits to Development). However, it should be borne in mind that the SHLAA is not a policy document; it is a technical document which considers potential capacity and does not make decisions or recommendations on which sites should be allocated for development or granted planning permission. As such, it is not considered that significant weight ought to be attached to this issue.

Detailed Issues

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

Landscape and Visual Impact

The existing site contains a limited number of trees, but includes a number of hedgerows; the submitted Arboricultural Assessment identifies six individual trees (all ash), five tree groups (mixed species) and eight hedgerows. Whilst the Arboricultural Assessment's tree retention plan relates to an earlier iteration of the development framework plan (i.e. prior to the introduction of the proposed Spring Lane access), the revisions do not appear to entail significant changes to the scheme's implications on existing trees from those identified in the Arboricultural Assessment (other than the required break in the hedgerow on Spring Lane). Based on the information set out in the Arboricultural Assessment, loss of trees would be limited to a single individual ash, and which is identified as Category U (i.e. unsuitable for retention) by virtue of its condition, rather than by way of necessity to accommodate the proposed development. Based on the form of development indicated in Arboricultural Assessment and development framework plan, various sections of hedgerow would need to be removed to allow access into and through the site; the sections indicated would however be relatively short, and their loss (i.e. as individual specimens) would not be unacceptable in arboricultural terms.

The application is also accompanied by a Landscape and Visual Impact Assessment (LVIA). This concludes that the site is able to absorb residential development within its lower lying eastern section, and that the proposed development would cause a minimal localised landscape and visual impact, would be successfully integrated into the settlement pattern of Thornborough Road, and would not cause harm to the landscape character or visual amenity. In summary, it states that the development would not introduce any incongruent elements into the landscape, would not impact upon views to or from the wider landscape, nor would affect the sense of separation between settlements. The development would, it suggests, be contained by the local landform and both existing mature and establishing vegetation, within the extents of development set by the local limits along Thornborough Road, and that the proposals would retain the special quality of views within the local area, producing an enhanced settlement boundary to the west, and reinforcing the sense of separation with Swannington.

The submitted LVIA also refers to the North West Leicestershire Settlement Fringe Assessment which identified that the site had low potential to achieve mitigation in keeping with landscape character, but also set out recommendations on the form of development in the event that the site were developed.

The LVIA has been assessed by a landscape consultant on behalf of the Local Planning Authority. The Council's consultant considers that the submitted LVIA understates the adverse effects of the proposed development in landscape and visual terms, and has not fully taken into account the fact that the Settlement Fringe Assessment found the area to be of relatively high value and low suitability for development. The Council's consultant concludes that the proposed development would lead to the loss of a reasonably attractive area of countryside and the loss of the presently open, attractive views across the site to Charnwood Forest. As such, the Council's consultant advises, the proposed development would adversely affect and diminish the present open character and attractive rural landscape of the site and surrounding area, and would lead to some significant adverse landscape and visual effects.

Means of Access, Highways and Transportation Issues

The application is accompanied by a Transport Assessment and Travel Plan (amended during the course of the application). As set out in the introduction above, the application is in outline with all matters reserved save for the access insofar as it relates to the vehicular access points into the site from Thornborough Road and Spring Lane, as well as the proposed school car park access from Church Lane; in terms of illustrative material, the development framework plan shows the provision of primary vehicular routes from Thornborough Road and Spring Lane connecting to secondary streets and lanes. Pedestrian links are shown indicatively connecting the site with Church Lane and Thornborough Road (close to its junction with Spring Lane); in addition, the site is already accessible by foot via rights of way O12, O13 and N43 (see below), and these links would, on the basis of the development framework plan, be retained.

Site Accesses

The applicant has proposed that the site will be accessed via three new priority junctions; the County Highway Authority's conclusions in respect of each of these are set out below.

Thornborough Road:

The proposed site access has been demonstrated to comply with the requirements of the 6Cs Design Guide and to operate within capacity. A toucan crossing has been proposed across Thornborough Road; whilst the submitted Transport Assessment suggests that one may not be necessary, the County Highway Authority considers however that, given highway conditions, one is required.

Spring Lane:

The location of the proposed access falls to the west of the existing 30mph speed restricted area, (and within the derestricted area). The County Highway Authority advises that speeds in the vicinity of the site access are approximately 42mph to the west of the proposed site access (within the derestricted area) and 36mph to the east (within the 30mph restricted area). The submitted Transport Assessment proposes to relocate the speed limit to the west of the site access; the County Highway Authority considers, however, that the 30mph zone should be extended to cover all of Spring Lane so as to avoid being left with a short section of derestricted road. The County Highway Authority advises that this can be secured through the extension of street lighting and the Section 278 process. Irrespective of proposed changes to the speed limit, visibility splays to accord with the higher of the existing 85th percentile speeds can, the County

Council advises, be achieved, and have been demonstrated both horizontally and vertically so as to take into account the topography of Spring Lane in the vicinity of the site access. The County Highway Authority is therefore satisfied that the proposed access has been demonstrated to comply with the requirements of the 6Cs Design Guide and to operate within capacity.

Church Lane:

Whilst the County Highway Authority considers that the need for the proposed school car park and how it would be operated (i.e. in terms of ownership / management etc.) is unclear, it advises that the proposed car park access has been demonstrated to comply with the requirements of the 6Cs Design Guide and to operate within capacity.

[In terms of the car park itself, no specific requirement for its provision has been identified by Leicestershire County Council in its capacity as Local Highway Authority (nor, indeed, as Local Education Authority). No comments in respect of the proposals have been received from the school itself, although the Local Education Authority advises that, having discussed the matter with the school's head teacher, the school is very concerned about the issue of parking on Church Lane and, given that the school is on the edge of the catchment area it serves, a lot of parents use cars to take pupils to and from school. The Local Education Authority reports that, whilst a car park could help to alleviate some of the parking problems, the school is not prepared to accept any responsibility for the maintenance or management of the area. The management of the area is, it advises, of particular concern with regard to the issues of safeguarding for pupils and health and safety, and the concern is that the danger could end up simply being relocating the danger from Church Lane to the car park.]

Road Safety Considerations

The County Highway Authority is satisfied that the Transport Assessment has considered reported personal injury accidents within the study area and that there are no underlying road safety concerns which would be worsened as a result of the proposed development.

Impact on the Wider Highway Network

Leicestershire County Council advises that off-site impacts have been assessed on the following junctions (and taking into account general background traffic growth, plus other committed and proposed developments):

- 1 Spring Lane / Thornborough Road
- 2 Church Lane / Thornborough Road
- 3 Spring Lane / Station Hill
- 4 A511 / Thornborough Road
- 5 A511 / Hough Hill
- 6 A511 / Hermitage Road
- 7 A511 / Broom Leys Road
- 8 A511 / Bardon Road

Insofar as junction nos. 1 - 3 above are concerned, the County Council advises that the traffic impact at those junctions would not be considered severe in the context of Paragraph 32 of the NPPF and, as such, would not require mitigation as a result of the proposed development.

In terms of the remaining junctions (i.e. those directly affecting the A511), the County Council advises that the Transport Assessment has demonstrated that the Ratio of Flow to Capacity (RFC) would be in excess of 0.85 (and which is the level beyond which signs of congestion start

to become evident). Whilst the County Highway Authority accepts that it can be argued that a junction could theoretically operate within capacity up to a RFC of 1.00, the reliable performance of the junctions (and network) start to deteriorate operationally. The County Council advises that the A511 around Coalville is a part of the Primary A-Road network, providing links to the M1 and A42 (and onwards to the M42 and M6), and is considered to be one of the most important strategic routes in Leicestershire, having a dual function of providing both local and regional connectivity. Reliability along this corridor is considered by the County Council to be very important in ensuring efficient operation of the network, and the impact of the proposed development along the A511 without mitigation would therefore be considered severe.

Given the significance of the A511 around Coalville, the County Highway Authority has been working in collaboration with the District Council to ensure that wider growth in and around Coalville can be accommodated by way of seeking contributions from developers towards measures required to mitigate the impacts (both individually and cumulatively) of the various developments forming that wider growth. The County Council notes that this approach has been adopted as it is considered that the cumulative impacts of development around Coalville will have a large scale impact which should be addressed comprehensively, rather than in a piecemeal manner. As this is a strategic scheme to address the impacts of wider growth, the County Highway Authority advises that contributions should be sought from development proposals which, as in this case, would have a severe impact on the corridor. In order to contribute a fair and equitable value compared to other developments in the area which also have an impact along the A511 corridor, the County Highway Authority advises that a contribution of £1,296,000 be sought.

On 15 January 2013, the District Council's Cabinet considered a report relating to Delivering Growth and Prosperity in Coalville which set out proposals to prioritise highways infrastructure contributions in Coalville above affordable housing contributions given the need for significant transportation infrastructure to be provided so as to enable otherwise stalled development to be delivered. Cabinet resolved to (i) agree to the preparation and consultation of an interim Section 106 policy which establishes the approach towards prioritising highway infrastructure contributions in Coalville, which will be reported back to cabinet after the consultation exercise; (ii) agree that for major developments in Coalville, the Planning Committee be asked to consider the emerging policy through Section 106 agreements; and (iii) to recommend that Planning Committee, where appropriate, prioritise the requirement for highways infrastructure contributions in Coalville above affordable housing contributions where such contributions are necessary, in accordance with the emerging policy proposals. The District Council consulted on a draft policy between 22 February 2013 and 5 April 2013 and, following the conclusion of that consultation, reported back to Cabinet on 11 June 2013. At that meeting, Cabinet resolved to approve the policy.

The report to Cabinet of 15 January 2013 included an indicative list of potential transportation infrastructure measures to which the financial contributions made would be expected to contribute; based on the figures available at that time, the calculations provided to Cabinet suggested a potential contribution of between £4,419 and £4,884 per dwelling. If such a range of sums were used in this instance a scheme of, say, 270 dwellings, would equate to a contribution of between £1,193,130 and £1,318,680 (and within which range the contribution suggested as appropriate by Leicestershire County Council would fall). In this instance, no viability issues are understood to be applicable, so there would be no implications on the proposed affordable housing contribution (and as set out in more detail within the relevant section below).

For its part, the applicant accepts that mitigation of the A511 / Thornborough Road and A511/

Broom Leys Road junctions would be required, and has suggested a financial contribution be made towards works at those junctions, but does not specify a figure. Furthermore, the applicant is of the view that the contribution suggested by the County Highway Authority would not be CIL compliant. Further clarification has been sought from both the applicant and the County Council, and any further assessment of this issue will be included on the Update Sheet. Given the conclusions of both the Transport Assessment and the County Highway Authority, however, it would be necessary for some form of mitigation of the proposed development's impacts on the wider highway network to be provided.

Public Rights of Way

The routes of public rights of way O12, O13 and N43 cross the site; on the basis of the submitted development framework plan, these routes are indicated as being retained on their existing alignments. Should this not be the case in respect of any future reserved matters application, however, an application to stop up / divert the right of way would be likely to be required (and would be likely to be dealt with by the District Council's Cultural Services Officer). As set out in DEFRA Circular 1/09 relating to rights of way, most outline planning applications do not contain sufficient information to enable the effect on any right of way to be assessed (and are not required to do so) and, as such, these issues are usually dealt with at the reserved matters stage. Nevertheless, and as set out above, there appears no reason in principle why a suitable solution could not be found at that time. Insofar as the amenity impacts of the proposed development (i.e. the impacts on the amenity value of the rights of way as leisure / recreational routes given that they would no longer pass through a section of undeveloped countryside) are concerned, it is likely that some adverse impacts on its value in this regard would be likely to result and, whilst not in their own right considered sufficient to render the development unacceptable, would nevertheless weigh against the proposals to some degree.

Transportation Contributions

In addition to the wider highway network mitigation referred to above, the County Highway Authority requires the following (and to be secured by way of Section 106 obligations):

- (i) Travel Packs (one per dwelling) to inform new residents from first occupation what sustainable travel choices are available in the surrounding area (these can be provided by the County Council if required at a cost of £52.85 per pack);
- (ii) Two six-month bus passes per dwelling to encourage new residents to use bus services as an alternative to the private car to establish changes in travel behaviour (these can be provided by the County Council if required at an average cost of £350 per pass);
- (iii) A contribution of £6,000 to Leicestershire County Council towards STARS (Sustainable Travel Accreditation and Recognition Scheme) (i.e. Travel Plan monitoring);
- (iv) A contribution of £7,500 to Leicestershire County Council towards the consultation process for the proposed toucan crossing on Thornborough Road; and
- (v) Submission / approval of a construction traffic routeing agreement

The applicant is agreeable to (i) to (v) above (albeit considers that the STARS contribution may not be necessary in the event that Travel Plan monitoring is undertaken directly by the developer).

Flood Risk and Drainage

A Flood Risk Assessment and Outline Drainage Strategy and two Foul Drainage Analysis reports have been submitted in support of the application. The Environment Agency flood zone maps indicate that the site lies within Flood Zone 1 (i.e. less than a 1 in 1,000 annual probability

of river or tidal flooding in any one year) and, on this basis, the site is considered to pass the sequential test.

Insofar as other sources of flooding are concerned, the Flood Risk Assessment and Outline Drainage Strategy considers, in particular, the potential impacts from surface water, and identifies two areas at high risk of surface water flooding. To mitigate the risk of surface water flooding, the submissions recommend minimum finished floor levels within the development, and the attenuation of surface water run-off rates. No objections are raised to the development by the Lead Local Flood Authority subject to the imposition of appropriate conditions.

Insofar as foul sewage is concerned, the submitted Foul Drainage Analysis reports confirm that, subject to planned improvements at the Snarrows Sewage Treatment Works, the existing foul system would have sufficient capacity to accommodate the development; no objections are raised by Severn Trent Water.

Ecological Issues

The application is supported by an Ecological Survey Report. This suggests that the habitats on the site are of low value, and any loss of habitat identified as having no more than a negligible impact at site level. Insofar as other sites of ecological interest in the vicinity are concerned, the Ecological Survey Report suggests that it would be necessary to ensure that adequate green space, footpaths etc. were included for recreational use within the development so as to minimise use of nearby sites. It also suggests that the Local Planning Authority would need to consult with Natural England so that Natural England could propose the extent of this mitigation. However, the development does not appear to fall within the scope of those for which Natural England requires consultation and, furthermore, it is considered that the onus is on the applicant rather than Natural England (or the Local Planning Authority) to propose mitigation measures.

In terms of protected species, the Ecological Survey Report suggests as follows:

Bats:

The site supports "around" four species of bat (albeit some were recorded in low numbers). The Report suggests provision of new habitat and reductions in artificial lighting would be suitable mitigation for the adverse effects on habitat.

Badgers:

No setts were identified and no impact is therefore anticipated.

Breeding Birds:

17 species were recorded during surveys; the Report suggests that, subject to mitigation (including retention of hedges), the impacts of the development would not be unacceptable.

Great Crested Newts:

Ponds within the vicinity of the site were found to have no Great Crested Newts present, or were otherwise considered unlikely to be suitable. Other ponds identified in the Report were not surveyed as they were on private land.

Leicestershire County Council's Ecologist has been consulted on the proposals, and considers that the Ecological Survey Report is acceptable, with no direct impacts to protected species identified. The County Ecologist therefore raises no objections subject to conditions (and including in respect of the implementation of the mitigation set out in the Report).

Design

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 56 to 64 of the NPPF.

The application is supported by a Design and Access Statement and a Building for Life 12 assessment setting out the applicants' proposals, and explaining the approach taken in terms of design; the applicant's Building for Life 12 assessment concludes that a "green" would be achieved under all 12 criteria.

Having reviewed these documents and the illustrative proposals, the District Council's Urban Designer has raised concerns regarding the illustrative scheme, and updated supporting information (including an amended Design and Access Statement) has been submitted. On the basis of the updated submissions, the Urban Designer considers that the scheme would score "reds" in 8 of the 12 Building for Life criteria. Of the remaining criteria, the Urban Designer's Building for Life assessment identifies 2 "ambers" and 2 (meeting local housing requirements and external storage and amenity space) to be confirmed. However, it is noted that two of the "reds" identified by the Urban Designer (Building for Life questions 2 and 3 relating to services and public transport) are on the basis that the site is not allocated or within Limits to Development. It is not however considered that the scheme is unacceptable per se in respect of these issues (notwithstanding that the site is not identified as suitable for housing in the submitted Local Plan), and the view is taken that these two items could be "greens" (but still leaving a total of 6 "reds").

Concerns raised include the need to provide for the following:

- the use / framing of existing features;
- the creation of a stronger, more legible and connected street network;
- three illustrative street types (and including a simple, straight, tree-lined avenue across the site to aid legibility)
- a rhythm and form of development along Thornborough Road that respects the character of the street;
- a "loosening" of development along Spring Lane and its western edge; and
- improved notation on the illustrative plans.

The District Council's Urban Designer is of the view that, if these design principles were addressed, the number of homes which may be achievable on the site in an appropriate manner may end up being lower than the "up to" 270 for which outline planning permission is sought. As such, in order to ensure that the Local Planning Authority can be satisfied that the scale of development proposed could, in principle, be provided on the site whilst meeting the design requirements of National and local policy, these issues would need to be addressed at the outline stage.

In the absence of suitable evidence to demonstrate this, it is considered that the applicant has failed to provide for an appropriate form of design of the scheme, and refusal on this issue is recommended.

Should planning permission be refused and the matter progress to an appeal, however, and should appropriate supporting information be provided in the meantime which demonstrates to the District Council's Urban Designer's satisfaction that an acceptable form of development capable of accommodating the scale of development sought (when assessed against Building for Life 12) could be achieved, it is recommended that the associated reason for refusal not be

pursued on this issue. However, the view is taken that, even if this were the position, this would not indicate that the absence of this element of harm to the social and environmental strands of sustainable development would be sufficient to reach a different position overall in terms of the development's acceptability.

Loss of Agricultural Land

The site is currently in agricultural use and, insofar as the proposed built development is concerned, this would result in an irreversible loss to non-agricultural use.

Having regard to the need to ensure an ongoing five year supply of housing land (and to the need to release greenfield land allocated for development in the submitted Local Plan), it would be necessary to allow some agricultural land to be developed. Paragraph 112 of the NPPF suggests that, where significant development of agricultural land is demonstrated to be necessary, poorer quality land should be used in preference to that of a higher quality. Best and Most Versatile (BMV) agricultural land is defined as that falling within Grades 1, 2 and 3a of the Agricultural Land Classification.

The application documents do not contain any detailed assessment of the agricultural quality of the site, but the Planning Statement comments that "its loss would not be significant in Framework terms", and the applicant refers to Natural England's Provisional Agricultural Land Classification maps which record the site as being within Grade 3. Given that the subgrade within Grade 3 (i.e. 3a or 3b) is not known, it is not possible to conclude whether or not BMV land would be affected.

Assuming the site were to include land within Grade 3a, however, it is also considered relevant to have regard to the extent of the loss. Whilst the NPPF does not suggest that release of smaller BMV sites is acceptable, it nevertheless appears reasonable to have regard to the extent of the loss in the decision making process and the loss of 20 or more hectares (i.e. more than the area of the application site) is generally considered significant. Whilst any loss of higher quality agricultural land would, to a degree, weigh against the proposals in assessing whether the scheme constitutes sustainable development in the overall planning balance, on the basis of the above it is accepted that the extent of any BMV loss is unlikely to render the development unacceptable.

Historic Environment

The site does not contain, nor is in close to proximity of any listed buildings or Conservation Areas. In terms of non-designated heritage assets, the application is supported by an Archaeological Desk-Based Assessment; this concludes that the site contains one non-designated asset, a HER record relating to a find of a small number of sherds of Roman pottery. The Assessment indicates that these finds are consistent with a general "background noise" of activity that is recorded throughout the wider study area and do not indicate a significant archaeological asset. In terms of the potential for as-yet to be discovered archaeological assets within the site, the Assessment concludes that the site has a low potential for any significant archaeological evidence. On this basis, the Assessment suggests that the development would have no impact on the significance of any heritage assets and there should be no requirement for any archaeological mitigation.

Paragraph 128 of the NPPF provides that "Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based

assessment and, where necessary, a field evaluation." Paragraph 131 requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets, and Paragraph 135 requires that the effect of an application on the significance of a non-designated heritage asset be taken into account in determining the application, and that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The County Archaeologist considers that that the submitted Archaeological Desk-Based Assessment significantly underplays the archaeological potential of the site which has not undergone any previous archaeological investigation. The County Archaeologist advises that fieldwalking surveys undertaken in the surrounding area have identified a number of potentially significant archaeological sites, including an extensive scatter of Roman pottery indicative of settlement (which may extend into the south-western corner of the application area itself) and various other finds in the vicinity. The County Archaeologist advises that the proposals include operations that may destroy any buried archaeological remains that are present, and that the archaeological implications cannot be adequately assessed on the basis of the currently available information. On this basis, the County Archaeologist has requested that the applicant undertake an Archaeological Impact Assessment of the proposals, including fieldwalking and geophysical surveys of the application site followed by a trial trench field evaluation, based on the results of the fieldwalking and geophysical surveys so as to identify and locate any archaeological remains of significance, and to propose suitable treatment to avoid or minimise damage by the development.

In response, the applicant advises that it has instructed its heritage consultants to undertake the fieldwalking and geophysical surveys but that these will not be undertaken until the end of August 2017 (i.e. once the crops on the site have been harvested). However, the applicant is not agreeable to extending the application determination date beyond 4 August 2017, and the application must therefore be determined on the basis of the information as submitted. On the basis of the evidence currently available, therefore, insufficient information has been provided to enable the County Archaeologist to come to a reasoned view on the likely archaeological impacts of the proposed development. As such, the applicant has not provided the information necessary to enable the NPPF requirements referred to above to be met, and the Local Planning Authority is unable to determine if harm to a non-designated heritage asset would result (and, if so, the extent of that harm, nor the significance of any assets that may be present), and an informed view on the impacts cannot be reached. As such, and given the resulting conflict with the NPPF's requirements at this time, refusal on this issue is recommended.

Should planning permission be refused and the matter progress to an appeal, however, and should appropriate supporting information be provided in the meantime which demonstrates to the County Archaeologist's satisfaction that no unacceptable impacts on heritage assets would result, it is recommended that the associated reason for refusal not be pursued on this issue. However, the view is taken that, even if this were the position, this would not indicate that the absence of this element of harm to the environmental strand of sustainable development would be sufficient to reach a different position overall in terms of the development's acceptability.

Neighbours' and Future Occupiers' Amenities

In terms of amenity issues, the impacts of the proposed development need to be considered both in terms of the impacts on the future living conditions of residents of the proposed development, having regard to the site's location, as well as on existing residents arising from the proposed development. These are considered in turn below.

In terms of future residents' amenities, the application is accompanied by a Noise Assessment Report which identifies that the dominant noise source affecting the site would be road traffic and noise from industrial premises, together with potential mitigation (including provision of stand-off distances, erection of fencing and installation of double glazing); subject to the imposition of conditions securing this mitigation where relevant, no objections on noise grounds are raised by the District Council's Environmental Protection team.

Insofar as the amenity impacts on neighbouring occupiers arising from the proposed development are concerned, whilst an illustrative development framework plan has been submitted, all matters (other than the proposed vehicular accesses) are reserved for subsequent approval. Whilst the illustrative material indicates that an acceptable relationship between existing and proposed dwellings would be achievable, any reserved matters scheme would need to be appropriately devised to the boundaries of the site adjacent to other dwellings (and, in particular, those on Thornborough Road) so as to ensure that occupiers of both existing and proposed dwellings were afforded an appropriate level of amenity. There is no reason to suggest that the eventual form of development proposed under the reserved matters would necessarily result in undue loss of amenity to adjacent occupiers, and the scheme is, at this outline stage, acceptable in this regard. Based on the locations of the proposed vehicular accesses, it is not considered that any unacceptable impacts on occupiers of dwellings in the vicinity of those accesses (and including from vehicular movements and, potentially, vehicle headlights etc.) would be likely to result.

Air Quality

The application is supported by an Air Quality Assessment (and which has been amended during the course of the application to address concerns initially raised by the District Council's Environmental Protection team, and to reflect the updated traffic flows set out within the revised Transport Assessment). The Assessment considers the effects during both the construction and operational phases, with the associated emissions being principally in respect of dust / fine particulate matter and road traffic within the two phases respectively.

In terms of the impacts of the construction phase, the Air Quality Assessment identifies the risk of dust soiling effects as "high" for earthworks and construction, and "medium" for "trackout" (i.e. the transportation of dust and dirt from the site). The Assessment concludes, however, that subject to implementation of a range of measures (including the implementation of a dust mitigation plan), that the effects during construction would not be significant.

Insofar as the operational phase is concerned, the Air Quality Assessment indicates that there would be a negligible impact on concentrations of nitrogen dioxide and particulate matter at all fourteen existing sensitive receptors (including those within the Coalville Air Quality Management Area (AQMA)), nor would the development result in exceedance of the nitrogen dioxide and particulate matter annual mean air quality objectives in 2023.

The District Council's Environmental Protection team raises no objections to the development in respect of this issue, and the proposals are considered acceptable in terms of their air quality impacts.

Geotechnical Issues and Land Contamination

The application is accompanied by a Phase 1 Desk Study assessing the potential hazards / contamination risks. This concludes, amongst others, that no further investigation or remediation

is necessary with regard to coal mining issues, and recommends further, intrusive, site investigations in respect of ground conditions in due course. The District Council's Environmental Protection team raises no objections in this regards subject to conditions in respect of further investigations / remediation as necessary.

Other Matters

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 Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010.

Affordable Housing

In accordance with the District Council's adopted Affordable Housing SPD, an affordable housing contribution of 20% is proposed. Having regard to the existing position with regards to affordable housing within the District (and the shortfall vis-à-vis the requirement set out in the HEDNA), it is considered that significant weight ought to be attached to the contribution that this development would make.

For its part, the District Council's Strategic Housing team advises that it would be seeking a tenure mix of 79% affordable rented and 21% intermediate housing in accordance with the District Council's adopted SPD (and suggests a range of dwelling types / sizes within those tenure types).

Transportation and Accessibility Contributions

These are as set out under Means of Access, Highways and Transportation Issues above.

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 New Swannington Primary School. The school has a net capacity of 203 and 261 pupils are projected on the roll should this development proceed, a deficit of 58 pupil places.

However, having regard to existing capacity at six other primary schools within a two mile walking distance of the development (namely Belvoirdale Community, Thringstone, Broom Leys, All Saint's C of E, Swannington C of E and Whitwick St John the Baptist C of E Primary Schools), there is an overall surplus of 49 places in this sector, and a primary school sector education contribution is not therefore requested.

High School Requirements:

The site falls within the catchment area of Castle Rock High School. The School has a net capacity of 600 and 755 pupils are projected on roll should this development proceed, a deficit of 155 pupil places. A total of 90 pupil places are included in the forecast for this school from Section 106 agreements for other developments in this area and are therefore discounted. This, the Local Education Authority advises, reduces the total deficit for this school to 65 pupil places (of which 38 are existing and 27 would be created by this development). There is one other high school within a three mile walking distance (Newbridge High School), but it also has a deficit, and a request for an education contribution in respect of the additional deficit places created by the development within the high school sector is made (£482,656.59), and would be used for improving, remodelling or enhancing existing facilities at Castle Rock High School.

Upper School Requirements:

The site falls within the catchment area of King Edward VII Science and Sport College. The school has a net capacity of 1,193 and 1,247 pupils are projected on roll should this development proceed, a deficit of 54 pupil places.

However, having regard to existing capacity at the other upper school within a three mile walking distance of the development (Stephenson Studio School), there is an overall surplus of 255 places in this sector, and an upper school sector education contribution is not therefore requested.

Special School Requirements:

There are five Area Special Schools in Leicestershire; the closest school to this development is the Forest Way School in Coalville. The school currently has capacity for 131 pupils and 221 pupils are projected on roll should this development proceed, a deficit of 90 pupil places. There are no other Special Schools in the locality of the development and, in order to provide the additional Special School places anticipated as a result of the proposed development, the County Council requests a total contribution for the special school sector (primary and secondary) of £94,803.06.

The applicant is agreeable to making the education contributions sought for the purposes of the planning application, but indicates that a different position may be taken in the event that the matter is the subject of an appeal.

Library Services

Leicestershire County Council advises that an additional 389 plus users of Coalville Library are anticipated to be generated by the proposed development, requiring an additional 937 items of lending stock (plus reference, audio visual and homework support material), and a contribution of £8,150 towards library services is therefore requested by the County Council. The applicant is agreeable to making the library contributions sought for the purposes of the planning application, but indicates that a different position may be taken in the event that the matter is the subject of an appeal.

Civic Amenity

Leicestershire County Council advises that an additional 74 tonnes of municipal waste are anticipated to be generated annually by the proposed development, and a contribution of £17,653 towards additional facilities at the Coalville Civic Amenity site is therefore requested by the County Council. The applicant is agreeable to making the civic amenity contributions sought for the purposes of the planning application, but indicates that a different position may be taken in the event that the matter is the subject of an appeal.

Children's Play, Public Open Space and National Forest planting

Policies L21 and L22 of the adopted Local Plan require the provision of children's play areas and formal recreation open space respectively; these requirements are also reflected in Policy IF3 of the submitted Local Plan and the District Council's Play Area Design Guidance SPG.

The submitted development framework plan shows a significant proportion of the site given over to landscaping, retained and proposed tree / hedgerow planting and other open space, with the open space including an on-site equipped children's play area. In terms of the extent of the equipped parts of the play area, on the basis of the illustrative details, this is indicated on the illustrative development framework plan as being approximately 1,600 square metres in area. Under the Local Planning Authority's Play Area Design Guidance SPG, children's play areas should be provided at a rate of 20 square metres per dwelling. Therefore, for a development of, say, 270 dwellings, an area for children's play of 5,400 square metres would normally be required. Whilst this would represent a significant shortfall in this regard, the extent of the "play area" in its general terms (which is the figure to which the SPG relates) is normally calculated in its wider sense and the development framework plan indicates a "wider" play area of 5,200 square metres. When taking into account the other landscaped open space in the immediate vicinity of the equipped play area, the minimum requirements of the SPG would be comfortably met. Overall, the illustrative material indicates that approximately 48% of the site would be given over to green infrastructure (and including public open space, landscaping and National Forest planting).

Insofar as the requirements relating to formal recreation open space / sports pitches are concerned, the submitted development framework plan indicates that this would be provided by way of off-site contribution, and the applicant has indicated that, subject to the relevant open space authority (i.e. Whitwick Parish Council) confirming that a contribution would be required in order to accommodate the proposed development, it would be willing to make such a contribution (albeit subject to what exactly was sought by the Parish Council). At the time of preparing this report, confirmation of any requirement was awaited from the Parish Council.

The submitted development framework plan also indicates that, as part of the overall open space proposals, provision of allotments would be made by way of off-site contribution. Again, Whitwick Parish Council's response on this issue is awaited and, as per sports pitch provision above, the applicant has indicated that, subject to the Parish Council confirming that the contribution would be required, it would be willing to make it (and, similarly, subject to agreement over the exact nature of any contribution as sought by the Parish Council).

Insofar as National Forest planting is concerned, the National Forest Company notes that, for a development of this scale, 30% of the site (i.e. 4.52ha) would be required to be provided as woodland planting and landscaping and, at 3.27ha, the scheme shown on the development framework plan would fall short in this regard. However, having regard to other open space and SUDS measures proposed, the National Forest Company accepts that the proposals are acceptable overall in this regard and raises no objections subject to a minimum of 3.27ha of woodland planting being provided, and subject to the proposed play area being of a "natural" / timber format as set out in the submission.

Overall in terms of public open space and other green infrastructure, therefore, subject to the satisfactory provision of the measures proposed (and including any off-site formal recreation open space and allotment contributions as may be identified and demonstrated as necessary by the Parish Council), the proposals are considered acceptable.

Healthcare

West Leicestershire Clinical Commissioning Group (CCG) requests a developer contribution of £47,157.43 in respect of healthcare as set out in the consultation response above. This request has been supported by detailed information setting out the projected impacts on capacity arising from the proposed development (with the principal impacts being on the Ibstock House, Whitwick Road, Broom Leys and Whitwick Health Centre surgeries) together with commensurate costs of mitigation. The applicant is agreeable to making the healthcare contributions sought for the purposes of the planning application, but indicates that a different position may be taken in the event that the matter is the subject of an appeal.

Insofar as the various developer contributions are concerned, the view is taken that, save where indicated otherwise above, the proposed obligations would comply with the relevant policy and legislative tests as set out in the NPPF and the CIL Regulations.

Overall Planning Balance, Contribution to Sustainable Development and Conclusions

As set out within the report above, the proposed development would conflict with the policies of both the adopted and submitted North West Leicestershire Local Plans and, in particular, in respect of Policies S3 (of both Local Plans) which presume against non-essential development within the countryside. Whilst the site also lies within a Green Wedge as set out in the adopted Local Plan, for the reasons set out above, it is not considered that significant weight ought to be attached to the resulting conflict with adopted Policy E20. However, the proposals' conflict with Policies S3, particularly when considered in the context of the resulting landscape and visual impacts, would be harmful.

Having regard to the three dimensions of sustainable development, it is accepted that the proposals would sit well in terms of the economic role insofar as it would make a positive contribution to economic growth associated with the proposed development, would result in a New Homes Bonus for the local authority (identified by the applicant as being £2.5m over a six year period) and, subject to appropriate contributions to local services being made (and subject to an appropriate form of mitigation for the impacts on the local highway network), would be accompanied by the provision of infrastructure. Having said that, however, it is acknowledged that the economic benefits which would accrue would not only be achievable by the development of this site; there is no reason to suggest that they could not equally be achieved by the development of other sites within Limits to Development or allocated for residential development in the Local Plan.

Insofar as the social dimension is concerned, whilst the development would (again, like other sites) bring the benefit of providing additional housing, and whilst the need to boost housing supply is a key message of the NPPF, the District currently has a five year supply of housing land, and the weight to be afforded to the benefit of boosting supply as a material consideration ought to be adjusted accordingly. The scheme would also deliver a 20% affordable housing contribution which would be a positive in respect of this dimension of sustainable development, as would the associated provision of public open space and other green infrastructure, together with the proposed car park area to serve the existing primary school. Whilst the proposed car park could be considered to represent a community benefit (and even when putting the concerns as raised by the Local Education Authority and as set out under Means of Access, Highways and Transportation Issues above to one side), it is not considered that this benefit would be so significant as to warrant more than limited weight to be attached to its provision.

For the reasons set out under Design above, the development would be considered to perform poorly in respect of the social dimension insofar as the requirement of creating a high quality built environment is concerned.

In terms of the environmental dimension, however, for the reasons set out within the report, whilst the proposals have the potential to perform well in terms of need to travel and the movement towards a low carbon economy, they would be considered unacceptable given the impacts on the countryside, the design concerns referred to above, and the potential impact on non-designated heritage assets.

Under the approach set out in Paragraph 14 of the NPPF, it is necessary to determine whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of doing so; for the reasons set out above, it is considered that they would. Similarly, under Paragraph 12 it is noted that the proposals would conflict with the development plan and, when taking into account other material considerations and the weight to be attached to them in this instance, it is not considered that these ought to outweigh the policy conflict. Refusal is therefore recommended.

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

- 1 Paragraph 7 of the National Planning Policy Framework (NPPF) defines sustainable development (and including its environmental dimension) and also provides that the planning system needs to perform an environmental role, including in respect of protecting and enhancing our natural environment and using natural resources prudently. Paragraph 17 provides that planning should recognise the intrinsic character and beauty of the countryside. The site falls outside Limits to Development as defined in both the adopted and submitted North West Leicestershire Local Plans; Policies S3 of both the adopted and submitted Local Plans set out the circumstances in which development outside Limits to Development would be acceptable. The proposed development would not meet the relevant Local Plan criteria for development outside Limits to Development. Approval of the development would therefore result in the unnecessary development of land located outside Limits to Development with associated significantly adverse landscape and visual effects, not constituting sustainable development, and contrary to the policies and intentions of the NPPF and Policies S3 of both the adopted and submitted North West Leicestershire Local Plans.
- 2 Paragraph 7 of the National Planning Policy Framework (NPPF) defines sustainable development (and including its social and environmental dimensions) and also provides that the planning system needs to perform social and environmental roles, including in respect of creating a high quality built environment, and contributing to protecting and enhancing our built environment. Paragraph 56 provides that good design is a key aspect of sustainable development and Paragraph 64 provides that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Policies E4 and H7 of the adopted North West Leicestershire Local Plan require new development to respect the character of its surroundings and that good quality design will be sought in all new housing development and Policy D1 of the submitted North West Leicestershire Local Plan provides that the District Council will support well designed developments that, as a minimum, offer a good standard of design. The application as submitted does not demonstrate that the development proposed would be of a good standard of design,

not constituting sustainable development, and contrary to the design and built environment aims of the NPPF, the provisions of Policies E4 and H7 of the adopted North West Leicestershire Local Plan and Policy D1 of the submitted North West Leicestershire Local Plan.

- 3 Paragraph 7 of the National Planning Policy Framework (NPPF) defines sustainable development (and including its social and environmental dimensions) and also provides that the planning system needs to perform social and environmental roles, including in respect of supporting the community's cultural well-being, and contributing to protecting and enhancing our historic environment. Paragraph 128 provides that, where a site on which development is proposed has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation and Paragraph 135 requires that the effect of an application on the significance of a non-designated heritage asset be taken into account in determining the application. Policy He1 of the submitted North West Leicestershire Local Plan requires, amongst others, that proposals for development demonstrate a clear understanding of the significance of heritage assets and that they would not result in harm to those assets. The application as submitted does not include sufficient information to demonstrate that non-designated heritage assets would not be affected (and, accordingly, whether any harm would result to any such assets and, if so, the scale of any harm to them, and the assets' significance). Approval of the proposals could therefore result in unacceptable harm to non-designated heritage assets, not constituting sustainable development, and contrary to the historic environment aims of the NPPF and Policy He1 of the submitted North West Leicestershire Local Plan.

Notes to applicant

- 1 Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Local Planning Authority acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The Local Planning Authority has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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Reserved matters application for the erection of 3 no. dwellings following outline planning permission 16/00198/FUL (Matters for approval: access, appearance, landscaping, layout and scale)

Report Item No
A2

Land West Of 67 Loughborough Road Coleorton Coalville
Leicestershire LE67 8HJ

Application Reference
17/00427/REM

Applicant:
Mr M Specht

Date Registered:
10 April 2017

Case Officer:
Rob Duckworth

Consultation Expiry:

17 May 2017

8 Week Date:

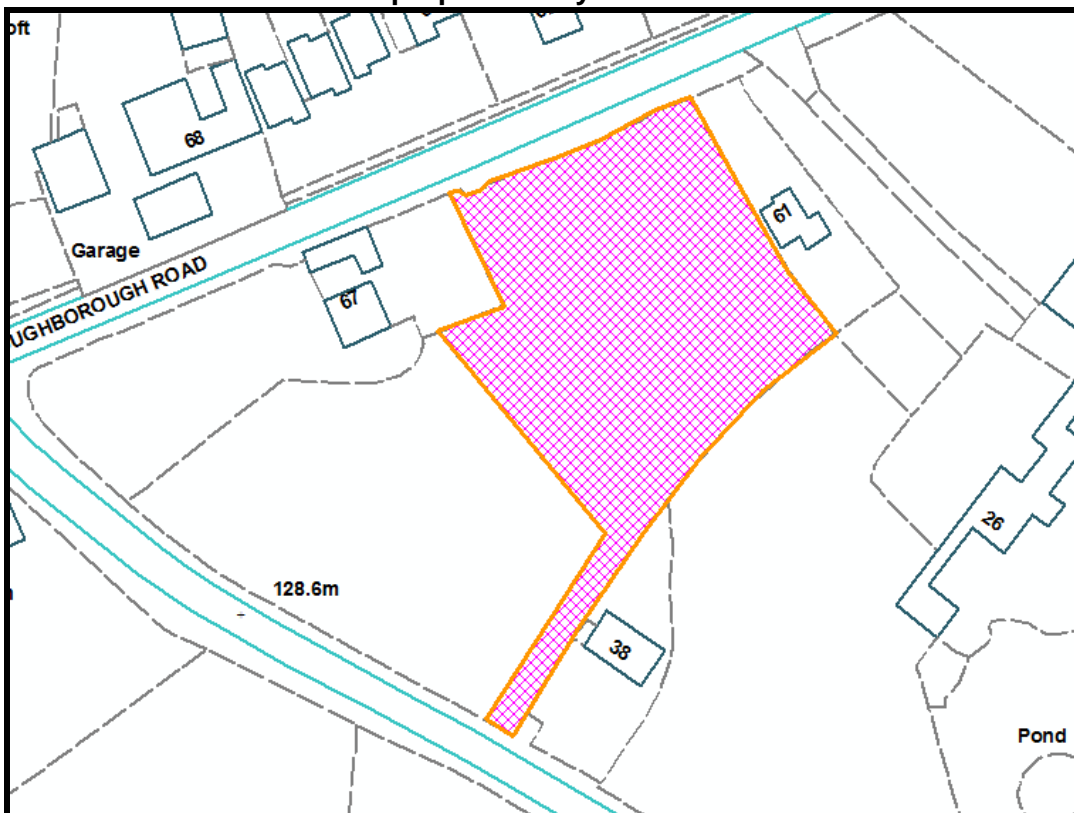
5 June 2017

Recommendation:
PERMIT

Extension of Time:

3 August 2017

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application is brought to the Planning Committee as the applicant (Councillor Specht) is a serving member and contrary representations to the recommendation to permit the application have been received.

Proposal

The application is the reserved matters application following outline consent and seeks approval for the appearance, layout, scale, internal access and landscaping in connection with the erection of three detached dwellings on the south-eastern side of Loughborough Road between nos. 61 and 67 Loughborough Road. The principle of development and the access point off Loughborough Road have been established by the granting of outline permission 16/00198/OUT with only the other reserved matters for consideration in this application.

Consultations

A total of 3 no. individual representations have been received with all of those representations opposed to the development. Swannington Parish Council has also objected to the development. There are no objections from other statutory consultees.

Planning Policy

The principle of development was established with the granting of Outline Permission 16/00198/OUT and this reserved matters proposal has been assessed against other relevant paragraphs of the NPPF and policies of the adopted and submitted local plans.

The Reserved Matters

The appearance, layout, scale, internal access and landscaping of the scheme are to be approved in this application. The layout, scale and general appearance of the scheme was broadly approved by the discharge of condition 4 of 16/00198/OUT which required a design brief to be agreed prior to the submission of the reserved matters. The details submitted are considered acceptable with officers having negotiated various amendments.

Conclusion

Whilst the three dwellings would not respond directly to the characteristics of the area in terms of appearance they maintain the general spatial pattern by fronting onto Loughborough Road and being consistent with the building line of Nos. 61 and 67 Loughborough Road. Whilst there is the inclusion of a front garage, discouraged by the outline application, it has been sited and designed in such a way to minimise its impact and will not be read as incongruous within the street scene.

Subject to the imposition of conditions, and notes to the applicant, on any consent granted it is considered that the development proposal would allow for manoeuvring of vehicles and car parking within the site. Access onto Loughborough Road has been established with the matter of a crossing point, and other matters, conditioned as part of the outline permission. In these circumstances the development would be compliant with the NPPF as well as saved Policies T3 and T8 of the adopted Local Plan, Policies IF4 and IF7 of the submission Local Plan and the 6Cs Design Guidance.

Amenity for the existing neighbours adjoining the site and for the future occupants of the site have been assessed and it is considered that there will be no significant overlooking,

overshadowing, overbearing impacts nor loss of outlook in accordance with adopted Local Plan Policy E3, submission Local Plan Policy D2 and the NPPF.

As the site lies within Flood Zone 1, and is also not in a critical surface water drainage area, it is considered that any surface water drainage solution would not exacerbate any localised flooding impact with the plans highlighting that the individual dwellings would seek ways of recycling rainwater and grey water.

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 recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

The application is the reserved matters application following outline consent and seeks approval for the appearance, layout, scale, internal access and landscaping in connection with the erection of three detached dwellings on the south-eastern side of Loughborough Road between Nos. 61 and 67 Loughborough Road. The 0.38 hectare site is on land outside the defined Limits to Development as well as upon land designated as Green Wedge under Policy E20 of the adopted North West Leicestershire Local Plan. The principle of development and the access point off Loughborough Road have been established by the granting of the outline permission 16/00198/OUT with only the other reserved matters for consideration in this application. Members are advised that whilst the site has a postal address of Coleorton and is within the Parish of Swannington, it does not fall within the boundaries of these settlements and is more closely related to the settlement of Peggs Green.

The site plan submitted shows that the three dwellings would be served by the one vehicular access point formed off Loughborough Road, as approved at the outline stage, with internal drives leading to each property, each with double garages. The layout and scale are similar to that agreed at the outline stage, although slightly larger, and this design concept was approved by a discharge of Condition 4 of the outline permission which required a design brief to be submitted for approval. The style of the proposed dwellings has also changed to a more modern appearance, again, this was approved via Condition 4 of the outline permission. The landscaping proposed involves the planting of trees, shrubs and hedges, and the inclusion of a wetland area to the rear of the site for ecological purposes.

In respect of the recent and relevant planning history of the site, this would be as follows: -

- 16/00198/OUT - Erection of three dwellings (Outline - Access for approval all other matters reserved); Approved at Planning Committee 13th May 2016.

2. Publicity

22 Neighbours have been notified (date of last notification 11 April 2017).

Site Notice displayed 12 April 2017.

Press Notice published Leicester Mercury 19 April 2017.

3. Summary of Consultations and Representations Received

LCC Ecology - No objection subject to conditions relating to detailed design and implementation of wetland area.

LCC Highways Authority - No objections subject to conditions.

LCC LLFA - Additional information was supplied by the applicant but the LLFA consider that it does not contain sufficient detail to determine the application. More information from the applicant has been requested. Any further comments will be reported on the update sheet.

Severn Trent Water - No representation received.

National Forest - No representations received.

Swannington Parish Council - Objection as per previous objection:

- The site is outside the Limits to Development;
- Nothing has changed on the site since the previous application refused in 2012 and dismissed on appeal apart from the number of dwellings proposed;
- The site is part of Swannington Parish and not Coleorton nor Peggs Green so the fact that Peggs Green would only remain sustainable should the development be approved is wrong;
- Development is not in accordance with Policy S3.

Third Party Representations

Three individual representations objecting to the application have been received and the concerns raised are summarised as follows: -

- Flooding and drainage issues exist on the site - proposals will worsen the situation.
- Who will maintain the pond?
- Highway safety - crossing place / traffic island issues.
- Not in accordance with outline plans.
- Not consulted on the discharge of condition for the Design Brief
- Garage located to the front despite informative on outline permission.
- Visual design - its form is not suitable.
- All vegetation and trees have been removed and at the incorrect time.
- Proposed dwellings are too large.
- Inclusion of roof lights.
- Inclusion of a flat roof.
- Terraced appearance.
- Amenity - overlooking, overshadowing and overbearing impacts.
- Site will impact on Green Belt

4. Relevant Planning Policy

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 and submitted Local Plans as listed in the relevant sections 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:

6. Delivering a wide choice of high quality homes
7. Requiring good design
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment

Adopted North West Leicestershire Local Plan (2002) Saved Policies

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

Saved Policy E3 - Residential Amenities

Saved Policy E4 - Design
Saved Policy E7 - Landscaping
Saved Policy E20 - Green Wedge
Saved Policy E26 - Sites of County or District Ecological or Geological Interest
Saved Policy F1 - General Policy; National Forest
Saved Policy F2 - Tree Planting
Saved Policy F3 - Landscaping and Planting
Saved Policy T3 - Highway Standards
Saved Policy T8 - Parking
Saved 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.

Policy S3 - Countryside
Policy D1 - Design of New Development
Policy D2 - Amenity
Policy H6 - House Types and Mix
Policy IF4 - Transport Infrastructure and New Development
Policy IF7 - Parking Provision and New Development
Policy En1 - Nature Conservation
Policy En3 - The National Forest
Policy En6 - Land and Air Quality
Policy Cc2 - Water - Flood Risk
Policy Cc3 - Water - Sustainable Drainage Systems

National Planning Practice Guidance

6Cs Design Guide (Leicestershire County Council)

5. Assessment

Principle

The principle of development on this site for residential purposes was established by the grant of the outline planning permission 16/00198/OUT. The outline permission approved matters relating to access from Loughborough Road. This is a submission for reserved matters approval, therefore, the present application essentially seeks to provide a greater level of detail in relation to the layout, scale, appearance, internal access and landscaping of the development. Assessment of this application should therefore relate to the visual and residential amenity implications of the particular scheme proposed under this reserved matters application; issues relating to the principle of the development are not relevant to this application.

Layout, Scale and Appearance

The submitted scheme for the three houses on the site directly relate to the design brief

approved under Condition 4 of 16/00198/OUT. The properties have a distinct building line concordant with that of the houses flanking the site. The spatial pattern is also roughly maintained - detached dwellings in quite generous plots set back from the road. No. 67 Loughborough Road exhibits a plot with three buildings, one of which is forward of the main house close to the edge of the road and the houses on the other side of Loughborough Road have a staggered building line. The proposed layout of the building respects this mix by having a slightly staggered building line.

The scale of the properties is proportionate to many houses in the vicinity which have mixed footprint sizes and eaves and ridge heights. Any increase in scale over existing properties in the vicinity is marginal and will not be significantly noticeable particularly considering the houses will be set back approximately 26m from the edge of Loughborough Road and set low in the plot based on the sloping topography of the site.

Whilst there was an informative on the outline permission advising that from a design perspective no detached garages should be provided to the frontage of any of the proposed plots, a garage to the front of Plot 3 has been provided regardless. Informatives do not carry any weight on a decision notice and provide guidance to the applicant. The indicative outline plans showed a garage to the front of Plot 1 but in the reserved matters submission, the location of the garage is to the front of Plot 3. This location is considered to be acceptable based on the variety of buildings along Loughborough Road, in particular No. 67 which has buildings very close to the edge of the road, it is not considered that the inclusion of the garage would detract from the general character of the area. Furthermore, the garage will be set back from Loughborough Road by over 17m and screened by the proposed planting to the front of the site. The design of this garage has been amended following negotiations to hip the roof on all sides resulting in a pyramidal roof; minimising its massing and impacts.

Plot 2 has been handed with the garage position swapping sides; this followed a request from officers to break up the rather extensive ridge line running from Plot 1 and 2 which had a look more akin to a row of terraces than semi-detached dwellings. The handing of the plot has alleviated the issue and resulted in an improved form of development.

The design of the proposed houses is much more modern than can be seen in the vicinity along Loughborough Road but paragraph 60 of the NPPF states *"Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness."* It is considered that the proposed dwellings are not so modern as to contrast significantly. The design maintains the general shapes and proportions of the dwellings in the vicinity but imparts a more modern style to the exterior; this will add to the character of the area and the local distinctiveness as promoted by the NPPF. The final colour palette and materials will be conditioned but the submitted plans are coloured giving some indication of the final finish expected.

The inclusion of roof lights is not significant and will not affect the overall impact of the development. The inclusion of a flat roofed element to the rear of the houses is considered acceptable.

Based on the above it is considered that the layout, scale and appearance of the proposed development would be acceptable and the proposal complies with adopted Local Plan Saved Policies E4 and H7, submitted Local Plan Policies S3, D1 and H6 and the NPPF.

Internal Access and Parking

Only the access from Loughborough Road was granted at the outline stage. This application deals with the internal access and car parking provision. Internally there will be private drives served from the single access from the road. These produce sufficient manoeuvring room for the properties to allow for exit in a forward gear without resulting in any safety issues. Parking is provided for each property in the form of a double garage and external parking spaces. The number of spaces provided for each house is at least four with the potential for more on Plots 1 and 2. The parking and garage sizes are appropriate to meet modern standards and no objections have been received from County Highways who only wish to condition the completion of the access and parking areas prior to the occupation of the houses.

There has been concern from the third party representations received that the issue of the crossing place on Loughborough Road has not been properly addressed. This matter is dealt with by Condition 7 of the outline permission which calls for details to be submitted prior to the works commencing.

Based on the above it is considered that the proposal is acceptable and accords with Policies T3 and T8 of the adopted Local Plan and Policies IF4, IF7 of the submitted Local Plan, the 6Cs Design Guide and the NPPF.

Flooding and Drainage

The site lies within Flood Zone 1 and is not identified as a site with a critical drainage issue on the Environment Agency's Surface Water Flooding Map and details of drainage would be dealt with under separate legislation.

As the amount of hard surfacing is to increase significantly, the risk of surface water run-off increases. Initially, the LLFA have objected to the proposals based on the lack of detail submitted but further details were submitted during the course of the application. These additional details were further assessed by the LLFA who maintain their objection on lack of sufficient detail. More information has been requested of the applicant. The level of detail requested should be reasonably forthcoming and it is expected that matter can be sufficiently resolved. Should the requested detail and/or the formal response of the LLFA not be available for Members' consideration it is considered that a condition relating to the matters would suffice and would allow for the issue to be resolved prior to the commencement of any works. Subject to their comments it is considered that with the methods proposed the surface runoff from the site will be minimised and will not result in any issues. Insofar as foul drainage is concerned, it is indicated on the application forms that this would be discharged to the main sewer with such discharge being agreed with Severn Trent Water under separate legislation. Severn Trent Water have not raised an objection to the application and therefore this means of foul drainage is considered appropriate and would ensure compliance with Paragraph 120 of the NPPF.

Concern has been raised by the landowner to the rear of the site who has chronic problems with drainage from the site and surrounding area, with the inclusion of the wetland area a cause of concern. The full details of this wetland area including its management, maintenance and drainage flows will be conditioned to ensure that there are no adverse impacts resulting from this area.

Based on the above it is considered that the proposal is acceptable and accords with submitted Local Plan Policies Cc2 and Cc3.

Landscaping

The proposed landscaping scheme involves the planting of trees, shrubs and hedges to bolster

the development and to add to the trees retained on site and around its periphery as well as replacing the hedgerow fronting Loughborough Road. The trees detailed are of an acceptable mix and are to be substantial specimens which will add maturity upon planting rather than whips that will take many years to contribute to the site. Whilst several of the existing trees on the front and within the site are or have been removed, the proposed scheme will help to screen the development and complement its form.

The hard landscaping is proposed to be high quality with granite setts to the main access and paving across the internal access and drives. Slabs are proposed around the houses and patios all edged appropriately. Boundary treatments are to be dealt with by Condition 6 of the outline permission but they are outlined on the submitted plans as low brick wall with piers, and 1.8m high timber fencing.

To the rear of the site is a dedicated wetland area to help increase the biodiversity of the site. This is not a balancing pond. Details of the wetland area and how it will be drained will be conditioned as part of this application if approved. A method and maintenance schedule has been conditioned by Condition 14 of the outline permission. As wetland areas are a sensitive matter the precise details were not requested in this application directly; the use of a condition will allow for tighter control and a more successful wildlife area.

Based on the above it is considered that the landscaping part of this application is acceptable and accords with adopted Local Plan Policies E7, F1, F2 and F3, submitted Local Plan Policies En1 and En3, and the NPPF.

Impact on Residential Amenities

It was determined under the outline permission that due to the positioning of the proposed development and its relationship with the surrounding properties, it was unlikely that the new dwellings would have a significant impact on the amenities of occupiers of nearby properties in terms of loss of light, privacy or overbearing impacts. Nevertheless, with the submission of greater details relating to the design and scale of the dwelling the impact of the development on the occupiers of neighbouring properties can be assessed in more detail.

The application site is situated between two-storey residential dwellings of No's. 67 and 61 Loughborough Road. No. 61 does have a window to the side gable facing the site but this does not serve a habitable room and any loss of light to this window and the plot as a whole has been mitigated by the inclusion of hipped roofs to the house and the garage as well as being sited in-line with the neighbouring property so as to minimise the presence of stark walls to the front or rear gardens. The shadow paths of the plots have been assessed and it is considered that whilst some overshadowing will occur it will be limited and not significant enough to warrant a refusal of the application. Any light lost will be mainly in the front garden of the neighbouring property on winter afternoons. The house at No. 61 itself will block most of its own light in the later afternoon and evenings. The garage to the front of Plot 3 will have the most impact on No. 61 although, as mentioned the roof has been designed so as to not result in significant overshadowing and overbearing effects. Furthermore the existing hedge between the properties is to be maintained which will provide some screening of the proposed development from the neighbouring site.

On the other side, at No. 67, the main impacts will be from Plot 1 although between the two is an existing detached garage which will aid in separating the two properties, provide some screening and obscure the views. Furthermore, there are no habitable room windows proposed to the front of Plot 1 and the closest window will be an obscure glazed en-suite window.

Having reviewed the impact of the proposal in detail, it is considered that the proposed dwellings would not significantly affect the amenities of occupiers of the neighbouring properties in terms of loss of light, privacy overbearing impact nor outlook. It is also deemed that there would be sufficient distance between the proposed dwellings and the existing properties so as not to result in any significant overbearing, overlooking or overshadowing impacts for the future occupiers of the proposed dwellings.

It is therefore considered that the proposal would comply with the provisions of adopted Local Plan Policy E3, and submitted Local Plan Policy D2.

Conclusion

The principle of development on this site for residential purposes was established by the grant of the outline planning permission. The layout, scale, appearance, internal access, landscaping and drainage of the development is deemed to be acceptable and would complement the existing streetscape and would accord with adopted Local Plan Policies E4, E7, H7, F1, F2, F3, T3 and T8, submitted Local Polices S3, D1, H6, En1, En3, IF4, IF7, Cc2 and Cc3, the 6Cs Design Guide and the NPPF. It is also considered that the proposal would be acceptable in relation to residential amenities of existing and future occupiers and as such would accord with adopted Local Plan Policy E3 and submitted Local Plan Policy D2. It is therefore recommended that the application be permitted.

It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to the following conditions;

- 1 Outline conditions
- 2 Approved plans
- 3 Materials
- 4 Drainage
- 5 Wetland area details
- 6 Landscaping
- 7 Levels
- 8 Obscure glazing of relevant windows
- 9 Parking provision
- 10 Removal of permitted development rights

Change of use to mixed residential and dog grooming
business operating from new shed

Report Item No
A3

17 Briton Lodge Close Moira Swadlincote Derby DE12 6DD

Application Reference
17/00475/FUL

Applicant:
Miss Vanessa Harkin

Date Registered:
18 April 2017

Case Officer:
Eleanor Overton

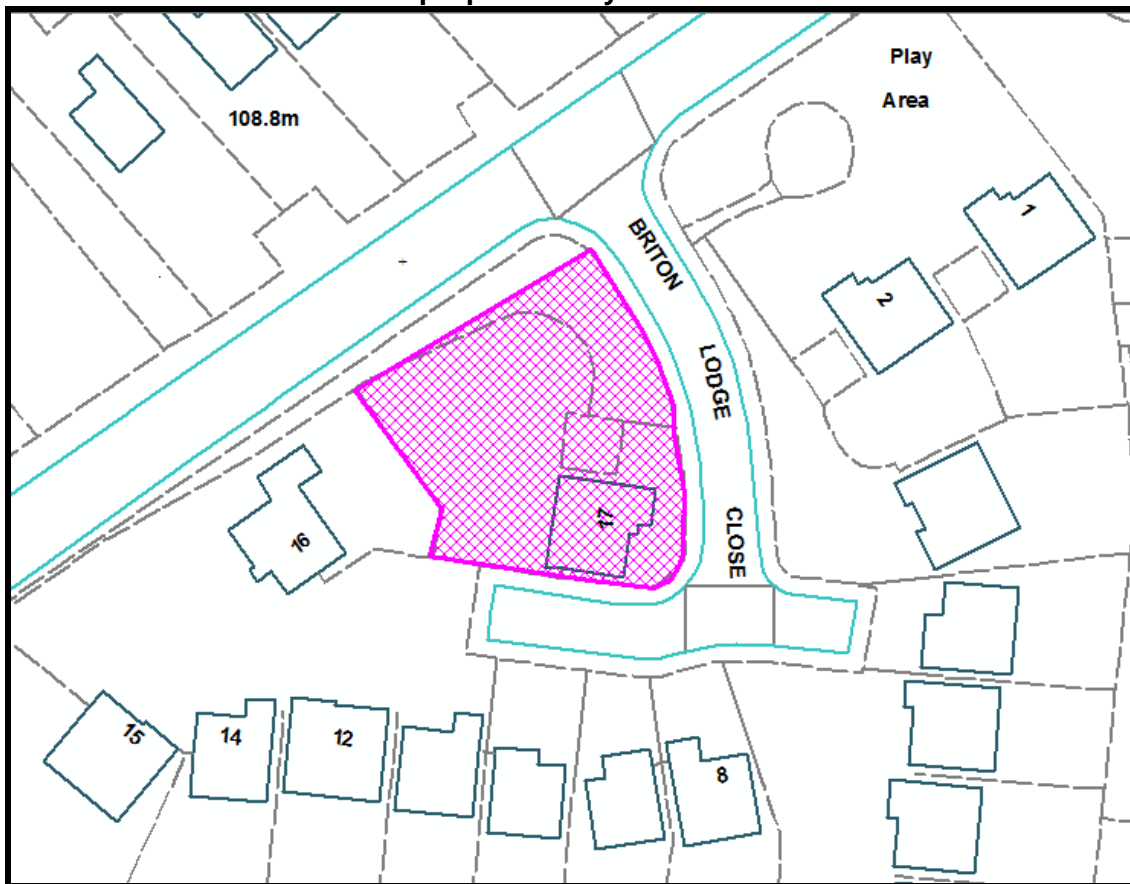
Consultation Expiry:
11 July 2017

Recommendation:
PERMIT

8 Week Date:
13 June 2017

Extension of Time:
13 July 2017

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 has been called in by Councillor Bridges on highway grounds and the impact on neighbours' amenities.

Proposal

Planning permission is sought for the change of use from residential to mixed use, residential and business, to allow for a dog grooming business to operate from a new shed, which replaces an existing structure, within the curtilage of 17 Briton Lodge Close, Moira.

Consultations

Four letters of objection have been received. Ashby Woulds Town Council has no objection but has commented that there should be sufficient off road parking provided. There are no objections raised by other statutory consultees.

Planning Policy

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

Conclusion

The site lies within Limits to Development where the principle of the development is acceptable.

The development by reason of its scale and design would be in keeping with the character of the area and would not have any significant detrimental impact on the amenities of neighbours in terms of overbearing, overshadowing or overlooking impacts. Furthermore the use proposed would not have any materially harmful impacts in terms of noise and disturbance or highway safety and would preserve the integrity of the River Mease SAC in accordance with Paragraph 118 of the NPPF and the Habitats Regulations and Circular 06/05 and no other issues have been identified that would make the application unacceptable.

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

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 change of use of a shed to accommodate a dog grooming business at 17 Briton Lodge Close, Moira. The application site is located in a residential area within the defined Limits to Development.

The shed would be situated within the rear garden of the host dwelling, to the north west of the garage. The exact position and dimensions of the shed are illustrated on the submitted plans. The shed itself however would not require planning permission.

The shed would be accessed via the existing pedestrian access gate, situated between the existing dwelling and detached garage.

The application form states that the proposed dog grooming business would operate between the hours of 09.00 and 17.00 Monday to Friday and between 8.00 and 12.00 on Saturday. The form further states that the use will require 1 employee, the applicant.

The proposal would use the existing parking spaces provided both within and to the front of the double garage. Given the nature of objections received, the applicant has been requested to provide further clarification in relation to the parking provision on site and the requirements of the proposal. In response, the applicant has stated that there are three usable spaces on site, one within the garage and two to the front of it. It has further been clarified that during the opening hours proposed, one car will be off site and the remaining car is linked to the business use proposed, as such there would be two off road parking spaces remaining. In relation to the nature of the use, it has been stated that customers would only drop off and collect, staying a maximum of 5 or 10 minutes and there would be only 1 customer at any one time.

The applicant has also provided a supporting statement. This explains that initially off site premises were sought, however there were no premises in suitable locations that would be financially viable for the business. As such the decision was made to operate from a shed at the application site. It is further stated that the proposed business is a small single person venture, which will cater for one dog at a time. In relation to the disposal of waste, it is stated that water from dog washing will be approximately 25ltrs per day and that this will be collected in a closed container and disposed of via the main house foul water waste system. Disposal of dog hair/nail clippings will be via the local land fill facility.

Relevant Planning History:-

There is no relevant planning history relating to this site, the only history relates to works to TPO protected trees.

2. Publicity

19 Neighbours have been notified (date of last notification 24 April 2017)
Site notice posted 24 April 2017.

3. Summary of Consultations and Representations Received

No objection subject to the imposition of conditions have been received from Severn Trent Water Ltd.

No objection has been received from NWLDC Environmental Protection.

The County Highway Authority has referred to Standing Advice and stated that parking requirements should be considered.

Ashby Woulds Town Council has not objected to the application, but has stated that there should be adequate off road parking provision for customers.

Four letters of neighbour representation have been received, these raise the following issues:-

- The use would result in increased traffic congestion which will result in further disruptions to the area.
- The proposed use would lower the tone of the neighbourhood and would detrimentally effect property prices
- Allowing this use would set a precedent that would allow other businesses to operate from home in an exclusively residential area.
- Concerns over the manoeuvrability of vehicles within the area, which already suffers from congestion as a result of high levels of on street parking. Two off road parking spaces should therefore be provided to overcome this.
- There is inadequate parking provision both on and within the vicinity of the site and the cul-de-sac is already congested.
- The business use proposed is not acceptable within the residential area.
- Concerns over noise and pollution as a result of increased traffic, car doors slamming and dogs barking.
- Potential highway safety issues as a result of children playing in the area.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework

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

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

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

Paragraph 14 (Presumption in favour of sustainable development)

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 adopted 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

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
D1 - Design of New Development
D2 - Amenity
IF7 - Parking Provision and New Development
EN2 - River Mease Special Area of Conservation

Other Policies/Guidance

National Planning Practice Guidance - March 2014.
The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations').
Circular 06/05 (Biodiversity and Geological Conservation - Statutory obligations and their impact within the planning system.
River Mease Water Quality Management Plan - August 2011.

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

5. Assessment

The main issues for consideration in the determination of this application relate to the principle of development, scale and design, impact upon residential amenities, highway considerations and impact upon the River Mease Special Area of Conservation/SSSI.

Principle of Development

The site is located within Limits to Development, as defined by the adopted Proposals Map 2002 and within the Limits to Development on the Policy Map to the submitted Local Plan, where the principle of a small scale business operation within the curtilage of a dwelling would be acceptable, subject to all other planning matters being addressed.

Scale and Design

The need for good design in new 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 proposed shed would be situated within the rear garden of the application property. Due to its siting, scale and design it would have no harmful impacts on the character of the area and would not be prominent within the street scene.

Overall therefore the proposed shed is considered to be compliant with Saved Policy E4 of the adopted Local Plan and Policy D1 of submitted Local Plan.

Impact upon Residential Amenity

The application property comprises the end dwelling on the cul-de-sac and the proposed shed in which the dog grooming would take place would be situated to the northern side of the existing detached garage. The closest property, and that most likely to be affected would therefore be No. 16 Briton Lodge Close (to the west). In terms of noise and disturbance however, as a result of vehicles movements, all dwellings on Briton Lodge Close could be impacted upon.

As a result of the single storey nature of the proposal and its separation distance from No.16 Briton Lodge Close, it would not result in any materially harmful impacts in terms of overshadowing or privacy and it would not be overbearing.

In terms of noise and disturbance, the information accompanying the application states that only one customer would attend the property at any one time, that the business operations would be restricted between the hours of 9am - 5pm Monday to Friday, 8am - 12pm on Saturdays and that there would be no working on Sundays or bank holidays.

Vicarious issues in relation to impacts on residential amenity have been raised within the letters of representation. As such, impacts on residential amenity must be carefully considered.

As a result of the business operations themselves, given their minor scale (one dog at a time and restricted size of premises) they would not result in any materially harmful impacts in terms of noise and disturbance.

In terms of disturbance associated with comings and goings, there would be further visitors to the property, and some visits would be outside of 'standard' working hours. As the host property is situated on a small cul-de -sac, which becomes congested as a result of high levels of on street parking, it is considered reasonable to impose a condition further restricting the hours of operation. In order to safeguard residential amenity the business activities shall be restricted between the hours of 9am - 4.30pm Monday to Friday and there shall be no weekend or bank holiday working.

Subject to the imposition of this condition, the level of potential disturbance is not considered to result in a material level of harm.

Overall, it is considered that the development would not have any significant detrimental impacts upon the amenity of neighbouring residential properties and the proposal is considered to be acceptable in relation to Saved Policy E3 of the adopted Local Plan and D2 of the submitted Local Plan.

Highway Considerations

A number of concerns have been raised within the letters of representation on grounds of highway safety.

Further details have been requested from the applicant to clarify the existing parking provision. It has been stated that there would be three usable spaces on site, one within the garage and two to the front of it. Furthermore, in relation to the nature of the use, the applicant has explained that customers would only drop off and collect, staying a maximum of 5 or 10 minutes, and there would be only 1 customer at any one time.

Given the nature and minor scale of the proposed business, the associated increase in vehicle movements are not considered material. Furthermore, given that the hours of operation would be restricted by way of condition, the business operations would only take place during quieter times of the day. On this basis the existing level of parking provision is considered to be adequate to cater for the intended use.

In relation to the concerns raised surrounding congestion, as only one customer would visit the property at one time, this would not lead to a build-up of vehicles in the surrounding area and would have at worst, a negligible impact on on-street parking. The County Highway Authority have commented that parking provision should be considered. This has been done and on the basis of the three spaces provided, is considered to be adequate.

It is considered that the development would not have any significant impact upon highway safety or parking provision and the scheme is acceptable in relation to Saved Policies T3 and T8 of the adopted Local Plan and Policy IF7 of submitted Local Plan.

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

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

The development proposed would result in an increased water usage of around 25 litres per day.

The average volume to mains from a 1 bed dwelling is 140.4 litres, from a 2 bed is 206.4 litres, from a 3 bed is 278.4 litres and from a 4 bed is 388.8, based on Table F4 of DCS2 calculations.

Given that the scale of the development proposed would be relatively minor, and based on the above average volumes and the fact that there is no control over the number of people who can occupy a house or the ancillary activities which could take place, which could result in a far higher water usage; it could not be demonstrated in this case that the proposal would result in increased foul drainage discharge from the property.

The proposed shed would replace an existing structure and would accommodate an existing slabbed area. Although the replacement shed would be marginally larger than that existing, it would not be likely to lead to a significant increase in surface water run-off. As such no mitigation/condition is required to manage surface water run-off in this case and the integrity of the River Mease SAC would be preserved.

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

Other Issues

Within the letter of representation, concerns have been raised that the proposed use would lower the tone of the neighbourhood and would detrimentally effect property prices. These issues do not comprise material planning consideration and thus will not be taken in to consideration within the decision making process.

Concerns have also been raised that allowing this application would set a precedent that would allow other businesses to operate from home in an exclusively residential area. Each application is considered upon the basis of its unique set of circumstances and as such, as no two sites/developments are the same; no precedent would be set.

Conclusion

The site lies within Limits to Development where the principle of the development is acceptable.

The development by reason of its scale and design would be in keeping with the character of the area and would not have any significant detrimental impact on the amenities of neighbours in terms of overbearing, overshadowing or overlooking impacts. Furthermore the use proposed would not have any materially harmful impacts in terms of noise and disturbance or highway safety and would preserve the integrity of the River Mease SAC in accordance with Paragraph 118 of the National Planning Policy Framework and the Habitats Regulations and Circular 06/05 and no other issues have been identified that would make the application unacceptable.

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

RECOMMENDATION - PERMIT subject to the following conditions:

- 1 Time limit
- 2 Approved plans
- 3 Operating hours

Erection of two storey front extension

Report Item No
A4

Oakfield House Tamworth Road Ashby De La Zouch
Leicestershire LE65 2PR

Application Reference
17/00585/FUL

Applicant:
Mr Geraint Jones

Date Registered:
19 May 2017

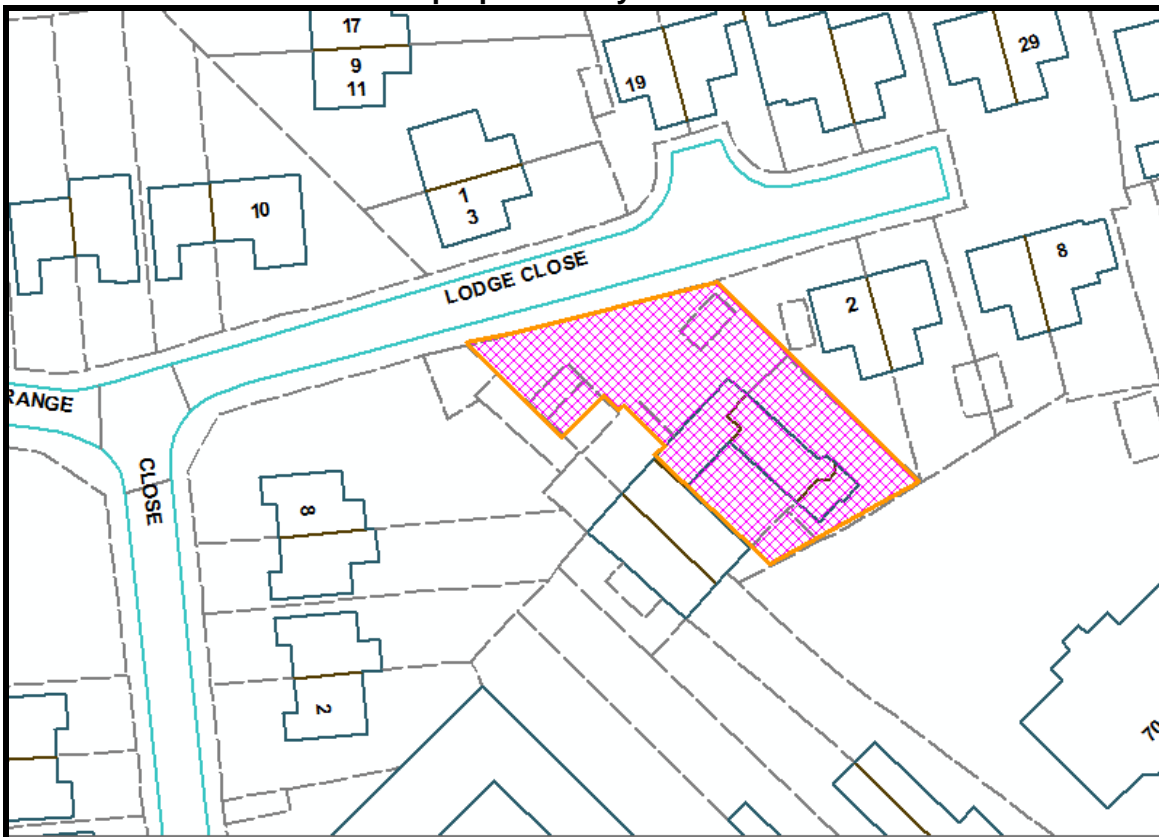
Case Officer:
Jenny Davies

Consultation Expiry:
16 June 2017
8 Week Date:
14 July 2017

Recommendation:
PERMIT

Extension of Time:
2 August 2017

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 applicant is a serving councillor (Councillor Jones), the planning agent is related to a serving councillor (Councillor Blunt) and contrary representations to the recommendation to permit the application have been received.

Proposal

Planning permission is sought for the erection of a two storey front extension at Oakfield House, Tamworth Road, Ashby de la Zouch.

Consultations

Three letters of representation (two of which are from the same person) have been received. Ashby de la Zouch Town Council supports the application. There are no objections raised by other statutory consultees.

Planning Policy

The site lies within the Limits to Development as identified in the adopted and submitted North West Leicestershire Local Plans. 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 be significantly detrimental to the character and visual amenities of the dwelling, site or streetscene, or residential amenities to justify a reason for refusal. The proposal would not adversely impact on highway safety or the River Mease SAC/SSSI. 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 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

Permission is sought for the erection of a two storey front extension at Oakfield House, Tamworth Road, Ashby de la Zouch. The extension would project 5.2 metres from the front elevation of the dwelling (facing towards Lodge Close) with a width of 5.2 metres, and would be located adjacent to an existing two storey front projection/tower at the property, extending into the garden area to the adjacent dwelling (Oakfield Bungalow). The supporting information advises that the proposal will conceal an un-regularised 'timber French door with arch' and 'timber window with obscured glass' identified by the Council's Planning Enforcement team.

A similar form of development was previously proposed in 2008 (08/00708/FUL) as part of an application for single and two storey extensions to side and rear elevations, which was withdrawn by the applicant and agent, and in 1996 (96/0340) as part of a scheme approved for part one/two storey front and side extensions and single storey rear extensions, of which only the single storey element at the southern end of the dwelling was implemented.

The site lies in the catchment area for the River Mease Special Area of Conservation. An application for the conversion of sun room to plant room, erection of vertical flag pole, retention of increase of tower height and installation of additional rooflight to northern elevation. (17/00204/FUL) was submitted in March 2017 and is also to be considered by Planning Committee on this agenda.

It appears, upon consideration of the submitted location plan, evidence of title obtained from the Land Registry and information within the Council's control, that the extension would extend onto land that is not within the ownership of the applicant, as well as being located on unregistered land. As such, it appears that the incorrect certificate of ownership has been completed within the application form, and the correct notices have not been served. Therefore, the Council's solicitors have advised that whilst Members can make a resolution in respect of the proposal, the Council cannot issue a decision notice until the procedural issues relating to ownership of the site have been resolved.

Other Planning History

Permission has been granted for two other proposals for extensions to the property, neither of which included a two storey extension as proposed under this current application:

- 11/00505/FUL - permission granted for two storey side and rear extensions, which was an amendment to the 2008 planning permission.
- 08/01446/FUL - permission granted for the erection of two storey side and rear extensions with single storey side lean-to extension (part retention/part proposed).

2. Publicity

16 Neighbours have been notified (date of last notification 25 May 2017).
Site Notice displayed 26 May 2017.

3. Summary of Consultations and Representations Received Statutory Consultees

Ashby de la Zouch Town Council supports the application.

Third Party Representations

Three letters of representation (two of which are from the same person) have been received which object on the following grounds:

- the land is mostly in the ownership of Oakfield Bungalow, which was raised in respect of the withdrawn 2008 application, and since then nothing has changed;
- impact on access and right of way to neighbouring dwelling;
- over-intensification of the site;
- parked vehicles causing difficulties for residents;
- the work has already taken place;
- a dog kennel is being run from the site which causes heavy traffic all week;
- is a licence required for the kennels;
- complaints have previously been made but not dealt with.

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

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

Paragraphs 109 and 119 (Conserving and enhancing the natural environment)

Paragraph 203 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 E2 - Landscaped Amenity Open Space

Policy E3 - Residential Amenities

Policy E4 - Design

Policy E7 - Landscaping

Policy F1 - National Forest - General Policy

Policy T3 - Highway Standards

Policy T8 - Parking

Submitted North West Leicestershire Local Plan

The publication version of the Local Plan was agreed by Council on 28 June 2016 and submitted for examination on 4 October 2016. 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
 IF4 - Transport Infrastructure and New Development
 IF7 - Parking Provision and New Development
 En2 - River Mease Special Area of Conservation
 En3 - The National Forest
 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 S4 - Design Principles
 Policy T1 - Traffic Management
 Policy T6 - Car Parking

Other Guidance

National Planning Practice Guidance 2014
 The Conservation (Natural Habitats &c.) Regulations 2010
 Circular 06/05 (Biodiversity and Geological Conservation - Statutory obligations and their Impact within the planning system)
 River Mease Water Quality Management Plan - August 2011
 6Cs Design Guide - Leicestershire County Council
 Good Design for North West Leicestershire SPD

5. Assessment

Principle

The site is located within the Limits to Development to the adopted and submitted North West Leicestershire Local Plans, where the principle of extensions to existing dwellings is considered acceptable subject to detailed matters including design and visual impact, and impact on residential amenities, highway safety and the River Mease Special Area of Conservation.

Design and Visual Impact

Whilst the proposed extension would project forward of the existing front projection, it is considered that it would not be overly prominent within the streetscene on Lodge Close as it would be set back at least 10 metres from the road and to some extent would be screened by

front boundary treatments and existing trees and buildings. Whilst the northern elevation would not contain any openings, it would not face directly towards the road and would not be overly visible from public viewpoints. The extension would be a similar height to the existing front projection and would be lower than the main ridgeline. Whilst wider than the existing front projection, it is considered that the extension would not be significantly out of scale with the existing dwelling and its front elevation is broken up by the two openings. There is variety in the window and door designs throughout the dwelling. Whilst the extension would in part be located within the garden to Oakfield Bungalow, in the context of viewing the site of the two dwellings as a whole (as they are seen from the street), it is considered that proposal would not result in over-development of the site nor result in a cramped form of development.

As such, it is considered that on balance the development would not be out of keeping with the scale and character of the existing dwelling and site and would not be overly prominent within the streetscene. Therefore a reason for refusal on the basis of significant detriment to the character and visual amenities of the locality could not be justified against Policies E4 and F1 of the adopted Local Plan and Policy D1 of the submitted Local Plan.

Residential Amenities

The extension would be located at least 20 metres from the dwellings on the opposite side of Lodge Close.

Whilst the extension would in part be located within the garden to Oakfield Bungalow, there is no minimum standard for existing garden sizes. Furthermore it would be a private matter as to whether the owner of Oakfield Bungalow would consent to the erection of the extension within his garden.

Notwithstanding this issue, the extension would extend alongside the remainder of the garden to Oakfield Bungalow, which is its only private space. Oakfield Bungalow contains one window in its north western front elevation, which serves a habitable room. The window and door in the flat roofed element to Oakfield Bungalow serve an entrance hall. The two windows immediately to the south west of the proposed extension are part of Oakfield House.

The extension would not result in any direct overlooking of Oakfield Bungalow's garden area or front window as it would not contain any windows in its northern elevation. The extension would only slightly impinge on the 45-degree line from Oakfield Bungalow's habitable room window. Whilst the extension would extend 5.2 metres alongside the remainder of Oakfield Bungalow's garden, this would be to the north east of the garden. Furthermore the garden's north western boundary is adjoined by a low fence (approximately just over one metre high) and an existing garage which is single storey with a flat roof, and the garden's south western boundary is adjoined by an existing building which is single storey with its roofslope running away from the garden.

Therefore whilst the extension is likely to result in some loss of light and impact on outlook to Oakfield Bungalow's garden, on balance it is considered it would not be so significantly detrimental to the residential amenities of the occupiers of Oakfield Bungalow to justify a reason for refusal under Policy E3 of the adopted Local Plan and Policy D2 of the submitted Local Plan.

Highway Safety

The extension does not include any bedrooms and the development would not impinge on space for parking and turning within the site, and a similar condition relating to parking spaces could be imposed as per the 2011 permission. The development would not prevent access to the existing garages or parking area within the site accessed from Lodge Close nor would it

affect access to driveways/parking spaces to dwellings on Lodge Close. Impact on access to residents' driveways from parked vehicles cannot be taken into account in the determination of this application, and may be a matter for the Council's Civil Enforcement Officers or the Police. 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.

River Mease Special Area of Conservation

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

The extension does not include any bedrooms and so therefore it is unlikely to result in an increase in the occupancy levels of the dwelling. A condition can be imposed relating to surface water discharge to ensure it drains into a sustainable drainage system.

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.

Other Matters

As set out earlier in the report, it appears, upon consideration of the submitted location plan, evidence of title obtained from the Land Registry and information within the Council's control, that the extension would extend onto land that is not within the ownership of the applicant, as well as being located on unregistered land. As such, it appears that the incorrect certificate of ownership has been completed within the application form, and the correct notices have not been served. Therefore, the Council's solicitors have advised that whilst Members can make a resolution in respect of the proposal, the Council cannot issue a decision notice until the procedural issues relating to ownership of the site have been resolved.

The application does not include any development relating to dog kennels or the keeping of dogs at the site. The Council's Planning Enforcement and Licencing teams can investigate matters relating to the keeping of dogs. Impact on or loss of rights of access are not planning matters, and are private matters, and cannot be taken into account in the determination of planning applications.

A complaint was received in respect of unauthorised development at the site and as part of the enforcement team's investigation an application was invited to regularise the works. Such an invitation for an application does not imply that planning permission would be granted and the application is subject to the same procedures as all other applications. A separate application has been received (17/00204/FUL) to regularise works at the site and is also to be considered by Planning Committee on this agenda.

Conclusion

The proposal is acceptable in principle and would not be significantly detrimental to the character and visual amenities of the dwelling, site or streetscene, or residential amenities to justify a reason for refusal. The proposal would not adversely impact on highway safety or the River Mease SAC/SSSI. 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 following conditions:

- 1 Time limit
- 2 Approved plans
- 3 Materials
- 4 Surface water
- 5 Removal of permitted development rights
- 6 Parking provision

Conversion of sun room to plant room, erection of vertical flag pole, retention of increase of tower height and installation of additional rooflight to northern elevation.

Report Item No
A5

Oakfield House Tamworth Road Ashby De La Zouch
Leicestershire LE65 2PR

Application Reference
17/00204/FUL

Applicant:
Mr Geraint Jones

Date Registered:
2 March 2017

Case Officer:
Jenny Davies

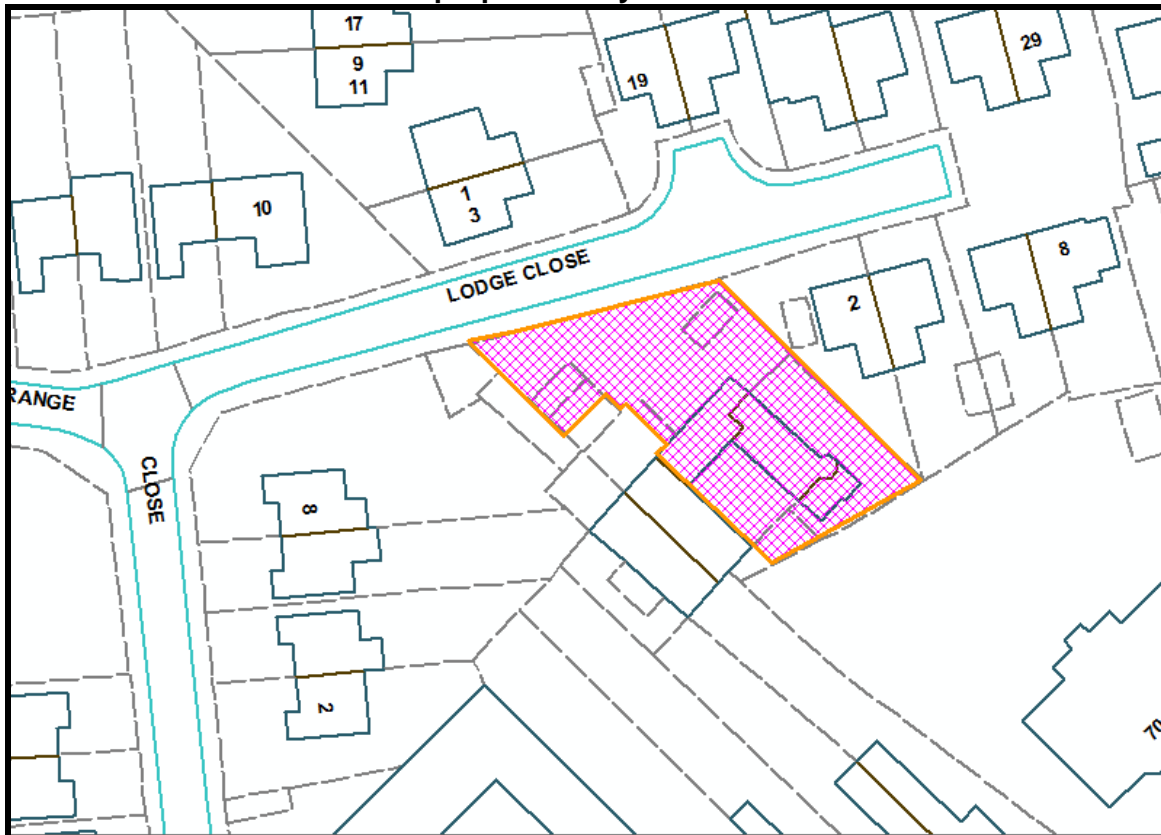
Consultation Expiry:
13 April 2017

8 Week Date:
27 April 2017

Recommendation:
PERMIT

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 applicant is a serving councillor (Councillor Jones), the planning agent is related to a serving councillor (Councillor Blunt) and contrary representations to the recommendation to permit the application have been received.

Proposal

Planning permission is sought for the conversion of a sun room to a plant room, erection of a vertical flag pole, retention of an increase in the height of a tower and installation of an additional rooflight to the northern elevation at Oakfield House, Tamworth Road, Ashby de la Zouch.

Consultations

Two letters of representation have been received. Ashby de la Zouch Town Council supports the application. There are no objections raised by other statutory consultees.

Planning Policy

The site lies within the Limits to Development as identified in the adopted and submitted North West Leicestershire Local Plans. 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 be significantly detrimental to the character and visual amenities of the dwelling or streetscene, or adversely impact on residential amenities, highway safety or the River Mease SAC/SSSI. 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 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

Permission is sought for the conversion of a sun room to a plant room, erection of a vertical flag pole, retention of an increase in the height of a tower and installation of an additional rooflight to the northern elevation at Oakfield House, Tamworth Road, Ashby de la Zouch. This application proposes to regularise works that do not accord with a planning permission (11/00505/FUL) granted in August 2011, along with the works relating to the plant room. The 2011 permission was an amendment to a permission granted in November 2008 (08/01446/FUL) for the erection of two storey side and rear extensions with single storey side lean-to extension. The submission of this application has arisen from an investigation into unauthorised development.

The new rooflight has been installed in the roofslope of a single storey element on the north eastern side of the dwelling, to serve ground floor accommodation. The tower is located at the northern corner of the dwelling and has increased in height by one metre from the 2011 permission. The plant room would be located within an existing single storey building on the northern part of the site, which is understood to have previously been used as a sun room. The building has been extended on its northern side by approximately 1.5 metres, its hipped roof has been altered to a gable ended roof and the external alterations include the installation of solar panels, timber cladding and new openings, including rooflights. The applicant and agent have both advised that national flags would be flown from the flagpole, and if used solely for such purposes it does not require advertisement or planning consent.

The site lies in the catchment area for the River Mease Special Area of Conservation. An application to erect a two storey front extension (17/00585/FUL) has recently been submitted and is also to be considered by Planning Committee on this agenda.

Other Planning History

- 08/00708/FUL - application for single and two storey extensions at the north west and north east elevations which was withdrawn by the applicant and agent. A two storey extension was proposed in a similar location to that which is now proposed under 17/00585/FUL, and was larger than a similar extension approved under 96/00340;

- 96/00340 - permission granted for part one/two storey front and side extensions and single storey rear extensions, of which only the single storey element at the southern end of the dwelling was implemented.

2. Publicity

14 no. neighbours notified (date of last notification 17 March 2017)
Site Notice displayed 23 March 2017.

3. Summary of Consultations and Representations Received Statutory Consultees

Ashby de la Zouch Town Council supports the application.

The Council's Environmental Protection team has no environmental observations.

Third Party Representations

Two letters of representation have been received which object on the following grounds:

- loss of privacy;
- design and visual impact;
- over-intensification of the site;
- parked vehicles causing difficulties for residents;
- environmental health problems have occurred due to lack of access from Lodge Close and so the opinions of the environmental health team should be sought;
- extension has been built over rights of way for Oakfield Bungalow shown on title deeds;
- dogs run out of control into residents' gardens;
- this is the sixth time that the applicant, who is on the Council's Planning Committee, has undertaken works without planning permission;
- the existing building was built without planning permission although an application was requested by the Planning Group in 1998;
- the extension relates to one that was included on a previously withdrawn application;
- the unauthorised building works cannot be regularised via this procedure as the works are too extensive;
- many complaints have been made but none have been upheld;
- inaccurate statements on the application forms.

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

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

Paragraphs 109 and 119 (Conserving and enhancing the natural environment)

Paragraph 203 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 E2 - Landscaped Amenity Open Space

Policy E3 - Residential Amenities
Policy E4 - Design
Policy E7 - Landscaping
Policy F1 - National Forest - General Policy
Policy T3 - Highway Standards
Policy T8 - Parking

Submitted North West Leicestershire Local Plan

The publication version of the Local Plan was agreed by Council on 28 June 2016 and submitted for examination on 4 October 2016. 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
IF4 - Transport Infrastructure and New Development
IF7 - Parking Provision and New Development
En2 - River Mease Special Area of Conservation
En3 - The National Forest
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 S4 - Design Principles
Policy T1 - Traffic Management
Policy T6 - Car Parking
Policy NE5 - Trees and Hedgerows

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
6Cs Design Guide - Leicestershire County Council
Good Design for North West Leicestershire SPD

5. Assessment

Principle

The site is located within the Limits to Development to the adopted and submitted North West Leicestershire Local Plans, where the principle of extensions to existing dwellings is considered

acceptable subject to detailed matters including design and visual impact, and impact on residential amenities and the River Mease Special Area of Conservation.

Design and Visual Impact

The new rooflight would be seen alongside existing rooflights and is minor in scale. A tower at the northern corner of the dwelling was first approved in 2008 and subsequently amended in 2011. Whilst the tower as built is higher than shown on the two previous permissions, it is no higher than the existing two storey front projection, and is not considered to be overly prominent within the streetscene along Lodge Close as it is set back from the road and seen against the backdrop of the extended dwelling.

Whilst the building that would house the plant room has been increased in size and its roof design has changed, so that the building is closer to the road, it is partly screened by vegetation and existing boundary treatments, and there were open views of the original building from parts of Lodge Close. The other external alterations to this building are in keeping with the character of the building and the solar panels would not be overly prominent. It is considered that works would not result in over-development of the site nor result in a cramped form of development.

As such, it is considered that the development is not out of keeping with the scale and character of the existing dwelling and would not be overly prominent within the streetscene, and therefore would not be significantly detrimental to the character and visual amenities of the locality. As such the proposal complies with the provisions of adopted Policies E4 and F1 and would not be significantly contrary to submitted Policy D1.

Residential Amenities

The tower is located approximately five metres from the boundary with No. 2 Lodge Close, which is single storey with windows facing towards the site and has a small rear garden. The tower is seen alongside the two storey elements of the existing dwelling and as such its increase in height would not adversely impact on occupiers of No. 2 or dwellings on the opposite side of Lodge Close. The tower would be no higher than the existing two storey front projection and so would not impact on occupiers of Oakfield Bungalow, which adjoins the dwelling to the south west. The rooflight on the northern side elevation, which faces towards No. 2, serves ground floor rooms and would be above existing ground floor windows so would not cause any overlooking.

Whilst the length and expanse of roof of the extended plant room building has increased and it is located within one metre of the boundary of No. 2, part of No. 2's front garden and its garage lies between the building and No. 2 itself. The plant room building is located 7.5 metres to the north east of the garden area to Oakfield Bungalow and over 10 metres from Oakfield Bungalow itself and would not impinge on the 45 degree line from windows in Oakfield Bungalow. The plant room building would be closer to dwellings on the opposite side of Lodge Close but would be over 21 metres from the nearest dwelling.

The Council's Environmental Protection team has not raised any concerns in relation to impacts from noise and disturbance from the plant room.

As such it is considered that the proposal would not adversely affect the amenities of occupiers of nearby dwellings from overlooking, loss of light, creation of an 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.

River Mease Special Area of Conservation

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

There has not been an increase in the number of bedrooms from the scheme approved in 2011. Furthermore the provision of more modern water efficient facilities in the plant room would be likely to lead to an overall decrease in foul drainage discharge from the site. A condition can be imposed relating to surface water discharge to ensure it drains into a sustainable drainage system.

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.

Other Matters

There has not been an increase in the number of bedrooms from the scheme approved in 2011, and the development would not impinge on space for parking and turning within the site, and a similar condition relating to parking spaces could be imposed as per the 2011 permission. The development would not prevent access to the existing garages or parking area within the site nearest to the rear entrance which is accessed from Lodge Close nor would it affect access to driveways/parking spaces to dwellings on Lodge Close. Impact on residents' driveways from parked vehicles cannot be taken into account in the determination of this application, and may be a matter for the Council's Civil Enforcement Officers or the Police. 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.

Three trees are located at either end of the plant room building, two of which appear to have been cut back to accommodate the works to this building. The Council's Tree Officer recommends that the cedar tree should be removed and replaced elsewhere within the site, as it is incompatible with the extended building, and that surgery is needed to the rear tree. As such a landscaping condition should be imposed to secure a replacement tree.

In respect of matters raised in the letters of representation that have not been addressed above, the application does not include any development relating to dog kennels or the keeping of dogs at the site. The Council's Planning Enforcement and Licencing teams can investigate matters relating to the keeping of dogs and untidy land. Impact on or loss of rights of access are not a planning matter, and are a private matter, and cannot be taken into account in the determination of planning applications. Concerns have also been raised in respect of the accuracy of information on the application form relating to impacts on rights of way. However the relevant section of the application form relates to impact on public rights of way, and not private rights of access.

A complaint was received in respect of unauthorised development at the site and as part of the enforcement team's investigation an application was invited to regularise the works. Such an invitation for an application does not imply that planning permission would be granted and the application is subject to the same procedures as all other applications. A separate application has been received (17/00585/FUL) for the erection of a two storey front extension to Oakfield House, which is also to be considered by Planning Committee on this agenda.

Conclusion

The proposal is acceptable in principle and would not be significantly detrimental to the character and visual amenities of the dwelling or streetscene, or adversely impact on residential amenities, highway safety or the River Mease SAC/SSSI. 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 following conditions:

- 1 Approved plans
- 2 Materials to plant room
- 3 Details of solar panels
- 4 Surface water
- 5 Removal of permitted development rights
- 6 Parking provision
- 7 Landscaping

Change of use to restaurant (A3) with hot food takeaway sales
(A5) and retention of flue to rear elevation

Report Item No
A6

2 Borough Street Castle Donington Derby DE74 2LA

Application Reference
16/00902/FUL

Applicant:
Mr Sahaq Mohammad Nasser

Date Registered:
15 July 2016

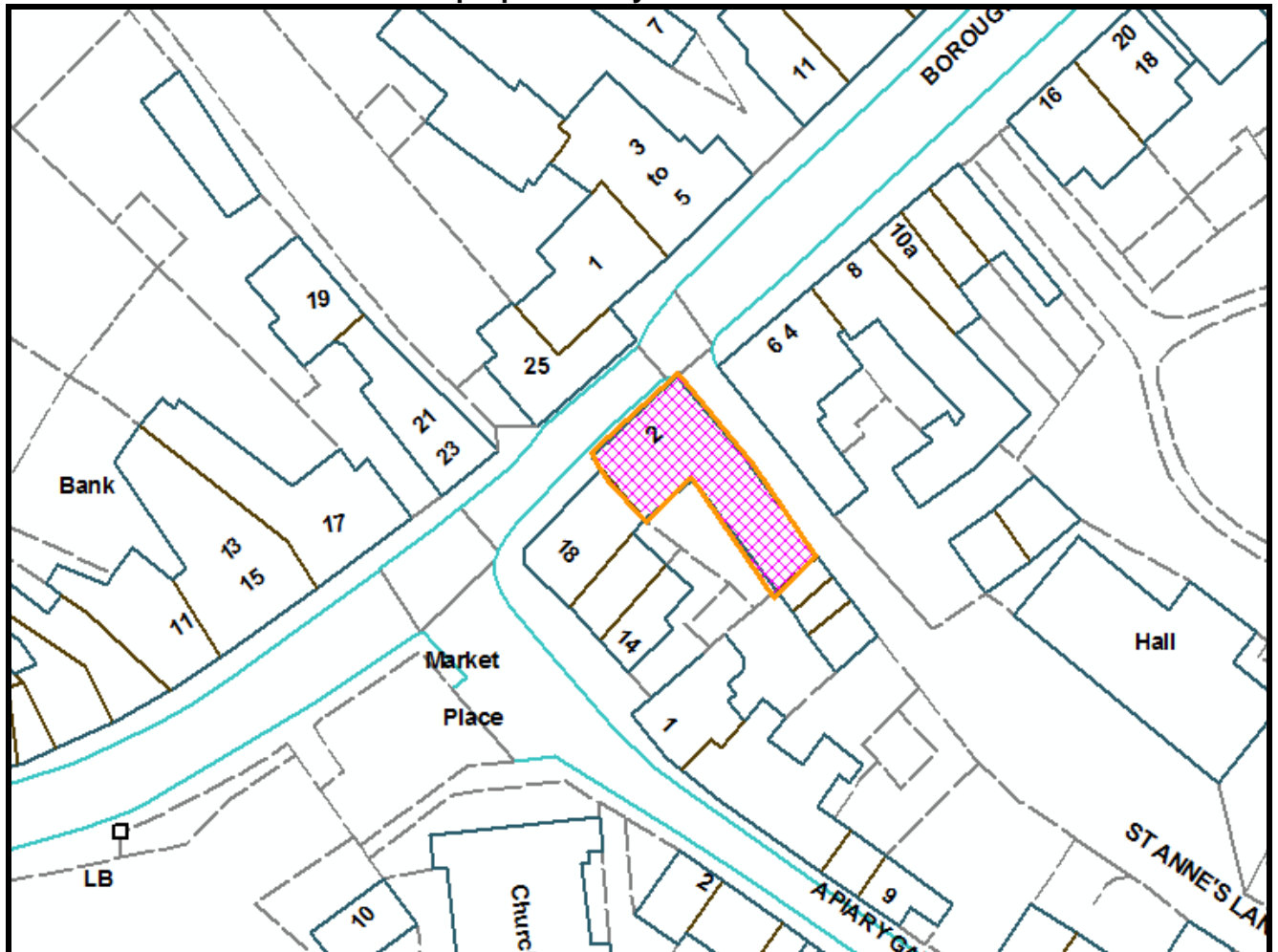
Case Officer:
Hannah Exley

Consultation Expiry:
13 July 2017

Recommendation:
PERMIT

8 Week Date:
9 September 2016
Extension of Time:
None Agreed

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application is brought before the Planning Committee as the application has been called in by Councillor Saffell for the following reasons:

- the use of the corner doorway at the junction of Borough Street and St. Anne's Lane is dangerous;
- there is already very little evening parking capacity on this part of Borough Street due to an existing nearby restaurant;
- the proposed flue would be harmful to the character and appearance of the Conservation Area and the re-use of the building for a business use is not an overriding public benefit.

Proposal

Planning permission is sought for a change of use of the premises at 2 Borough Street, Castle Donington to a restaurant (A3 use) with hot food takeaway sales (A5) and the retention of a flue installed on the rear elevation of the building.

Consultations

Six letters of representation have been received raising objection to the proposals. Castle Donington Parish Council raise objection to the application. All other statutory consultees have raised no objections subject to the imposition of conditions on any permission granted.

Planning Policy

The site lies within Limits to Development as defined by the Policy Maps to the adopted and submitted Local Plans and is within the Local Centre of Castle Donington. The application has been assessed against the relevant policies in the NPPF, the adopted and submitted Local Plans and other relevant guidance.

Conclusion

The site lies within Limits to Development within the Local Centre of Castle Donington where the proposed use is considered to be acceptable in principle. The scheme does not give rise to any significant impacts regarding residential amenity, design or highway safety and would not undermine the attractiveness, vitality or viability of the existing local shopping centre. The development would not adversely impact on the setting of the nearby listed building and it is considered that the test of "less than substantial harm to the setting of the Conservation Area" detailed at paragraph 134 of the NPPF would be outweighed by the public benefits of the proposal in this instance. The proposal, therefore, is considered to comply with paragraph 134 of the NPPF and would accord with sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. There are no other relevant material planning considerations that indicate planning permission should not be granted. Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

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 a change of use of the premises at 2 Borough Street, Castle Donington to a restaurant (A3 use) with hot food takeaway sales (A5) and the retention of a flue installed on the rear elevation of the building. Internal alterations that have been undertaken include a serving counter, giving the interior of the building the appearance of a takeaway but the applicant has confirmed that the premises will be operated as a restaurant with hot food takeaway sales.

With the exception of the flue, no other external alterations to the building are required. Repair works have recently been undertaken to the shop front but these were repair works and therefore, did not require planning permission.

The subject property has two storeys and was last occupied by a restaurant (A3 use), which appears to have ceased trading in 2016. It is situated on the western side of Borough Street at the junction with St. Anne's Lane, with No.18 Market Street (to the south) which is occupied by a café (A3 use) and No. 4 Borough Street to the north which is occupied as a barbers shop (A1 use).

The subject property is located within Limits to Development and is located within a 'Local Centre' in the adopted and submitted Local Plans.

The site also lies within the Castle Donington Conservation Area and the application property is identified within the Conservation Area Appraisal and Study Document as a building of interest which makes a positive contribution to the character and appearance of the Conservation Area.

Relevant Planning History:

17/00345/ADC - Display of non-illuminated fascia signage (Permitted)

2. Publicity

30 no neighbours notified (19 January 2017).

Site Notice displayed 3 August 2016.

Press Notice published Derby Evening Telegraph 15 March 2017.

3. Summary of Consultations and Representations Received

The following summary is provided.

Castle Donington Parish Council raised objection on the following grounds:

- the development is going to be predominantly takeaway;
- concern that the works being undertaken do not reflect the submitted drawings;
- the extraction equipment blocks the window to a residential unit impeding emergency escape;
- impact of fumes on neighbouring properties;
- light pollution - style and type of lighting will be visually intrusive to residential properties;
- concern about increased litter being created and the adverse impact this will have on the village centre and Conservation Area;
- the days/hours of use will be longer than the previous restaurant use;
- concern about people congregating and associated noise and disturbance;

Leicester County Council - Highways refers the Council to Standing Advice but following the request of officers the County Highways Authority has provided bespoke advice for this proposal.

Environmental Protection has no environmental observations.

Third Party Representations

6 Letters of neighbour representation have been received, raising objection on the following grounds:

Use

- the internal layout and alterations made to the property suggest that the takeaway element is the primary source of revenue and not ancillary;
- there were no takeaways or deliveries associated with the last use of the premises as a restaurant;
- no problem with the use as a restaurant but find the use as a takeaway unacceptable and will adversely affect the local community;
- the opening hours for the business would not be the same as the former restaurant despite claims by the applicant;

Amenities

- there are residential properties close to the proposed development that will be adversely affected;
- noise and disturbance from the proposed use takeaway use on top of the existing noise associated with traffic and congestion;
- concern about anti-social incidents associated with nearby takeaways occurring around the application site with groups congregating and leaving litter behind;
- smells from the use would affect neighbouring properties despite the use of extraction equipment;
- concern about the lack of waste storage at the property leading to vermin problems, particularly given the nature of the proposed takeaway use and that the former owner took waste away from the site;
- strip lighting shines in neighbouring properties and results in light pollution;
- the existing resident above the business has suffered during the renovation works and cannot open his window;

Character of the Area

- the business will have a negative impact on the character of existing buildings and the historic environment;
- poor workmanship on the external elevations will be detrimental the appearance of the area;

Highway Safety

- the layout suggests the use of the entrance on the corner of the property at the junction of St. Anne's Lane which would be hazardous due to the narrow width of the roads and the speed/volume of traffic, along with the absence of footways;
- insufficient parking for the proposal and the existing businesses, residents and patrons of the local centre;
- increased traffic on a busy street where there is already limited parking available;
- illegal parking whilst works have been undertaken to the property has already caused congestion and obstructions to other businesses;

Other

- the business intends to sell fast food which has consequences for social health and for the health of local school children who could purchase food from the premises;
- signage has been installed that is out of keeping with appearance of the surrounding area.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the 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:

Section 1 - Building a strong, competitive economy

Section 2 - Ensuring the vitality of town centres

Section 3 - Supporting a prosperous rural economy

Section 4 - Promoting sustainable transport

Section 10 - Meeting the challenge of climate change, flooding and coastal change

Section 12 - Conserving and enhancing the historic environment

Save where stated otherwise, the policies of the adopted 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.

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 R19- Acceptable Uses in Local Centres

Policy E3 - Residential Amenities

Policy E4 - Design

Policy T8 - Parking

Submitted North West Leicestershire Local Plan

The publication version of the Local Plan was agreed by Council on 28 June 2016 and submitted for examination on 4 October 2016. 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 D2 - Amenity

Policy EC8 - Town and Local Centres: Hierarchy and Management of Development

Policy EC10 - Town and Local Centres; Primary Shopping Area - Non-shopping uses

Policy IF7 - Parking Provision and New Development

Policy HE1 - Conservation and Enhancement of North West Leicestershire's Historic Environment

Planning (Listed Buildings and Conservation Areas) Act 1990

Sections 66 and 72

Other Guidance

National Planning Practice Guidance - March 2014.

Castle Donington Conservation Area Appraisal and Study Document

Retail SPD

6Cs Design Guide (Leicestershire County Council)

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

5. Assessment

Principle of Development

The site is located within the Limits to Development as set out on the Proposals Map to the adopted and submitted Local Plans where the principle of development (which includes change of use) is considered acceptable subject to impacts upon design, amenity, highway safety and any other material considerations.

Policy R19 sets out acceptable uses for Local Centres which includes food and drink (A3) uses subject to sufficient shops remaining to serve daily needs in the locality, a shop window being retained where appropriate, the development not prejudicing the viability and attractiveness of the Local Centre and non-retail uses not occupying more than two adjacent shop window units. Whilst it is noted that Policy R19 does not make specific provision for A5 uses, the Policy was written prior to the separation of takeaways from an A3 use into an A5 use, and therefore, the restaurant and takeaway elements would be compliant in principle subject to the considerations outlined above.

Castle Donington is identified within the Retail SPD as a local centre that provides a good range of shops and services that cater for people's day to day needs. The SPD provides that no particular use dominates the centre and that there are no unacceptable groupings of uses. It is not considered that the expansion of the existing A3 use to include takeaway sales would adversely affect the shops and services available within the local centre to meet day to day needs and the existing shop front would be retained. The proposed use would be situated between A1 and A3 uses and it is considered that the proposal would allow for the attractiveness and vitality of the Local Centre to be retained in accordance with Policy R19.

Policies Ec8 and Ec10 of the submitted Local Plan provide guidance on assessing main town centre uses to ensure that the vitality and viability of the Primary Shopping Area is not undermined by the erosion of the retail element within town and local centres. The proposed A3/A5 use falls within the definition of a main town centre uses which these policies seek to support. The use would be of a scale that is appropriate to the role, function and character of the settlement and would not undermine the character of the local centre. The use would not result in an over-concentration of this use or undermine the shopping element within the local centre but would contribute to the diversity of uses within the centre and would not adversely affect the vitality and viability of the retail centre. It is considered that the proposal would accord with the spirit of the provisions of Policies Ec8 and Ec10 of the submitted Local Plan and therefore, the proposed use is considered acceptable in principle.

The Retail Supplementary Planning Document (Adopted January 2011) is also relevant to the

determination of the application and it is considered that Key Principles 1, 3 and 4 would be applicable to the proposal. Key Principle 1 'Balance of Uses' requires that A1 uses should represent no less than 50% of all commercial uses. The application proposal would not remove an A1 use from the local centre and therefore, would not conflict with this key principle.

Key Principles 3 and 4 'Takeaway Balance' requires that no more than 10 percent of total commercial uses within the Castle Donington Local Centre be occupied by hot food takeaways uses and that no more than two A5 units should be located adjacent to each other. The premises are not located adjacent to a takeaway use, would not result in a cluster of this use and the proposal would not result in more than 10% of the commercial units within Castle Donington local centre being occupied by hot food takeaways. With regard to the further considerations, Castle Donington provides a good range of shops and services that cater for people's day to day needs, the proposal would affect an existing A3 use and would not remove a shop use from Castle Donington. It is considered that the proposal would maintain the existing vitality and viability of the local centre and would not be harmful to the attractiveness of the local centre. Matters relating to highways safety and amenities are given further consideration in the relevant section below. With regard to the provision of a litter bin, the application proposal is a restaurant with takeaway sales and the building abuts the highway boundary such that there would be no scope for the provision of a bin outside the premises. A restaurant with takeaway sales should not result in a level of littering that could be attributed to a pure takeaway use, and in these circumstances, particularly having regard to the presence of litter bins within the vicinity (outside the adjoining commercial premises to the south west and outside No.8 Borough Street to the north east), it is not considered that a requirement for a contribution towards an off-site litter bin could be justified in this case. Accordingly, it is considered that the proposals would comply with the provisions of Key Principles 1, 3 and 4 of the Retail SPD.

The proposed use of the property as a restaurant/hot food takeaway (Use Class A3/A5) would, therefore, be in accordance with the relevant local plan policies in principle. It is therefore necessary to consider impacts upon heritage and design, amenity, highway safety and any other material considerations.

Impact on Heritage Assets and Design

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

The proposed development must be considered against sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that when considering a planning application for development that affects a listed building or its setting the decision maker, "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 possess" and that "special regard shall be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area", respectively.

Paragraph 131 of the NPPF states that planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. It further indicates (at paragraph 132) that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It is a statutory requirement that any new development should at least preserve the character of the Conservation Area and significant weight has been given to preserving the setting of the Listed Buildings.

The site is located within the Castle Donington Conservation Area and application building, along with those to the north, south and west of the site are noted within the Castle Donington Conservation Area Appraisal and Study Document as unlisted buildings of interest that make a positive contribution to the Conservation Area. The nearest listed building would be to the east of the site (No.1 Apiary Gate) which is a grade II listed building. There are also other listed buildings in the vicinity of the site to the south and west of the site.

With the exception of the proposed flue, the application includes no alterations to the external elevations of the building. The flue has been installed and therefore, retrospective approval is sought. The flue is located to the rear elevation and extends upwards from a roof canopy at ground floor level, against the rear wall of the building and projects upwards beyond the eaves of the property.

The Council's Conservation Officer has been consulted on the proposals and does not consider that the proposed change of use would have an impact on the heritage assets in the locality. With regard to the proposed flue, this element of the proposal is currently in situ and is not an attractive structure. However, any clear views of the flue beyond the site are prevented by its location to the rear of the building and as a result of the presence of surrounding buildings. The visual impact of the proposed flue is limited to within the site itself and could be removed from the premises if no longer required. Whilst it is considered that this would result in some less than substantial harm to the character and appearance of the Conservation Area, it is not considered that the setting of the nearby listed buildings would be adversely affected. The Conservation Officer has been consulted on the application and does not consider that there are any grounds to resist the proposal on heritage impact grounds and raises no objection.

It is considered that the flue would result in some harm, less than substantial, to the character and appearance of the Conservation Area. However, there is some public benefit from the proposal as it would allow the re-use of the building, benefiting the local economy and providing a service to the local community. Overall, it is considered that the less than substantial harm would be outweighed by the public benefits of the proposal in this instance and the proposal is considered to comply with paragraph 134 of the NPPF.

Taking the above into account, it considered that the scheme is appropriate and would comply with Policy E4 of the adopted Local Plan and Policies D1 and He1 of the submitted Local Plan.

Residential Amenities:

The application property is located in a predominantly commercial area although it is noted that there are some residential units opposite the site and located at first floor level above commercial units in the vicinity (including above the application property). Nonetheless, given the location of the site within the local centre, there would already be comings and goings, along with noise and disturbance associated with the use of other commercial uses within the vicinity of the site, and it is within this context that the application must be assessed.

The application specifies the opening hours as between 12pm to 11pm Monday to Saturday and 5pm to 11pm on Sundays and Bank Holidays. The site is located within a mixed use area and the proposed hours of operation are not considered unreasonable in this context. No objections have been raised to the proposed opening times by the Environmental Health Officer, and it is, therefore, recommended that these opening times should be attached to the grant of any planning permission.

Takeaway uses have the potential to bring about odour issues and the application proposals retrospective approval for an extraction/ventilation flue. With ventilation and extraction

apparatus as proposed, together with restricted hours of use, it is not considered that the development would have a significant impact on the amenities of local residents in terms of noise or disturbance or as a result of smells. The Council's Environmental Protection Officers have considered the merits of the application, along with the details of the proposed flue and have raised no environmental objections.

The property that would be most immediately affected by the proposed flue would be the flat above the application property, as the flue is sited adjacent to a window to this residential unit and would partially block that window. Whilst the outlook of one of the window lights would be partly affected, this is a two-light window and it is not considered that the proposed flue would give rise to any significant loss of light to the room served by that window or appear unduly oppressive to an extent that would warrant a refusal of permission on this ground. Whilst concern has been raised about the flue blocking the window opening which would inhibit escape, provisions for escape in fires is subject to separate legislation in the form of Building Regulations and therefore, is not a matter for consideration in the determination of this application.

With regard to concerns raised about general bin storage at the site, when having regard to the former A3 use of the site and the similar nature of the current proposal, it is not considered that requirements for additional/alternative bin storage arrangements could be sought as the former A3 use could operate from the site in an uncontrolled manner.

It is not considered that the proposal would result in any overlooking issues to surrounding occupiers and as such it is deemed that the proposal would not be harmful to neighbouring residential amenities and would comply with Policy E3 of the adopted Local Plan and Policy D2 of the submitted Local Plan, and the provisions of Key Principle 4 of the Retail SPD.

Highway Safety:

The premises were last used as an A3 restaurant use and this use had no dedicated parking provision. The proposed use is for an A3 restaurant use with hot food takeaway sales (A5 use) and the applicant has confirmed that there would not be a delivery service available for customers. Had a delivery service been proposed, then car parking provisions for drivers' vehicles would have been required. On the basis that there would be only takeaway sales (and no delivery service), the County Highways Authority have advised that the proposed use would appear to be consistent with other uses within the vicinity, with customers parking on-street or within local car parks. Furthermore, on the basis that no additional floor space is being proposed, the County Highways Authority consider that a requirement for the provision of additional car parking could not be justified. With regard to the use of the corner door at the road junction, when having regard to the fact that an A3 use could operate and use this door in an uncontrolled manner, it is not considered that a highway safety objection could be sustained. As for concerns about increased traffic, when having regard to the existing A3 use, and the context of the site within a local centre, it is not considered that the proposal would give rise to vehicular movements that would be inconsistent with the locality.

Accordingly, it is considered that the proposal would be acceptable for the purposes of Policy T8 of the adopted Local Plan and Policy IF7 of the submitted Local Plan and the provisions of Key Principle 4 of the Retail SPD.

Other Matters

With regard to concerns about inappropriate signage, a separate application for signage has been submitted and considered by the District Council. As for concerns about the proposal adversely affecting the health of residents due to the nature of fast food being sold, the

responsibility for decisions about food consumption rests upon the individual (or their guardians) and is not a material planning consideration. With regard to concerns about strip lighting, the application does not include any proposals for lighting. With regards to concerns about anti-social behaviour, this would need to be addressed through the mechanism of the appropriate legislation, should an issue arise, and is therefore, not a planning matter.

Conclusions

In conclusion, the site lies within Limits to Development within the Local Centre of Castle Donington where the proposed use is considered to be acceptable in principle. The scheme does not give rise to any significant impacts regarding residential amenity, design or highway safety and would not undermine the attractiveness, vitality or viability of the existing local shopping centre. The development would not adversely impact on the setting of the nearby listed building and it is considered that the less than substantial harm to the setting of the Conservation Area would be outweighed by the public benefits of the proposal in this instance and the proposal is considered to comply with paragraph 134 of the NPPF and would accord with sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. There are no other relevant material planning considerations that indicate planning permission should not be granted. Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

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

- 1 Time Limit
- 2 Approved Plans
- 3 Hours of operations [1200 - 2300] Monday to Saturdays / [1700 - 2300] Sundays and Bank Holidays
- 4 No deliveries of take away food
- 5 Extraction/ventilation measures
- 6 Specified use only
- 7 Permission relates to the ground floor only

Change of use of flat 4 to a NWLDC Housing Department 'hub office' for use by staff only

Report Item No
A7

4 Hood Court North Street Ashby De La Zouch Leicestershire
LE65 1HY

Application Reference
17/00635/3FD

Applicant:
NWLDC Housing Dept

Date Registered:
9 June 2017

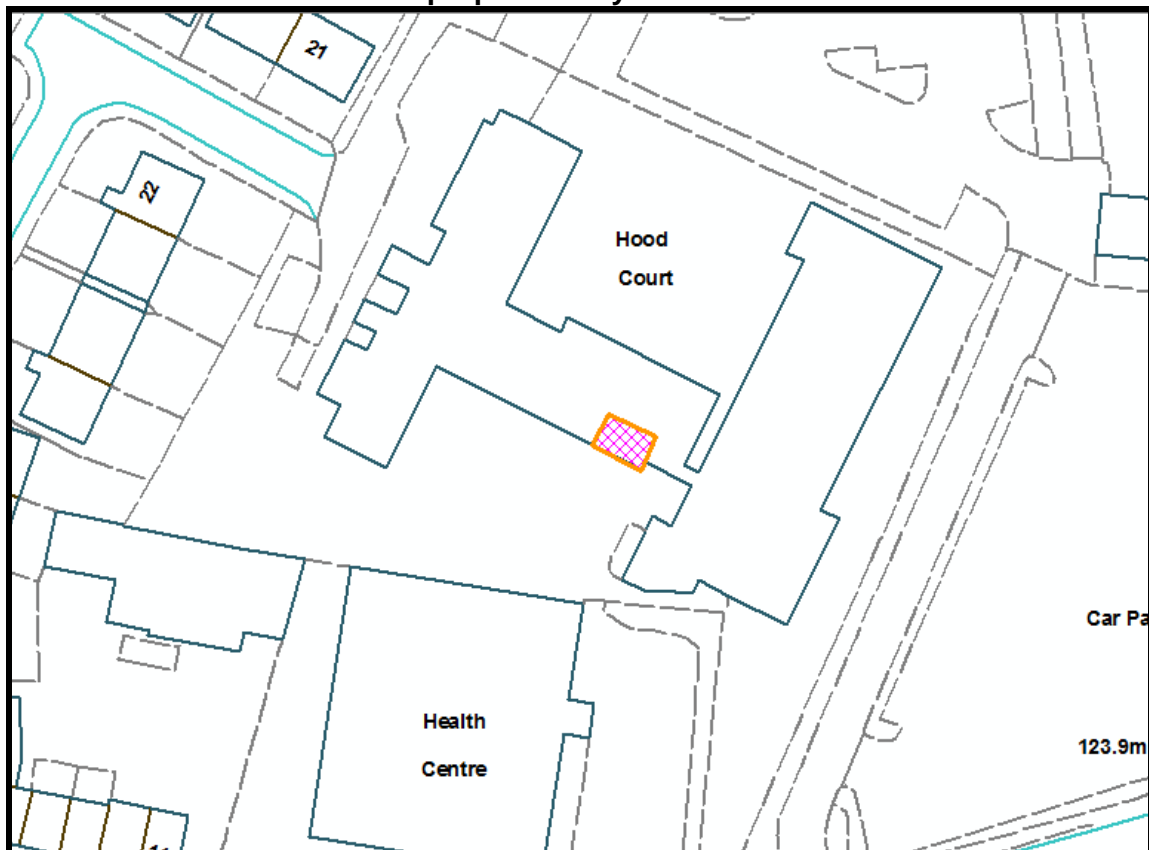
Case Officer:
Jenny Davies

Consultation Expiry:
17 July 2017

Recommendation:
PERMIT

8 Week Date:
4 August 2017
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 has been submitted by North West Leicestershire District Council and contrary representations to the recommendation to permit the application have been received.

Proposal

Planning permission is sought for the change of use of Flat 4 at Hood Court, Ashby de la Zouch to a NWLDC Housing Department 'hub office' for use by staff only.

Consultations

One letter of representation has been received. Ashby de la Zouch Town Council supports the application. There are no objections raised by other statutory consultees.

Planning Policy

The site lies within the Limits to Development as identified in the adopted and submitted North West Leicestershire Local Plans. 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 be significantly detrimental to residential amenities, the River Mease SAC and the historic environment. Reasons for refusal relating to highway safety and flood risk could not be justified. 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 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

Permission is sought for the change of use of Flat 4 at Hood Court, North Street, Ashby de la Zouch, to a NWLDC Housing Department 'hub office' for use by staff only. Hood Court is a sheltered housing complex containing flats for elderly people. Flat 4 is located on the ground floor on the southern side of the building and has its own separate external access. No dedicated parking spaces for the office are proposed. North Street public car park is located nearby. The site lies in the catchment area for the River Mease Special Area of Conservation. The boundary to the Ashby de la Zouch Conservation Area partly adjoins the southern boundary to the Hood Court site. It is understood that Flat 4 was previously occupied by a podiatry clinic, which was approved in December 2003 (03/01338/FUL).

2. Publicity

65 neighbours have been notified (date of last notification 28 June 2017).
Site Notice displayed 26 June 2017.

3. Summary of Consultations and Representations Received Statutory Consultees

Ashby de la Zouch Town Council supports the application.

The Environment Agency advises that it has no detailed comments to make and refers to its Standing Advice.

The Lead Local Flood Authority advises that the site is not at any significant flood risk and as no further comments.

The Council's Environmental Protection team has no environmental observations.

The County Highway Authority has no comments to make.

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 raises the following concerns:

- impact on overstretched parking facilities for residents;
- residents already have to park in the public car park;
- residents will require permits to park in public car parks as well as dedicated parking spaces on site.

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

Paragraphs 69 and 70 (Promoting healthy communities)

Paragraphs 96, 99, 100, 101, 102, 103 and 104 (Meeting the challenge of climate change, flooding and coastal change)

Paragraphs 109, 111, 119 and 123 (Conserving and enhancing the natural environment)

Paragraphs 129, 131, 132, 133, 134, 137 and 138 (Conserving and enhancing the historic environment)

Paragraph 203 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 E2 - Landscaped Amenity Open Space

Policy E3 - Residential Amenities

Policy E4 - Design

Policy E7 - Landscaping

Policy E8 - Crime Prevention

Policy E30 - Floodplains

Policy F1 - National Forest - General Policy

Policy T3 - Highway Standards

Policy T8 - Parking

Policy R1 - Central Area Shopping

Policy R12 - Town Centre Services

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.

S2 - Settlement Hierarchy

D1 - Design of New Development

D2 - Amenity

IF4 - Transport Infrastructure and New Development

IF7 - Parking Provision and New Development
 En2 - River Mease Special Area of Conservation
 En3 - The National Forest
 He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment
 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 S4 - Design Principles
 Policy S5 - Priority to be given to Brownfield Sites
 Policy T1 - Traffic Management
 Policy T6 - Car Parking
 Policy HE2: Heritage Assets
 Policy HE3: Ashby De La Zouch and Heath End Conservation Areas
 Policy CF 1: Important Community Facilities
 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)
 The Community Infrastructure Levy Regulations 2010
 River Mease Water Quality Management Plan
 The River Mease Developer Contributions Scheme (DCS2)
 6Cs Design Guide - Leicestershire County Council
 Good Design for North West Leicestershire SPD
 Ashby de la Zouch Conservation Area Appraisal

5. Assessment

The main issues for consideration relate to the principle of the development and its impacts on residential amenities, highway safety, flood risk and the River Mease Special Area of Conservation/SSSI.

Principle

The site lies within a Town Centre Services Area in the adopted North West Leicestershire Local Plan and an office use (which would fall within Use Class B1) is considered appropriate for this area under Policy R12 of the adopted Local Plan. This location is well related to existing services and facilities and public transport connections. The site lies outside the Town Centre Boundary in the submitted North West Leicestershire Local Plan.

In terms of environmental sustainability the proposal would not result in any unacceptable impacts on the natural, historic or built environment. There would also be some economic benefits from jobs associated with the office use. Therefore in the overall balance it is considered that the proposal represents a sustainable form of development and is acceptable in

principle and would not conflict with paragraphs 14 and 17 of the NPPF and both Policies S2 of the adopted and submitted Local Plans.

Residential Amenities

No external alterations are proposed. Access to the office would be via an external door, rather than via Hood Court, and the existing internal door to Flat 4 would be locked. The route to the external door does not pass any of the flats. The office would only be used by Council staff and is small in scale, limiting the number of staff that could occupy the office. An office use is unlikely to result in any activities creating significant levels of noise and disturbance or loss of privacy to occupiers of the flats. The Council's Environmental Protection team has no observations. Conditions restricting the hours of operation and to the specified use would be appropriate. The proposal therefore accords with Policy E3 of the adopted Local Plan and Policy D2 of the submitted Local Plan.

Highway Safety

North Street public car park lies opposite the site and there are also several dedicated parking spaces for Hood Court. The County Highway Authority has no comments to make. A podiatry clinic, which would have had visitors, previously operated from the flat. It is therefore considered that the proposal would not significantly impact on existing on or off street parking arrangements and therefore a reason for refusal on highway safety grounds could not be justified in this case, as the proposal would not significantly conflict with Policies T3 and T8 of the adopted Local Plan, Policies IF4 and IF7 of the submitted Local Plan or the NPPF.

Flood Risk

The site lies within Flood Zones 2 and 3, as well as within an area at low risk of surface water flooding. The Environment Agency has no detailed comments to make. Whilst a Flood Risk Assessment has not been submitted, the office use is at a lower vulnerability to flood risk than the previous podiatry clinic use, and the site lies within an existing building. The site is not subject to the sequential test as it relates to a change of use. The Lead Local Flood Authority does not deem the site to be at any significant risk of flooding. As such whilst the proposal would not fully comply with the Environment Agency's Standing Advice, given the above circumstances it is considered that a reason for refusal on the basis of non-compliance with Policy E30 of the adopted Local Plan, Policies CC2 and CC3 of the submitted Local Plan and the NPPF could not be justified in this case.

River Mease Special Area of Conservation

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal would have a significant effect on the SAC is required. Given the previous podiatry clinic use and the size of the flat, it is considered that the proposal would not be likely to increase foul drainage discharge from the site. There would be no increase in roof areas or hardsurfacing.

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

Whilst the Ashby Conservation Area adjoins part of the southern boundary to Hood Court, given

that no external alterations are proposed and the nature of the use, it is considered that the proposal would not adversely impact on the character and appearance of the Conservation Area and would comply with Policy HE1 of the submitted Local Plan and the NPPF.

No external alterations are proposed. Given the scale and nature of the proposal and the proposed access arrangements it is considered that suitable crime prevention measures have been incorporated and therefore the proposal complies with Policy E8 of the adopted Local Plan.

Conclusion

The proposal is acceptable in principle and would not be significantly detrimental to residential amenities, the River Mease SAC and the historic environment. Reasons for refusal relating to highway safety and flood risk could not be justified. 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 following conditions:

- 1 Time limit
- 2 Approved plans
- 3 Hours of operation
- 4 Specified use only
- 5 Access via external door only

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