

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

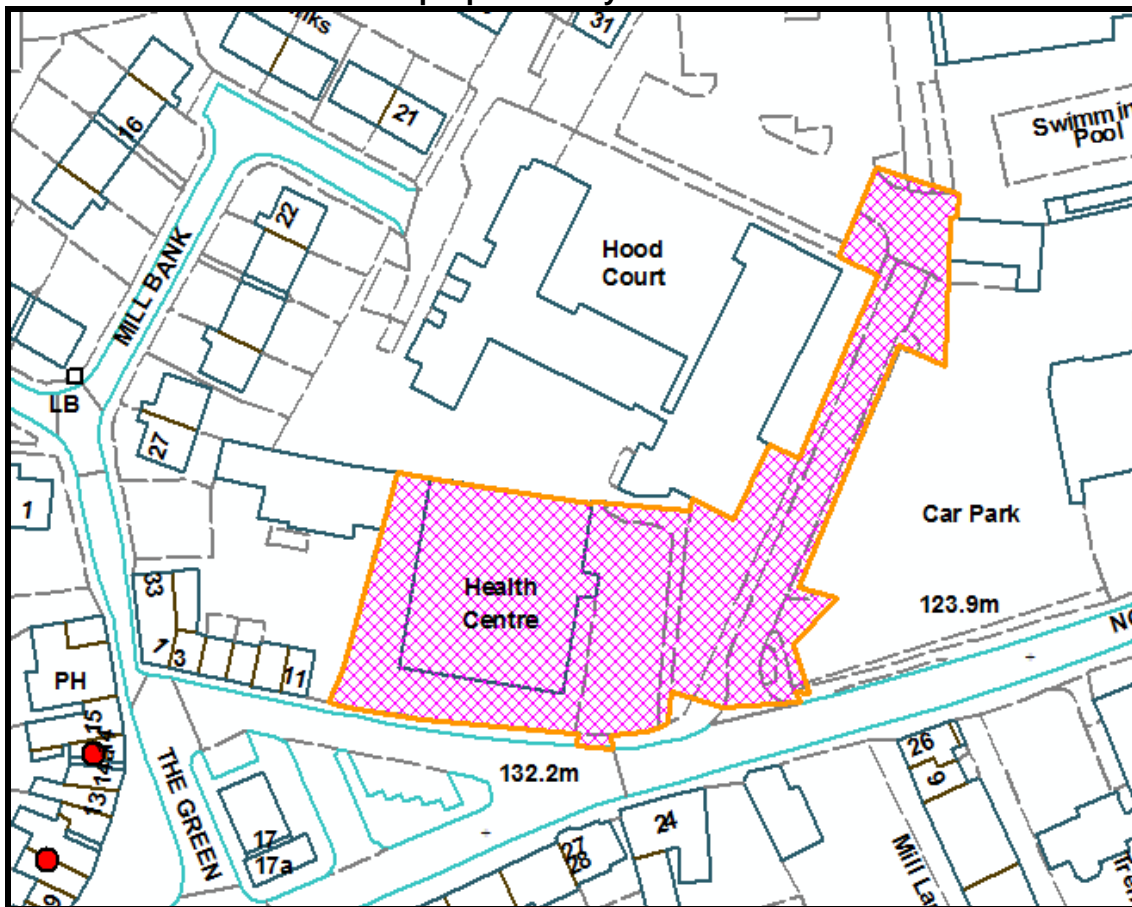
Consultation Expiry:
2 August 2017

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 satisfactory 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**