

Meeting	PLANNING COMMITTEE
Time/Day/Date	4.30 pm on Tuesday, 5 September 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 1 August 2017.	3 - 12
4.	PLANNING APPLICATIONS AND OTHER MATTERS	
	Report of the Head of Planning and Regeneration.	13 - 18



Index of Applications to be Considered

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A1	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	19 - 26
A2	16/00718/OUT: Erection of up to seven detached single storey dwellings (Outline - with access included for determination) Land Adjacent To 30 Ashby Road Packington Ashby De La Zouch Leicestershire LE65 1TD	REFUSE	27 - 40
A3	15/01064/OUT: Erection of three dwellings and associated works (outline - access and layout included) Land At Spring Lane Packington Ashby De La Zouch Leicestershire LE65 1WU	REFUSE	41 - 56
A4	17/00629/FUL: Change of use from house (C3) to house in multiple occupation (sui generis) including two storey side and rear extensions 5 Broadhill Road Kegworth Derby DE74 2DQ	PERMIT	57 - 66
A5	17/00395/FUL: Conversion of agricultural outbuilding to a dwelling house 87 Loughborough Road Coleorton Coalville Leicestershire LE67 8HH	PERMIT	67 - 76
A6	17/00885/FUL: Erection of a two storey rear extension and single storey rear extension 16 Nottingham Road Ashby De La Zouch Leicestershire LE65 1DQ	PERMIT	77 - 84
A7	17/00830/FUL: Proposed redevelopment of the former health centre site to form an extension to the North Street car park Former Health Centre North Street Ashby De La Zouch Leicestershire LE65 1HU	PERMIT	85 - 98

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 1 AUGUST 2017

Present: Councillor D J Stevenson (Chairman)

Councillors R Adams, R Boam, J Bridges, R Canny, J Cotterill, J G Coxon, D Everitt, D Harrison, J Hoult, R Johnson, G Jones, J Legrys, P Purver, V Richichi and M Specht

In Attendance: Councillors T J Pendleton and A C Saffell

Officers: Mr R Duckworth, Mr C Elston, Mrs H Exley, Mrs C Hammond, Mr J Knightley, Mr J Newton and Miss S Odedra

17. APOLOGIES FOR ABSENCE

Apologies for Absence were received from Councillor M B Wyatt.

18. DECLARATION OF INTERESTS

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

Councillors R Adams and D Everitt declared a non-pecuniary interest in item A1, application number 16/01407/OUTM, as Members of Whitwick Parish Council.

Councillor J Bridges declared a non-pecuniary interest in item A3, application number 17/00475/FUL, as ward member and he had been asked to speak on behalf of Ashby Woulds Town Council. He stated that once he had addressed the Committee he would leave the meeting and take no further part in the discussion and voting thereon.

Councillor R Canny declared that she had attended a meeting of Castle Donington Parish Council where item A6, application number 16/00902/FUL, had been discussed, but she had come to the meeting with an open mind.

Councillors J G Coxon and J Hoult declared a non-pecuniary interests in items A4 application number 17/00585/FUL, A5, application number 17/00204/FUL and A7, application number 17/00635/3FD as Members of Ashby de la Zouch Town Council.

Councillor D Harrison declared a non-pecuniary interest in item A1, application number, 16/01407/OUTM, as he taught at New Swannington Primary School an hour a week and items A2, application number 17/00427/REM, A4 application number 17/00585/FUL and A5, application number 17/00204/FUL, as an acquaintance of the applicants.

Councillor G Jones declared a pecuniary interest in items A4, application number 17/00585/FUL and A5, application number 17/00204/FUL, as the applicant.

Councillor P Purver declared a non-pecuniary interest in item A1, application number 16/01407/OUTM, as her daughter attended New Swannington Primary School.

Councillor M Specht declared a pecuniary interest in item A2, application number 17/00427/REM, as the applicant.

Members declared that they had been lobbied without influence in respect of various applications below:

Item A1, application number 16/01407/OUTM

Councillors R Adams, R Boam, R Canny, J Cotterill, D Everitt, R Johnson, J Legrys, P Purver, V Richichi, M Specht and D J Stevenson.

Item A2, application number 17/00427/REM
Councillors R Canny, J G Coxon, R Johnson and P Purver

19. MINUTES

Consideration was given to the minutes of the meeting held on 4 July 2017.

It was moved by Councillor J G Coxon, seconded by Councillor R Adams and

RESOLVED THAT:

The minutes of the meeting held on 4 July 2017 be approved and signed by the Chairman as a correct record.

20. 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.

21. 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

Officer's Recommendation: REFUSE

The Principal Planning Officer presented the report to Members.

Councillor R Woodward, on behalf of Whitwick Parish Council, addressed the meeting. He highlighted the objections that the Parish had raised as contained in the report including that point that the application, being Green Wedge and countryside, was contrary to the Council adopted Local Plan and premature in light of the submitted Local Plan, adequate housing was already available, agricultural land would be lost and the proposed development would exacerbate existing flooding issues He stated that nowhere in any documents submitted by the applicant was the protection of Whitwick mentioned and he expressed concern that the mention of additional parking for the school was a mere bribe to push the application through. He hoped the Committee would support the recommendation to refuse.

Mr S McGinty, objector, addressed the meeting. He stated that he was pleased to see that the application was recommended for refusal. He expressed concerns that the developer had had very little regard to the community throughout the process with very little consultation. He highlighted that the application failed to recognise Whitwick as a separate settlement to Swannington and that the sustainability of the development was low down on the developer's list of priorities. He informed the Committee that there was ample housing land supply, that there were several brownfield sites that could be used and that Gladmans had dismissed the emerging Local Plan as they felt it carried limited weight. He advised that residents had concerns over the pressures that a development of such size would put on highways, drainage infrastructure and public services such as healthcare and education. The importance of protecting the area had been outlined in the submitted Local Plan and even though a development of the size before them created jobs, it would not contribute to the long term growth of the area as only transient work would be

available. Members attention was drawn to the impact that the development would have on the A roads and that the amended plans for vehicular access would add to the already busy roads, the increase in flood risk to existing residents, the effect on air quality and the loss of countryside, landscape and views. He urged Members to refuse the application.

The officer's recommendation to refuse the application was moved by Councillor R Adams and seconded by Councillor J Legrys.

Councillor J Bridges stated that the application was not in line with the intended growth in the submitted Local Plan and on that basis alone he would go against the application as a certain amount weight must be given to the adopted and submitted Local Plan. He expressed that the site was deemed countryside and that recent appeals supported refusal.

RESOLVED THAT:

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

22.

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

Officer's Recommendation: PERMIT

Having declared a pecuniary interest in item A2 Councillor M Specht left the meeting and took no further part in the consideration and voting thereon.

The Planning Officer presented the report to Members.

Mrs S Burton, objector, addressed the meeting. She explained that there were three main concerns. The first was that the pedestrian refuge was not a suitable crossing as promised. She explained that the road was already dangerous and by allowing the application today an opportunity to make safe the issues would be missed.

Her second objection was in relation to the design, layout and impact of the proposed development. She expressed the view that the proposal resembled a row of terraced houses, which was incongruous. The Committee had previously said there should be no garage to the front of properties at outline stage. She advised Members that plot three would encroach on her property and would block the light into the only lounge window of her home. She expressed concerns that the outline permission had not been adhered to and for that reason residents were not confident that details before them would. She urged the Committee to ensure that all conditions especially safety issues were met.

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

Councillor J Legrys stated that the application had permission and that it was the reserve matters that were being considered. He highlighted that on the site visit the location of the garage had been discussed. He understood the highways concerns, however the site had planning permission and a refusal on the reserved matters could put the Council in a difficult position. He acknowledged that there were details that the objectors were not happy with and that further discussion was needed over the highways concerns. He supported the officer's recommendation.

In response to a question from Councillor D J Stevenson, the Planning Officer confirmed that there was an existing building along the road that had a garage or outbuilding on the front of the property.

RESOLVED THAT:

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

Councillor M Specht returned to the meeting.

23.

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

Officer's Recommendation: PERMIT

The Principal Planning Officer presented the report to Members.

Councillor J Bridges, Ward Member, addressed the meeting. He stated that the Town Council had concerns over a few aspects of the application. As ward Member he asked Members to consider that should they be minded to permit the application, as it was a small scale operation, to include a condition that restricted the business to one customer at a time and that the scale and mass of the building did not change from the plans that had been submitted.

Councillor J Bridges then left the meeting and took no further part in the consideration and voting thereon.

Mrs V Harkin, applicant, addressed the meeting. She stated that she did not wish to change the character of the area and that it would be a small scale operation that would allow a lifestyle change. She informed Members that she did not want any more than one customer at a time as it would only be herself working in the business. She advised Members that every effort had been made to ensure that the business did not impact on other residents and that the customers would not be on site for more than 15 minutes in total for drop off and collection from her driveway, with a typical working day being one customer in the morning and one in the afternoon. She felt that application would have no detrimental effect on the area as the shed had been located to minimise the view and noise impacts.

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

Councillor J G Coxon stated that having been out on site he could see no problems with the application as it would be a low key operation, with very little traffic and the location of the shed would be hidden.

Councillor D J Stevenson stated that the Committee had passed a similar application elsewhere and highlighted that there had been no issues.

The Head of Planning and Regeneration asked Councillor J G Coxon if he was moving the recommendations as detailed in the report or if he was including the additional condition suggested by Councillor J Bridges restricting the number of customers to one at a time and that the design and mass of the shed did not change from the plans submitted.

Councillor J G Coxon confirmed that he did not wish to include an additional condition as he felt that it may restrict the business and therefore was moving the recommendations as per the report.

RESOLVED THAT:

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

Councillor J Bridges returned to the meeting.

24.

A4

17/00585/FUL: ERECTION OF TWO STOREY FRONT EXTENSION

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

Officer's Recommendation: PERMIT

Having declared a pecuniary interest in items A4 and A5 Councillor G Jones left the meeting and took no further part in the consideration and voting thereon.

The Planning and Development Team Manager presented the report to Members. The presentation included a clarification that no decision notice concerning this application would be issued, unless and until either proof of ownership of the entire application site had been provided, or the correct notices had been served.

Mr T Harrison, objector, addressed the meeting. He advised Members that he was the owner of the neighbouring property and that the majority of the land in the proposed development was under his ownership. He outlined a timeline of disputes over the ownership and that there had been several planning applications submitted but none had gone forward. He highlighted the following objections to the committee:

- 1) The applicant did not own the land and that this could be verified by the title deeds that had been submitted. He informed Members that back in 2008 the applicant had been asked to verify that he owned the land which he could not and subsequently withdrew the application.
- 2) There had been six unregulated building works that had taken place and that the applicant had built over the rights of way to the bungalow and all land surrounding his property within his ownership.
- 3) That the applicant had stated that he wished to stop Mr Harrison gaining access to his own property.

Mr D Harris-Watkins, agent, addressed the meeting. He highlighted that there had been no objections to the application and that he acknowledged that there had been a long standing neighbour dispute. He advised Members that the north extension would have no windows or doors and therefore would not have an adverse effect on the residential amenities of the neighbouring property. He informed Members that the same materials and construction techniques would be used and therefore the proposed development would be in keeping with the rest of the building. He urged Members to support the recommendation.

Councillor D J Stevenson reminded Members that the Committee could not be drawn into neighbour disputes and that only the application before them was to be considered.

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

RESOLVED THAT:

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

- 25. 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

Officer's Recommendation: PERMIT

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

Mr D Harris-Watkins, agent, addressed the meeting. He highlighted to Members that as with the previous application there were no technical objections. The main aspects of the application were the increase of height of the tower and converting the sun room to a plant room. The tower was to be 1 metre higher than the previous application due to construction issues but would protrude over the existing roof line and therefore would not be detrimental to the street scene. He advised Members that the conversion of the plant room would be in keeping with the rest of the property and would be well screened, again, with no detrimental impact on the street scene.

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

Councillor M Specht stated that having visited the site he felt the building work would complement the area.

RESOLVED THAT:

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

- 26. 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

Officer's Recommendation: PERMIT

The Senior Planning Officer presented the report to Members.

Councillor T Saffell, Ward Member, addressed the meeting. He stated that there were many issues with the application he believed that were wrong, but felt that the conservation issues needed addressing. He advised that the many traders within the conservation area helped to enhance the Georgian features and market the historic town, and that the inclusion of an ugly galvanised flue to the rear of the property would go against the aims. He highlighted that the flue was not Georgian and that the fact that it could not be seen outside the yard was not acceptable as many historic features were not always visible. He quoted the Conservation Officer's report that the flue had caused harm to the character and appearance of the conservation area and quoted policy HE1 in the submitted Local Plan. He advised Members that following the comments submitted to the Local Plan inspector by Historic England, the words "less than substantial" had been removed from HE1. He drew Members attention to the fact that Castle Donington did not have an empty shop problem, with many people wanting to invest in the village so the proposal was not an overriding benefit as the premises could be used for other trades. He urged the Members to refuse the application.

Councillor A Sowter, on behalf of Castle Donington Parish Council, addressed the meeting. He advised that the Parish Council was concerned that the development was a significant change of use and did not accord with current planning requirements for restaurants or the guidelines in the Local Plan for the ratio of class A5 use to classes A1 to A4 uses. It was felt that the restaurant had run well for many years, but when combined with a takeaway and food delivery service it would have a detrimental effect on the amenities of the area and its residents. He drew Members attention to the two possible entrances and the lead out on to narrow pavements, and expressed concerns over the possible highway issues, dangers due to customers standing on the pavements and parked cars on the road due to the lack of parking provision. He informed Members that the extended ventilation that would be required for change of use was a carbuncle that would affect the quality of life for the nearby residents.

Mr N Arbon, agent, addressed the meeting. He fully endorsed the officer's recommendation to permit the application. He advised Members that the application was to retain the flue at the rear of the building and that no other external changes were proposed. He highlighted that the application, which was to change the use from A3 use to A3 and A5 use, fully complied with all relevant planning policies and The National Planning Policy Framework and that the site lay within the Limits to Development, was within a Local Centre as defined by the submitted and adopted Local Plan. Therefore, the proposal was an appropriate main town centre use which didn't detract from the area, in accordance with policy R19 of the submitted Local Plan, would not undermine the character of the settlement and would not result in an over concentration of proposed use. He drew Members attention to the comments of the Council's Conservation Officer that the change of use would not have any impact on any of the local heritage assets and that as the flue was located at the rear of the property it would not have an impact on the conservation area.

The recommendation to refuse the application on the grounds that it would reduce the diversity of retail in the area and that it would cause harm to the Conservation Area of Castle Donington was moved by Councillor R Canny and seconded by Councillor R Johnson.

Councillor R Canny stated that the application property had always been used as a restaurant, and had been very well used, but over the past year changes had been made and all planning requirements had been flouted, and rather than a restaurant with a small takeaway it was going to be more takeaway with delivery service than a restaurant. She advised Members that Castle Donington was a village and should the application be passed, it would take the use beyond 10%, which was excessive clustering. She felt that the location of the flue was not appropriate as it blocked a window and would impact on the outside area that was used by the residents who lived over the restaurant, adding that it was in the conservation area.

Councillor R Johnson agreed with everything Councillor R Canny had said and sought clarification from officers that planning permission had been given for the flue as he felt that it caused harm in the conservation area and was in the wrong location.

The Head of Planning and Regeneration advised Members that the current lawful use of the premises was not A1 but A3. Therefore, the centre was not losing a retail unit and thus it was not affecting the diversity of units. He stated that the reduction in diversity was not a defensible reason to refuse the application and particularly given the location of the application property on a corner within the defined centre, neither was clustering of takeaways. He advised Members that officers had spoken to the applicant to see if moving the flue to another location would be possible and the applicant had indicated that he was happy to do so. He suggested that should the Committee be minded to permit the application, authority be delegated to officers to add a condition to move the flue.

Councillor D Everitt stated that if there was the need for the business it would succeed, and if the flue wasn't there the back of the building would not look great due to the age and wear of the brick work. He felt that the flue was a contrast to the old building.

Councillor J Legrys sought clarification from officers as to whether the flue had required planning permission in a conservation area, whether the 10% ceiling for the number of takeaways within the town centre had been breached and what was regarded as the town centre in which the 10% ceiling was calculated. He felt that the questions needed to be answered to allow an informed decision to be made. He expressed concerns that there was a parking issue in the area and that there was a large number of takeaways in the area. He stated that the Council did not have the resources to enforce parking restrictions anywhere in the district at night.

The Head of Planning and Regeneration advised Members that the flue required planning permission and that was why it was part of the application. In relation to the 10% rule, the amount of takeaways had been exceeded however it was irrelevant as the current lawful use of the unit was not A1 use but an A3 use, and the town centre envelope was set out on the maps contained within the Local Plan.

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

The officer's recommendation to permit the application was moved by Councillor M Specht and seconded by Councillor J Hoult.

Councillor M Specht questioned that the report did not say that there would be a food delivery service.

The Head of Planning and Regeneration highlighted to Members the additional condition that was outlined in the update sheet in relation to the hot food delivery service.

Councillor D J Stevenson stated that the increase in takeaways was happening everywhere including Coalville and Market Street in Ashby with no parking and felt that an A1 use was no different to A3 or A5 uses in that regard, and considered that if A3 or A5 units were not considered acceptable without off street parking then neither should A1 units. In relation to the flue he reminded Members that the Committee had granted permission for a flue at Stanton Harrold that was a beautiful conservation area and when you walked into that courtyard the flue was the first thing that you saw.

Councillor J G Coxon stated that he shared the sentiments of Councillor R Canny, as in the past Ashby had experienced the same problems with the number of takeaways, however he felt that there were no planning grounds to refuse the application. He felt that in time the situation would sort itself out in that if there was a need for the takeaway/restaurant the business would survive and if the custom was not there it would fold.

RESOLVED THAT:

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

- 27. 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

Officer's Recommendation: PERMIT

The Planning and Development Team Manager presented the report to Members

The officer's recommendation to permit the application was moved by Councillor J Legrys and seconded by Councillor R Adams.

Councillor M Specht sought clarification to see if the current residents of the flats had been consulted on the proposals for the flat and if any current first floor residents had been given the opportunity to move to the ground floor.

Councillor J Hoult advised that there were lifts in the building and that an office was needed to allow the area housing officers to work in the town.

The Head of Planning and Regeneration told Members that application was what it was and was to be determined on its own merits.

Councillor M Specht stated that unless it could be confirmed that the residents had been consulted he was not happy with the application and felt that it should be deferred.

Councillor R Adams questioned what the office was to be used for and whether it would be open to the public.

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

Councillor M Specht moved that the application be deferred to allow consultation with the residents. It was seconded by Councillor R Adams.

RESOLVED THAT:

The application be deferred to allow consultation with the residents.

Councillor G Jones left the meeting having declared a pecuniary interest in items A4 & A5 and he did not return to the meeting to consider any remaining items.

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 6.01 pm

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APPENDIX B

**Report of the Head of Planning and Regeneration
To
Planning Committee
5 September 2017**

PLANNING & DEVELOPMENT REPORT



PLANNING COMMITTEE FRONT SHEET

1. Background Papers

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

2. Late Information: Updates

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

3. Expiry of Representation Periods

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

4. Reasons for Grant

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

5. Granting permission contrary to Officer Recommendation

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

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

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

6 Refusal contrary to officer recommendation

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

7 Amendments to Motion

An amendment must be relevant to the motion and may:

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

as long as the effect is not to negate the motion

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

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

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

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

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

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

8 Delegation of wording of Conditions

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

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

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

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Section A – Planning Applications

A1	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 LE65 1HY
A2	16/00718/OUT	Erection of up to seven detached single storey dwellings (Outline - with access included for determination) Land Adjacent To 30 Ashby Road Packington Ashby De La Zouch LE65 1TD
A3	15/01064/OUT	Erection of three dwellings and associated works (outline - access and layout included) Land At Spring Lane Packington Ashby De La Zouch LE65 1WU
A4	17/00629/FUL	Change of use from house (C3) to house in multiple occupation (sui generis) including two storey side and rear extensions 5 Broadhill Road Kegworth Derby DE74 2DQ
A5	17/00395/FUL	Conversion of agricultural outbuilding to a dwelling house 87 Loughborough Road Coleorton Coalville LE67 8HH
A6	17/00885/FUL	Erection of a two storey rear extension and single storey rear extension 16 Nottingham Road Ashby De La Zouch Leicestershire LE65 1DQ
A7	17/00830/FUL	Proposed redevelopment of the former health centre site to form an extension to the North Street car park Former Health Centre North Street Ashby De La Zouch LE65 1HU

Section B – Other Matters

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

Report Item No
A1

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

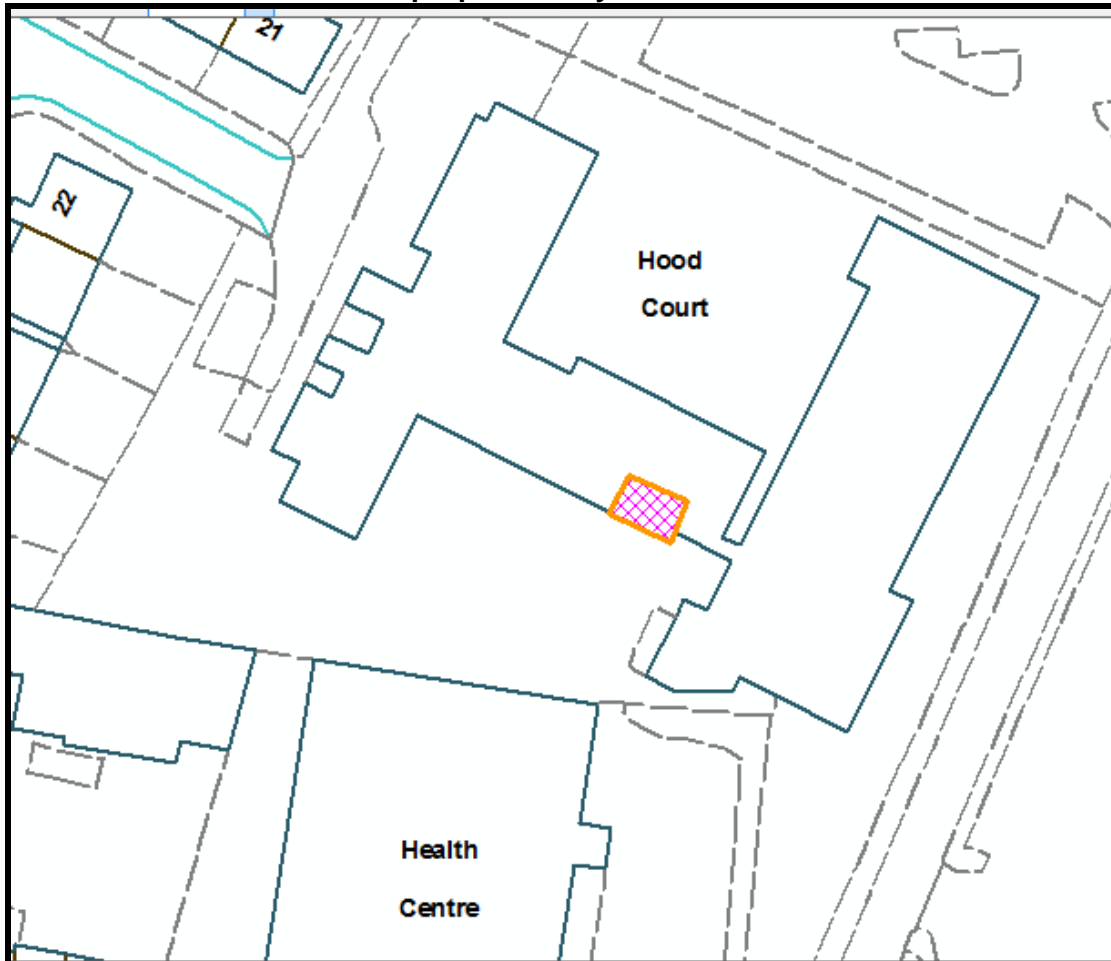
Consultation Expiry:
17 July 2017

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

Deferral Reason

This application was reported to Planning Committee on 1 August 2017 with a recommendation for approval, and it was resolved to be deferred to allow consultation with the residents of Hood Court.

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

The application was reported to Planning Committee on 1 August 2017 with a recommendation for approval, where it was resolved to be deferred to allow consultation with the residents of Hood Court.

The Assessment section of the report below has been updated to address the reason for deferral. The remainder of the report remains largely unchanged from the report and Update Sheet which Members considered at Planning Committee on 1 August 2017, save for inclusion of comments received from Severn Trent Water.

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 notified (date of last notification) 28/06/2017.
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.

Severn Trent Water has no objection subject to inclusion of an informative.

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 undertook a six week consultation on its Main

Modifications from 12 June 2017. The comments received have been considered. The Council's position is that no further changes are required. All of the comments received, together with the Council's response, have been forwarded to the Inspector who will, in due course, advise of the next steps. 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

Submission Draft Ashby Neighbourhood Local Plan

The Submission Draft of the Ashby Neighbourhood Local Plan was submitted to the Council on 1 August 2017. The Council will now undertake a six week consultation on the Draft Neighbourhood Plan and arrange for an examination. 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 - 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

Update

The application was reported to Planning Committee on 1 August 2017 with a recommendation for approval, where it was resolved to be deferred to allow consultation with the residents of Hood Court. Consultation letters were sent to 39 flats at Hood Court. One letter of representation from a resident of Hood Court has been received which raises concerns regarding parking. The issues raised in this letter were addressed in the original Committee Report, as set out below.

Members will be aware from the main report that the application for the change of use of Flat 4 to a podiatry clinic (03/01338/FUL) initially related to the podiatry clinic being located within a hobbies room on the first floor within Hood Court. Following concerns raised by some of the residents of Hood Court in relation to security and access arrangements, the 2003 application was amended to use Flat 4 for the podiatry clinic, so that a separate external access could be provided, which is still in place. A condition is proposed on the current application to require access to the office to be only via this external door.

The Councils Head of Housing has advised that "The Council currently already have a hub office in one of the rooms in Hood Court which was established as a pilot scheme some months ago. It is proving very successful as a touch-down point for staff based out in the district to save the time and expense of them returning to the main office in Coalville. Hood Court sheltered scheme offers a mixture of one bedroom flats, which are very popular, and bedsit flats, which are extremely unpopular as they are too small for most older people and represent too much of a space compromise when downsizing from a larger property. Using one of the vacant bedsit flats as a hub office was therefore an effective use of a bedsit room which we could not let to a tenant.

When the County Council gave notice to vacate the flat they had been using as a podiatry clinic for many years, we realised this was a much better location for the hub as it was at the front of the building, causing less disruption to tenants as a result of staff visiting it.

The office will not be a publicly accessible office and is purely a touch-down point for staff. It is, therefore, envisaged that there will be no additional traffic/parking issues as a result of the proposed change of use of the flat to a hub office, and in the event of there being any demand for a ground floor bedsit from existing residents or waiting list applicants, there will be one immediately available in the current hub room which will be vacated. We are also finalising a proposal to install additional dedicated parking for the scheme to the rear of the building which will be accessed off Millbank. This will be reserved for residents and their guests, with limited staff parking, as was previously the case to the front of the scheme."

The assessment below is as previously reported to Planning Committee on 1st August 2017 and there is no change to the recommendation.

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. An email has been received from the Council's Housing team advising that it is the intention for staff at Hood Court to be given permits to park at the Hood Park Leisure Centre car park, the staff who would use the hub office already visit or work at Hood Court and the issue of specific parking to be provided for residents of Hood Court is a separate issue from the application.

Matters relating to existing residents' parking is not an issue that can be considered as part of this application; issues relate solely to impacts on highway safety arising from the change of use of the flat from a podiatry clinic to a hub office. 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. Severn Trent Water has no objection. 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

Erection of up to seven detached single storey dwellings
(Outline - with access included for determination)

Report Item No
A2

Land Adjacent To 30 Ashby Road Packington Ashby De La
Zouch Leicestershire LE65 1TD

Application Reference
16/00718/OUT

Applicant:
Mr And Mrs K Waring

Date Registered:
13 June 2016

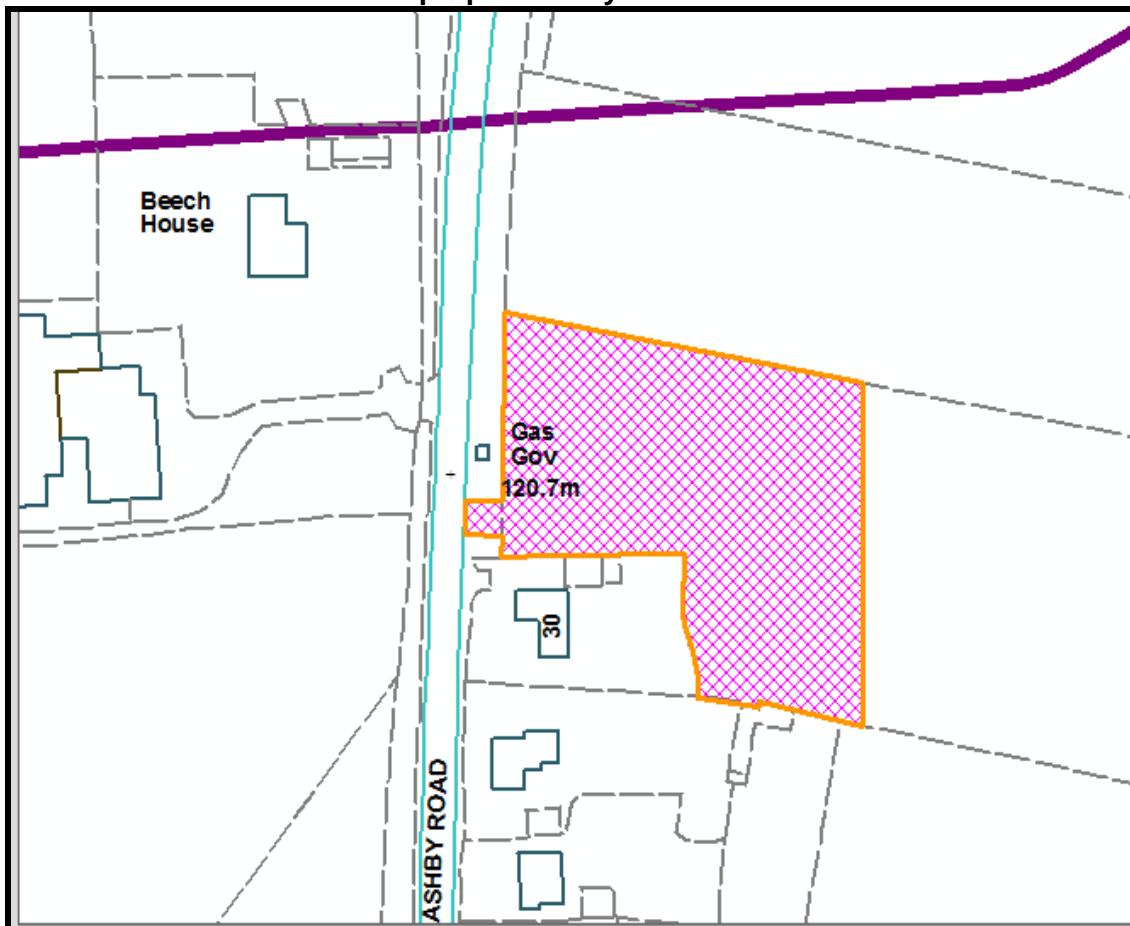
Case Officer:
Jenny Davies

Consultation Expiry:
20 July 2016

Recommendation:
REFUSE

8 Week Date:
8 August 2016
Extension of Time:
None Agreed

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

This application has been called to Planning Committee by Councillor Nigel Smith on the grounds that the site is outside the Limits to Development, on a fast road and planning permission has already been granted for more houses in Packington than the Local Plan requirements.

Proposal

Outline planning permission (with access included for determination) is sought for the erection of up to seven single storey detached dwellings on land adjacent to No. 30 Ashby Road, Packington. The indicative layout shows five dwellings adjacent to the site's northern boundary and two dwellings adjacent to its southern boundary, facing onto a central access drive. An existing access would be closed and a new access provided onto Ashby Road.

Consultations

One letter of objection has been received from a member of the public and Packington Parish Council has raised objections. The County Ecologist initially recommended refusal on the basis of an inadequate ecology survey; following a site visit the County Ecologist has withdrawn this objection. No other objections have been received from statutory consultees.

Planning Policy

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

Conclusion

In conclusion, the proposal would be socially sustainable, would have limited economic benefits, would not result in a significant loss of BMV and would not result in any unacceptable impacts on the built or historic environment. However as the site is outside the Limits to Development it would conflict with the settlement hierarchy and strategic housing aims of Policy S2 of the submitted Local Plan. Significant harm would also arise from impact on the rural character and visual amenities of the countryside, which would conflict with Policy S3 of the adopted Local Plan, Policy S3 of the submitted Local Plan and the NPPF. The resulting environmental harm from these impacts would significantly and demonstrably outweigh the social and economic benefits, and therefore it is considered that, overall, the proposal does not constitute sustainable development.

RECOMMENDATION - THAT PLANNING PERMISSION BE REFUSED

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

MAIN REPORT

1. Proposals and Background:

Outline planning permission (with access included for determination) is sought for the erection of up to seven detached single storey dwellings on land adjacent to No. 30 Ashby Road, Packington. The site constitutes approximately 0.48 hectares of grassland located on the eastern side of Ashby Road. Open fields lie to the north, east and south east, with existing dwellings to the south and a farm to the west. The site is fairly level although it is set approximately half a metre lower than the road.

The indicative layout shows five dwellings adjacent to the site's northern boundary and two dwellings adjacent to its southern boundary, facing onto a central access drive. Indicative plans have also been provided showing three 'typical single storey dwellings.' The site is currently served by a field access, which would be closed, with a new access proposed towards the southern end of its boundary with Ashby Road. A small stretch of frontage trees/hedgerow may need to be removed to provide the new access. The plans show that the remainder of this hedgerow would be retained, along with the hedgerows on the site's boundaries with adjacent dwellings and their gardens. The application initially proposed a cesspool as a temporary solution for foul drainage discharge but it would now have a mains sewer connection.

The site lies within the catchment area of the River Mease Special Area of Conservation.

The agent has submitted a detailed statement in support of the application which concludes that the proposal represents sustainable development in accordance with the NPPF and should be permitted. The applicant has also made reference to other applications permitted outside limits to development and on that basis concludes that this application should also be allowed.

The full contents of this correspondence are available for Members to view on the planning file.

Planning History

Two similar applications for the erection of two detached dwellings and single garages along with new vehicular access and associated works (13/00874/FUL and 14/00434/FUL) on the front part of the site were both refused by Planning Committee in December 2013 and June 2014 on the grounds that their physical intrusion of this type of ribbon development into the countryside would be to its overall detriment.

Other history:

- 94/0260/P - Erection of one single storey detached dwelling and detached garage (outline) - Refused 8th June 1994;
- 95/0355/P - Erection of one single storey detached dwelling and detached garage (outline) - Refused 7th June 1995, Dismissed at Appeal 30th July 1996;
- 11/00891/FULM - Proposed stable block with hay store, tack room and tractor shed, laying of hardstanding, erection of gates, alterations to vehicular access and change of use of the land for the keeping of horses - Approved 10th January 2012.

2. Publicity

3 Neighbours have been notified, (date of last notification) 21/06/2016.

Site Notice displayed 24 June 2016.

Press Notice published Leicester Mercury 29 June 2016.

3. Summary of Consultations and Representations Received

Statutory Consultees

Packington Parish Council objects on the following grounds:

- traffic management measures are required to improve vehicle and pedestrian safety on one of the busiest roads in the area;
- whilst all development can impact on the environment and place pressures on local services, the planning system should be used to ensure new development does not have any adverse impacts on infrastructure;
- the proposal is not on the mains sewer;
- proposals that would result in loss of or have an adverse effect on local green spaces should not be permitted;
- is it not correct under national and local planning policy that development in the open countryside and outside the limits to development will only be allowed in exceptional circumstances.

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

Severn Trent Water has no objection subject to a condition.

The Environment Agency advises that whilst it is unable to object to cesspools it does not promote their use for foul drainage.

Natural England has no objections subject to conditions.

The County Ecologist initially objected on the grounds of an inadequate ecology survey; following a site visit she has withdrawn this objection.

The County Archaeologist requests the imposition of conditions.

The County Highway Authority has no objections subject to conditions.

The National Grid has no objections.

Third Party Representations

One letter of objection has been received which objects on the following grounds:

- noise levels and traffic disruption during construction;
- a single access is inadequate;
- noise and disruption from normal daily activities of occupiers of new dwellings would become a permanent feature and an intrusion;
- visual mass totally out of proportion with nearby buildings and locality, in particular as would be located at the end of a row of single dwellings and adjacent to open countryside;
- the view from the north from Ashby Road would be of a virtually unbroken aspect of development, extending more than 100 metres from the road edge along the site's northern boundary;
- the surcharge on the sewage system from foul and storm drainage would be considerable and may lead to disruption to the existing system.

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

4. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

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

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

Paragraph 10 (Achieving sustainable development)
 Paragraph 14 (Presumption in favour of sustainable development)
 Paragraph 17 (Core planning principles)
 Paragraphs 32 and 35 (Promoting sustainable transport)
 Paragraphs 47, 49 and 55 (Delivering a wide choice of high quality homes)
 Paragraphs 57, 58, 59, 60, 61 and 64 (Requiring good design)
 Paragraph 69 (Promoting healthy communities)
 Paragraphs 96, 99, 100 and 103 (Meeting the challenge of climate change, flooding and coastal change)
 Paragraphs 109, 112, 118, 119 and 123 (Conserving and enhancing the natural environment)
 Paragraphs 203 and 204 (Planning conditions and obligations)

Adopted North West Leicestershire Local Plan:

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.

Policy S1 - Overall Strategy
 Policy S3 - Countryside
 Policy E2 - Landscaped Amenity Open Space
 Policy E3 - Residential Amenities
 Policy E4 - Design
 Policy E7 - Landscaping
 Policy E8 - Crime Prevention
 Policy F1 - National Forest - General Policy
 Policy F2 - Tree Planting
 Policy F3 - Landscaping & Planting
 Policy T3 - Highway Standards
 Policy T8 - Parking
 Policy H4/1 - Housing Land Release
 Policy H6 - Housing Density
 Policy H7 - Housing Design

Submitted North West Leicestershire Local Plan

The publication version of the Local Plan was agreed by Council on 28 June 2016 and submitted for examination on 4 October 2016. Examination hearing sessions were held in January and March 2017 and the Council undertook a six week consultation on its Main Modifications from 12 June 2017. The comments received have been considered. The Council's position is that no further changes are required. All of the comments received,

together with the Council's response, have been forwarded to the Inspector who will, in due course, advise of the next steps. The weight to be attached by the decision maker to this submitted version (as proposed to be modified) should be in accordance with the approach set out in Paragraph 216 of the NPPF, having regard to the stage now reached towards adoption, the extent to which there are unresolved objections to the policies relevant to the determination of this application, and the degree to which the emerging policies are consistent with the NPPF.

S1 - Future Housing and Economic Development Needs
 S2 - Settlement Hierarchy
 S3 - Countryside
 D1 - Design of New Development
 D2 - Amenity
 H4 - Affordable Housing
 H6 - House Types and Mix
 IF4 - Transport Infrastructure and New Development
 IF7 - Parking Provision and New Development
 En1 - Nature Conservation
 En2 - River Mease Special Area of Conservation
 En3 - The National Forest
 Cc2 - Water - Flood Risk
 Cc3 - Water - Sustainable Drainage Systems

Other Guidance

The Community Infrastructure Levy Regulations 2010
 The Conservation of Habitats and Species Regulations 2010
 Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System
 National Planning Practice Guidance - March 2014
 River Mease Water Quality Management Plan - August 2011
 The River Mease Developer Contributions Scheme (DCS) - September 2016
 6Cs Design Guide (Leicestershire County Council)
 Affordable Housing SPD - January 2011
 Good Design for North West Leicestershire SPD - April 2017

5. Assessment

The main considerations in the determination of this application relate to the principle of development, its design/layout and impacts on the character of the area, archaeology, residential amenities, highway safety, drainage and flood risk, the River Mease SAC/SSSI and protected species/ecology.

Principle of Development

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

The application site lies outside the defined Limits to Development within the adopted Local Plan and the submitted North West Leicestershire Local Plan, with new dwellings not being a form of development permitted in the countryside by Policy S3 of both Plans. Policy S2 of the submitted Local Plan also advises that in villages such as Packington a limited amount of growth will take place within the Limits to Development. The agent makes reference to the appeal decision at Swepstone Road, Heather, where 36 dwellings were allowed. However the

most recent appeal for new housing in the countryside in the District relates to that for eight dwellings at Normanton Road, Packington (15/01051/OUT refers). The Packington Inspector agreed with the Heather Inspector and took the view that Policy S3 of the adopted Local Plan would attract limited weight as it relates to planning requirements for the District up to 2006 and it takes a very restricted approach to housing in the countryside when compared with the NPPF. The Packington Inspector, whilst acknowledging that the Heather Inspector had given submitted Policy S3 limited weight, afforded the submitted Local Plan moderate weight, given its current stage in the examination process being at main modifications stage (with public consultation having now ended) and it being subject to some unresolved objections. Having regard to this site being adjacent to the same village as the appeal site, it is considered appropriate to adopt a similar approach. On this basis it is necessary to consider the proposal against paragraph 14 of the NPPF, including the 'tilted balance', which indicates 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 when assessed against the policies in the Framework taken as a whole. Consideration must therefore be given to whether the proposals constitute sustainable development (including in its economic, social and environmental roles) as set out in the NPPF.

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

It is acknowledged that the Limits to Development as defined in the adopted Local Plan were drawn having regard to housing requirements only up until the end of that Plan Period (i.e. to 2006). However in the recent Normanton Road appeal decision the Inspector did not consider there was a current or pressing need for the Council to review the Limits to Development for Packington proposed in the submitted Local Plan.

In terms of social sustainability Packington provides a range of day to day facilities, e.g. a primary school, shop, church, village hall, a public house, play area/recreation ground and some small-scale employment sites, along with a limited hourly public transport service. These services/facilities are within 800 metres to one km (preferred maximum walking distance) of the site, and there is a footway with streetlighting running along Ashby Road into the village. The centre of Ashby-de-la-Zouch is also located approximately 1.5km from the site, where a wider range of services can be found and is considered to be accessible on foot or by cycling. Therefore, it is considered that occupiers of the dwellings would not necessarily be dependent on the private car. Taking all of these matters into account it is considered that the site is socially sustainable in terms of access to services/facilities.

Given the scale of the development, and when taking into account other sites that have been granted planning permission since 2014 or are currently proposed in the village (totalling 50 dwellings), it is considered that the proposal would not result in unsustainable demands on local services and facilities. The proposal would also have limited economic benefits which would include local construction jobs and helping to maintain local services in the area.

In terms of environmental sustainability the proposal would result in the loss of agricultural land. Best and Most Versatile (BMV) agricultural land is defined as that falling within in Grades 1, 2 and 3a of the Agricultural Land Classification (ALC). It is not clear what class of agricultural land the site falls within. Whilst the NPPF does not suggest that the release of smaller BMV sites is acceptable, the magnitude of loss of agricultural land is considered to be low where less than 20 hectares of BMV would be lost. Therefore given the relatively limited extent of the

potential loss of the site, at 0.48 hectares, it is considered that this is not sufficient to sustain a reason for refusal in this case.

Furthermore, as set out in more detail below, the proposal would not result in any unacceptable impacts on the built or historic environment. However as the site is outside the Limits to Development it would conflict with the settlement hierarchy and strategic housing aims of Policy S2 of the submitted Local Plan. Furthermore as set out below, significant harm would arise from impact on the rural character and visual amenities of the countryside which would conflict with Policy S3 of the adopted Local Plan, Policy S3 of the submitted Local Plan and the NPPF. The resulting environmental harm from these impacts would significantly and demonstrably outweigh the social and economic benefits, and therefore it is considered that, overall, the proposal does not constitute sustainable development.

In response to the applicant's comments about other developments outside limits being approved, Members will be aware that a number of applications for residential development outside limits to development across the District have been allowed in the last few years. However, each application has to be dealt with on its own merits and as more weight can now be afforded to the submitted Local Plan due to the stage it has reached, circumstances have changed and where harm can be demonstrated as indicated above, applications can be refused in accordance with the relevant policies in the submitted local plan.

Design

The proposal results in a density of 14.6 dwellings per hectare. The NPPF states that authorities should set their own approach to housing density to reflect local circumstances. This density is considered appropriate having regard to the location of the site on the edge of a village adjoining the countryside and the character of the area.

The submitted plans show seven large single storey detached dwellings of similar sizes, although these plans are indicative and their detailed scale, design and layout would be considered at reserved matters stage. However based on the indicative layout, the site could accommodate all of the necessary requirements (private gardens, parking/turning space) for up to seven dwellings without being too cramped. Furthermore given the site's location within the National Forest adjacent to open countryside there would be a need for reinforce the landscaping of the site, which could also be accommodated. As such it is considered that proposal would not conflict with Policies E4 of the adopted Local Plan and Policy D1 of the submitted Local Plan.

Character of the Area and Visual Impact

The site is outside the Limits to Development under the adopted and submitted Local Plans. On this basis the proposal would be assessed against the context of Policy S3 of the adopted Local Plan and Policy S3 of the submitted Local Plan, and paragraph 17 of the NPPF which requires the planning system to recognise the intrinsic character and beauty of the countryside. As noted earlier in the report in the 'Principle' section, Policy S3 of the adopted Local Plan is considered to have limited weight, and Policy S3 of the submitted Local Plan is considered to have moderate weight.

The two previous applications for two dwellings on the site (13/00874/FUL and 14/00434/FUL) were both refused on the same grounds:

Whilst the Council cannot demonstrate a five year housing land supply it is considered that a proposal for two dwellings would not make a significant contribution to that shortfall and in these circumstances the physical intrusion of this type of ribbon development into the countryside,

which should be recognised for its intrinsic character and beauty, would be to its overall detriment and as such contrary to the aims of Policy S3 of the adopted North West Leicestershire Local Plan and Paragraph 17 of the National Planning Policy Framework.

On both schemes two dwellings were proposed at the front of the site, broadly in line with No. 30, with the site's rear boundary being in line with the rear boundary to No. 30. The current site is larger as it extends further back from Ashby Road (by around 67 metres from the site's front boundary) and wraps around the rear of No. 30's rear boundary, forming an L-shape.

The site is an undeveloped grass field bordered on two sides by mature hedgerows interspersed with trees, with a mature hedgerow partly occupying part of its front boundary with Ashby Road, a post and rail fence on its northern boundary and its eastern boundary currently being open (as the site is part of a larger field). Some existing natural screening is in place, although there are open views of the site from Ashby Road, in particular from the north and the public footpath which runs parallel with the site approximately 120 metres to the north, and the site appears as a self-contained field. The area is characterised by open fields with post and rail fencing, trees and hedgerows forming the boundaries, with housing located immediately to the south and a farm located directly opposite the site to the west, which is itself isolated from other development and surrounded by open fields. As such the area is rural in character and provides the rural setting for the village when travelling along Ashby Road. The site is closely associated with the rural landscape to the east and in particular the north, given the post and rail fencing, giving the landscape on the eastern side of Ashby Road an open character. As a consequence the site contributes positively to the undeveloped nature of the area on the approach to the village along Ashby Road and in views towards the village from the public footpath.

Whilst the scale, layout and external appearance of the dwellings is not included at this outline stage, up to seven dwellings and their associated ancillary development on the site, including an access drive, parking and turning areas that would be required as Ashby Road is classified, would be visible both from Ashby Road and the public footpath due to the open views available of the site. Views from the north along Ashby Road and from the public footpath are currently of frontage dwellings with rear gardens and ancillary development, e.g. outbuildings. The development of the site could introduce development extending up to 67 metres back from the front boundary and, regardless of the number of dwellings built, would extend development into the open countryside in an open and prominent location. Whilst there is part of a hedgerow on the Ashby Road boundary, and additional planting is proposed along the northern and eastern boundaries, dwellings would be visible above and through this planting, in particular in the winter months.

Whilst it is considered that the proposed development will impact adversely on the character and visual amenities of the rural environment, it is considered that the dwellings would not be isolated. However, the proposal would result in the urbanisation of the site and physical intrusion into the countryside from ribbon development, which would diminish its present open and rural character and contribution to the character and visual amenities of the area along Ashby Road and in views from the public footpath, and would be an incongruous encroachment into the rural environment.

Therefore it is considered that the proposal would result in significant harm to the character and rural appearance of the locality and the proposal would appear as an unwarranted and incongruous intrusion into the countryside. As a consequence the development would fail to protect or enhance the natural environment and would be contrary to the environmental strand of sustainability set out within the NPPF. As such the development would be contrary to

Paragraph 17 of the NPPF, Policy S3 of the adopted Local Plan and Policies S2 and S3 of the submitted Local Plan.

Archaeology

The Leicestershire and Rutland Historic Environment Record (HER) indicates that the development area lies in an area of archaeological interest, to the north of the medieval and post-medieval historic settlement core of Packington. Also to the west of the site is an area likely to represent the remains of prehistoric occupation and settlement, to the north an area thought to represent prehistoric field systems and enclosures and to the north east a cropmark possibly prehistoric in origin. Appraisal of the HER indicates that little or no previous archaeological investigation has been undertaken within the development area or in its vicinity. Therefore in the absence of site specific information, the County Archaeologist advises that it is difficult to evaluate the archaeological potential of the development site.

An appraisal of available aerial photographs suggests the presence or former presence of ridge and furrow earthworks to the south of the site, indicating the site lies within the former extent of the openfield system that would have surrounded Packington through much of the medieval and post-medieval periods. The County Archaeologist advises that this indicates that the area has a low potential for significant medieval or later archaeological remains with greater potential for prehistoric remains.

Buried archaeological evidence spanning the period from the prehistoric to the earliest evolution of the village (potential yet unidentified heritage assets) could be present within the development area. Paragraph 141 of the NPPF states that developers are required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development.

Therefore, the County Archaeologist has no objections to the proposal subject to the imposition of conditions for an appropriate programme of archaeological mitigation, including as necessary intrusive and non-intrusive investigation and recording. Subject to these conditions, it is considered that the proposal would comply with the provisions of the NPPF.

It is noted that no response was received from the County Archaeologist on the two previous applications for dwellings on the site. However in this case a response has been received, and given that the size of the site has increased, it would be reasonable to impose the recommended conditions.

Residential Amenities

The proposal would result in an increase in traffic using the new access drive which runs close to No. 30 Ashby Road and its rear garden. However the situation would not be dissimilar to a development on a corner site with a side road running close to dwellings and their rear gardens, which was considered in an appeal decision to be a yardstick for an acceptable standard, and which already occurs in other parts of the village. It is also not unusual to find housing adjacent to other areas of housing, and it is unlikely to generate significantly detrimental levels of noise and disturbance. It is also noted that the Council's Environmental Protection team raise no objections. Whilst noise and disturbance may occur during construction, this would be for a temporary period, and the Council has separate powers under the Environmental Protection Act to investigate such matters.

No. 30 Ashby Road has one window in its side elevation facing the site serving a bedroom, along with rear windows serving habitable rooms, and has a large rear garden with a mature hedgerow forming the boundary. No. 28 Ashby Road has rear windows. There are also

domestic outbuildings (which appear to be associated with either No. 26 or 28 Ashby Road) located on part of the site's southern boundary. Whilst the layout is indicative, it is considered that a scheme for up to seven dwellings could be accommodated on the site without resulting in significant detriment to the occupiers of Nos. 28 and 30 and users of the outbuildings from direct overlooking, overshadowing and oppressive outlook. Detailed consideration of this issue could be dealt with at reserved matters stage. As such the proposal would comply with the provisions of Policy E3 of the adopted Local Plan and Policy D2 of the submitted Local Plan.

Highway Safety

Access is included for determination at this stage. The County Highway Authority has not raised any objections to the proposal subject to conditions, including provision of a refuge for pedestrians adjacent to the access along with a crossing facility, and relocation of the bus stop, and amendments to the radii and kerbs/crossing details of the new access. There is considered to be space within the site for up to seven dwellings and the required parking and turning provision in accordance with the Highway Authority's 6Cs Design Guide. The Highway Authority therefore advises that in its view the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with paragraph 32 of the NPPF, subject to conditions. It is therefore considered that the proposal 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.

Drainage and Flood Risk

The site lies within Flood Zone 1 which is the lowest risk area for flooding from watercourses. No parts of the site are identified by the Environment Agency to be at low to high risk from surface water flooding. Severn Trent Water has no objections subject to a condition relating to details of foul and surface water drainage. On this basis it is considered that proposal is unlikely to result in significant impacts in relation to drainage and flood risk and would not conflict with Policies CC2 and CC3 of the submitted Local Plan and the NPPF in respect of these matters.

River Mease Special Area of Conservation/SSSI

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

The River Mease Developer Contribution Scheme First and Second Development Windows (DCS1 and 2) have been produced to meet one of the actions of the River Mease Water Quality Management Plan (WQMP). Both DCS1 and DCS2 are considered to meet the three tests of the 2010 CIL Regulations and paragraph 204 of the NPPF. There is no capacity available under DCS1 and so DCS2 was adopted by the Council on 20 September 2016.

Due to the lack of capacity under DCS1 the use of a cesspool was proposed as an interim solution, with connection to the mains sewer at a later stage under DCS2. Whilst the Environment Agency advised that it could not object to use of a cesspool it also advised that it does not promote their use either, and that the National Planning Practice Guidance clearly states that first presumption must be to connect to the foul sewer. Given that the site is in a location where it could connect to the mains sewer the Council were of the view that in this case use of a cesspool would not be appropriate. Furthermore once DCS2 was adopted the Council took the view that sites located outside the Limits to Development would not be acceptable under DCS2. However following the recent appeal decision relating to Normanton Road, Packington, the Council has changed its approach to utilising capacity within DCS2, and as such the proposal can connect to the mains sewer system. The Environment Agency and

Natural England have both issued Standing Advice relating to the River Mease SAC under which they do not need to be consulted if the proposal connects to the mains sewer and the applicant is agreeable to payment of the DCS contribution.

Surface water discharge using a sustainable drainage system is usually sought on sites within the SAC catchment, in order to reduce the level of surface water treated by Severn Trent Water, and this could be secured by condition.

The flows from the seven dwellings need to be taken into account against the existing headroom at Packington Treatment Works, which serves this area. At March 2016 capacity was available for 3368 dwellings but this is reduced by the number of dwellings that already have consent or are under construction at March 2016 (1444) and a further 390 which have subsequently been granted permission or have a resolution to permit in place, giving capacity for 1534 dwellings. As such it is considered that capacity is available at the relevant treatment works for the foul drainage from the site.

Therefore it can be ascertained that the proposal will, either alone or in combination with other plans or projects, have no likely significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI and would comply with the Habitat Regulations, the NPPF and Policies S2, EN1 and EN2 of the submitted Local Plan.

Protected Species/Ecology

There are trees, hedgerows and grassland on or close to the site along with large gardens being in close proximity and a small pond over 130 metres to the east, which are all features that could be used by European Protected Species (EPS) or national protected species. Therefore the Local Planning Authority has a duty under regulation 9(5) of the Habitats Regulations 2010 to have regard to the requirements of the Habitats Directive in the exercise of its functions and to the requirements of the Wildlife and Countryside Act 1981 (as amended).

The County Ecologist initially advised that a larger area of grassland would be affected than under the two most recent applications for the site, and that she found the ecology survey to be unsatisfactory and would need to visit the site to check its accuracy. The County Ecologist was unable to access the site in October 2016 and as such could not ascertain whether the grassland was species-rich nor check the accuracy of the ecology report. An updated ecology report was submitted in November 2016, and the County Ecologist advised that she would still need to visit the site given the concerns she had previously raised regarding the original ecology report that had been undertaken by the same consultant. The County Ecologist therefore raised a holding objection in December 2016, on the basis that she needed to visit the site and that the earliest time she could now visit would be April 2017. Following a visit to the site in April 2017 the County Ecologist advised that the grassland is not specie-rich and therefore she has no objections.

The submitted Ecology Survey states that no evidence was found of badgers using the site, that the pond is dried up, no evidence was found on bats on the site and no trees were found to be suitable for bats and that no sites were identified for great crested newts. The County Ecologist has not raised any objections in relation to protected species. On this basis it is considered that the proposal would not adversely impact on protected species or ecological features and the proposal complies with the Habitats Regulations 2010 and Policy EN1 of the submitted Local Plan.

Other Matters

It appears that a small stretch of frontage trees/hedgerow may need to be removed to provide the new access. The hedgerow is unlikely to be impacted on by visibility splays given it is set back from the edge of the road. Replacement hedgerow could be planted in place of the existing access. The hedgerows along the boundaries with adjacent dwellings and gardens are shown to be retained and there appears to be enough space within the site to accommodate seven dwellings without impacting on these hedgerows. As such the proposal would comply with the provisions of Policies E2 and E7 of the adopted Local Plan.

The indicative layout plan states that the dwellings would have a maximum total floor area not exceeding 1000 square metres, which could be secured by condition. As such the proposal would be below the 1000 square metres gross floorspace / 11 or more dwellings threshold for seeking affordable housing and developer contributions for services/facilities.

There is an electricity substation located adjacent to the site's front boundary. National Grid has advised it has no objections to the application.

Conclusion

In conclusion, the proposal would be socially sustainable, would have limited economic benefits, would not result in a significant loss of BMV and would not result in any unacceptable impacts on the built or historic environment. However as the site is outside the Limits to Development it would conflict with the settlement hierarchy and strategic housing aims of Policy S2 of the submitted Local Plan. Significant harm would also arise from impact on the rural character and visual amenities of the countryside, which would conflict with Policy S3 of the adopted Local Plan, Policy S3 of the submitted Local Plan and the NPPF. The resulting environmental harm from these impacts would significantly and demonstrably outweigh the social and economic benefits, and therefore it is considered that, overall, the proposal does not constitute sustainable development.

RECOMMENDATION, REFUSE for the following reason(s):

- 1 Paragraph 7 of the National Planning Policy Framework (NPPF) defines sustainable development which includes that the planning system needs to perform an environmental role, including protecting and enhancing our natural environment and using natural resources prudently. Paragraph 17 of the NPPF states that planning decisions should recognise the intrinsic value of the countryside. Policy S3 of the adopted North West Leicestershire Local Plan and Policy S3 of the submitted North West Leicestershire Local Plan provide a presumption against non-essential residential development outside the Limits to Development. Policy S3 of the submitted Local Plan states that land identified as countryside will be protected for the sake of its intrinsic character and beauty. Policy S2 of the submitted Local Plan advises that in villages such as Packington a limited amount of growth will take place within the Limits to Development. As the site is outside the Limits to Development it would conflict with the settlement hierarchy and strategic housing aims of Policy S2 of the submitted Local Plan. The proposal would also result in significant harm to the character and rural appearance of the locality and the proposal would appear as an unwarranted and incongruous intrusion into the countryside. As a consequence the development would fail to protect or enhance the natural environment, and would be contrary to Paragraph 17 of the NPPF, Policy S3 of the adopted Local Plan and Policy S3 of the submitted Local Plan. The resulting environmental harm from these impacts would significantly and demonstrably outweigh the social and economic benefits, and therefore it is considered that, overall, the proposal does not constitute sustainable development.

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Erection of three dwellings and associated works (outline -
access and layout included)

Report Item No
A3

Land At Spring Lane Packington Ashby De La Zouch
Leicestershire LE65 1WU

Application Reference
15/01064/OUT

Applicant:
Mrs M Mugglestone

Date Registered:
6 November 2015

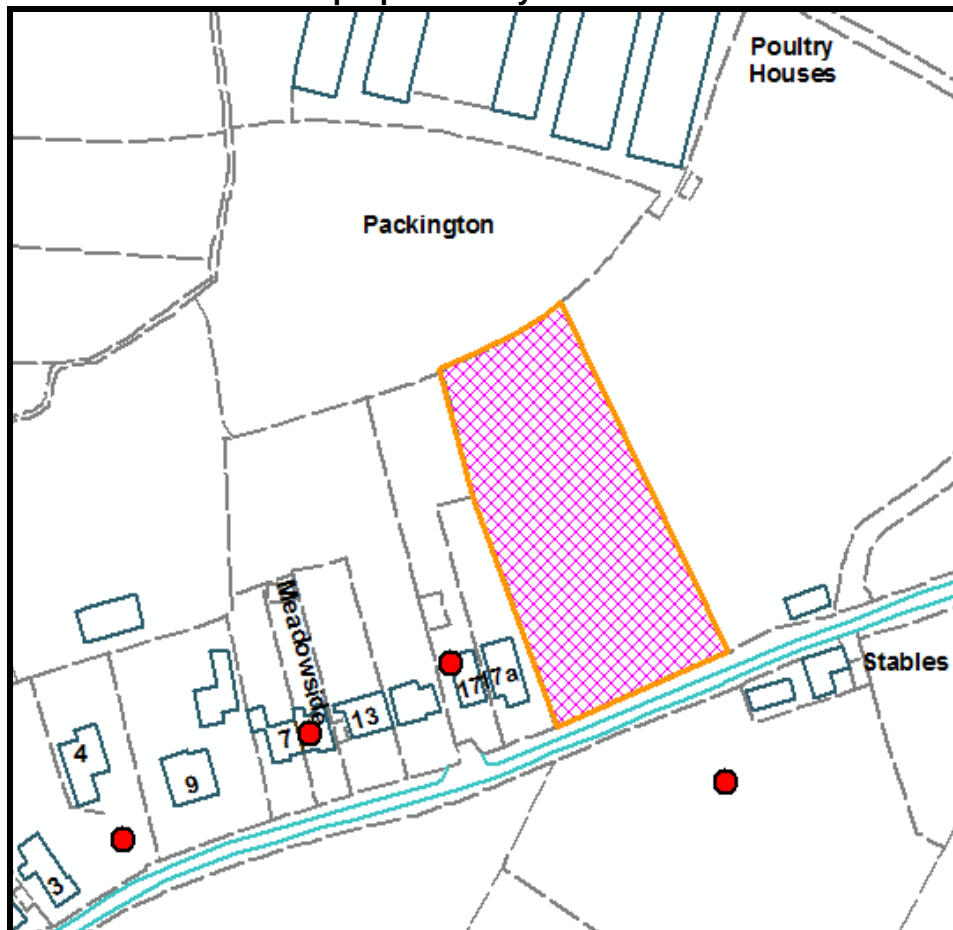
Case Officer:
Jenny Davies

Consultation Expiry:
9 December 2015

Recommendation:
REFUSE

8 Week Date:
1 January 2016
Extension of Time:
None Agreed

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

This application has been called to Planning Committee by Councillor Nigel Smith on the grounds that the site is outside the Limits to Development, the land is agricultural and that there are strong objections from Packington Parish Council and local residents.

Proposal

Outline planning permission (with access and layout included for determination) is sought for the erection of three detached dwellings on land at Spring Lane, Packington. The dwellings would front onto Spring Lane and the indicative plans show the dwellings to be two storey with their first floor of accommodation provided within the roofspace. Three new accesses would be provided onto Spring Lane.

Consultations

16 letters of objection have been received from members of the public and Packington Parish Council has raised objections. One letter of support has been received. The Lead Local Flood Authority (LLFA) initially recommended refusal on the basis of lack of assessment of flood risk but this matter has been addressed and the LLFA now recommends the imposition of conditions. No other objections have been received from statutory consultees.

Planning Policy

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

Conclusion

In conclusion, the proposal would be socially sustainable, would have limited economic benefits, would not result in a significant loss of BMV and would not result in any unacceptable impacts on the built or historic environment. However as the site is outside the Limits to Development it would conflict with the settlement hierarchy and strategic housing aims of Policy S2 of the submitted Local Plan. Significant harm would also arise from impact on the rural character and visual amenities of the countryside, which would conflict with Policy S3 of the adopted Local Plan, Policy S3 of the submitted Local Plan and the NPPF. The resulting environmental harm from these impacts would significantly and demonstrably outweigh the social and economic benefits, and therefore it is considered that, overall, the proposal does not constitute sustainable development.

RECOMMENDATION - THAT PLANNING PERMISSION BE REFUSED

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

MAIN REPORT

1. Proposals and Background:

Outline planning permission (with access and layout included for determination) is sought for the erection of three detached dwellings on land at Spring Lane, Packington. The site constitutes 0.24 hectares of pasture land located adjacent to No. 17A Spring Lane. Open fields lie to the north, south and east with residential development to the west. The site is fairly level with land levels across the site rising by approximately 0.3m from west to east and 0.1m from south to north.

The dwellings would front onto Spring Lane and the plans shows two storey dwellings with first floor accommodation provided within their roofspace, although their height and design are indicative only. Three accesses are proposed onto Spring Lane. Carriageway re-alignment is proposed to Spring Lane (in front of No. 3 Spring Lane in the form of a build out of the kerb by 0.75 metres. Three stretches of the site's frontage hedgerow and up to three frontage trees would be removed, with the remaining boundary hedgerows and trees shown to be retained. Amended plans and a Flood Risk Assessment have been submitted to address officer concerns regarding impact on trees and residential amenities and an objection relating to surface water flood risk, as well as proposing package treatment plants to deal with foul drainage discharge. The agent has subsequently advised that the application should be determined with a mains sewer connection to the site.

The site lies within the catchment area of the River Mease Special Area of Conservation. A tributary to the River Mease lies approximately 108 metres to the west of the site, and it appears that the ditch adjoining the site discharges into this tributary. The Packington Conservation Area lies approximately 205 metres to the north of the site and the nearest listed building is the Grade 2 listed Packington House lying approximately 107 metres to the north east.

Planning History

An application for three dwellings on the site was refused in March 1997 (97/0061) on the grounds of being outside the Limits to Development, being detrimental to visual amenities of the locality, difficult to resist other similar proposals and would set a precedent and due to conflicts between pedestrians and vehicles along Spring Lane. A subsequent appeal was dismissed in November 1997 on the grounds of harm to the character and appearance of the locality causing visual intrusion into the rural setting of the village and the difficulty of resisting other similar proposals which would have a detrimental impact.

2. Publicity

15 Neighbours notified (date of last notification) 09/12/2016.

Site Notice displayed 13 November 2015.

Press Notice 18 November 2015.

3. Summary of Consultations and Representations Received

Statutory Consultees

Packington Parish Council objects on the following grounds:

- that a precedent has been set by the Council when they turned down a small development on Ashby Road, stating that Ashby Road was refused based on the fact that it was development in the open countryside;

- the site is outside the proposed Limits to Development currently being consulted on by the District Council;
- the land is agricultural and therefore it cannot be built on;
- package treatment plants are unsuitable for the site due to water logged ground conditions; and
- previous applications for the site have been refused on appeal.

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

The Lead Local Flood Authority (LLFA) initially recommended refusal on the grounds that the application did not include a Flood Risk Assessment (FRA) as required by government guidance and as such, flood risk including surface water flood risk for the site has not been assessed or the impact of the proposed development on any neighbouring flood risk. Following submission of an FRA, the LLFA recommends the imposition of conditions.

Severn Trent Water has no objection.

The Environment Agency does not raise any objections.

Natural England has no objections subject to conditions.

The County Ecologist has no objections subject to conditions.

The County Archaeologist requests the imposition of conditions.

The County Highway Authority has no objections subject to conditions.

Third Party Representations

15 letters of objection have been received (including the submission of photographs showing the outlook of the site from No. 17A Spring Lane, the holding of water on the site and water flowing along Spring Lane) which object on the following grounds:

- previous application for three dwellings on the site was refused and dismissed on appeal and this decision is still relevant as the site is still a green field in the countryside and there are no other material considerations to take into account;
- site is located outside the Limits to Development, including within the draft Local Plan, and therefore reason for refusal of the nearby 42 dwelling application still applies;
- no change to the Limits to Development proposed in the draft Local Plan;
- draft Local Plan recommends little growth in the District's villages;
- the Council is satisfied it has a five year housing land supply;
- sufficient houses are planned within the District and therefore this scheme is not necessary;
- no need for any more housing in the village as the 30 dwelling site is a reasonable number to allow and should satisfy the requirement for the village;
- approval would set a precedent for more applications outside the Limits to Development which would be difficult to refuse;
- the draft Local Plan states that development in Sustainable Villages should be infilling or physical extensions;
- development of a green field site should not be acceptable in the context of the 'environmental' thread of sustainability;
- no over-riding need to develop the site when balanced against need to protect the countryside;
- two schemes in South Derbyshire have been dismissed on appeal due to harmful impact on the countryside;
- loss of countryside;

- impact on positive rural character of Spring Lane and street scene;
- breaches requirement to protect attractive green fields and countryside;
- villages gradually lose their character and appeal if new housing allowed outside their boundaries;
- Spring Lane is single track with a narrow width and no footway and insufficient room for two cars to pass each other;
- site in a 60mph zone with no passing places;
- additional traffic would be hazardous along Spring Lane and at its junction with Normanton Road;
- Spring Lane already used by many pedestrians (including children), walkers, horse riders and cyclists and development would increase pedestrian use;
- existing conflicts between vehicles and non-car users would be exacerbated due to increased traffic including during construction;
- Spring Lane already struggles to cope with existing traffic levels from dwellings and agricultural uses;
- existing congestion and blockages caused by large vehicles and on-street parking;
- congestion could occur onto Normanton Road;
- poor access for bin lorries;
- poor visibility along Spring Lane;
- access onto Spring Lane from driveways has to be done with extreme care as narrow width of road prevents this from being done safely;
- lack of off-street parking;
- lack of comprehensive highways statement and site not visited by highways officer so application is incomplete;
- need for inclusion in process relating to the carriageway re-alignment;
- noise and disturbance from excessive traffic generation and use of garage and driveway;
- loss of light/overshadowing;
- loss of privacy/direct overlooking;
- oppressive outlook/overbearing impact;
- impact on quality of life and enjoyment of property;
- application incorrect as all windows in side of No. 17A Spring Lane serve habitable rooms;
- impact on setting of Packington House which is a Grade 2 listed building;
- newts are believed to be in the watercourse that borders the site;
- bats have been seen in the locality and a full bat survey needs to be undertaken to ensure no damage to their habitat;
- the site is extremely wet and floods every year and is the principal holding/attenuation area for water that prevents flooding of No. 17A Spring Lane and other dwellings on Spring Lane;
- overflowing from ditch that fronts Spring Lane has already caused flooding to No. 17A Spring Lane;
- rain water floods Spring Lane and drains and gullies overflow as they cannot cope with excess rainwater;
- increase in risk of flooding of existing dwellings and Spring Lane;
- unclear how proposed SuDS scheme would be equivalent to or better than attenuation provided by the site as survey has not tested it permeability and drainage efficiency;
- a comprehensive compensation scheme would need to be in place for existing residents to cover losses from flooding; and
- increased carbon footprint and fuel consumption.

One letter of support has been received which supports the application on the following grounds:

- limited infill development preferable to larger scale proposals; and
- will add vitality to village without harming character and appeal.

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

4. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

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

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

- Paragraph 10 (Achieving sustainable development)
- Paragraph 14 (Presumption in favour of sustainable development)
- Paragraph 17 (Core planning principles)
- Paragraphs 32 and 35 (Promoting sustainable transport)
- Paragraphs 47, 49 and 55 (Delivering a wide choice of high quality homes)
- Paragraphs 57, 58, 59, 60, 61 and 64 (Requiring good design)
- Paragraph 69 (Promoting healthy communities)
- Paragraphs 96, 99, 100 and 103 (Meeting the challenge of climate change, flooding and coastal change)
- Paragraphs 109, 112, 118, 119 and 123 (Conserving and enhancing the natural environment)
- Paragraphs 129, 131, 132, 133, 134, 137, 138, 139 and 141 (Conserving and enhancing the historic environment)
- Paragraphs 203 and 204 (Planning conditions and obligations)

Adopted North West Leicestershire Local Plan:

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.

- Policy S1 - Overall Strategy
- Policy S3 - Countryside
- Policy E2 - Landscaped Amenity Open Space
- Policy E3 - Residential Amenities
- Policy E4 - Design
- Policy E7 - Landscaping
- Policy E8 - Crime Prevention
- Policy F1 - National Forest - General Policy
- Policy F2 - Tree Planting
- Policy F3 - Landscaping & Planting
- Policy T3 - Highway Standards
- Policy T8 - Parking
- Policy H4/1 - Housing Land Release
- Policy H6 - Housing Density
- Policy H7 - Housing Design

Submitted North West Leicestershire Local Plan

The publication version of the Local Plan was agreed by Council on 28 June 2016 and submitted for examination on 4 October 2016. Examination hearing sessions were held in January and March 2017 and the Council undertook a six week consultation on its Main Modifications from 12 June 2017. The comments received have been considered. The Council's position is that no further changes are required. All of the comments received, together with the Council's response, have been forwarded to the Inspector who will, in due course, advise of the next steps. The weight to be attached by the decision maker to this submitted version (as proposed to be modified) should be in accordance with the approach set out in Paragraph 216 of the NPPF, having regard to the stage now reached towards adoption, the extent to which there are unresolved objections to the policies relevant to the determination of this application, and the degree to which the emerging policies are consistent with the NPPF.

S1 - Future Housing and Economic Development Needs

S2 - Settlement Hierarchy

S3 - Countryside

D1 - Design of New Development

D2 - Amenity

H6 - House Types and Mix

IF4 - Transport Infrastructure and New Development

IF7 - Parking Provision and New Development

En1 - Nature Conservation

En2 - River Mease Special Area of Conservation

En3 - The National Forest

He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment

Cc2 - Water - Flood Risk

Cc3 - Water - Sustainable Drainage Systems

Other Guidance

Sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

The Community Infrastructure Levy Regulations 2010

The Conservation of Habitats and Species Regulations 2010

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

National Planning Practice Guidance - March 2014

River Mease Water Quality Management Plan - August 2011

The River Mease Developer Contributions Scheme (DCS) - September 2016

6Cs Design Guide (Leicestershire County Council)

Good Design for North West Leicestershire SPD - April 2017

Packington Conservation Area Study and Appraisal - September 2001

5. Assessment

The main considerations in the determination of this application relate to the principle of development, its design/layout and impacts on the character of the area, historic environment, archaeology, residential amenities, highway safety, trees/hedgerows, drainage and flood risk, the River Mease SAC/SSSI and protected species/ecology.

Principle of Development

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

The application site lies outside the defined Limits to Development within the adopted Local Plan and the submitted North West Leicestershire Local Plan, with new dwellings not being a form of development permitted in the countryside by Policy S3 of both Plans. Policy S2 of the submitted Local Plan also advises that in villages such as Packington a limited amount of growth will take place within the Limits to Development. The agent makes reference to the appeal decision at Swepstone Road, Heather, where 36 dwellings were allowed. However the most recent appeal for new housing in the countryside in the District relates to that for eight dwellings at Normanton Road, Packington (15/01051/OUT refers). The Packington Inspector agreed with the Heather Inspector and took the view that Policy S3 of the adopted Local Plan would attract limited weight as it relates to planning requirements for the District up to 2006 and it takes a very restricted approach to housing in the countryside when compared with the NPPF. The Packington Inspector, whilst acknowledging that the Heather Inspector had given submitted Policy S3 limited weight, afforded the submitted Local Plan moderate weight, given its current stage in the examination process being at main modifications stage (with public consultation having now ended) and it being subject to some unresolved objections. Having regard to the close proximity of this site to the appeal site, it is considered appropriate to adopt a similar approach. On this basis it is necessary to consider the proposal against paragraph 14 of the NPPF, including the 'tilted balance', which indicates 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 when assessed against the policies in the Framework taken as a whole. Consideration must therefore be given to whether the proposals constitute sustainable development (including in its economic, social and environmental roles) as set out in the NPPF.

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

It is acknowledged that the Limits to Development as defined in the adopted Local Plan were drawn having regard to housing requirements only up until the end of that Plan Period (i.e. to 2006). However in the recent Normanton Road appeal decision the Inspector did not consider there was a current or pressing need for the Council to review the Limits to Development for Packington proposed in the submitted Local Plan.

In terms of social sustainability Packington provides a range of day to day facilities, e.g. a primary school, shop, church, village hall, a public house, play area/recreation ground and some small-scale employment sites, along with a limited hourly public transport service. These services/facilities are within 800 metres to one km (preferred maximum walking distance) of the site. Whilst there is no footway along Spring Lane, it has a low traffic flow and footways are available from its junction with Normanton Road some 190 metres away. The centre of Ashby-de-la-Zouch is also located approximately 2.3km from the site, where a wider range of services can be found and is considered to be accessible on foot or by cycling. Therefore, it is considered that occupiers of the dwellings would not necessarily be dependent on the private car. Taking all of these matters into account it is considered that the site is socially sustainable in terms of access to services/facilities.

Given the scale of the development, and when taking into account other sites that have been granted planning permission since 2014 or are currently proposed in the village (totalling 54 dwellings), it is considered that the proposal would not result in unsustainable demands on local services and facilities. The proposal would also have limited economic benefits which would

include local construction jobs and helping to maintain local services in the area.

In terms of environmental sustainability the proposal would result in the loss of agricultural land. Best and Most Versatile (BMV) agricultural land is defined as that falling within in Grades 1, 2 and 3a of the Agricultural Land Classification (ALC). It is not clear what class of agricultural land the site falls within. Whilst the NPPF does not suggest that the release of smaller BMV sites is acceptable, the magnitude of loss of agricultural land is considered to be low where less than 20 hectares of BMV would be lost. Therefore given the relatively limited extent of the potential loss of the site, at 0.24 hectares, it is considered that this is not sufficient to sustain a reason for refusal in this case.

Furthermore, as set out in more detail below, the proposal would not result in any unacceptable impacts on the built or historic environment. However as the site is outside the Limits to Development it would conflict with the settlement hierarchy and strategic housing aims of Policy S2 of the submitted Local Plan. Furthermore as set out below, significant harm would arise from impact on the rural character and visual amenities of the countryside which would conflict with Policy S3 of the adopted Local Plan, Policy S3 of the submitted Local Plan and the NPPF. The resulting environmental harm from these impacts would significantly and demonstrably outweigh the social and economic benefits, and therefore it is considered that, overall, the proposal does not constitute sustainable development.

Design

The proposal results in a density of 12.5 dwellings per hectare. The NPPF states that authorities should set their own approach to housing density to reflect local circumstances. This density is considered appropriate having regard to the location of the site on the edge of a village adjoining the countryside and the character of the area.

Based on the proposed footprints, the proposal would provide large detached dwellings. Whilst it would be preferable to have a mix of dwelling sizes, these footprints largely reflect those of existing dwellings along Spring Lane. The number of storeys and bedrooms for each dwelling is not fixed at this stage. There is a mix of dwelling designs along Spring Lane, with some dwellings set back from the road. The footprint and scale of the dwellings would give opportunities to reflect local character and distinctiveness. The site can accommodate all of the necessary requirements (private gardens, parking/turning space) without being too cramped. As such it is considered that the design and layout of the scheme is acceptable and would not conflict with Policies E4 of the adopted Local Plan and Policy D1 of the submitted Local Plan.

Character of the Area and Visual Impact

The site is outside the Limits to Development under the adopted and submitted Local Plans. On this basis the proposal would be assessed against the context of Policy S3 of the adopted Local Plan and Policy S3 of the submitted Local Plan, and paragraph 17 of the NPPF which requires the planning system to recognise the intrinsic character and beauty of the countryside. As noted earlier in the report in the 'Principle' section, Policy S3 of the adopted Local Plan is considered to have limited weight, and Policy S3 of the submitted Local Plan is considered to have moderate weight.

A previous appeal for the erection of three dwellings on the site (97/0061) was dismissed on the grounds of harm to the character and appearance of the locality causing visual intrusion into the rural setting of the village, and the difficulty of resisting other similar proposals which would have a detrimental impact.

The site is an undeveloped grass field bordered on three sides by mature hedgerows

interspersed with trees, with fencing on the boundary with No. 17A, and, therefore, is afforded some existing natural screening and appears as a self-contained field. The area is characterised by open fields with trees and hedgerows forming the boundaries, including the site, with housing located immediately to the south west and separate from the site to the north. Four dwellings are located further to the east along Spring Lane in a more isolated cluster and beyond this development is more sporadic. As such the area is rural in character and provides the rural setting for the village when travelling along Spring Lane. The site is closely associated with the rural landscape to the east and south. As a consequence it contributes positively to the undeveloped nature of the area, which would be its defining characteristic, on the approach to the village along Spring Lane.

Development on the site would be most immediately visible from Spring Lane which abuts the site. Longer distance views of the site are available from a public footpath to the north east of the village which in part is located at a higher land level.

Whilst the external appearance of the dwellings is not included at this outline stage, regardless of the scale of the dwellings, they would be visible above and through the boundary hedgerows, in particular in the winter months. Furthermore three new accesses would be formed in the frontage hedgerow, therefore opening up views into the site of the dwellings and three large areas of hardsurfacing required to provide parking and turning space.

Whilst it is considered that the proposed development will impact adversely on the character and visual amenities of the rural environment, it is considered that the dwellings would not be isolated. However, the dwellings and their associated ancillary development would extend development into the open countryside, resulting in the urbanisation of the site which would diminish its present open and rural character and contribution to the character and visual amenities of the area, in particular along Spring Lane, and would be an incongruous encroachment into the rural environment.

The widening of Spring Lane to 4.1 metres (as required by the Highway Authority) may result in the removal of approximately one metre of verge (combined across the verges on both sides of the road) but this would not necessitate their complete removal.

Therefore it is considered that the proposal would result in significant harm to the character and rural appearance of the locality and the proposal would appear as an unwarranted and incongruous intrusion into the countryside. As a consequence the development would fail to protect or enhance the natural environment and would be contrary to the environmental strand of sustainability set out within the NPPF. As such the development would be contrary to Paragraph 17 of the NPPF, Policy S3 of the adopted Local Plan and Policies S2 and S3 of the submitted Local Plan.

Historic Environment

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, when considering whether or not to grant planning permission for development which affects a listed building or its setting or a Conservation Area, to have special regard to the desirability of preserving the building, or its setting or any features of special architectural or historic interest that the building may possess and to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 131 of the NPPF requires, amongst other things, new development to make a positive contribution to local character and distinctiveness. Paragraph 132 of the NPPF stipulates 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.

In terms of designated heritage assets, Packington House on Spring Lane, which is a Grade 2 listed building, lies around 107 metres to the north east of the site. The Packington Conservation Area lies approximately 205 metres to the north of the site. Therefore the impact of the development on the listed building, its features and setting and the character and appearance of the Conservation Area should be given special regard as required by the 1990 Act.

Part of Packington House's significance is its age, dating from the late 18th and early 19th centuries, that its scale, design and original features have retained its country house appearance and that it still retains its historic relationship with the village as an outlying dwelling within the rural landscape. The significance of the nearest part of the Conservation Area comes from it forming the entrance to the core of the village where many medieval buildings and historic non-residential uses (blacksmiths, shops, Post Office, pub) were concentrated.

Significant weight is given to preserving the Grade 2 listed building and its setting, and the character and appearance of the Conservation Area. The site is well separated from the Conservation Area by intervening fields, a poultry farm and residential development. The site would not be highly visible within views of or from the Conservation Area, although it is acknowledged that some glimpses of the site could be available within views from dwellings and their gardens on Normanton Road. When having regard to the distances involved and the intervening uses and screening, it is considered that the development of the site for housing would not adversely affect the setting of the Packington Conservation Area.

The built fabric of Packington House and any of its special features would not be affected by the proposed development which lies beyond its curtilage. However consideration needs to be given to the impact of the proposed development on the setting of Packington House. The setting of Packington House is somewhat compromised to the immediate north by the presence of a modern two-storey dwelling but its rural setting survives predominantly to the south and south east, but also to some extent to the west and south west due to the buffer of fields between the listed building and existing development on the edge of the village. Views of Packington House from the site are limited due to existing screening along Spring Lane and at Packington House itself and its adjacent dwellings. The Conservation Officer has no objections. Given its distance from Packington House, the intervening screening from vegetation and topography and the potential for additional landscaping within the site, it is considered that the proposal would not adversely impact on the setting of the listed building and would not be harmful to its significance. Therefore the proposal would comply with the NPPF and Policy HE1 of the submitted Local Plan.

Archaeology

The Leicestershire and Rutland Historic Environment Record (HER) indicates that the development area lies in an area of archaeological interest, immediately adjacent to the medieval and post-medieval historic settlement core of Packington. Appraisal of the HER indicates that little or no previous archaeological investigation has been undertaken within the development area or in its vicinity. Therefore in the absence of site specific information, the County Archaeologist advises that it is difficult to evaluate the archaeological potential of the development site.

An appraisal of available aerial photographs suggests the presence or former presence of ridge and furrow earthworks within the site, indicating the site lies within the former extent of the openfield system that would have surrounded Packington through much of the medieval and post-medieval periods. The County Archaeologist advises that this indicates that the area has a

low potential for significant medieval or later archaeological remains.

Buried archaeological evidence spanning the period from the prehistoric to the earliest evolution of the village (potential yet unidentified heritage assets) could be present within the development area. Paragraph 141 of the NPPF states that developers are required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development.

Therefore, the County Archaeologist has no objections to the proposal subject to the imposition of conditions for an appropriate programme of archaeological mitigation in order to safeguard any important archaeological remains potentially present on the site. Subject to these conditions, it is considered that the proposal would comply with the provisions of the NPPF.

Residential Amenities

Given the scale of development and the location of the new accesses, garages and parking/turning areas, it is considered that the increase in traffic would not be so significant to lead to an adverse impact from noise and disturbance. It is not unusual for dwellings and their driveways, garages and parking/turning areas to be located adjacent to or close to other dwellings. It is also noted that the Council's Environmental Protection Team raise no objections.

No. 17A Spring Lane has a rear conservatory with windows facing the site and several windows in its side elevation serving habitable rooms, some of which are the main window to these rooms (to a kitchen and two bedrooms) and some of which are secondary windows (to a dining room and bedroom). Other side windows serve non-habitable rooms (a utility room and ensuite). Plot 1 would be 7.5-7.8 metres from No. 17A's side elevation which is well below the 12 metre distance sought under the Council's Good Design SPD for distances between habitable room windows and blank elevations. However, as noted above, some of the side windows are secondary windows to habitable rooms or serve non-habitable rooms. The two bedrooms with principal windows are located in the first and second floors of No. 17A. The conservatory would be 10.2 metres from Plot 1 and has windows in other elevations, with Plot 1 also being set further forward than the conservatory. Plot 1 would not extend for the full length of No. 17A, and its maximum eaves and ridge height could be secured by condition so that it would not be a full two storeys in height, meaning some form of open aspect would be retained to No. 17A's side windows. The garage to Plot 1 has been repositioned further back into the site, to the north of No. 17A, so it would not immediately adjoin the whole of No. 17A's patio. Furthermore No. 17A has a large private rear garden area. Plot 1 could be designed so there is no impact in terms of loss of privacy to No. 17A, e.g. position of windows/rooflights, which would require careful consideration at the reserved matters stage. Whilst it is acknowledged that there would be some loss of light and impact on outlook, in particular to No. 17A's kitchen window, given the above circumstances it is considered that a reason for refusal on the basis of significantly detrimental impact on the residential amenities of occupiers of No. 17A from loss of light, loss of privacy and oppressive outlook and conflict with Policy E3 of the adopted Local Plan and Policy D2 of the submitted Local Plan could not be justified in this case.

Highway Safety

Access is included for determination at this stage. Concerns have been raised by local residents predominantly relating to Spring Lane; its narrow width, its popularity with pedestrians (including children), walkers, cyclists and horse riders, existing conflicts between vehicles and non-car users, difficulties for larger vehicles to gain access and poor visibility and manoeuvrability both along the road and exiting from driveways, all of which would be exacerbated by the proposal.

The County Highway Authority has not raised any objections to the proposal subject to conditions, including securing the carriageway realignment outside No. 3 Spring Lane by building out the kerb, and widening the road that fronts the site to 4.1 metres. On the basis of these measures the Highway Authority advises that Spring Lane will be satisfactory in its width and design to cater for the proposed increase in traffic resulting from the development. The Highway Authority also considers that the proposal would not lead to an unacceptable increase in conflict between vehicles and non-car users and that it has no concerns regarding the increase in traffic using the junction with Normanton Road as its visibility splays and width are acceptable.

The Highway Authority advises that the residual cumulative impact of the development can be mitigated and are not considered severe. On this basis it is considered that a reason for refusal on the basis of severe impact on highway safety and conflict 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 could not be justified in this case.

Trees/Hedgerows

The County Ecologist advises that the northern and southern hedgerows are species rich and likely to meet Local Wildlife Site criteria, and that the retention of the eastern hedgerow as a garden boundary is acceptable given the size of Plot 3's garden. The County Ecologist raised concern regarding the loss of parts of the southern hedgerow but concludes that the three gaps would not be significant and recommends the conservation management of the remainder of this hedgerow and restoration and management of the eastern and northern hedgerows to compensate for these gaps. The provision of visibility splays may require some trimming back of the frontage hedgerow and trees but would not necessitate their removal. The Tree Officer is satisfied that the larger frontage trees would not be affected and also raises no objection to the potential removal of three smaller frontage trees as they are not considered to be worthy of retention. Plot 3 has been set further back into the site away from trees within the eastern hedgerow to address the Tree Officer's concerns regarding future impact. As such the proposal would comply with the provisions of Policies E2 and E7 of the adopted Local Plan.

Drainage and Flood Risk

Concerns have been raised by residents regarding the increased risk of flooding from surface water runoff. The site lies within Flood Zone 1 which is the lowest risk area for flooding from watercourses and parts of the site are identified by the Environment Agency to be at medium to low risk from surface water flooding. The Lead Local Flood Authority (LLFA) initially recommended refusal on the grounds that the application did not include a Flood Risk Assessment (FRA) as required by government guidance and as such flood risk, including surface water flood risk, for the site or the impact of the proposed development on any neighbouring flood risk has not been assessed.

An FRA has been submitted which sets out that surface water would discharge into an attenuation tank and then to a nearby existing combined sewer via a new pipe, as outfall into the frontage ditch would not be suitable in this case. Surface water discharge into the watercourse would be restricted to greenfield runoff rates (i.e. the rate at which surface water currently discharges from the site when undeveloped) which could be required by condition. The LLFA has subsequently advised that the proposal would be acceptable if planning conditions relating to submission of a detailed scheme for surface water drainage from the site and its future maintenance are imposed. Severn Trent Water has no objections and does not request the imposition of any conditions. The Environment Agency is not a statutory consultee in respect of such applications, and within comments received in respect of another matter, it makes no comments in respect of flood risk. On this basis it is considered that a reason for

refusal on the basis of significant impacts to drainage and flood risk and conflict with 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/SSSI

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). A tributary to the River Mease lies approximately 108 metres to the west of the site, and it appears that the ditch adjoining the site discharges into this tributary. Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal would have a significant effect on the SAC is required.

The River Mease Developer Contribution Scheme First and Second Development Windows (DCS1 and 2) have been produced to meet one of the actions of the River Mease Water Quality Management Plan (WQMP). Both DCS1 and DCS2 are considered to meet the three tests of the 2010 CIL Regulations and paragraph 204 of the NPPF. There is no capacity available under DCS1 and so DCS2 was adopted by the Council on 20 September 2016.

The application initially suggested connection to the mains sewer. However subsequently due to issues relating to capacity under DCS2, the application was amended to propose package treatment plants. However following the recent appeal decision relating to Normanton Road, Packington, the Council has changed its approach to utilising capacity within DCS2, and as such the application has been amended to connect to the mains sewer system. The applicant has indicated they are willing to pay the required DCS2 contribution and the Council's solicitors have been instructed. The Environment Agency and Natural England have both issued Standing Advice relating to the River Mease SAC under which they do not need to be consulted if the proposal connects to the mains sewer and the applicant is agreeable to payment of the DCS contribution.

Surface water discharge using a sustainable drainage system is usually sought on sites within the SAC catchment, in order to reduce the level of surface water treated by Severn Trent Water. However in this case surface water is likely to discharge to the mains sewer system at greenfield runoff rates as use of the nearby ditch is unsuitable, which Natural England has advised is acceptable in this case.

The flows from the three dwellings need to be taken into account against the existing headroom at Packington Treatment Works, which serves this area. At March 2016 capacity was available for 3368 dwellings but this is reduced by the number of dwellings that already have consent or are under construction at March 2016 (1444) and a further 390 which have subsequently been granted permission or have a resolution to permit in place, giving capacity for 1534 dwellings. As such it is considered that capacity is available at the relevant treatment works for the foul drainage from the site.

The site is 108 metres from the nearest tributary to the River Mease and there is unlikely to be any direct impact on its channel and banks as it is separate from the site. Given that the adjacent ditch appears to connect to this tributary, a condition would need to be imposed for a construction management plan to prevent adverse impacts on the watercourse during construction.

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.

Protected Species/Ecology

There are trees, hedgerows, grassland and a ditch on or close to the site along with large gardens being in close proximity, which are all features that could be used by European Protected Species (EPS) or national protected species. Therefore the Local Planning Authority has a duty under regulation 9(5) of the Habitats Regulations 2010 to have regard to the requirements of the Habitats Directive in the exercise of its functions and to the requirements of the Wildlife and Countryside Act 1981 (as amended).

The submitted Ecology Survey states that it is highly likely that bats use the site for foraging and commuting but the trees and hedgerows have limited potential for bat roosts, although they do have potential for use by breeding birds. No evidence of other protected species, including the use of the adjacent ditches by great crested newts, was found.

The County Ecologist advises that whilst the grassland on the site is fairly species rich, there is no objection to its loss as it does not meet the criteria for a Local Wildlife Site. Some grassland is likely to be retained due to the size of the rear gardens. Whilst stretches of hedgerow and trees would be lost (which is considered in more detail earlier in this report), there would not be a significant loss and other similar vegetation is available on the site and within the locality that could be used by bats and breeding birds, along with additional landscaping. The ditches are shown to be retained and the County Ecologist has not raised any concerns in relation to impact on great crested newts. A condition could be imposed relating to works to provide the new accesses which would cross the ditch. The County Ecologist has no objections subject to conditions. On this basis it is considered that the proposal would not adversely impact on protected species or ecological features and the proposal complies with the Habitats Regulations 2010 and Policy EN1 of the submitted Local Plan.

Other Matters

The site is below the 1000 square metre floorspace / 11 or more dwellings threshold for developer contributions to be sought for services/facilities.

In respect of the concerns raised in the letters of representation that have not been addressed above, if any applications are submitted for nearby land then they will be considered on their own merits. In respect of the concerns raised regarding erroneous information in the application submission, the submitted information together with all of the information gathered when undertaking the site visit and assessing the application have allowed for the application to be fully and adequately assessed.

Conclusion

In conclusion, the proposal would be socially sustainable, would have limited economic benefits, would not result in a significant loss of BMV and would not result in any unacceptable impacts on the built or historic environment. However as the site is outside the Limits to Development it would conflict with the settlement hierarchy and strategic housing aims of Policy S2 of the submitted Local Plan. Significant harm would also arise from impact on the rural character and visual amenities of the countryside, which would conflict with Policy S3 of the adopted Local Plan, Policy S3 of the submitted Local Plan and the NPPF. The resulting environmental harm from these impacts would significantly and demonstrably outweigh the social and economic benefits, and therefore it is considered that, overall, the proposal does not constitute sustainable development.

RECOMMENDATION, REFUSE for the following reason(s):

- 1 Paragraph 7 of the National Planning Policy Framework (NPPF) defines sustainable development which includes that the planning system needs to perform an environmental role, including protecting and enhancing our natural environment and using natural resources prudently. Paragraph 17 of the NPPF states that planning decisions should recognise the intrinsic value of the countryside. Policy S3 of the adopted North West Leicestershire Local Plan and Policy S3 of the submitted North West Leicestershire Local Plan provide a presumption against non-essential residential development outside the Limits to Development. Policy S3 of the submitted Local Plan states that land identified as countryside will be protected for the sake of its intrinsic character and beauty. Policy S2 of the submitted Local Plan advises that in villages such as Packington a limited amount of growth will take place within the Limits to Development. As the site is outside the Limits to Development it would conflict with the settlement hierarchy and strategic housing aims of Policy S2 of the submitted Local Plan. The proposal would also result in significant harm to the character and rural appearance of the locality and the proposal would appear as an unwarranted and incongruous intrusion into the countryside. As a consequence the development would fail to protect or enhance the natural environment, and would be contrary to Paragraph 17 of the NPPF, Policy S3 of the adopted Local Plan and Policy S3 of the submitted Local Plan. The resulting environmental harm from these impacts would significantly and demonstrably outweigh the social and economic benefits, and therefore it is considered that, overall, the proposal does not constitute sustainable development.

Change of use from house (C3) to house in multiple occupation (sui generis) including two storey side and rear extensions

Report Item No
A4

5 Broadhill Road Kegworth Derby DE74 2DQ

Application Reference
17/00629/FUL

Applicant:
Mr William Hall

Date Registered:
14 June 2017

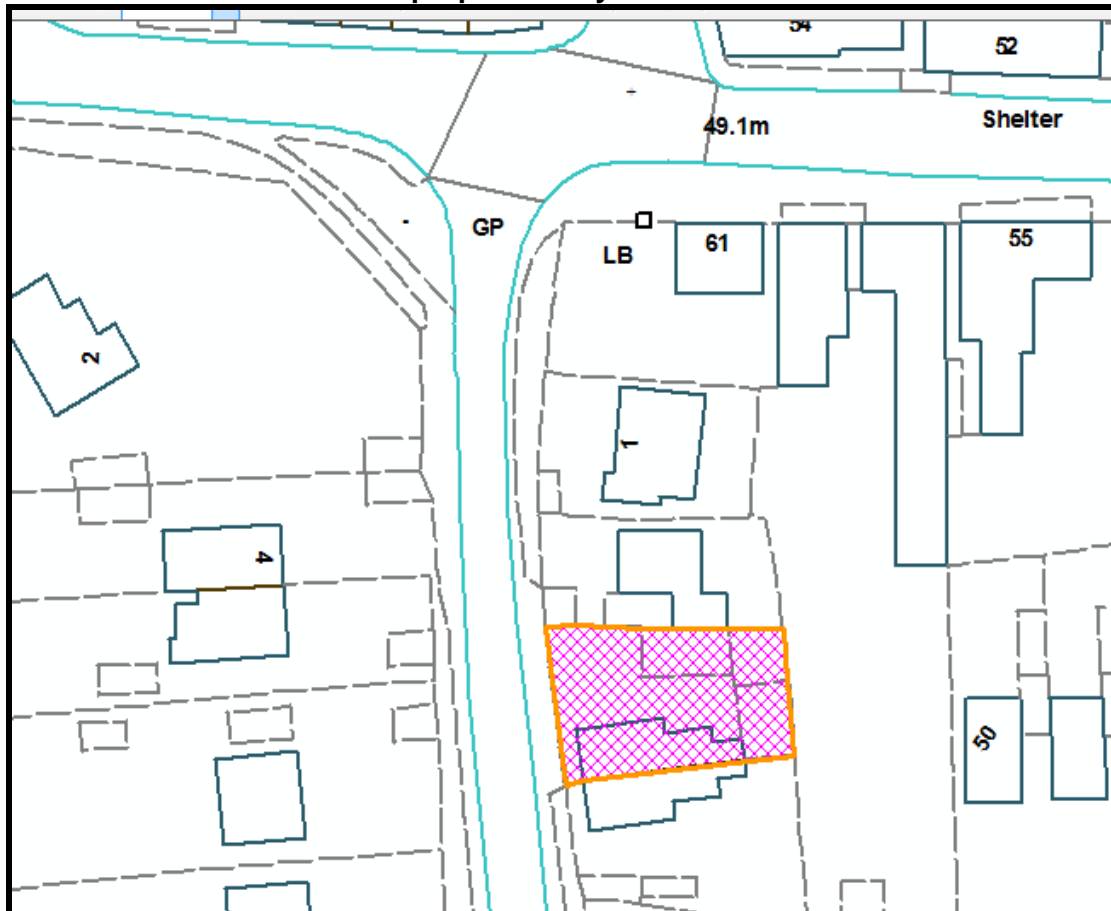
Case Officer:
Rob Duckworth

Consultation Expiry:
18 July 2017

Recommendation:
PERMIT

8 Week Date:
9 August 2017
Extension of Time:
18 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 Ward Member (Councillor Pendleton) has requested it to be considered by Planning Committee with the reasons stated as impact upon a listed building, extension too large resulting in overbearing and change in character, parking and highway safety issues. Furthermore, contrary representations to the recommendation to permit the application have been received.

Proposal

The application is the change of use and extension to the side and rear of a semi-detached dwelling into a house in multiple occupation (sui generis) housing up to eight people. The proposal will involve the demolition of a side garage and side and rear workshop covering most of the rear yard of the property.

Consultations

A total of 7 no. individual representations have been received with all of those representations opposed to the development. Kegworth Parish Council has also objected to the development. There are no objections from other statutory consultees subject to conditions.

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 impact on the street scene will be acceptable based on the style and design of the proposed extensions. The impacts upon the adjacent listed building will be acceptable based on the location of the proposals and its design. The impact upon neighbour amenity will be acceptable as the use will not be dissimilar from a large single family dwelling and the internal layout ensures that impacts will not be worsened. Impact on the highway will be acceptable as sufficient car parking has been provided and on-street parking is possible.

The site lies within limits to development where the principle of this type of development is acceptable. The proposed development would not have an adverse impact on the amenities of neighbours in terms of loss of privacy or have a significant overshadowing/overbearing effect and is acceptable in terms of adopted Local Plan Saved Policy E3, submitted Local Plan Policy D2 and the NPPF.

The development by reason of its design and scale would also be in keeping with the locality and would not harm the setting of the adjacent listed building, and is acceptable in terms of Saved Policy E4 of the adopted Local Plan and in conformity with submitted Local Plan Policy D1 and He1, the Good Design SPD, the NPPF and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Five off street car parking spaces are provided in accordance with adopted Local Plan Saved Policies T3 and T8, submitted Local Plan Policies IF4 and IF7, 6Cs Design Guide and the NPPF.

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

No.5 Broadhill Road, Kegworth is a two-storey semi-detached dwellinghouse located 290m east of Kegworth Town Centre. The property has a large garage to the side and the entire rear is a covered workshop with external entrance between the house and the garage. Broadhill Road is a residential street with a veritable mix of dwellings sizes and styles, some of which have undergone significant extension or alteration. The host property sits the most forward of the building line than any others along the street. To the rear is the grounds of 59 High Street, a Grade II Listed Building.

The site is located in a residential area and within Limits to Development as identified in the adopted Local Plan and the submitted Local Plan.

Planning permission is sought for the demolition of the garage and workshop, erection of a two storey side and rear extension and conversion of the property from dwelling to house in multiple occupation sleeping 8 people (sui generis). Five off street car parking spaces would be provided to the side of the existing property; two to the front of the proposed side extension and three in tandem to the side of the property.

There is no planning history for the property.

2. Publicity

5 Neighbours have been notified (date of last notification) 22/06/2017.

Site Notice displayed 27 June 2017.

Press Notice published Leicester Mercury 5 July 2017.

3. Summary of Consultations and Representations Received

Kegworth Parish Council - Objection; scale, character, traffic, parking, impact upon listed building.

LCC Highways - The number of car parking spaces is in excess of the requirement (3 spaces is the minimum) so no objection subject to condition.

NWLDC Environmental Protection - HMO licence required prior to occupation. Informative to apply.

Severn Trent Water - No objection.

NWLDC Conservation - No objection - loss of workshop is regrettable but the proposal will not impact significantly on the setting of the listed building adjacent.

NWLDC Waste Services - Bin storage to be provided prior to occupation.

Third Party Representations:

Seven letters of objection have been received which are summarised as follows:

- Highway safety
- Parking issues
- Overdevelopment of site

- Design
- Massing and overbearing impacts
- Neighbour amenity issues
- Intensification of use beyond what is reasonable
- Character of property and street scene
- Demolition on party boundary
- Garden too small for number of occupants
- Bin storage
- Policy objections ALP H1 and H17 and SLP D2

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 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:

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

Adopted North West Leicestershire Local Plan (2002) Saved Policies

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

- Saved Policy S2 - Limits to Development
- Saved Policy E3 - Residential Amenities
- Saved Policy E4 - Design
- Saved Policy E7 - Landscaping
- Saved Policy T3 - Highway Standards
- Saved Policy T8 - Parking
- Saved Policy T20 - Airport Safeguarding

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 undertook a six week consultation on its Main Modifications from 12 June 2017. The comments received have been considered. The Council's position is that no further changes are required. All of the comments received, together with the Council's response, have been forwarded to the Inspector who will, in due course, advise of the next steps. 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 S2 - Settlement Hierarchy

Policy D1 - Design of New Development

Policy D2 - Amenity

Policy EC5 - East Midlands Airport: Safeguarding

Policy IF4 - Transport Infrastructure and New Development

Policy IF7 - Parking Provision and New Development

Policy He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment

Good Design SPD

6Cs Design Guide (Leicestershire County Council)

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

National Planning Practice Guidance

5. Assessment

Principle of Development

This application site falls within the defined Limits to Development wherein these type of proposals would be considered acceptable in principle. Therefore the principle issues for consideration are the impacts of the proposed extension and change of use on the amenities of any neighbouring properties, design and highway safety.

Design

The proposed extension will have a design that would be a subservient addition to the main dwellinghouse; it is set back from the principal elevation and the ridge is much lower than that of the main house. The proposal involves the loss of the existing garage and workshop; whilst this is somewhat regrettable due to their design and relation with the property, telling the story of its history, they are not protected and not significantly worthy of retention. The prospered extensions have been designed proportionally and sympathetically to the main house, subject to conditions, and would be considered acceptable in design terms. The proposals would not have a significant impact on the character and appearance of the application site, the streetscape and surrounding area.

The materials proposed are to match the existing which is considered to be acceptable although the bond will be conditioned to ensure an appropriate finish (Flemish Bond required to match the existing). Overall the design, appearance and scale of the proposals would be acceptable and would accord with Saved Policy E4 of the adopted Local Plan and in conformity with submitted Local Plan Policy D1, the Good Design SPD and the NPPF.

Impact upon Heritage Assets

To the rear of the site is the garden of a Grade II listed building, No 59 high Street, meaning Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 needs to be considered. The Council's Conservation Officer has considered the proposals and is satisfied that they would not detrimentally affect the setting of the listed building and therefore the works are considered acceptable in accordance with submitted local Plan Policy HE1 and Section 66

of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Highway Safety and Parking

The proposal provides for an additional three parking spaces so there will be five in total, which is welcomed by County Highways. The guidance contained in the 6Cs Design Guide indicates that any dwelling with 4 or more bedrooms should provide three parking spaces so what is proposed is in excess of those requirements. It is also unlikely that all occupants of the proposed house in multiple occupation will have a car and the site is close to a number of facilities / services in the village.

County Highways have acknowledged the residents' objections about highways and on-street parking matters. However, as this application will not exacerbate the situation, they raise no objections to the proposal.

It is noted that there is a peak to the road close to the application site meaning visibility to and from the junction with High Street is marginally reduced but as the road has a 30mph limit, the gradients of the road provide enough visibility for highway safety to be maintained. Furthermore County Highways has checked its Personal Injury Collision (PIC) database and there has been 3 PICs in the last 5 years in the vicinity of the site. One of the PICs occurred at the Whatton Rd / Broadhill Rd junction and there was one either side of the Ashby Rd / Broadhill Rd/High St junction. All of these PICs were classified as slight in severity. There were no PICs on Broadhill Rd during this period and therefore County Highways would not seek to resist the application on highway safety grounds.

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

Effect on Residential Amenities

The most immediately affected dwellings would be Nos. 3 and 7 Broadhill Road and 59 High Street.

In terms of the relationship with the adjoining property, No. 7 Broadhill Road, it is considered that the proposal as submitted would not result in overbearing impacts nor overshadowing given the design of the proposal does not include any further two storey elements beyond the existing rear line of the house. Privacy will also be maintained. There is a potential for the intensification of use of the property to have an impact upon the amenities of the adjoining neighbours as the number of occupants increases as will vehicle movements; however it is expected that vehicle movements will not be significant as discussed above and, based on the proposed layout there will not be a significant change in noise between the properties. The party wall will have two bedrooms and two en-suites; the stairs have been moved away from the party wall relieving any impact on No. 7 Broadhill Road. The two bedrooms and en-suites adjacent to No7 will result in noise levels no different than existing and would be expected of a single family dwelling.

With regards to the adjacent neighbouring property, No.3 Broadhill Road, the property will benefit from the development by having the garage on the boundary removed. The proposed two storey side extension will be 3.5m off the boundary and mostly level with the adjacent property. No. 3 also has a side garage between the house and the application site helping to make the rear garden more private. It is considered that the impacts upon No. 3 Broadhill road will not be significant in terms of overlooking, overshadowing and overbearing.

The impacts upon the amenity space of 59 High Street will not be significantly above the current

levels with one additional bedroom window and a landing/stairs window added to the rear elevation, both no closer than exists at present.

No other neighbouring properties would appear to be affected by the proposal. It is, therefore, considered that the proposed development would not have any significant detrimental impact upon neighbouring residential amenities and is considered to be acceptable in relation to adopted Local Plan Saved Policy E3, submitted Local Plan Policy D2 and the NPPF.

Conclusion

The site lies within Limits to Development where the principle of this type of development is acceptable. The proposed development would not have an adverse impact on the amenities of neighbours in terms of loss of privacy or have a significant overshadowing/overbearing effect and is acceptable in terms of adopted Local Plan Saved Policy E3, submission Local Plan Policy D2 and the NPPF. The development by reason of its design and scale would also be in keeping with the locality and would not harm the setting of the adjacent listed building, and is acceptable in terms of Saved Policy E4 of the adopted Local Plan and in conformity with submitted Local Plan Policy D1 and He1, the Good Design SPD, the NPPF and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Five off street car parking spaces are provided which is considered acceptable in accordance with adopted Local Plan Saved Policies T3 and T8, submitted Local Plan Policies IF4 and IF7, 6Cs Design Guide and the NPPF.

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

- 1 Time limit
- 2 Approved plans
- 3 Matching materials
- 4 Cill and Lintel treatment to match the existing house
- 5 Refuse bin details
- 6 Cycle storage
- 7 Parking and turning prior to commencement
- 8 Unexpected contamination
- 9 Contamination assessment if No8 triggered

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Conversion of agricultural outbuilding to a dwelling house

Report Item No
A5

87 Loughborough Road Coleorton Coalville Leicestershire
LE67 8HH

Application Reference
17/00395/FUL

Applicant:
Mr Ihab Jamal

Date Registered:
25 April 2017

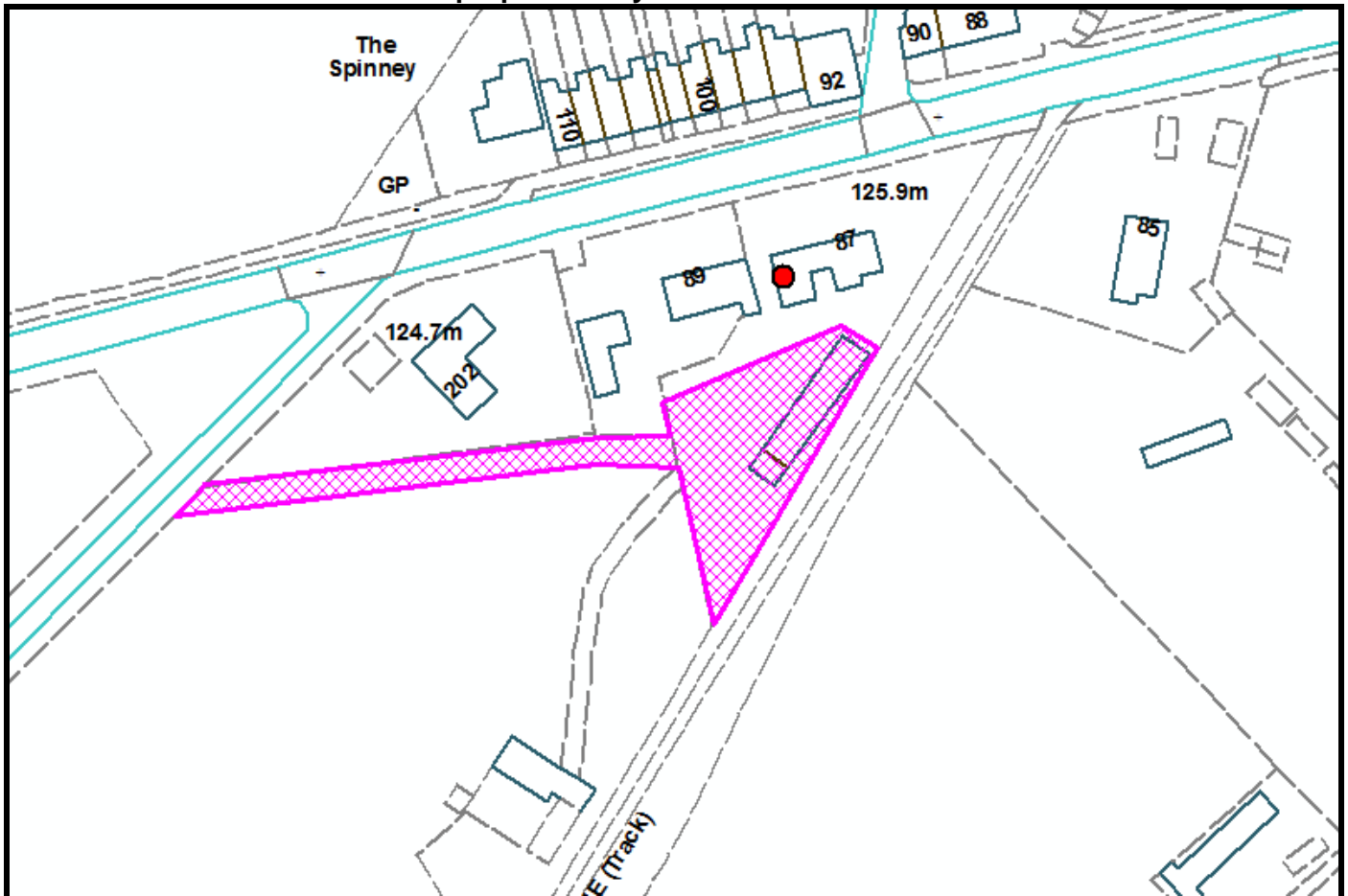
Case Officer:
Rob Duckworth

Consultation Expiry:
30 August 2017

Recommendation:
PERMIT

8 Week Date:
20 June 2017
Extension of Time:
25 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 Ward Member (Councillor Boam) has requested it to be considered by Planning Committee with reasons stated as the impact to the countryside and the means of access. Furthermore, contrary representations to the recommendation to permit the application have been received.

Proposal

The application is the convert an agricultural outbuilding to a dwelling. The proposal will involve the removal of a poorly construed side extension and general alterations to the existing building. A new track is proposed leading from an opening in Moor Lane to the application site.

Consultations

A total of 2 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 subject to conditions.

Planning Policy

The site lies outside 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 is outside the Limits to Development but involves the conversion of an existing rural building so the principle of development is acceptable in accordance with ALP Saved Policies S3 and E24, and SLP Policy S3 and the NPPF.

It is considered that the proposed conversion to a dwelling would not impact on the character of the area and the inclusion of the access track would be suitably surfaced to not have a detrimental impact on the area nor lead to an urbanisation of the countryside.

The submitted plans, as well as section drawings, have identified that the residential development could be provided without adversely affecting the amenities of existing occupants and that it would also protect future amenities in respect of overbearing, overshadowing and overlooking impacts. As such, the development is considered compliant with the NPPF, ALP and SLP with regard to those issues.

It is considered that the additional vehicular movements associated with the development would not compromise the free and safe passage of vehicles in the highway. Within the site, a sufficient level of off-street parking would be supplied. In conclusion the development would not result in a detrimental impact on highway safety and would accord with the NPPF, ALP and SLP with regard to those issues.

It is therefore recommended that the application be approved subject to 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

Permission is sought for the change of use from a barn to a dwelling including the provision of an access track from Moor Lane.

The barn is a long, brick building with an asymmetric tiled and corrugated roof running almost parallel to Mill Lane, but faces the yard from which it is accessed. There are two large apertures on the front elevation, one with top-hung sliding door. There is a structure which abuts the barn constructed in a temporary and hap-hazard way; this is to be demolished.

The existing barn is accessed from Loughborough Road by a track / driveway shared with and between Nos. 87 and 89 Loughborough Road. The barn is owned by the occupant of No. 87 Loughborough Road and the two are linked by deed, however, the applicant has informed the Planning Officer that the two are to be separated upon sale of the house with the applicant to reside in the converted barn. The adjacent field is also in ownership of the applicant and it is proposed to construct a separate independent access track from Moor Lane running along the perimeter of the field adjacent to Moor Lane and 202 Moor Lane to the barn. All openings in the field exist and the access track has been partially dug out.

Part of the barn is unlawfully used as an office for the applicant's business and has uPVC framed windows and doors. The remainder of the barn is used for storage of materials associated with that business.

The barn is located on the edge of a group of 13 houses outside the Limits to Development of Coleorton as per Policies S3 of both the adopted and submitted Local Plans.

Relevant Planning History:

03/01236/FUL - Change of use of agricultural land to the keeping and grazing of horses and the erection of stable block. Approved.

05/01295/FUL - Erection of a two storey extension including demolition of existing building. Approved.

2. Publicity

No neighbours notified.

3. Summary of Consultations and Representations Received

Swannington Parish Council - Objection; the site is outside Limits to Development.

Coal Authority - Site is in a high risk area and a site where historic workings are likely to have taken place and there is a recorded mine entry located on the southern edge of the site. There would be no operational development resulting from this proposal which intersects the ground therefore they do not object to the proposal. An informative note is to be included in the decision notice.

Natural England - No comments to make on this application referring to standing advice.

LCC Highways - Refer to standing advice. Upon a follow up consultation regarding the use of

the existing access they confirmed that it would be suitable for an additional dwelling but the access to Moor Lane would be preferable in Highway Safety terms.

Third Party Representations - Two letters of objection received stating the following:

- Work has commenced
- A new access has been created.
- The proposal will impact upon the character and heritage of the area.
- Operation of a PVC window company from the location and burning of plastic waste on the field affecting the air and environment.

4. Relevant Planning Policy

National Planning Policy Framework (NPPF)

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 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:

- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design

Adopted North West Leicestershire Local Plan (2002) Saved Policies (ALP)

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

- Saved Policy S3 - Countryside
- Saved Policy E3 - Residential Amenities
- Saved Policy E4 - Design
- Saved Policy E7 - Landscaping - National Forest
- Saved Policy E24 Re-Use and Adaptation of Rural Buildings
- Saved Policy F1 - General Policy
- 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 (SLP)

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 undertook a six week consultation on its Main Modifications from 12 June 2017. The comments received have been considered. The Council's position is that no further changes are required. All of the comments received, together with the Council's response, have been forwarded to the Inspector who will, in due

course, advise of the next steps. 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 S2 - Settlement Hierarchy
Policy S3 - Countryside
Policy D1 - Design of New Development
Policy D2 - Amenity
Policy H6 - House Types and Mix
Policy IF4 - Transport Infrastructure and New Development
Policy IF7 - Parking Provision and New Development
Policy En1 - Nature Conservation
Policy En3 - National Forest
Policy En6 - Land and Air Quality

The Good Design SPD

National Planning Practice Guidance (NPPG)

6Cs Design Guide (Leicestershire County Council)

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

5. Assessment

Principle and Sustainability

In accordance with Paragraph 14 of the NPPF the starting point for the determination of the application is the Development Plan which, in this instance, is the adopted Local Plan (ALP). The submitted Local Plan is a material consideration based on its current position.

The site is located outside the Limits to Development as defined in Policies S3 of the adopted and submitted Local Plans. No development is permitted outside the Limits unless essential for the area or, inter alia, the conversion of an existing building. This is also supported by Saved Policy E24 of the adopted Local Plan which deals with the conversion of rural buildings. The principle of conversion is therefore considered acceptable subject to other criteria and other material planning considerations.

The site is not in a location well supported by local services or facilities with future residents likely to be dependent on car journeys to meet their daily needs. There is an hourly bus service to Coalville though and the site is also less than 5km away from Coalville, which is a sub-regional centre.

Adopted Local Plan Saved Policy E24 outlines the conditions of conversions of rural buildings to dwellings stating that other business or community uses should be sought prior to residential or forms part of the former, subject to other criteria qualifying the building is suitable. In this instance no justification has been given against this policy; the Planning and Design and Access Statement omits the policy from its review; however the building is not in agricultural use - it has been used, unlawfully, as a domestic and business store and office for an indeterminate amount of time weakening the requirement for the further justification against adopted Local Plan Saved

Policy E24. Furthermore, the introduction of the Class Q permitted barn conversion procedure lightens the burden, to some degree, on the principle of conversion of rural buildings in the countryside. The Class Q procedure was not a viable option in this instance as the building was not in agricultural use but the general principle established this legislation would mean a refusal of permission using adopted Local Plan Saved Policy E24 would be unmerited considering the other material planning issues.

The conversion is well located within its setting, clustered with other buildings and is suitable for conversion without the need for extension or heavy modification so it is considered the general principles of the development are acceptable in accordance with ALP Saved Policies S3 and E24, and SLP Policy S3 and the NPPF.

Design and Impact on the Character of the Area

The proposed conversion utilises the majority of existing openings including those to the front. There will be some new windows and blocking of existing windows to the rear simply to facilitate the internal layout. The design for consideration is the result of amendments following negotiation as the original scheme was poorly proposed with almost all existing openings blocked and new, overly domestic windows and doors inserted. The revised scheme is much more effective at retaining the barn-like appearance of the building and is more appropriate for the location. The roof will be replaced and made symmetrical which will significantly improve the building's appearance. The loss of the adjoining structure will be a positive improvement for the site as it is unsightly and is not worthy of retention.

It is considered that the barn conversion represents an appropriate reuse of the building that will not harm the general appearance and character of the area, nor the wider countryside; it is not visible from outside of the site, is well designed and is in close proximity to other residential properties.

The main issue with the scheme is the access; at present the access is via Loughborough Road between Nos. 87 and 89 and the parking area to the front of the building is shared; the proposed access is from Moor Lane along the edge of the adjacent field. The access from Loughborough Road would be closed and only serve the two existing dwellings fronting Loughborough Road.

During the course of the application requests have been made for the application to be altered in order to utilise either the existing access from Loughborough Road or Mill Lane (Mill Lane is a bridleway and private lane serving Windmill Cottage so that option was not viable). This has been resisted by the applicant as the main house, No 87, is to be sold under the agreement that the barn would be served by its own independent access. That matter is not a material planning consideration. There was an argument from the applicant that the addition of another house onto Loughborough Road would be unsafe but following consultation with LCC highways it was concluded that the access would be suitable for another dwelling but the access to Moor Lane would be preferred. The use of the existing access is still preferred by NWLDC Planning Officers.

The proposed access would utilise existing gates from the existing parking area and from the field onto Moor Lane. The route has been partially created by excavating the route by approximately 0.2m deep. The route from the access gate leading to Moor Lane follows the line of the road up the north western side of the field. This then follows the northern edge of the field to the rear of 202 Moor Lane and joins the gate into the existing parking area. It is proposed to use a geo-cellular surface which can be seeded to maintain the appearance of the open field rather than having a bound and urbanised track to the edge of the field. The boundary of the

track could be left open or demarcated via a fence or hedge but these matters are to be suitably conditioned. There is concern over the introduction of a track through a field and the implications it may have but it is considered with the correct surface, boundary treatments, use of conditions and via the route proposed that the proposed track would not impact on the character and appearance of the surrounding area and it would not encourage further development of the field. The red line boundary of the site has been reduced to limit the amount of domestic use to that of the barn, its curtilage and parking area in the immediate vicinity and the access track.

In this respect it is considered that the proposal accords with ALP Saved Policies S3, E4 and E24; SLP Policies S3, D1, EN3; The Good Design SPD and the NPPF.

Residential Amenity

The nearest likely affected properties would be those on the south side of Loughborough Road. Whilst the separation distances between the rear elevations of these properties and the barn is below the 21m normally required (13-18m) the barn is at an oblique angle, is single storey and the rear gardens of the adjacent houses are quite heavily screened via fences and vegetation. This results in no significant loss of privacy. As the building exists there will be no risk of overbearing effects nor loss of light. Furthermore, No. 87 is currently being sold by the applicant so any new residents will be aware of the relationship between the house and the barn.

The amenities of the future occupants of the barn will be adequate; although the majority of the large openings face the rear elevations of the adjacent houses the angle will be oblique and boundary treatments will prevent further overlooking. Furthermore, the occupants will be aware of the existing relationships between the buildings. Private amenity space has not been formally identified on the submitted plans but there is enough space for a reasonable amount to be provided along with parking area. These details will be required by condition along with additional boundary treatments and landscaping to ensure that there a defined private amenity area.

In these circumstances the development would accord with ALP Saved Policy E3, SLP Policy D2; and the NPPF Section 7.

Highway Safety and Parking

The County Highway Authority originally responded with reference to their standing advice; the proposals accord with that advice; but following concern over the route of the track, it was questioned whether there would be any issue with another property utilising the existing access. They had no issues with the addition of one dwelling being served from the existing access as the visibility is acceptable and there have not been accidents that would preclude the access from being safe to use. They did mention that the preferred access would be from Moor Lane as there is less traffic and visibility is very good.

The site area is large enough to accommodate several cars sufficient to cope with the demands of the property and their precise parking locations are to be conditioned.

Having assessed the proposal against the LCC Highways standing advice and the 6Cs Design Guide it is considered that the proposed access to Moor Lane is acceptable. It is therefore considered that the scheme would not be detrimental to pedestrian or highway safety and would accord with guidance within the NPPF and ALP Saved Policies T3 and T8, SLP Policies IF4 and IF8, the 6Cs Design Guide and the NPPF.

Ecology

Natural England were consulted but they have no comment to make and, based on the existing use of the building and its construction, it is considered that the application would not have any significant detrimental impact on ecological features and the development would accord with SLP Policy En1, the NPPF and Circular 06/05. An informative would be applied to any approval regarding the presence of bats and nesting birds.

Landscaping

A landscaping scheme will be required by condition to ensure that the amenities of the proposed and adjacent properties are adequately protected and that the access is bounded, if necessary. On this basis the application would not conflict with the intentions of ALP Saved Policies E7, F1 and F2 and SLP Policy EN3.

Other Matters

The Coal Authority response does not raise any objection to the application subject to the imposition of a suitably worded informative suggesting caution by the developers. On this basis, it is considered that the proposals would not lead to land instability issues which would ensure compliance with the NPPF.

Conclusion

The site is outside the Limits to Development but involves the conversion of an existing rural building so the principle of development is acceptable in accordance with ALP Saved Policies S3 and E24, and SLP Policy S3 and the NPPF.

It is considered that the proposed conversion to a dwelling would not impact on the character of the area and the inclusion of the access track would be suitably surfaced to not have a detrimental impact on the area nor lead to an urbanisation of the countryside.

The submitted plans, as well as section drawings, have identified that the residential development could be provided without adversely affecting the amenities of existing occupants and that it would also protect future amenities in respect of overbearing, overshadowing and overlooking impacts. As such, the development is considered compliant with the NPPF, ALP and SLP with regard to those issues.

It is considered that the additional vehicular movements associated with the development would not compromise the free and safe passage of vehicles in the highway. Within the site a sufficient level of off-street parking would be supplied. In conclusion the development would not result in a detrimental impact on highway safety and would accord with the NPPF, ALP and SLP with regard to those issues.

It is therefore recommended that the application be approved subject to conditions.

RECOMMENDATION - APPROVE, subject to the following conditions:

1. Time limit
2. Approved Plans
3. Detailing of proposal
4. Drainage
5. Access track details (geo-cellular or similar required)
6. Car parking details
7. Landscaping details
8. Landscaping implementation
9. Visibility splays to be provided
10. Gates set back 5m from road
11. Unidentified contamination
12. Remediation if contamination is found
13. Use of track for converted barn and existing stables only
14. Removal of PD rights.

Erection of a two storey rear extension and single storey rear extension

Report Item No
A6

16 Nottingham Road Ashby De La Zouch Leicestershire LE65 1DQ

Application Reference
17/00885/FUL

Applicant:
Mr And Mrs Bunker

Date Registered:
5 July 2017

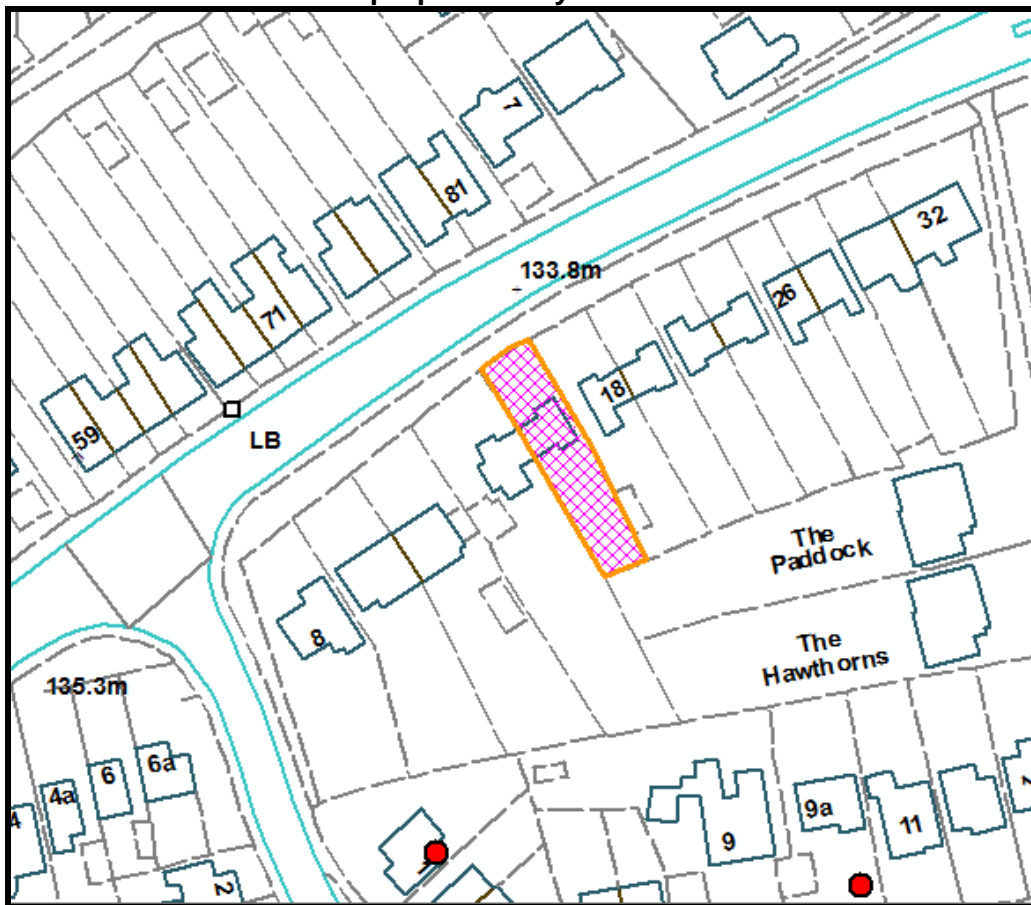
Case Officer:
Eleanor Overton

Consultation Expiry:
28 July 2017

Recommendation:
PERMIT

8 Week Date:
30 August 2017
Extension of Time:
None Agreed

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

The application is to be considered by Planning Committee as the applicant is an employee of the Council and a letter of objection has been received.

Proposal

This application seeks full planning permission for the erection of single and two storey rear extensions. Amendments to the proposal have been received and reduce the size of the extensions to address the concerns of the neighbour.

Consultation

Members will see from the main report below that there have been no objections from any statutory consultees. One letter of objection has been received from an adjoining neighbour.

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 development is acceptable. The development by reason of its scale and design would be in keeping with the character of the existing dwelling. Given the amendments, the proposed development would not have any significant detrimental impact on the amenities of neighbours in terms of overbearing, overshadowing or overlooking impacts and sufficient parking is provided. It is considered that the works would not significantly increase foul drainage discharge or surface water run-off from the site. As such, the integrity of the River Mease SAC would be preserved in accordance with Paragraph 118 of the National Planning Policy Framework and the 2010 Habitats Regulations and Circular 06/05.

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

Planning permission is sought for the erection of a two storey and single storey rear extensions at 16 Nottingham Road, Ashby de la Zouch.

During the course of the application, following concerns raised by officers amended plans have been received showing a reduction by 0.5 metres in the rearward projection of both the single storey and two storey extensions.

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.

2. Publicity

3 Neighbours have been notified (date of last notification) 07/07/2017

3. Summary of Consultations and Representations Received

Statutory Consultees

The following summary of representations is provided.

Ashby Town Council no comments received.

Third Party Representations

One letter of neighbour representation have been received, raising objections on the following grounds:

- Overbearing, loss of light and view from living room
- Noise disruption during construction, given proximity of bedroom

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)
- Paragraph 64 (Requiring good design)
- Paragraph 118 (Conserving and enhancing the natural environment)

Adopted North West Leicestershire Local Plan (2002)

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

- Policy S2 (Limits to Development)
- Policy E3 (Residential amenity)
- 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 undertook a six week consultation on its Main Modifications from 12 June 2017. The comments received have been considered. The Council's position is that no further changes are required. All of the comments received, together with the Council's response, have been forwarded to the Inspector who will, in due course, advise of the next steps. 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
- IF7 - Parking Provision and New Development
- EN2 - River Mease Special Area of Conservation

Submission Draft Ashby Neighbourhood Local Plan

The Submission Draft of the Ashby Neighbourhood Local Plan was submitted to the Council on 1 August 2017. The Council will now undertake a six week consultation on the Draft Neighbourhood Plan and arrange for an examination. The weight to be attached by the decision maker to this submitted version 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 - Presumption in favour of Sustainable Development
- Policy S2 - Limits to Development
- Policy S4 - Design

Other Policies/Guidance

- National Planning Practice Guidance - March 2014.
- The Good Design Supplementary Planning Document - April 2017.
- 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 and submitted Local Plans, where the principle of extensions to an existing dwelling are acceptable, subject to all other planning matters being addressed.

Scale and Design

Given the siting of the extension to the rear of the application dwelling, it would not be visible from the streetscene.

The extension is effectively split into two elements; the two storey and the single storey extension. The scheme proposes the demolition of an existing single storey flat roof kitchen extension, and on the footprint the erection of a wider spanning, two storey rearward projecting gable incorporating an additional bedroom and en-suite at first floor and kitchen at ground floor. A single storey rear extension is proposed to create a kitchen/diner. Given the scale and footprint of the existing dwelling, the two storey and single storey extensions appear subservient.

The extension is to be rendered and painted cream, with matching plain tiles, ensuring its appearance remains compatible with the existing dwelling.

Overall, the proposed extension would not look out of keeping with the character and appearance of the existing dwelling or the streetscene and the application 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 residential dwelling most immediately impacted upon as a result of the extensions would be No.14 Nottingham Road, which adjoins the application dwelling to the west.

With regards to the two storey extension, it is similar in footprint and siting to that of the neighbours own two storey rear extension, effectively mirroring it. The two storey element would be set in 2.3 metres from the common boundary with No. 14 and approximately 5 metres from the side wall to the side wall of the neighbours rearward projecting extension. Following concerns raised by officers amended plans have been received showing a reduction by 0.5 metres in the rearward projection. Whilst it is acknowledged that there could be an element of overshadowing and loss of light, given the orientation of the properties with the sun's path, this would be limited to the beginning of the day and would not therefore be permanent. Accordingly, given the amendments, it is not considered that there would be any significant loss of light overshadowing or overbearing impacts, to sustain a reason for refusal in this case.

There are no side windows proposed in the two storey element, facing No. 14, ensuring no direct overlooking. One first floor bedroom window is proposed in the rear elevation, however it is considered that this would not result in any additional overlooking, over and above that

exerted by the existing first floor windows in the rear elevation of the main dwelling.

In respect of the single storey element, this originally proposed to project 3.4 metres from the rear wall of the existing dwelling, however following the submission of amended plans, this is now reduced to 2.9 metres and the existing boundary treatment occupying the common boundary would obscure most of the height of the extension. Overall, following the submission of amendments, it is considered that given the single storey nature of the extension, it is not considered to give rise to any significant loss of light, overshadowing or overbearing impacts upon the occupiers of No. 14 Nottingham Road.

There is a distance of approximately 4 metres between the proposed side wall of the two storey extension between neighbouring No. 18 Nottingham Road. The extension would not project further to the east elevation than that of the existing dwelling. Accordingly there is a retained distance of 4 metres between the side wall of the application dwelling and the side wall of this neighbour. The scheme proposes an additional first floor window to serve the en-suite, however this would be obscurely glazed and either fixed shut or top opening only. The scheme also proposes an additional first floor side window, to serve an existing bedroom. This is not considered to result in any harmful impacts in terms of overlooking as it will face towards the side gable to the neighboring dwelling and will have no direct views into any adjacent rooms.

There are no other residential properties impacted upon as a result of the proposal.

In respect of the concerns raised by the neighbour in relation to noise and disturbance, during the construction, it is not considered that any potential disturbance in relation to an extension to a single dwelling would be sufficient to sustain a reason for refusal. There is separate legislation in relation to noise disturbance.

Overall, it is considered that the development would not have any significant detrimental impact 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

The current access arrangements will remain unchanged. The scheme proposes to increase the number of bedrooms from three to four and there is sufficient space for three car parking spaces to the front of the site, to conform with the advice in the County Highway Authority's 6Cs Design.

Overall 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 proposal will increase the number of bedrooms within the dwelling from three to four. Whilst this would suggest the overall occupancy levels of the dwelling could increase, this would not be significant and the provision of more modern water efficient facilities in the extended dwelling (through the new en-suite) would be likely to lead to an overall decrease in foul drainage discharge from the site.

Although the footprint of the dwelling would be increased, it is considered this is not likely to lead to a significant increase in surface water run-off, and a condition would be added to any permission granted to state any increased run-off would be directed to an on-site soakaway area or other sustainable drainage system. As such, 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.

Conclusion

The site lies within Limits to Development where the principle of development is acceptable. The development by reason of its scale and design would be in keeping with the character of the existing dwelling. Given the amendments, the proposed development would not have any significant detrimental impact on the amenities of neighbours in terms of overbearing, overshadowing or overlooking impacts and sufficient parking is provided. It is considered that the works would not significantly increase foul drainage discharge or surface water run-off from the site. As such, the integrity of the River Mease SAC would be preserved in accordance with Paragraph 118 of the National Planning Policy Framework and the 2010 Habitats Regulations and Circular 06/05.

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

RECOMMENDATION - PERMIT subject to the following conditions:-

- 1 Time limit
- 2 Approved plans
- 3 Materials
- 4 Obscure glazing of relevant window
- 5 Surface water

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Proposed redevelopment of the former health centre site to form an extension to the North Street car park

Report Item No
A7

Former Health Centre North Street Ashby De La Zouch
Leicestershire LE65 1HU

Application Reference
17/00830/FUL

Applicant:
Kay Greenbank

Date Registered:
26 June 2017

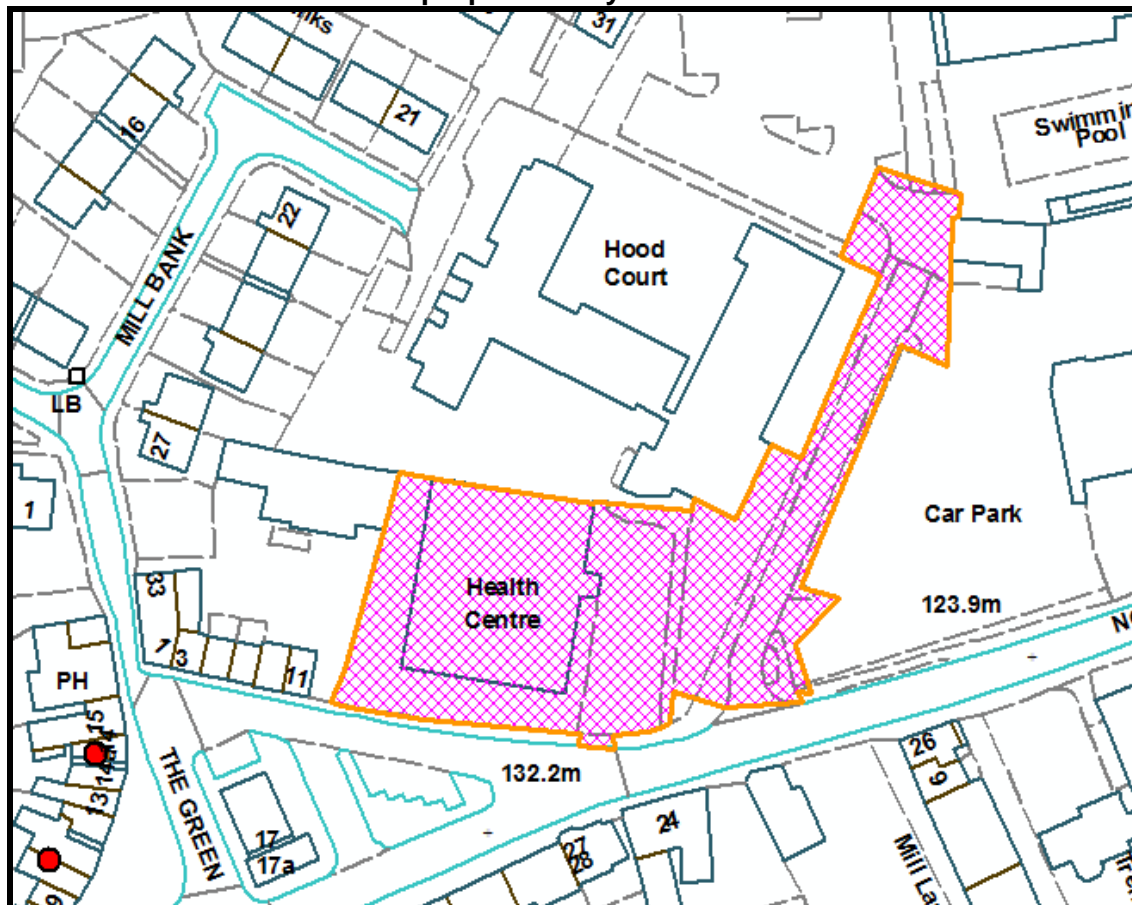
Case Officer:
Adam Mellor

Consultation Expiry:
2 August 2017

Recommendation:
PERMIT

8 Week Date:
21 August 2017
Extension of Time:
None Agreed

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application is brought 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 proposed redevelopment of the former health centre site on North Street, Ashby De La Zouch to provide a car park along with associated works. The 0.30 hectare site is situated on the north-eastern side of North Street and is within the Limits to Development.

Consultations

Five individual representations have been received which raise concerns in relation to the development proposals. Ashby De La Zouch Town Council support the application (although comment on the position of the pay machine). All other statutory consultees, with the exception of the County Highways Authority and Severn Trent Water whose comments are awaited, have raised no objections subject to the imposition of conditions on any consent granted.

Planning Policy

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

Conclusion

The application site is within the Limits to Development where the principle of the proposed form of development is acceptable under Policies S2 of the adopted and submitted Local Plans with the proposal also being compliant with Policy R12 of the adopted Local Plan. It is also considered that the proposal would not result in detriment to residential amenity, the character and appearance of the streetscape or wider area, heritage assets, landscaping and the significance of the River Mease SAC/SSSI nor would it exacerbate any localised flooding impact. Subject to the matter in relation to the implications of the development on the highway network at a weekend being satisfactorily addressed, it is considered that there are no other material planning considerations that indicate planning permission should not be granted and accordingly the proposal, subject to relevant conditions, is considered acceptable for the purposes of the policies referred to above.

RECOMMENDATION - PERMIT, subject to a satisfactorily resolution to matters in relation to highway safety;

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 proposed redevelopment of the former health centre site to form an extension to the North Street Car Park at North Street, Ashby De La Zouch. The 0.30 hectare site is within the Limits to Development and is situated on the north-eastern side of North Street. At present a former health centre stands on the site but this is to be demolished as approved under application reference 17/00205/DEM. It is highlighted within the supporting statement that the site is to the north of the Ashby De La Zouch town centre and is on the edge of the designated Cultural and Leisure Quarter for the settlement, it is also to the north-east of the boundary of the Ashby De La Zouch Conservation Area.

Following the removal of the health centre a car park would be created which would allow for the parking of 52 cars (including 2 disabled parking spaces and 2 electric charging bays), 2 ambulance parking bays and 5 motorcycle spaces. The existing access serving the former health centre, directly off North Street, would be closed with a new access being provided off the current access road which serves the existing North Street car park as well as other facilities within the Cultural and Leisure Quarter. Works associated with the proposal would include the provision of additional soft landscaping, an amenity area and the relocation of the gates to the Hood Park Leisure Centre.

Along with the above it is proposed that the pavement on the eastern side of the access road to the existing North Street Car Park and Hood Park Leisure Centre would be widened to facilitate pedestrian and cycle movements to and from the leisure centre.

Within the supporting statement it is also stated that the car park would be utilised for community events but the hosting of such events would constitute a form of permitted development, for which planning permission would not be required, under Part 4, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 for a period of up to 28 days within a calendar year (or 14 days for the holding of a market) and as such is not included as part of the application. If events are to be hosted in excess of these limitations than a separate planning application would be required.

A design, sustainability and access statement, transport statement and flood risk assessment have been submitted in support of the application.

No recent or relevant planning history, with the exception of the demolition application referred to above, was found.

2. Publicity

79 neighbours notified (date of last notification) 30/06/2017

Site Notice displayed 6 July 2017.

Press Notice published Leicester Mercury 12 July 2017.

3. Summary of Consultations and Representations Received

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

Ashby De La Zouch Town Council supports the application but considers that the pay machine should not be positioned adjacent to the historic Hood Park gates.

Environment Agency has no objections.

Leicestershire County Council - Highways Authority have no objections to the parking layout or the access provision but cannot comment fully until a revised transport statement is submitted to outline the implications to the highway network. Any further comments will be reported to Members on the update sheet.

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

NWLDC - Conservation Officer has no objections subject to a satisfactory landscaping scheme being provided.

NWLDC - Environmental Protection has no objections.

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

Third Party Representations

Five representations have been received to the application which, whilst not specifically objecting to the development, have raised concerns over aspects of the scheme. These concerns are summarised as follows: -

- Proposal will result in the loss of existing car parking spaces designated to Hood Court residents.
- Allocated bays or parking permits for Hood Court residents within the car parks will not work and any spaces which are available may not be as conveniently located to Hood Court as the existing parking spaces are.
- A car park specific to the Hood Court residents should be considered.
- Proposal will impact on residential amenities with disruption and noise caused by the construction works.
- The access arrangements to the existing car park need to be reviewed as numerous people will enter the car park via the exit which has the potential to cause accidents.
- A convenient drop-off/pick-up point for people waiting at Hood Court should be provided.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework

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

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

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

Paragraph 10 (Achieving sustainable development);

Paragraph 14 (Presumption in favour of sustainable development);

Paragraph 20 (Building a strong, competitive economy);
Paragraphs 32 and 39 (Promoting sustainable transport);
Paragraphs 57, 60, 61 and 64 (Requiring good design);
Paragraphs 100, 101 and 103 (Meeting the challenge of climate change, flooding and coastal change);
Paragraphs 118, 120, 121 and 123 (Conserving and enhancing the natural environment);
Paragraphs 131, 132, 134 and 137 (Conserving and enhancing the historic environment); and
Paragraphs 203, 204 and 206 (Planning conditions and obligations).

Adopted North West Leicestershire Local Plan (2002)

The application site is within the Limits to Development as defined in the adopted 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 E7 - Landscaping;
Policy E9 - Mobility;
Policy F1 - National Forest - General Policy;
Policy F2 - Tree Planting;
Policy F3 - Landscaping and Planting;
Policy T3 - Highway Standards;
Policy T8 - Parking; and
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 undertook a six week consultation on its Main Modifications from 12 June 2017. The comments received have been considered. The Council's position is that no further changes are required. All of the comments received, together with the Council's response, have been forwarded to the Inspector who will, in due course, advise of the next steps. 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 D1 - Design of New Development;
Policy D2 - Amenity;
Policy IF4 - Transport Infrastructure and New Development;
Policy IF7 - Parking Provision and New Development;
Policy En2 - River Mease Special Area of Conservation;
Policy En3 - The National Forest;
Policy En6 - Land and Air Quality;
Policy He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment;
Policy Cc2 - Water - Flood Risk; and
Policy Cc3 - Water - Sustainable Drainage Systems.

Submission Draft Ashby Neighbourhood Local Plan

The Submission Draft of the Ashby Neighbourhood Local Plan was submitted to the Council on 1 August 2017. The Council will now undertake a six week consultation on the Draft Neighbourhood Plan and arrange for an examination. The weight to be attached by the decision maker to this submitted version 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 - Presumption in favour of sustainable development;
 Policy S2 - Limits to Development;
 Policy S4 - Design;
 Policy T6 - Car Parking;
 Policy HE2 - Heritage Assets;
 Policy HE3 - Ashby De La Zouch and Heath End Conservation Areas; and
 Policy NE5 - Trees and Hedgerows.

Other Policies

National Planning Practice Guidance

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

6Cs Design Guide (Leicestershire County Council)

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

Planning (Listed Buildings and Conservation Areas) Act 1990

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

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

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

Circular 06/2005 sets out that local planning authorities should have regard to the EC Birds and Habitats Directive in the exercise of their planning functions in order to fulfil the requirements of the Directive in respect of the land use planning system.

River Mease Water Quality Management Plan - August 2011.

The River Mease Developer Contributions Scheme (DCS).

The Community Infrastructure Levy Regulations.

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

5. Assessment

Principle of the Development

The application site is within the Limits to Development where the principle of this form of development is acceptable in accordance with Policies S2 of the adopted and submitted Local Plans. Ashby De La Zouch is also recognised as a Key Service Centre, under Policy S2 of the submitted Local Plan, where a significant amount of development is to take place.

Policy R12 of the adopted Local Plan outlines, under criteria (e), that community uses or other uses of a similar character will be permitted in 'Town Centre Services Areas', as defined on the Proposals Map to the adopted Local Plan. It is considered that the provision of an additional car park in this area would be of benefit to the community, due to the lack of parking provision in close proximity to the town centre, with it also being proposed that 'community events' would be hosted on the car park and as such it is considered that it is compliant with the aims of the above Policy.

On the basis of the Proposals Map to the submitted Local Plan the application site is within the Town Centre but none of the Policies associated with the Town Centre within the submitted Local Plan, Policies Ec8 and Ec9, would be of relevance in the assessment of this application relating to the provision of a car park.

Overall the principle of the proposed development would be acceptable.

Residential Amenity

The proposed car park is to be provided on the site of the former health centre and as such would be directly to the south of residential flats within Hood Court as well as to the east of residential properties at Smithards Row, North Street.

Given the nature of the proposed development it is considered that no adverse overbearing, overshadowing or overlooking impacts would arise to residential amenities.

In terms of noise implications it is considered that the site lies immediately adjacent to the existing North Street car park, as well as to the north of the Ashby De La Zouch Town Centre and south-west of Hood Court Leisure Centre, and as such a degree of noise would exist in this area which would not only be associated with vehicles but also users of the facilities in the area as well as the facilities themselves. As part of the consideration of the application the Council's Environmental Protection team have been consulted and they have raised no objections to the application. In these circumstances it is considered that the additional noise generated by the vehicles and users of the proposed car park would not be at a level which would result in significant detriment to the amenities of neighbouring properties.

Concerns have been raised over the noise associated with the construction of the car park as well as the potential hours of construction. Whilst noise and disturbance may occur during construction, this would be for a temporary period and the Local Authority would have separate powers under the Environmental Protection Act to investigate such matters. Although this is the case a note to the applicant would be imposed on any permission granted for them to be considerate when undertaking the construction works.

The Council's Environmental Protection team have also raised no concerns about the intended lighting columns which would be provided within the car park particularly given that such lighting has been designed so as to avoid light-spill outside the confines of the application site and which will be the subject of an appropriate condition.

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

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

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 and Paragraphs 57, 60 and 61 of the NPPF.

At present the site consists of the health centre, to be demolished, along with its associated parking and in its current state the site does not contribute positively to the character and appearance of the streetscape or wider area. Whilst, in itself, the provision of a car park on the land vacated by the building would not necessarily enhance the visual appearance of the streetscape it is considered that the works associated with the car park, including the provision of soft landscaping and amenity area, are considered to be positive to the proposed scheme as a whole. When accounting for the general character and appearance of the area around the site location it is considered that the proposal would not impact adversely on the visual amenities of the streetscape or wider area.

It is proposed that 6 metre high lighting columns would be installed around the perimeter of the car park and whilst these would be visible above the soft landscaping it is considered that their height would be no greater than the buildings within the area or the existing lighting columns within the highway. On this basis this element of the proposal would have no significantly adverse impact on the wider environment.

The proposed application site lies to the north-east of the boundary of the Ashby De La Zouch Conservation Area and as such the Council's Conservation Officer has been consulted on the application who has commented that: -

"The proposal comprises the redevelopment of the former health centre site to form an extension of the North Street car park. The building on the site is of no historic or architectural merit and the removal of this building would not be harmful to the heritage assets identified above. The proposed re-use as a car park would not be visually ideal, creating a large open space for vehicle parking. However, subject to quality boundary landscaping and given the negative impact of the current building, I do not consider the Conservation Area or adjacent listed buildings would be adversely affected by the proposal."

Appropriate soft landscaping to the site boundaries would be secured via a planning condition, as discussed in the landscaping section of this report below, and taking into account the negative impacts the current building has on the setting of heritage assets it is considered that the proposal would result in no additional harm to the significance of such assets. In the circumstances that no harm arises as a result of the development, an assessment in the context of Paragraph 134 of the NPPF is not required.

Details associated with the proposed hard landscaping to be utilised have not been provided at this stage and as such a condition would be imposed for the precise details to be agreed.

Overall the proposal would accord with Paragraphs 57, 60, 61, 131, 132, 134 and 137 of the NPPF, Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy E4 of the adopted Local Plan and Policy D1 of the submitted Local Plan.

Highway Safety

The County Highways Authority have been consulted on the application and at this stage have advised that a revised transport assessment would be required to assess the flow of vehicles to the car park at the weekend so that a thorough assessment of the off-site implications to the highway network can be undertaken. They do, however, have no objection to the parking or circulatory arrangements of the proposal or the proposed access.

The applicant has been advised that a revised transport statement be submitted for consideration by the County Highways Authority and this document is awaited. This document is required to assess the weekend flows of traffic along North Street itself as well as at its junctions with Market Street and the Elsford Street/The Green/Brook Street mini-roundabout so that a determination can be made on the impacts the development would have on the wider highway network. Therefore, at this stage, a definitive conclusion cannot be made in relation to the whether the proposal would have a significant impact in relation to highway safety at the weekends. Any further information in relation to this matter will be reported to Members via the Committee update sheet.

Although a determination cannot be made in respect of the impacts of the development on the highway network at a weekend, the County Highways Authority are satisfied that there would be no severe impacts on the highway network during weekdays and that the proposal would not result in any adverse implications to pedestrian or highway safety due to there being no underlying road safety issues along North Street itself or at its junctions.

Whilst a conclusion in terms of the off-site highway implications of the development, on weekends, cannot be made, it is determined that the circulatory arrangements within the car park will allow for vehicles to manoeuvre and exit the site in a forward direction. The proposed access would also be of an acceptable standard so as to allow vehicles to safely enter and exit the site. On this basis it is considered that vehicle movements within the car park, or at the site access, would not impact severely on pedestrian or highway safety and therefore these elements of the development would accord with Paragraph 32 of the NPPF, Policy T3 of the adopted Local Plan and Policy IF4 of the submitted Local Plan.

In reviewing the parking arrangements the County Highways Authority have stated that the dimensions of the car parking bays and circulatory arrangements within the proposed car park are compliant with the 6Cs Design Guide and would therefore be acceptable.

Concerns have been raised over the loss of the designated vehicle parking for Hood Court, including two ambulance spaces and around seven car parking spaces. In order to mitigate this loss it is proposed that a new car park, for the parking of around five vehicles, be provided within Hood Court with an access off Mill Bank. A proposal for the provision of such a car park is yet to be submitted. As such, it is specified within the supporting information that the initial proposal would be to provide residents of Hood Court with parking permits so as to allow them to park freely within either the proposed car park or existing car park on North Street, with parking on the existing car park being a necessity at times when events are held on the proposed car park. In the context of the amount of spaces which would be created, it is considered that suitable alternative parking would be provided for residents of Hood Court with the proposed solution also being a temporary measure until such time as the car park solely for Hood Court residents is provided. It is proposed that two ambulance spaces would be provided within the car park, which would lie adjacent to the boundary of the site with Hood Court, and therefore appropriate replacement spaces would be provided for these particular vehicles.

Overall the parking provision would be acceptable and in accordance with Paragraph 39 of the NPPF, Policy T8 of the adopted Local Plan and Policy IF7 of the submitted Local Plan.

Landscaping

The existing site is largely devoid of any soft landscaping with that present on the site being to its western boundary. As part of the development it is intended that new soft landscaping would be provided, in the form of trees, hedges and shrubs, to soften the edges of the development and provide a visual screen and such landscaping would be welcomed particularly given the National Forest setting of the site and its relationship with heritage assets. At this stage the precise details of the soft landscaping to be provided is unknown and, as such, a condition would be imposed on any permission granted for such details to be agreed.

It has been outlined that there is the potential that a mosaic may be formed within the hard landscaping to the amenity area but the precise design details of this mosaic are not known at this stage. In any event the precise information for the wider hard landscaping on the site is also unknown and therefore a condition would be imposed on any permission granted for the precise hard landscaping details to be agreed.

Overall the proposal would accord with Policies E7, F1, F2 and F3 of the adopted Local Plan and Policy En3 of the submitted Local Plan.

Impact on the River Mease Special Area of Conservation/SSSI

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC), which was designated in 2005. The 2010 Habitat Regulations and Circular 06/2005 set out how development proposals within an SAC should be considered. Regard should also be had to Paragraph 118 of the National Planning Policy Framework. During 2009 new information came to light regarding the factors affecting the ecological health of the River Mease SAC, in particular that the river is in unfavourable condition due to the high level of phosphates within it. Discharge from the sewerage 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 will have a significant effect on the SAC is required.

Given the nature of the proposed development there would be no increase in foul drainage discharge from the site which would require mitigating.

The proposed car park would be located on land which is currently developed and therefore the provision of a car park is unlikely to result in any significant increase in surface water run-off over and above that already generated from the site. Whilst there would be no significant increase in surface water run-off the Lead Local Flood Authority (LLFA) have specified that a SuDS scheme should be provided and the provision of such a system would result in betterment to the existing surface water run-off situation. Conditions to secure an appropriate SuDS solution would therefore be imposed on any consent granted.

On the above basis it is considered that, either alone or in combination with other plans or projects, the proposal would not be likely to have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

Drainage and Flood Risk

The Environment Agency (EA) have been consulted on the application and have advised that the site will be in Flood Zone 1 once the flood map for this area is updated, on this basis the area is at the lowest risk of flooding. The Lead Local Flood Authority (LLFA) have been consulted as part of the application and they have raised no objections subject to the imposition of conditions on any consent granted. On the basis that a suitable surface water drainage solution would be secured via conditions, with it being necessary for an appropriate drainage solution to be achieved for the purposes of the River Mease SAC, the proposal would be considered compliant with Paragraph 103 of the NPPF as well as Policies Cc2 and Cc3 of the submitted Local Plan.

Other Matters

It is noted that Ashby De La Zouch Town Council have raised concerns over the position of the pay machine in relation to the Hood Park Leisure Centre gates which are to be repositioned from their existing location to the amenity area proposed as part of the development. Whilst acknowledging these concerns, the position of the pay machine is considered to be most appropriate in the context of the development as a whole given that it would be conveniently located for users of the car park, there is a requirement for the internal layout of the car park to be clear of physical obstructions due to events being held on the car park and the requirement for boundary treatments and soft landscaping to be provided to the perimeter of the site. In any event the pay machine would also only really be viewed in the context of its relationship with the gates from within the site due to provision of benches and features within the amenity area, as well as the gates themselves, obscuring views of the pay machine from outside the site. The Council's Conservation Officer has raised no objections to the application in this respect. It is also considered that even if the pay machine was relocated there would be a possibility that one could be provided within the proposed position in the future given that planning permission would not be required for the installation of such a machine.

Summary Reasons for Granting Planning Permission

The application site is within the Limits to Development where the principle of the proposed form of development is acceptable under Policies S2 of the adopted and submitted Local Plans with the proposal also being compliant with Policy R12 of the adopted Local Plan. It is also considered that the proposal would not result in detriment to residential amenity, the character and appearance of the streetscape or wider area, heritage assets, landscaping and the significance of the River Mease SAC/SSSI nor would it exacerbate any localised flooding impact. Subject to the matter in relation to the implications of the development on the highway network at a weekend being satisfactorily addressed, it is considered that there are no other material planning considerations that indicate planning permission should not be granted and accordingly the proposal, subject to relevant conditions, is considered acceptable for the purposes of the policies referred to above.

RECOMMENDATION - PERMIT, subject to a satisfactory resolution to matters in relation to highway safety;

1. Time Limit
2. Approved Plans
3. Provision of Car Parking
4. Soft Landscaping
5. Replacement Planting
6. Hard Surfacing
7. Boundary Treatments
8. Surface Water Drainage
9. Lighting
10. Tree and Hedge Protection
11. Closure of Existing Access to Health Centre
12. Finished Site Levels

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