

APPENDIX B

Report of the Head of Regeneration and Planning

Planning Committee

12 March 2013

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 Director of Services and Deputy Chief Executive are material planning considerations and relate to matters not previously raised.

4. Reasons for Grant

Where the Director of Services and Deputy Chief Executive's 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 Director of Services and Deputy Chief Executive.

5. Granting permission contrary to Officer Recommendation

Where the Director of Services and Deputy Chief Executive's 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 Director of Services and Deputy Chief Executive.

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 Director of Services and Deputy Chief Executive.

7 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 Director of Services and Deputy Chief Executive.

8. Decisions on Items of the Director of Services and Deputy Chief Executive

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 B – Other Matters

There are no items in this section

SECTION A- PLANNING APPLICATIONS

Erection of 1 no two-storey dwelling

Report Item No
A1

Land At Zion Hill Peggs Green Coleorton Coalville

Application Reference
13/00071/FUL

Applicant:
Mr Brian Perry

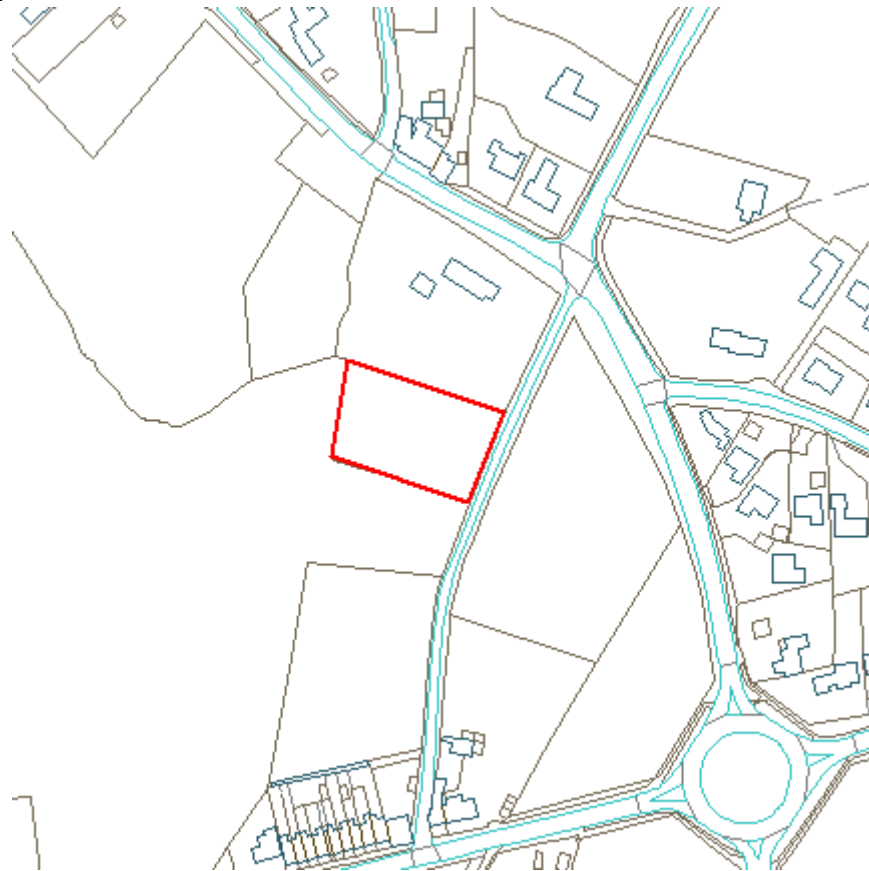
Date Registered
25 January 2013

Case Officer:
Elizabeth Hindle

Target Decision Date
22 March 2013

Recommendation:
REFUSE

Site Location



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ITEM A1 – EXECUTIVE SUMMARY

Call In

The application is brought before Planning Committee by Councillor David Stevenson on the grounds that the existing site has an established residential use.

Proposal

Full planning permission is sought for the erection of one detached two-storey dwelling on a 0.1ha parcel of land on the northern side of Stoney Lane and south of Nos. 91 and 93 Zion Hill. The proposal under consideration is a re-submission of an identical proposal refused earlier this year under application reference 12/00780/FUL. The only differences between the refused application and that now submitted for consideration comprise of minor additions to the justification for the proposed development provided within the design and access statement.

Consultations

At the time of writing the report, no representations from local residents, Coleorton Parish Council or the Council's Tree Officer had been received. Members will note that the County Highways Authority have objected to the proposed development stating that the application fails to demonstrate that the proposal will be in a location where services are readily and safely accessible by walking, cycling and public transport and the proposal therefore fall contrary to Local Transport Plan 3 which reflects Government guidance contained in NPPF. Severn Trent Water have raised no objection subject to conditions.

Planning Policy

The application relates to a greenfield site located outside the defined Limits to Development in an area designated as Countryside. The pre-submission Core Strategy identifies Peggs Green as a 'Rural Village' due to the poor accessibility to community services and facilities. Also relevant are the District's housing land requirements, and the need (as set out in the National Planning Policy Framework) to demonstrate a five year land supply. The design of the proposed built development and the impact of the development on highway standards are also matters for considerations.

Conclusion

The report below considers the proposed development of one new residential dwelling on a greenfield site, located outside of the defined limits to development on land designated as countryside, where there is a presumption against non-essential residential development. Furthermore, the application site does not fall within a sustainable local settlement and due to the limited public services and facilities available locally the occupiers of a new dwelling in this location would be reliant on a private motor vehicle for access to even the most basic services. No additional evidence or justification has been submitted to overcome the reasons for refusing the previous application, ref. 12/00780/FUL, relating to the principle of development at the site and sustainability. As such the proposal remains to be considered an inappropriate form of development and approval of the application would result in the loss of a greenfield site for the unnecessary erection of a dwelling in the countryside, in an unsustainable location where there is limited access to public services and facilities.

It is acknowledged that the release of land for housing needs to be considered in the context of the District's current housing land supply and the need for sites to be released to meet this need.. The Council can demonstrate a five year housing land supply and therefore development

that does not accord with the Development Plan or represent sustainable development should not be permitted as more appropriate development locations are likely to come forward over the next 5 year period for the required housing land supply.

The proposal relates to the erection of a substantial two-storey dwelling and whilst the site is relatively sizeable, the scale of the dwelling proposed would not be in keeping with that of the surrounding properties. The design, scale, form and layout of the proposed development under consideration is identical to that of the previous application ref. 12/00780/FUL where the inappropriate scale of the proposed development was determined to be a reason for refusal. No attempt has been made to address the concerns raised under the previous application and it is therefore considered that the proposed dwelling remains to be of an inappropriate design that would not integrate well with the surrounding built environment.

RECOMMENDATION: REFUSE

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

ITEM A1 – MAIN REPORT

1. Proposals and Background

Planning permission is sought for the erection of one detached two-storey dwelling. The application site comprises of land to the south of Nos. 91 and 93 Zion Hill, on the northern side of Stoney Lane. According to the details submitted the site covers an area of 0.1ha.

The proposal under consideration is a re-submission of an almost identical application refused earlier this year - Ref. 12/00780/FUL. The reasons for refusal of this earlier application are presented in the planning history section below. The only differences between the refused application and that now submitted for consideration comprise of minor additions to justification/explanation provided within the design and access statement.

The current application has been called to Planning Committee at the request of Councillor Stevenson on the grounds that the existing site has an established residential use.

The dwelling proposed would be set approximately 17m back from the highway boundary of Zion Hill with a parking and turning area to the front. The dwelling would measure approximately 10.3m with an attached garage to the south-eastern side that extends a further 3.5m. The depth of the main part of the dwelling would be 6.6m and there would be a two-storey projection to the front elevation which would extend a further 3.3m. The main roof would have a ridge and eaves height of approximately 8.1m and 4.9m above ground level. The ridge height of the front projection would be lower at 7.6m above ground level. The garage would have a ridge and eaves height of approximately 5.0m and 2.2m above ground level. To the front of the dwelling a mono-pitch porch with two oak supports would span from the garage to adjoin the front projection.

It is proposed that the dwelling would be finished in bricks and stone with reclaimed plain roof tiles. The windows and doors would have painted timber frames. The dwelling would have ground and first floor level windows to the north-eastern, south-western and north-western elevations. The only opening to the south-eastern side would serve the single-storey garage.

Vehicular access for the dwelling would be provided by the existing arrangement off Zion Hill, to the north-west of the junction with Stoney Lane.

It was noted during the site visit that there is a dilapidated mobile home (not suitable for habitation), a large timber garage and two small timber sheds on the site. The front of the site appears to be laid with hard surface and to the rear, part is covered by lawn and part by a vegetable patch. The land does not appear to be associated with a residential dwelling. From the certificate of lawful existing use application (10/01046/CLE) determined in 2011 it is noted that there was insufficient evidence to support any residential or business use from the buildings on site.

Planning history:

12/00780/FUL - Erection of 1 no. two-storey dwelling. Refused 9 January 2013. Summary of reasons for refusal:

The site is located outside of the defined limits to development and within the countryside, where there is a presumption against non-essential residential development outside of limits to development. Approval of the proposed development would have resulted in the unnecessary erection of a dwelling within the countryside and would not be in accordance with Policy S3 of

the Local Plan, Policy CS8 (Countryside) of the Council's Pre-Submission Core Strategy or Policy 12 of the Regional Plan.

The site does not fall within a sustainable local settlement and approval of the proposed residential development would have resulted in an unsustainable form of development on a greenfield site with limited access to public services and facilities, the site would not, therefore, be compliant with national planning policy and guidance, Local Plan Policy H4/1 (Housing Land Release), Pre-submission Core Strategy Policy CS7 (Location of Development), Policy 3 (Distribution of New Development) of the East Midlands Regional Plan and the Leicestershire Local Transport Plan 3 (LTP3).

The Council can demonstrate a five year housing land supply and therefore development that does not accord with the Development Plan or represent sustainable development should not be permitted as more appropriate development locations are likely to come forward over the next 5 year period for the required housing land supply.

The proposal related to the erection of a substantial two-storey dwelling and whilst the site is relatively sizeable and capable of accommodating a large form of development, the scale of the dwelling proposed was not in keeping with that of the surrounding properties. The proposed dwelling was considered to be of an inappropriate design that would not integrate well with the surrounding built environment, therefore falling contrary to local plan policy E4 (Design) and principles set out within the NPPF.

10/01046/CLE - Certificate of lawful existing use for the stationing of a mobile home (without any residential/business use and use of land limited to the area covered by the mobile home) and the operational development of a timber garage (without any business use) and concrete garage (without any business use). Granted 31 May 2011.

The application site previously formed part of a larger site to which the following applications related:

89/1458 - Erection of 3 dwellings (outline). Refused 7th February 1990.

89/1023 - Erection of a two-storey side 'granny annexe' extension. Approved 11th October 1989.

89/0022 - Erection of three dwellings (outline). Refused 8th March 1989.

85/0153 - Residential development (outline). Refused 27th March 1985.

84/0369 - Extension to dwelling and replacement of timber agricultural building with brick built building. Approved 20th June 1984.

80/0483 - Retention of timber garage. Approved 25th June 1980.

2. Publicity

6 neighbours have been notified (Date of last notification 29 January 2013)

Site Notice displayed 31 January 2013

3. Consultations

Coleorton Parish Council consulted 29 January 2013

Sue McGlynn Coleorton Parish Council consulted 29 January 2013

County Highway Authority consulted 29 January 2013

Severn Trent Water Limited consulted 29 January 2013

NWLDC Tree Officer consulted 29 January 2013

4. Summary of Representations Received

The following summaries are of the representations received to date. Any further comments received prior to the Planning Committee meeting will be presented to Members on the update sheet. Members will note that full copies of correspondence received are available on the planning file.

Coleorton Parish Council - No response received at the time of writing.

Leicestershire County Highways Authority - Objection:

"Travel to Work Census Data shows that Coleorton [which includes Peggs Green] does not score particularly well from a sustainability point of view as it's residents have a heavy reliance on car borne travel. Only 6 of the 1016 (1.2 per cent) residents travel to work by public transport with the vast majority using a car. Car ownership is high with over 90 per cent of household owning at least one car.

With regards to this specific site, shops, services and employment areas are not what could be reasonably be described as being close or convenient. The nearest primary school is located at Top Road, Griffydam is 1km from the application site, most of the route is along unlit roads without footways. The nearest secondary school is in Ashby de la Zouch, well over 3 miles from the site.

Coleorton as a settlement has a very limited range of shops, medical, community, leisure facilities and therefore residents are mostly reliant on the larger settlements of Coalville or Ashby for most day to day needs. The nearest shop is the village shop/post office located on Lower Moor Road, approximately 1km from the site.

In terms of public transport, the nearest bus stop providing a regular bus service is on St George's Hill roughly 750 metres from the site. This provides access to the Arriva Midlands no.9 service which connects Burton to Coalville. Access to Leicester would involve a change at Coalville.

With the exception of the bus stop, all the other facilities are well over the recommended walking distance set out in the IHT document "Providing for Journeys on Foot".

In view of the above, the Highway Authority is of the view that the proposal would be contrary to the aims and objectives of LTP3 as well as the more recent NPPF, in particular paragraph 17 which states that planning authorities should:

"actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable".

Paragraphs 35, 55, 69, 95 are also applicable in this instance.

Residents of this proposed development would be overly reliant on the use of a private motor vehicle and would lack genuine transport choice. As such, the proposal is considered contrary to national and local planning/transportation policies which seek to promote sustainable forms of development.

Reasons For Refusal - The Applicant has failed to demonstrate that their proposal will be in a location where services are readily and safely accessible by walking, cycling and public transport. Leicestershire County Council policy contained in the Local Transport Plan 3 seeks to

deliver new development in areas where travel distances can be minimised, and genuine, safe and high quality choices are available (or can be provided) for people to walk, cycle and use public transport facilities and services nearby. The LTP3 reflects Government guidance contained in NPPF. "

North West Leicestershire District Council Tree Officer - No response received at time of writing.

Severn Trent Water - No objection, subject to condition

Third Party Representations - No letters of representation have been received from local residents at the time of writing the report.

5. Relevant Planning Policy

National Planning Policy Framework

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The NPPF contains a number of references to the presumption in favour of sustainable development.

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 policies of the East Midlands Regional Plan and North West Leicestershire Local Plan as set out in more detail in the relevant sections below are consistent with the policies in the NPPF and 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 sets out the presumption in favour of sustainable development and, in respect of decision making, provides that, unless material considerations indicate otherwise, states that "this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted."

Paragraph 47 - To boost significantly the supply of housing, local planning authorities should: "... identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and

competition in the market for land..."

Paragraph 49 - Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

Paragraph 57 - It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes."

Paragraph 61 - Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."

The following policies of the East Midlands Regional Plan and North West Leicestershire Local Plan are consistent with the policies in the NPPF and should be afforded weight in the determination of this application:

East Midlands Regional Plan

The Government has stated that it intends to revoke all Regional Spatial Strategies. The Secretary of State for Communities and Local Government issued a statement on 6 July 2010 revoking all Regional Spatial Strategies. This was subsequently challenged in the High Court and the decision quashed. As such, therefore, the Regional Spatial Strategy was reinstated.

The Secretary of State issued a further letter in light of the decision of the High Court, in which he said that it was still the Government's intention to abolish Regional Spatial Strategies as part of the Localism Bill and that local planning authorities should continue to have regard to his letter of 27 May 2010 (in which he announced his intention to revoke Regional Spatial Strategies) as a material consideration in making decisions. This was subject to a further legal challenge. In this instance the High Court dismissed the appeal and so the proposed revocation of the Regional Spatial Strategy is a potential material consideration. Also, the Localism Act 2011 includes the proposed power to abolish Regional Spatial Strategies as intended.

Until such time that the plan is abolished however limited weight is still applied to the following policies:

Policy 1 sets out the Regional Core Objectives.

Policy 2 seeks to improve continuously the layout, design and construction of new development.

Policy 3 sets out a sequential approach for the distribution of development and economic activity. The policy also advises that priority should be given to making best use of previously developed land and vacant/underused buildings in urban or other sustainable areas. It suggests a distribution of development and economic activity including (i) new development concentrated primarily in and adjacent to the region's five Principal Urban Areas (PUAs); (ii) significant levels of development located in the three growth towns of Corby, Kettering and Wellingborough; and (iii) appropriate development of a lesser scale in the Sub Regional Centres (including Coalville, the only identified Sub Regional Centre in the District); and (iv) development needs of other

settlements provided for.

Policy 12 states that, outside Derby, Leicester and Nottingham, employment and housing development should be located within and adjoining settlements. Such development should be in scale with the size of those settlements, in locations that respect environmental constraints, in particular those of the River Mease Special Area of Conservation and the surrounding countryside, and where there are good public transport linkages.

Policy 48 sets out the regional approach to car parking standards.

North West Leicestershire Local Plan

Policy S1 sets out 13 criteria which form the strategy for the adopted Local Plan.

Policy S3 sets out the circumstances in which development will be permitted outside Limits to Development, which includes for agriculture and forestry, farm diversification, a public service/utility, recreation/community facilities/tourism-related, National Forest-related or re-use/conversion of rural buildings.

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings.

Policy E4 seeks to achieve good design in new development.

Policy E7 seeks to provide appropriate landscaping in association with new development.

Policy T3 requires development to make adequate provision for vehicular access and circulation and servicing arrangements.

Policy T8 sets out the criteria for the provision of parking associated with development.

Policy H4/1 sets out a sequential approach to the release of land for residential development, and seeks to direct new housing towards previously developed land in accessible locations, well served by, amongst others, public transport and services.

Policy H6 seeks to permit housing development which is of a type and design to achieve as high a net density as possible, taking into account housing mix, accessibility to centres, design etc.

Policy H7 seeks good quality design in new development.

Emerging Core Strategy

The District Council considered its pre-submission Core Strategy at its meeting of 24 April 2012. The Council resolved to approve the pre-submission Core Strategy, agreed to the publication of the Core Strategy Development Plan Document, and delegated authority to officers to make minor changes to the Core Strategy following consultation and submit the amended document to the Secretary of State. The following pre-submission Core Strategy policies are considered relevant and are afforded (albeit limited) weight in the determination of this application:

Policy CS1 provides that provision will be made for at least 9,700 new homes (an average of 388 per annum) in the District over the period 2006 to 2031.

Policy CS7 provides that new development, including new facilities and services will be directed to the most sustainable locations in accordance with the settlement hierarchy set out in that

policy.

Policy CS15 provides that sufficient land will be allocated to ensure the overall housing provision of at least 9,700 dwellings over the period 2006-2031.

Policy CS16 provides that all housing developments should be of a good standard of design and have a layout and built form that makes efficient use of land and complements the built form and character of the area in which it is situated, and that proposals for sites of 0.3ha or above should have a minimum net density of 30 dwellings per hectare.

Policy CS21 provides that all new residential development will have to demonstrate how it satisfies the Council's place-making principles:

Policy CS23 requires new development to maximise the efficient use of existing transport facilities in the district as it looks to a lower carbon future.

Policy CS24 requires new development to minimise carbon dioxide and other greenhouse gas emissions.

Policy CS25 provides that new residential developments will be expected to achieve the highest level technically and financially viable under the Code for Sustainable Homes.

Policy CS32 provides that new development should contribute to the protection and improvement of the natural environment.

Other Policies

Also relevant is Leicestershire County Council's Leicestershire Local Transport Plan 3 (LTP3). LTP3 provides in Chapter 6 that Leicestershire County Council will work through the planning system to seek to reduce the need to travel by, amongst others, seeking to ensure that new development proposals are either supported by an appropriate range of facilities that reduce the need to travel off-site or, where it is necessary to travel off-site, travel distances are minimised and genuine, safe, high quality choices are available (or can be provided) for people to walk, cycle and use public transport to access facilities and services nearby.

6. Assessment

Principle of development

The application site is located outside of the defined limits to development and within the countryside and, as such, permission for new development would not normally be granted unless it is essential for the efficient long-term operation of agriculture or forestry and other specific uses as set out in Policy S3 (Countryside) of the Local Plan. This policy provides a presumption against non-essential residential development. It is noted that the application site is located adjacent to the boundary line of the defined development limits and that there are existing developments adjacent the site to the north, further into the defined countryside. Whilst the proposal would not result in an isolated development within the countryside the site clearly falls outside the defined limits and no special justification for the proposed development of a dwelling within the countryside in association with the uses set out in Policy S3 has been submitted with the application. Approval would therefore result in the unnecessary erection of a dwelling within the countryside and would not be in accordance with Policy S3 of the Local Plan or Policy 12 of the Regional Plan.

Policy CS8 (Countryside) of the Council's pre-submission Core Strategy is also relevant in that it sets out the Council's future position on what development is acceptable in principle in the countryside and signifies an indication that the Council will continue with policies based on settlement boundaries. The erection of a new private dwelling is not included as one of the acceptable forms of development under Policy CS8.

Within the supporting documentation, the Applicant suggests that the proposal in fact relates to the erection of a replacement dwelling given the existence of a mobile home on the site. As outlined in the planning history above, a Certificate of Lawful Existing Use (ref. 10/01046/CLE) was granted in 2011 for the use of the land for the stationing of a mobile home without any residential or business use. Whilst the lawfulness of the operational development of the structure has been certified, residential use (or business use) of the structure was not demonstrated. It is argued in the supporting documentation that in light of the structure being called a 'mobile home' then the residential use of the structure is automatically conferred through the provisions of Section 75 (3) of the Town and Country Planning Act 1990. However, the certificate clearly states that the certified use is for 'use of land for the stationing of a mobile home...' and does not include any use which is materially different. The use of the mobile home for residential accommodation would be materially different to that specified as the certified use. Therefore no residential use of the site has been established and the proposal would represent a new, not a replacement, dwelling on the site.

No additional evidence or justification has been submitted with the current application to overcome the reasons for refusal of the previous application 12/00780/FUL relating to the principle of new residential development at the site. As such the proposal remains to be considered as an unnecessary form of development within the countryside and would not be in accordance with Policy S3 (Countryside) of the Local Plan, Policy 12 of the Regional Plan or Policy CS8 (Countryside) of the Council's pre-submission Core Strategy.

Sustainability

A presumption in favour of sustainable development is set out in paragraph 14 of the NPPF and is described as a golden thread running through plan-making and decision-taking. Reflecting the Government's sustainability objective, Local Plan Policy H4/1 (Housing Land Release) and Policy 3 (Distribution of New Development) of the East Midlands Regional Plan seek to direct the majority of housing to sustainable locations. Policy H4/1 sets out a sequential approach to the release of land for housing development, prioritising previously developed land within the town centres.

In line with guidance of the NPPF (paragraphs 17 and 111), and Policy 3 (Distribution of New Development) of the Regional Plan, Local Plan Policy H4/1 (Housing Land Release) favours brownfield land. The planning history for the site shows that through a certificate of lawful existing use application (ref. 10/01046/CLE) business or residential use of the land could not be proven. The site is therefore deemed to represent a parcel of undeveloped land. As a greenfield site, the proposal scores poorly in relation to the local, regional or national level policies and guidance, which all encourage the use of previously developed land. The application site is therefore the least preferable location for new development from a sustainability point of view.

The NPPF states (paragraphs 17 and 35) that new development should be directed to locations that exploit opportunities for the use of sustainable transport modes and make the fullest possible use of public transport, walking and cycling. In line with this principle, the second section of Local Plan Policy H4/1 is concerned with ensuring that development is directed to settlements that have adequate physical and social infrastructure in place. The approach to direct new housing development to sustainable locations is also reflected in the pre-submission

Core Strategy. The latest details provided in support of the pre-submission Core Strategy identifies 'Sustainable Villages' as settlements which have access to at least five out of a list of eight community services and facilities and where the principle of residential development is acceptable (providing the site is within the existing built up area). The pre-submission Core Strategy identifies Peggs Green as a 'Rural Village' as it does not benefit from sufficient community services and facilities to be termed a Sustainable Settlement under Core Strategy Policy CS7 (Location of Development). The supporting documentation submitted claims that the site is not unsustainable due to the accessibility of services and facilities locally and that it would be possible to live at the site without the need for a private vehicle to make all journeys.

The Institute of Highways and Transportation (IHT) document 'Providing for Journeys on Foot' details the distance of 800 metres as the preferred maximum walking distance to a town centre with 400 metres acceptable and 200 metres being desirable. It is logical to apply the same approach to distances to local services. The list below sets out the distances from the site to the nearest local facilities and services:

- 966 metres from Coleorton Post Office and General Store;
- 1, 00 metres from the nearest Primary School at Griffydam;
- 805 metres from Coleorton GP Surgery (limited hours);
- 483 metres from the nearest bus stop, which provides access to a service 5 times a day, running 6 days a week between Loughborough and Ashby de la Zouch;
- 483 metres from the nearest public house;
- 483 metres from the nearest recreation ground.

As the list demonstrates, there are no services locally that fall within the 'desirable' walking distance and the limited services that are found locally exceed the 'acceptable' and 'preferred' maximum distances for journeys on foot as set out by the IHT. It is therefore likely that the occupiers of any new dwelling in this location would be reliant on a private motor vehicle for access to even the most basic services. It should also be noted that Leicestershire County Council are currently undertaking a consultation on the replacement of the bus service with a more limited service.

Policy CS7 (Location of Development) sets out that as an exception, and in addition to affordable housing, new homes may be permitted in Rural Villages but only where there is a clearly demonstrated local need. In all cases, there must be an established local connection between the new dwelling and future occupants. The application has not demonstrated compliance with any of the strict tests contained within Policy CS7 (Location of Development).

The County Highways Authority have also raised concern over the location of the site in an area where services are not readily and safely accessible by walking, cycling and public transport, concurring that the proposal fails to comply with guidance of the NPPF and provisions of the Leicestershire Local Transport Plan 3 (LTP3) .

Consideration has been given to a recent planning permission for the erection of 2 no. dwellings with access off Zion Hill (Outline application with all matters reserved - reference 10/01109/OUT) which was considered to comply with Policy H4/1 of the Local Plan. That site is better related to public transport and facilities where occupiers would be more likely to walk or cycle to access services and it is, therefore, considered materially different from this current planning application. It is also worth noting that this particular site was located within the limits to development.

Within the applicant's submitted Planning Statement attention is drawn to the status of the Council's current housing land supply. It is acknowledged that the release of land for housing

needs to be considered in the context of the District's current housing land supply. Indeed, Policy H4/1 identifies that, in releasing appropriate land for housing, the Council will have regard to:

- up-to-date housing land availability figures;
- the latest urban capacity information;
- the need to maintain an appropriate supply of available housing land;
- lead times before houses will be expected to be completed and build rates thereafter, and
- other material considerations.

The NPPF requires that the Council should be able to identify a five year supply of housing land sufficient to meet its housing requirements (and including an additional buffer of 5% or 20% depending on previous performance in terms of delivery of housing). The Council has recently updated its housing land supply figures; a five year supply can be demonstrated. Over 1,500 dwellings have been granted planning permission, or have resolution to permit subject to the signing of a section 106 agreement, since April 2012 such that the five year housing land supply position is now considered to be NPPF-compliant in North West Leicestershire. The Council's Strategic Housing Land Availability Assessment, as well as the most recent five year housing land supply calculation, show that sustainable development locations are likely to come forward over the next 5 years to provide for the required five year housing land supply.

No additional justification has been submitted with the current application to overcome the reasons for refusal relating to the sustainability of the location. The site therefore remains to be considered an unsustainable location for new residential development and approval of the application would not be compliant with Policy H4/1 (Housing Land Release) of the Local Plan, pre-submission Core Strategy Policy CS7 (Location of Development), Policy 3 (Distribution of New Development) of the Regional Plan, the Leicestershire Local Transport Plan 3 (LTP3) or the advice contained in the NPPF.

Density:

Policy H6 (Housing Density) of the North West Leicestershire Local Plan seeks to achieve as high a net density as possible, subject to taking into account proximity and accessibility to centres, mix of housing types, good principles of design and layout, green space and landscaping requirements. Policy H6 recommends a minimum net density of 40 dwellings per hectare for sites located within sustainable settlements, but this only applies to sites of 0.3 hectares or more. The application site measures approximately 0.10 of a hectare, the proposed development would have a density of 10 dwellings per hectare. Whilst this would be short of the density requirements of Policy H6, when considering the size of the site and the character of the surrounding area, the proposal for one dwelling would not represent an inappropriate use of land in this instance and would comply with the principles of Policy H6 (Housing Density) of the Local Plan and national guidance found within the NPPF, 2012.

Design:

The Government advocates within the NPPF that it attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 61 of the NPPF states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Similarly, Local Plan Policy E4 (Design) states that regard will be had to the wider setting of new buildings and that new development should respect the character of its surroundings in terms of scale, design, density, height, massing, the

spaces between and around buildings and the street scene generally.

Existing properties within the vicinity of the site comprise of two-storey terrace or semi-detached dwellings and modest two-storey detached properties. Aside from the siting of the dilapidated mobile home and timber shed, the land has not been previously developed. It is acknowledged that new development would improve the appearance of the site which is currently blighted by the existing dilapidated mobile home, the large shed and the storage of materials. However, if development were to be permitted on the land, it should be of a modest scale that respects the nature of the land, the scale and character of properties nearby and complements the surrounding built and natural environment. The dwelling proposed would be a substantial two-storey dwelling and whilst the site is relatively sizeable and capable of accommodating a large form of development, it is considered that the scale of development proposed would not be in keeping with that of the surrounding properties. The proposed development under consideration is identical to that previously refused under application ref. 12/00780/FUL, where the inappropriate scale of the development was included as a reason for refusal. No attempt has been made to address the concerns raised under the previous application and therefore the scale, form and overall design of the proposal remains to be deemed inappropriate and not considerate of the surrounding built environment, falling contrary to Local Plan Policy E4 (Design) and principles set out within the NPPF.

Residential Amenities:

The application site is surrounded by residential properties but the most immediately affected properties would be Nos. 77 and 91 Zion Hill, which are located to the south-east and north, respectively, of the proposed dwelling.

No. 77 Zion Hill is a two-storey dwelling with single-storey side addition and attached garage on its north-western side. The property is separated from the application site by Stoney Lane and has only one window facing the site, which appears to serve the garage. It is therefore considered that the development would not have any significant impacts on the amenities of occupiers of No. 77 Zion Hill.

No. 91 Zion Hill is a two-storey semi-detached property and whilst the rear garden adjoins the application site, the dwelling is located approximately 27m from the proposed position of the new dwelling. Well established leylandi trees line the boundary between the site and No. 91 Zion Hill and given the distance from the dwelling, it is considered that the proposed development would not result in an overbearing, overlooking or overshadowing form of development.

On the basis of the above assessment it is not considered that the development would have a significant impact on the amenities of occupiers of nearby residents and the proposal would comply with Policy E3 (Residential Amenities) of the Local Plan.

Summary Reasons for Refusing Planning Permission-

The application site is located outside of the defined limits to development and within the countryside. Policy S3 (Countryside) of the Local Plan provides a presumption against non-essential residential development outside of limits to development. No additional evidence or justification has been submitted with the current application to overcome the reasons for refusal relating to the principle of development at the site of the previous application 12/00780/FUL. As such it remains to be considered that approval of the proposed development would result in the unnecessary erection of a dwelling within the countryside and would not be in accordance with Policy S3 of the Local Plan, Policy CS8 (Countryside) of the Council's pre-submission Core Strategy or Policy 12 of the Regional Plan.

The application site does not fall within a sustainable local settlement and due to the limited public services and facilities available locally, the occupiers of any new dwelling in this location would be reliant on a private motor vehicle for access to even the most basic services. Approval of the proposed residential development would result in an unsustainable form of development on a greenfield site with limited access to public services and facilities, the site would not, therefore, be compliant with relevant local, regional and national planning policy and guidance.

It is acknowledged that the release of land for housing needs to be considered in the context of the housing land shortage in the District, and the need for sites to be released to meet this need. The Council can demonstrate a five year housing land supply and therefore development that does not accord with the Development Plan or represent sustainable development should not be permitted as more appropriate development locations are likely to come forward over the next 5 year period for the required housing land supply.

No additional justification has been submitted with the current application to overcome the reason for refusal of the previous application ref. 12/00780/FUL, relating to the sustainability of the location. The site therefore remains to be considered an unsustainable location for new residential development and approval of the application would not be compliant with Policy H4/1 (Housing Land Release) of the Local Plan, pre-submission Core Strategy Policy CS7 (Location of Development), Policy 3 (Distribution of New Development) of the Regional Plan, the Leicestershire Local Transport Plan 3 (LTP3) or the advice contained in the NPPF.

The proposal relates to the erection of a substantial two-storey dwelling and whilst the site is relatively sizeable and capable of accommodating a large form of development, the scale of the dwelling proposed would not be in keeping with that of the surrounding properties. The proposed development under consideration is identical to that previously considered under application ref. 12/00780/FUL where the inappropriate scale of the proposed development was included as a reason for refusal. No attempt has been made to address the concerns raised under the previous application and it is therefore considered that the proposed dwelling remains to be of an inappropriate design that would not integrate well with the surrounding built environment, therefore falling contrary to Local Plan Policy E4 (Design) and principles set out within the NPPF.

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

- 1 The application site is located outside of the defined limits to development and within the countryside and, as such, permission for new development would not normally be granted unless it is essential for the efficient long-term operation of agriculture or forestry and other specific uses as set out in Policy S3 (Countryside) of the Local Plan. This policy provides a presumption against non-essential residential development. Whilst the proposal would not result in an isolated development within the countryside, no special justification for the proposed development of a new dwelling within the countryside has been submitted with the application. Approval would therefore result in the unnecessary erection of a new dwelling within the countryside and would not be in accordance with Policy S3 of the Local Plan, Policy CS8 (Countryside) of the Council's Pre-Submission Core Strategy and Policy 12 of the Regional Plan.
- 2 A presumption in favour of sustainable development is set out in the NPPF and is reflected in Local Plan Policy H4/1 (Housing Land Release), pre-submission Core Strategy Policy CS7 (Location of Development) and Policy 3 (Distribution of New

Development) of the East Midlands Regional Plan, which direct residential development to previously developed land and to locations that offer a range of community facilities and good access to jobs, key services and infrastructure. The application site does not fall within a sustainable local settlement and due to the limited public services and facilities available locally, the occupiers of a new dwelling in this location would be reliant on a private motor vehicle for access to even the most basic services. Approval of the proposed residential development would result in an unsustainable form of development on a greenfield site with limited access to public services and facilities, contrary to National policy advice provided by the NPPF as well as Policy 3 of the East Midlands Regional Plan and the provisions of Policy H4/1 (Housing Land Release) of the North West Leicestershire Local Plan, pre-submission Core Strategy Policy CS7 (Location of Development) and those of the Leicestershire Local Transport Plan 3 (LTP3) .

- 3 Within the NPPF the Government advocates that it attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 61 of the NPPF states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Similarly, Local Plan Policy E4 (Design) states that regard will be had to the wider setting of new buildings and that new development should respect the character of its surroundings it terms of scale, design, density, height, massing, the spaces between and around buildings and the street scene generally. The proposal relates to the erection of a substantial two-storey dwelling which would not be in keeping with the scale of surrounding properties. It is therefore considered that the proposed dwelling would be of an inappropriate design that would not integrate well with the surrounding built environment, therefore falling contrary to Local Plan Policy E4 (Design) and principles set out within the NPPF.

Notes to applicant

- 1 Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. In the Local Planning Authority's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. The Local Planning Authority has therefore complied with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

Demolition of no. 2 Wentworth Road and erection of up to 130 dwellings and relocation of allotments within the site together with associated infrastructure (outline - all matters other than part access reserved)

**Report Item No
A2**

**Land To The Rear Of Jackson Street / Wentworth Road
Coalville Leicestershire**

**Application Reference
12/00688/OUTM**

**Applicant:
Taylor Wimpey East Midlands**

**Date Registered
7 August 2012**

**Case Officer:
James Knightley**

**Target Decision Date
6 November 2012**

**Recommendation:
PERMIT Subject to Section 106 Agreement**

Site Location



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ITEM A2 – EXECUTIVE SUMMARY

Call In

The application is brought to the Planning Committee for determination at the request of Councillor Geary.

Proposal

This application seeks outline planning permission for residential development of up to 130 dwellings and associated public open space.

Consultations

Members will see from the main report below that objections have been received in respect of the proposals from third parties, although no objections are raised by statutory consultees.

Planning Policy

The application site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. Also relevant, however, are the District's housing land requirements, the provisions of the emerging Core Strategy, and the need (as set out in the National Planning Policy Framework) to demonstrate a five year housing land supply.

Conclusion

The report below indicates that, whilst the site is a greenfield site outside Limits to Development, having regard to the site's general suitability for housing (including its proximity to the built up area of Coalville), the approach to development in south west Coalville as set out in the emerging Core Strategy and the need to demonstrate and maintain a five year supply of housing land within the District, release of the site for residential development would be appropriate in principle. The proposed development is considered acceptable in terms of access issues; there are no other technical issues that would indicate that planning permission should not be granted, and appropriate contributions to infrastructure would also be made so as to mitigate the impacts of the proposals on local facilities, albeit with a reduced contribution to affordable housing likely to be required so as to ensure the development remains viable whilst making appropriate contributions to highways and transportation infrastructure.

RECOMMENDATION:-

PERMIT, SUBJECT TO SECTION 106 OBLIGATIONS, AND SUBJECT TO THE IMPOSITION OF CONDITIONS

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

ITEM A2 – MAIN REPORT

1. Proposals and Background

This is an outline planning application for residential development of a site of approximately 6.11 hectares for up to 130 dwellings to the rear of existing dwellings on Jackson Street and Wentworth Road, Coalville. Part of the site is currently used as allotments; the remainder is vacant / "scrub" used for informal recreation routes. The site is also adjacent to land in agricultural use, the Coalville Business Park, Snibston Country Park and the Owen Street sports ground.

All matters are reserved except for part access; whilst all other matters are reserved for subsequent approval, an illustrative masterplan has been submitted showing the layout of the proposed dwellings, together with areas of public open space / children's play, a community orchard, new allotments, surface water balancing facilities and landscaping.

Vehicular access is proposed by way of demolition of the existing dwelling to 2 Wentworth Road, and including alterations to the existing priority arrangements.

The application is brought to the Planning Committee for determination at the request of Councillor Geary.

2. Publicity

86 neighbours have been notified (Date of last notification 10th August 2012)

Site Notice displayed

Press Notice published 29 August 2012

3. Consultations

4. Summary of Representations Received

Environment Agency has no objections subject to conditions

Highways Agency has no objections

Leicester, Leicestershire and Rutland PCT Cluster requests a healthcare contribution of £17,454.53

Leicestershire Constabulary requests a developer contribution of £65,077 in respect of policing.

Leicestershire County Council - Archaeologist has no objections subject to conditions

Leicestershire County Council - Local Education Authority does not request any developer contribution, having regard to existing and projected capacity.

Leicestershire County Council - Library Services Development Manager requests a developer contribution of £7,290

Leicestershire County Council - Highway Transportation & Waste Management Authority requests a developer contribution of £9,168 in order to mitigate the impact on civic amenity waste facilities in the local area.

Leicestershire County Council - Ecologist has no objections

Leicestershire County Council - Landscape Officer has no comments

Leicestershire County Council - Highway Authority has no objections subject to conditions, and subject to Section 106 obligations

Leicestershire County Council - Rights of Way Officer advises that the existing public bridleway (N94) passing along the western side of the application site should be upgraded to a 3 metre wide all weather surface and made stock proof where it enters the field to the south of the site

National Forest Company requests that amendments are made to reduce the loss of scrub proposed by the development, and requests that further information be secured by way of a condition in respect of enhancing the biodiversity of the retained scrub. The National Forest Company welcomes the proposed National Forest creation within the development which appears to meet the required 20%.

North West Leicestershire District Council - Environmental Health has no objection subject to conditions in respect of noise and contaminated land.

Severn Trent Water has no objections subject to conditions

Third Party Representations

86 representations have been received, together with a petition containing 68 signatures, objecting on the following grounds:

- Outside Limits to Development in the Local Plan
- Contrary to Local Plan policies
- Increased traffic / congestion
- Insufficient infrastructure (including schools, healthcare, shops, leisure, sewerage and highway network capacity)
- Loss of spatial environment
- Impact on wildlife / ecology, close to a nature reserve
- Exacerbation of existing surface water flooding issues
- Existing maintenance issues regarding the watercourse and hedge on the site boundary
- Greenfield site should not be developed when previously-developed sites are available
- Pollution
- Scheme is premature to the implementation of the proposed Tesco development and its associated employment and public transport
- Noise
- UK is in recession
- Insufficient amenity space proposed
- Negative impact on house prices
- Unsafe access
- Increased congestion
- Increased dangers for children using nearby play areas

PLANNING APPLICATIONS- SECTION A

- District Council needs to undertake its own traffic survey / Transport Assessment
- Insufficient affordable housing
- Access adjacent to a play area
- Unsuitable site for replacement allotments
- Allotment holders need continuity of use
- Increased theft from allotments
- Poor access to shops
- No benefit to town centre traders
- Access not deliverable
- Loss of on-street car parking
- Yellow lines should be provided
- Loss of amenity
- Proximity to Coalville Business Park will lead to complaints about the industrial estate from new occupiers
- Insufficient Transport Assessment
- Travel Plan will not work
- Coalville Business Park only operating at part capacity due to recession and increased traffic will undermine its ability to return to full occupancy and associated employment
- Reduced security to Coalville Business Park
- Loss of family home following demolition of 2 Wentworth Road
- Incorrect agricultural land certification submitted
- No need for new housing when there are existing empty homes in the area
- Coalville has had a disproportionate number of new dwellings in recent years
- Loss of Green Belt (which NPPF seeks to protect)
- Loss of agricultural land
- Insufficient archaeological investigation
- Yellow lines not appropriate
- Single access point not sufficient for emergency services
- Loss of trees / hedgerows / habitat
- Impact on landscape
- Loss of green space
- Unsuitable for development due to former coal mining
- Adverse impact on wellbeing of residents
- Out of character
- Unsustainable
- In view of the lack of support, and the Government's localism agenda, the proposal should be refused
- Snibston Discovery Park will be "penned in" by new housing
- Community orchard too small
- Insufficient consultation period
- Consultation undertaken during school holidays
- Houses too small
- Insufficient local press notification
- District Council responsible for the demise of the town
- New television mast required to serve the development
- Loss of facilities for young people
- Increased dog fouling
- Loss of access to free wild fruit growing on the site
- Loss of part of the existing open space / play area required to form the access

In addition, copies of letters sent to the Friends of Snibston have been received reiterating some of the comments above, and suggesting that Snibston Discovery Park and the site's allotments

should have village green status.

5. Relevant Planning Policy

National Policies

National Planning Policy Framework

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The NPPF contains a number of references to the presumption in favour of sustainable development.

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 East Midlands Regional Plan and North West Leicestershire Local Plan as set out in more detail in the relevant sections below are consistent with the policies in the NPPF and 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 sets out the presumption in favour of sustainable development and, in respect of decision making, provides that, unless material considerations indicate otherwise, states that "this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted."

"32 All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

"34 Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in

this Framework, particularly in rural areas."

"47 To boost significantly the supply of housing, local planning authorities should:
...- identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land..."

"49 Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

"57 It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes."

"59 Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally."

"61 Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."

"100 Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere."

"101 The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding."

"118 When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:
- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;...
...- opportunities to incorporate biodiversity in and around developments should be encouraged..."

"123 Planning policies and decisions should aim to...avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development..."

"203 Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition."

"204 Planning obligations should only be sought where they meet all of the following tests:

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

East Midlands Regional Plan (RSS 8)

The Government has stated that it intends to revoke all Regional Spatial Strategies. The Secretary of State for Communities and Local Government issued a statement on 6 July 2010 revoking all Regional Spatial Strategies. This was subsequently challenged in the High Court and the decision quashed. As such, therefore, the Regional Spatial Strategy was reinstated.

The Secretary of State issued a further letter in light of the decision of the High Court, in which he said that it was still the Government's intention to abolish Regional Spatial Strategies as part of the Localism Bill and that local planning authorities should continue to have regard to his letter of 27 May 2010 (in which he announced his intention to revoke Regional Spatial Strategies) as a material consideration in making decisions. This was subject to a further legal challenge. In this instance the High Court dismissed the appeal and so the proposed revocation of the Regional Spatial Strategy is a potential material consideration. Also, the Localism Act 2011 includes the proposed power to abolish Regional Spatial Strategies as intended.

Until such time that the plan is abolished however limited weight is still applied to the following policies:

Policy 1 sets out the Regional Core Objectives.

Policy 2 seeks to improve continuously the layout, design and construction of new development.

Policy 3 sets out a sequential approach for the distribution of development and economic activity. The policy also advises that priority should be given to making best use of previously developed land and vacant/underused buildings in urban or other sustainable areas. It suggests a distribution of development and economic activity including (i) new development concentrated primarily in and adjacent to the region's five Principal Urban Areas (PUAs); (ii) significant levels of development located in the three growth towns of Corby, Kettering and Wellingborough; and (iii) appropriate development of a lesser scale in the Sub Regional Centres (including Coalville, the only identified Sub Regional Centre in the District); and (iv) development needs of other settlements provided for.

Policy 12 states that, outside Derby, Leicester and Nottingham, employment and housing development should be located within and adjoining settlements. Such development should be in scale with the size of those settlements, in locations that respect environmental constraints, in particular those of the River Mease Special Area of Conservation and the surrounding countryside, and where there are good public transport linkages.

Policy 13a sets out the figures for Regional Housing Provision.

Policy 14 sets out the Regional Priorities for affordable housing.

Policy 26 seeks to ensure that sustainable development should ensure the protection, appropriate management and enhancement of the Region's natural and cultural heritage.

Policy 27 seeks to understand, conserve and enhance the historic environment, in recognition of its own intrinsic value, and its contribution to the Region's quality of life.

Policy 29 sets out priorities for enhancing the Region's biodiversity.

Policy 32 sets out the regional approach to water resources and water quality.

Policy 35 sets out the circumstances under which development should not be permitted if, alone or in conjunction with other new development, it would have an impact on flooding or flood risk.

Policy 48 states that Local Planning Authorities should apply the maximum amounts of vehicle parking for new development as set out in (the former) PPG13. Parking in excess of these standards should only be provided in exceptional circumstances.

Policy Three Cities SRS 3 states that within the context of Policy 13a (10,200 dwellings for the years 2006-2026 for North West Leicestershire), provision for new housing will be made at the following levels over 2006 - 2026 which, in North West Leicestershire, requires provision to be made for 510 dwellings per annum located mainly at Coalville, including sustainable urban extensions as necessary. At paragraph 4.2.29 of the Regional Plan it is pointed out that Sustainable Urban Extensions are proposed to Loughborough, Hinckley and Coalville so as to support their roles as Sub-Regional Centres.

Policy Three Cities SRS 5 sets out, amongst others, strategic priorities for green infrastructure, and seeks to promote the development of the National Forest in ways that generate environmental, economic and social benefits of both local and national significance.

Adopted North West Leicestershire Local Plan (2002)

The application site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan.

Policy S3 sets out the circumstances in which development will be permitted outside Limits to Development.

Policy H4/1 sets out a sequential approach to the release of land for residential development, and seeks to direct new housing towards previously developed land in accessible locations, well served by, amongst others, public transport and services.

Policy H6 seeks to permit housing development which is of a type and design to achieve as high a net density as possible, taking into account housing mix, accessibility to centres, design etc. Within Coalville and Ashby-de-la-Zouch town centres, local centres and other locations well served by public transport and accessible to services a minimum of 40 dwellings per ha will be sought and a minimum of 30 dwellings per ha elsewhere (in respect of sites of 0.3 ha or above).

Policy H7 seeks good quality design in all new housing developments.

Policy H8 provides that, where there is a demonstrable need for affordable housing, the District

Council will seek the provision of an element of affordable housing as part of any development proposal.

Policy E2 seeks to ensure that development provides for satisfactory landscaped amenity open space and secures the retention of important natural features, such as trees.

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings, and presumes against residential development where the amenities of future occupiers would be adversely affected by the effects of existing nearby uses.

Policy E4 requires new development to respect the character of its surroundings.

Policy E6 seeks to prevent development where it would prejudice the comprehensive development and proper planning of a larger area of land of which the site concerned forms part.

Policy E7 seeks to provide appropriate landscaping in association with new development including, where appropriate, retention of existing features such as trees or hedgerows

Policy E8 requires that, where appropriate, development incorporates crime prevention measures.

Policy F1 seeks appropriate provision for landscaping and tree planting in association with development in the National Forest, and requires built development to demonstrate a high quality of design, to reflect its Forest setting.

Policy T3 requires development to make adequate provision for vehicular access and circulation and servicing arrangements.

Policy T8 requires that parking provision in new developments be kept to the necessary minimum, having regard to a number of criteria.

Policy L21 sets out the circumstances in which schemes for residential development will be required to incorporate children's play areas. Further guidance is contained within the Council's Play Area Design Guidance Note Supplementary Planning Guidance.

Policy L22 provides that major new development will only be permitted where adequate provision is made for open space for formal recreation use.

Other Policies

North West Leicestershire District Council Affordable Housing SPD

Key Principle AH2 provides that affordable housing will be sought on all sites of 15 or more dwellings in the Greater Coalville Area.

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

North West Leicestershire District Council Play Area Design Guidance SPG

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

Emerging Core Strategy

The District Council considered its Pre-Submission Core Strategy at its meeting of 24 April 2012. The Council resolved to approve the Pre-Submission Core Strategy, agreed to the publication of the Core Strategy Development Plan Document, and delegated authority to officers to make minor changes to the Core Strategy following consultation and submit the amended document to the Secretary of State. The following Pre-Submission Core Strategy policies are considered relevant and are afforded (albeit limited) weight in the determination of this application:

Policy CS1 provides that provision will be made for at least 9,700 new homes (an average of 388 per annum) in the District over the period 2006 to 2031.

Policy CS7 provides that new development, including new facilities and services will be directed to the most sustainable locations in accordance with the settlement hierarchy set out in that policy.

Policy CS8 provides that the countryside will be protected for the sake of its intrinsic character and beauty, and limits development within the countryside to specified uses and of a scale and environmental impact compatible with its rural location.

Policy CS13 sets out how the Local Planning Authority will provide for the needs of the rural economy.

Policy CS15 provides that sufficient land will be allocated to ensure the overall housing provision of at least 9,700 dwellings over the period 2006-2031, including at least 4,950 dwellings in the Coalville Urban Area.

Policy CS16 provides that all housing developments should be of a good standard of design and have a layout and built form that makes efficient use of land and complements the built form and character of the area in which it is situated, and that proposals for sites of 0.3ha or above should have a minimum net density of 30 dwellings per hectare.

Policy CS17 provides that the District Council will seek a mix of housing types, sizes and tenures in all new housing development.

Policy CS18 provides, amongst others, that a proportion of affordable housing will be provided on eligible sites.

Policy CS21 provides that all new development will have to demonstrate how it satisfies the Council's place-making principles:

Policy CS22 provides that new development will be supported by the provision of new or improved physical, social and green infrastructure needed to enable the amount of development proposed for the area.

Policy CS23 requires new development to maximise the efficient use of existing transport facilities in the district as it looks to a lower carbon future.

Policy CS24 requires new development to minimise carbon dioxide and other greenhouse gas emissions.

Policy CS25 provides that new residential developments will be expected to achieve the highest level technically and financially viable under the Code for Sustainable Homes.

Policy CS26 provides that new development will be directed towards areas at the lowest risk of flooding within the District, and that all new development will be expected to ensure that it does not increase the level of flooding experienced in other areas of the District.

Policy CS28 provides that Strategic Green Infrastructure Network will be protected and enhanced, and that new developments proposed in Policies CS36 to CS42 should contribute to the enhancement of the Strategic Green Infrastructure network.

Policy CS29 provides, amongst others, that new housing development makes provision for appropriate sport, open space and recreation facilities.

Policy CS30 provides, amongst others, that new developments within the National Forest will contribute towards the creation of the forest by including provision of tree planting and other landscape areas within them and/or elsewhere within the National Forest in accordance with National Forest Planting Guidelines.

Policy CS32 provides that new development should contribute to the protection and improvement of the natural environment.

Policy CS35 provides that the Coalville Urban Area's role as the main social and economic focus of North West Leicestershire district will be strengthened, and sets out how this is to be achieved. The policy also sets out, amongst others, the sub-category criteria under the Code for Sustainable Homes that new development will be expected to meet.

Policy CS36 sets out the Coalville Urban Area Broad Growth Locations, and the approaches to their development, including the Strategic Development Area to the South-East of Coalville Development and areas to the South-West of Coalville.

The pre-submission draft Core Strategy includes an Infrastructure Plan, identifying infrastructure requirements in respect of South West Coalville for healthcare, SuDS, civic amenity and library contributions. Other "general" infrastructure requirements for Coalville include strategic highway network improvements (namely M1 Junction 22 and A42 Junction 13), improvements to the Hugglescote Crossroads, bus service improvements, walking and cycling links, residents' travel packs, smarter travel for business, waste water long-term infiltration removal strategy and a Coalville regeneration strategy.

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

In February 2013 the District Council commenced consultation on the above draft policy. The draft policy states that "Where the Council is satisfied that a major residential development proposal in or around the Coalville area is proven to be unviable as a result of required developer financial contributions (e.g. off site highway works; education provision and affordable housing requirements), the Council will consider relaxing its normal affordable housing requirements proportionately so as to:

- (a) Give highway infrastructure investment the highest priority for funding

- (b) Ensure all other essential infrastructure is provided
- (c) Continue to contribute to affordable housing provision as far as possible whilst ensuring that the development scheme is viable.

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

6. Assessment

Of particular relevance to this application, and to the principle of development is the fact that the site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. Policy S3 sets out the circumstances in which development will be permitted outside Limits to Development; the development proposed would not meet the criteria for development in the countryside, and approval would therefore be contrary to the provisions of Policy S3. Policy CS8 of the emerging Core Strategy continues the presumption against non-essential development in the countryside as set out in the adopted Local Plan (although this also needs to be considered in the context of the emerging Core Strategy as a whole (and including the proposed directions of growth) and as set out in more detail below).

Notwithstanding the countryside location, and whilst the proposals would be contrary to the adopted Development Plan, in determining the application, regard must be had to other material considerations, including other policies, such as other Development Plan policies and National policies. In terms of the North West Leicestershire Local Plan, Policy H4/1 identifies that, in releasing appropriate land for housing, the Council will have regard to:

- up-to-date housing land availability figures;
- the latest urban capacity information;
- the need to maintain an appropriate supply of available housing land;
- lead times before houses will be expected to be completed and build rates thereafter; and
- other material considerations.

Whether or not this site would be considered "appropriate" is a matter of opinion; having regard to its location outside Limits to Development, it could be argued that it would not be. However, this policy nevertheless sets out criteria relevant to release of land. Insofar as the site's location is concerned, and whilst it is outside Limits to Development, it is well related to the existing built up area of the town, and to the town centre itself (the site access being approximately 200 metres from the edge of the Core Town Centre Shopping Area as defined in the Local Plan, and approximately 250 metres from Marlborough Square with its associated public transport links).

In terms of the site's greenfield status, it is accepted that, in this regard, the site does not perform well. However, this issue needs to be considered in the context of the need to demonstrate and maintain a five year housing land supply in the District, and the need for sites to be released to meet this need. Given the need to provide significant areas of housing land as set out below, it is considered inevitable that this release of sites will need to involve greenfield land, as well as (as in this case) land not allocated for housing development in the Local Plan. This also appears inevitable, having regard to the proposed directions of growth as set out within the draft Core Strategy.

In terms of housing land availability, the NPPF requires that the Council should be able to identify a five year supply of housing land (and including an additional buffer of 5% or 20% depending on previous performance in terms of delivery of housing). Insofar as previous supply of housing is concerned, it is noted that, against the annual 510 per annum target in the East Midlands Regional Plan, the District has had an undersupply in each of the years from 2006/07 (the start date for the Regional Plan although it was not adopted until 2009 and so from 2006 - 2009 this was not the requirement at that time) to 2011/12, with a cumulative undersupply of 1,487 dwellings over that period. Whilst this, in itself would appear to represent undersupply on a consistent basis over that period, the picture it is not considered necessarily to be the case that the 20% rather than 5% buffer would apply. During the North West Leicestershire Local Plan period (1991/92 to 2005/06), an oversupply was achieved in all but the first two years of that period, with the cumulative over-provision being 735 units. Therefore, over this much longer period, which has included both peaks and troughs in respect of the performance of the housing market, the Council has over provided. The District Council's current position on this issue, as expressed in its evidence submitted in respect of the appeal against the refusal of development at the Holywell Spring Farm site in Ashby de la Zouch, is that the 5% buffer would be applicable.

In the Stephenson Green appeal in 2012 the Secretary of State concluded that "there is a demonstrable and significant shortfall in the five year land supply [in North West Leicestershire]...". Since the time that the public inquiry took place in respect of the Stephenson Green proposals, however, the District Council has published its pre-submission Core Strategy, and it is now proposed to include lower housing figures in that document than those used in the Regional Plan. On this basis the District Council's most recent calculations indicate that the Council is able to demonstrate a supply of 6.01 years (or, when taking into account the need to provide the additional 5% or 20% buffer, 5.72 or 5.01 years respectively).

This assessment includes build out figures for this site, based on an expected delivery of 90 units in the five years. If the figure did not make any such allowance, the total five year supply figure would, of course, be reduced. Paragraph 49 of the NPPF advises that "Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

In detail, Policies CS35 and CS36 provide as follows:

"Policy CS35: Coalville Urban Area

Coalville Urban Area's role as the main social and economic focus of North West Leicestershire district will be strengthened.

- A Provision will be made for at least 4,030 more homes by 2031 and at least 20 Hectares of employment land in accordance with Policy CS10. This growth will be accommodated in a way which respects the individual identity of each of the communities that make up Coalville Urban Area.
- B Most of the new housing development will take place within the Broad Growth Locations in accordance with Policy CS36. The remaining provision will come from a range of smaller sites across the Coalville Urban Area...
- ...D New dwellings on sites of ten dwellings or more in the Coalville Urban Area will be expected to meet the following sub-category requirements of Code for Sustainable Homes... [i.e. credits related to energy / carbon dioxide emissions, surface water run-off, ecology and pollution]

- ...I New development should contribute to the implementation of the North West Leicestershire Cycling Strategy (Part 1: Coalville).
- J Measures will be taken to achieve of air quality standards in the Coalville Air Quality Management Area."

Policy CS36: Coalville Urban Area Broad Growth Locations

...B Development Areas to the South-West of Coalville

Further development areas to the south-west of the town will provide for at least 800 dwellings. Development will be designed as a series of distinct and separate developments which reflect the character of the existing built form of Coalville and which respect the physical separation of the Coalville Urban Area and Ravenstone. Development will incorporate a range of infrastructure, including education and health provision, open space and other new infrastructure as necessary to create a sustainable community will be provided.

C Transport

The above development areas....should provide for new and improved transport infrastructure based on Travel Planning that seeks to achieve a modal shift away from private car use. Improvements are to include:

- i highway improvement works to M1 Junction 22 and A42 Junction 13;
- ii Mitigation measures on the existing transport network where adverse impacts are identified, including A511 junctions and Ashburton Road / Grange Road / Central Road / Station Road (Hugglescote crossroads) junction improvements;
- iii a regular bus service from the site into Coalville Town Centre and Leicester City Centre;
- iv new bus services to link proposed residential development with local employment sites and Coalville Town Centre;
- v bus services which penetrate the site and provide bus stops which are less than 400 metres walk from new residents;
- vi New walking and cycling links to key retail, leisure, employment and education services and existing facilities as set out in the North West Leicestershire Cycling Strategy (Part 1: Coalville); and
- vii Provision of travel packs for new residents.

D Environment

The above development areas....should:

- i include appropriate measures to mitigate the noise and air quality impacts arising from the development on new and existing residents (primarily, but not exclusively, those impacts identified in the Coalville Air Quality Management Area);
- ii be designed so as not to allow sensitive development within areas that are prone to flooding. Measures to address / regulate flows of water courses that are susceptible to flooding will be encouraged; this should include the provision of Sustainable Urban Drainage Systems (SuDS); and
- iii address capacity issues at Snarrows Wastewater Treatment Works."

In terms of the proposals' performance vis-à-vis the emerging Core Strategy policies (and, in particular, Policy CS36), it is considered that the proposed development would sit comfortably with the overall strategy to direct growth to (amongst others) south west Coalville, wherein at least 800 dwellings are envisaged (and, on the basis of the housing trajectory contained within the draft Core Strategy, 100 units are anticipated to be delivered within the next five years). It is also noted that the policy anticipates this growth coming forward as a series of distinct and

separate developments; thus far, outline planning permission has been granted for up to 190 units (planning permission ref. 12/00325/OUTM - land at Coalville Lane, Ravenstone / Ravenstone Road, Coalville). The range of infrastructure expected to be delivered to accommodate the anticipated scale of development as set out in the draft Infrastructure Plan include a range of measures, contributions to various of which are proposed, and are as set out in the relevant sections below.

Other current (undetermined) major housing applications in this area include application ref. 12/00007/OUTM (erection of up to 400 dwellings on land at Standard Hill / Highfield Street submitted by Miller Homes), which is immediately to the south of this site. Whilst it is not proposed to provide a comprehensive vehicular access link between the two sites, the illustrative masterplan submitted with this application indicates linkage via the existing bridleway as well as an additional potential pedestrian link to the Miller Homes site. Regardless, however, it is accepted that it would not be reasonable to require a full vehicular link to the adjacent site, and no conflict with Local Plan Policy E6 would be considered to arise. Whilst the illustrative masterplan does also not allow for public transport penetration from the larger site to the south, given the Jackson Street / Wentworth Road site's close linkages to the town centre (and, in particular, Marlborough Square), the current scheme would perform well in public transport accessibility in any event.

Conclusions in respect of the Principle of Development and Planning Policy

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The site is outside Limits to Development in the adopted Local Plan and its development for housing would therefore be contrary to Local Plan Policy S3, a policy designed to protect the countryside for its own sake. Whilst the NPPF would not seem to provide any restrictions per se on development outside Limits to Development, the general thrust of the adopted Local Plan policies would remain in the form of emerging Core Strategy Policy CS8. However, having regard to the site's general suitability for housing (including its proximity to the built up area of Coalville and the town centre) and, in particular, the need for the District to release significant areas of land for housing to ensure the provision and maintenance of a five year supply of land, it is considered that release of the site would be appropriate. This also needs to be considered in the context of the emerging Core Strategy policies (approved by the District Council in April 2012) which clearly anticipate housing growth to the south west of Coalville, and it is considered that this scheme would be in accordance with that anticipated growth.

Detailed Issues

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

Means of Access and Transportation

All matters are reserved for subsequent approval except for access (insofar as vehicular access into and out of the site is concerned). The point of access proposed shows vehicular access via a new priority junction to Jackson Street / Wentworth Road, and formed following the demolition of 2 Wentworth Road.

In respect of the application, the County Highway Authority advises that, whilst the proposal

involves a change in priority at Jackson Street / Wentworth Road with priority given to traffic to / from the application site, having regard to existing traffic flows on Jackson Street and Wentworth Road and the predicted development flows, it has no objections to the proposals. In terms of junction capacity assessments, the County Highway Authority advises as follows:

Ashby Road / High Street / Memorial Square / Belvoir Road signalised junction:

The submitted LinSig assessment is agreed. Mitigation is to take the form of a contribution towards the installation of MOVA.

Belvoir Road / Jackson Street priority junction:

The submitted PICADY assessment is agreed. It is agreed that no mitigation is required because it can be demonstrated that the junction will operate within capacity in the 2017 "with development" scenario.

Belvoir Road / Marlborough Square mini roundabout junction:

The submitted ARCADY assessment is agreed. The assessment contained some minor errors in the geometric data. However, when corrected this made no difference to the model outputs. Whilst it is predicted that the maximum queue length on the Belvoir Road (North) arm will increase from 19 to 28 passenger car units in the "with development" scenario, it is agreed that no mitigation is required.

Site access junction:

The submitted PICADY assessment is agreed. It is agreed that the junction would operate well within capacity in the 2017 "with development" scenario.

In view of the above, the County Highway Authority raises no objections to the proposals on highway safety grounds subject to conditions, and subject to the contributions set out in more detail below. Insofar as the strategic highway network is concerned, the Highways Agency confirms that it has no objections, although it nevertheless would seem appropriate to have regard to the cumulative impact of this and other development in the area that could impact upon operation of M1 Junction 22 and A42 Junction 13.

On 15 January 2013, the District Council's Cabinet considered a report relating to Delivering Growth and Prosperity in Coalville which set out proposals to prioritise highways infrastructure contributions in Coalville above affordable housing contributions given the need for significant transportation infrastructure to be provided so as to enable otherwise stalled development to be delivered. Cabinet resolved to (i) agree to the preparation and consultation of an interim Section 106 policy which establishes the approach towards prioritising highway infrastructure contributions in Coalville, which will be reported back to cabinet after the consultation exercise; (ii) agree that for major developments in Coalville, the Planning Committee be asked to consider the emerging policy through Section 106 agreements; and (iii) to recommend that Planning Committee, where appropriate, prioritise the requirement for highways infrastructure contributions in Coalville above affordable housing contributions where such contributions are necessary, in accordance with the emerging policy proposals. A subsequent review of that decision by Cabinet was undertaken by Policy Development Group on 11 February 2013, but it was resolved that no further action be taken (i.e. that Cabinet's original decision should stand). On 22 February 2013, as per the Cabinet decision, the District Council commenced consultation on a proposed draft policy (as set out under Relevant Planning Policy above).

The report to Cabinet included an indicative list of potential transportation infrastructure measures to which the financial contributions made would be expected to contribute; based on the figures available at that time, the calculations provided to Cabinet suggested a potential

contribution of between £4,419 and £4,884 per dwelling. As of the current position, discussions are ongoing with the County Highway Authority and Highways Agency to establish an appropriate mechanism for securing contributions. As matters stand, therefore, it is not yet possible to begin calculating precisely the impacts that any such contributions would have on development viability and, hence, the extent to which (if at all) affordable housing contributions would need to be reduced to enable the scheme to remain viable with the transportation infrastructure contributions. However, given that all other matters (and including all other highways issues) now appear to be resolved, the developers are keen for the application to be progressed without further delay. In order to assist in moving matters forward, the applicants have suggested as follows:

- Subject to viability considerations, the applicants agree in principle to a minimum highways and transport infrastructure contribution of £4,884 per dwelling (i.e. the upper end of the projected sum as set out in the Cabinet report)
- In order to ensure that a viable development can be delivered, the amount of affordable housing to be provided as part of the development would be reviewed by way of a viability assessment (and scrutinised independently) but would provide, as a minimum, for 5% affordable housing (and with the tenure split to be agreed having regard to the outcome of the viability assessment work)
- If the subsequent viability work did not indicate that, after all, the minimum contributions represented as viable form of development, the applicants would agree that it may be appropriate that the application be reported back to Committee for its further consideration

Whilst there would be officer concerns in respect of a number of applications for major development in Coalville without full assessment in accordance with the recently agreed approach towards infrastructure provision, it is accepted in this case that, given that all other matters are resolved (and have been for some time), the approach suggested by the applicants represents an appropriate mechanism to help progress the application. It is also possible, in this case, to identify those particular measures that the development would need to contribute towards (i.e. this would not be a contribution towards "general" improvements in Coalville, rather towards the specific projects which would need to be undertaken in order to accommodate the development). The sum proposed would, it is considered, represent a reasonable contribution towards those schemes identified in the report to Cabinet of 15 January 2013 which, insofar as this particular development is concerned, would be necessitated by this development. Separate contributions are also proposed in respect of other highways works which would be required to accommodate this development. Whilst not part of the £4,884 per dwelling contribution, these works would, of course, need to be taken into account when assessing the overall viability of the development.

In terms of other transportation developer contributions / obligations, the County Highway Authority considers that the following would be required:

- A Construction Traffic Routeing Agreement
- Provision of Travel Packs informing new residents from what sustainable travel choices are in the surrounding area (which can be supplied by Leicestershire County Council at £50.18 per pack);
- 6 month bus passes (2 per dwelling), to encourage new residents to use bus services as an alternative to the private car (which can be supplied through Leicestershire County Council at (an average of) £325 per pass);
- Appointment of a Travel Plan Co-ordinator for a period to 5 years after completion of the development.
- A contribution of £55,000 towards the provision of a raised speed table and zebra crossing at Jackson Street / Belvoir Road so as to provide a safe and direct link to

- Coalville town centre for residents of the development, and to mitigate against the impact of development site traffic being distributed through the junction;
- A contribution of £7,500 for the provision of five pairs of dropped crossings with tactile paving on Jackson Street so as to enhance and encourage use of the pedestrian link to Coalville town centre;
- A contribution of £5,000 to enable the County Council to draft, consult upon and, if appropriate, implement a no waiting, no loading at any time Traffic Regulation Order on Jackson Street / Wentworth Road so as to restrict on-street parking within the vicinity of the proposed access, in the interests of highway safety;
- A contribution of £10,000 towards the installation of MOVA at the Ashby Road / High Street / Memorial Square / Belvoir Road signalised junction prior to the occupation of any dwelling (if not already installed) in order to mitigate the impact of the development at that junction. If MOVA is already installed on site prior to first occupation, a contribution of £2,000 would be sought towards validation.

The applicants are agreeable to making the transportation contributions sought by the County Highway Authority as set out above.

Subject to the mitigation measures set out above, the proposed development is therefore considered acceptable in terms of Means of Access and Transportation issues.

Landscape and Visual Impact

The application has been accompanied by a Landscape and Visual Assessment, as well as an arboricultural survey and impact assessment.

The assessment notes the site is not covered by any statutory or non-statutory designations for landscape character or quality and is generally of moderate to poor landscape quality. It suggests that the site is well related to the existing pattern of development in Coalville and benefits from "firm and defensible" boundaries. It concludes that development in accordance with the principles set out within the assessment (including retention of a landscaped buffer between existing and proposed development) would allow for the creation of a sympathetic extension to the existing urban area that, subject to appropriate design and detailing, would not appear discordant with the character of the area, nor result in any material impact on the quality of the surrounding landscape.

In terms of the visual effects of the proposals, the assessment considers the impact from seven viewpoints, each considered to be of medium or low sensitivity. In year 15, the changes to these viewpoints would be insignificant (three viewpoints), slight adverse (two viewpoints) or moderately adverse (two viewpoints).

The assessment also draws attention to the findings of the North West Leicestershire Local Character Assessment which suggests that the site could be developed with relatively few adverse effects on the surrounding landscape and there is high potential to mitigate any effects. In particular the Local Character Assessment suggests that site is "relatively enclosed and urban edges are features within the surrounding landscape." It also states that "Provided development retains woodland on the southern edge and makes provision for allotments, the site could be developed with relatively few adverse effects on the surrounding landscape". It is accepted that, having regard to this conclusion, and to the principles set out in the Local Character Assessment for the development of the site, the development would generally be acceptable in visual impact terms. Overall, therefore, subject to an appropriate form of development being proposed at the reserved matters stage(s), it is considered that the

landscape and visual effects of the proposed development are acceptable.

In terms of retained / proposed planting, the site is in the National Forest, and the scheme's performance vis-à-vis the relevant National Forest standards is set out below. In terms of the extent of landscaping and other open space cover proposed in respect of the development, it is noted that the illustrative masterplan indicates that substantial planting areas would be retained / planted (as appropriate) to the northern, southern, and south eastern site boundaries. The District Council's Tree Officer advises that the scheme as indicated on the illustrative masterplan broadly allows for retention of those trees and features shown in the tree survey to be of high amenity value and those with higher retention categories. One exception in the survey is a pair of Crack Willows which are stated to be of moderate conservation or cultural value (Retention category B) but would be removed in the proposed layout. However, in the absence of any ecological reason to retain these trees, the Tree Officer agrees with their removal. Also proposed are other areas of landscaping within the site and relocated / new allotments. In total, around 2.8 hectares of the site would be given over to green space (and excluding private gardens), or around 45% of the site as a whole. This, it is considered, represents a suitable balance between built development and landscaping type measures.

Design

The application is supported by a Design and Access Statement setting out the applicants' proposals, and explaining the approach taken in terms of design. Having reviewed the proposals and the Design and Access Statement, the District Council's Urban Designer considers that the scheme has the potential to perform well against Building for Life 12 (the version that superseded Building for Life 2008) and therefore has no objections to the application. As the scheme is in outline it is not possible to conclusively determine the design quality of the scheme in many respects and therefore the bias towards ambers is not cause for concern at this stage. The District Council's Urban Designer considers that the Design and Access Statement establishes a robust set of design principles and that, subject to these being respected at any future reserved matters stage, it should be possible for an applicant to upgrade all these ambers to greens.

The development is therefore considered acceptable in this regard, and the District Council's Urban Designer raises no objections subject to the attachment of the note to applicant as set out in the recommendation below.

Flood Risk and Drainage

A number of concerns have been raised by neighbouring residents in respect of flood risk, and it is understood that the local highway network around the area of the proposed site entrance has been subject to surface water flooding issues.

A Flood Risk Assessment (FRA) has been submitted with the application, confirming that the site lies within Flood Zone 1, and the site is therefore considered suitable for development in principle (and in flood risk sequential terms, would meet the requirements of the NPPF). As set out in the consultee responses above, no objections are raised by the Environment Agency in this regard.

The submitted FRA indicates that foul water from the development is proposed to discharge into the combined sewer along Jackson Street; surface water is proposed to be attenuated to greenfield run-off and discharged into the existing watercourse along the site's eastern boundary.

The Environment Agency has previously raised objections to other development proposals in Coalville (including the Stephenson Green and Bardon Grange schemes) due to a lack of capacity in the sewerage networks serving the area and the potential for a negative impact on the water quality of the receiving watercourse, the Grace Dieu Brook, from combined sewer overflows and storm discharges from Snarrows Sewage Treatment Works (STW). In effect, the concerns raised were that, in the absence of additional capacity within the system, the additional flows could, at certain times, be greater than those which could be accommodated, leading to an overflow of untreated foul water into the receiving watercourse, the Grace Dieu Brook, with the resulting implications on the water quality of that watercourse. Severn Trent Water has calculated that, based on current flows, Snarrows STW has spare headroom for around 2,500 additional dwellings and, assuming an average annual build rate of approximately 250 dwellings across the catchment, Severn Trent Water considers that it would be 5 to 6 years before it needs to consider providing additional capacity. Severn Trent Water advises that the key issue with Snarrows STW is the amount of surface water which finds its way into the foul sewerage network which causes storm attenuation tanks at Snarrows to remain full longer than ideal. As such, Severn Trent Water requires surface water drainage to be provided such that no additional surface water is connected to the foul sewer thus exacerbating the issues at Snarrows STW. Severn Trent Water advises that, provided surface water from the development is managed sustainably and not connected to the sewerage system, the additional foul only flows from a 130 dwelling development would not normally cause a capacity problem within the sewerage system. The Agency's previous concerns regarding major new development have therefore been addressed, and no objections are raised by either the Environment Agency or Severn Trent Water in this regard subject to conditions.

Concern has been raised regarding the existing poor maintenance of the watercourse along the eastern boundary of the site with existing properties on Wentworth Road. Whilst the issue of the existing maintenance regime of the watercourse is not directly relevant to the planning merits of the application in hand, the District Council's Engineering Technician has provided comments on these concerns, and advises that this is an "ordinary watercourse" as it is not part of the Environment Agency's main river network, and the direct responsibility for the maintenance of ordinary watercourses lies with the landowner(s) adjacent to it.

In terms of the local surface water flooding issues affecting Jackson Street and Zetland Close, the applicants consider that the disposal of surface water via the watercourse rather than the combined sewer would ensure that no exacerbation of the flooding incidents would result from the development (although, it would appear, the flooding incidents that have previously occurred within the highway are related to surface water rather than any combined sewer). For its part, the Environment Agency comments that the NPPF states that developers should seek to reduce flood risk overall, and the Agency considers that the application presents an opportunity to reinstate the public surface water sewer within the site to open watercourse. The Agency advises that, in addition to improving and protecting water quality and improving habitat and amenity, this would also assist in reducing existing surface water flooding problems on Jackson Street and Zetland Close. In terms of highways flooding generally (and, in particular, in respect of issues upstream of the surface water drain serving the site), it is also understood from Severn Trent Water that, following the recent collapse of part of that drain, repairs undertaken in September 2012 have resolved this issue. Whilst the Agency identifies the opportunity this application provides to reinstate part of the public surface water sewer within the site to open watercourse (i.e. as per the existing open section - the "ordinary watercourse" referred to above), this does not form part of the scheme, and no change to the existing arrangements is proposed in this regard. In addition, this would appear to result in additional relocation of existing allotments (i.e. the existing sewer runs underneath four of the existing allotments to the

east of the site that are intended to be retained as part of the proposals).

Residential Amenity

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

An Environmental Noise Assessment has been submitted with the application so as to establish the noise levels within the development itself once built, having regard to surrounding land uses, including transportation, the adjacent industrial estate (Coalville Business Park), and the nearby football club / sports ground. Of these, the submitted assessment indicates that the principal source of noise is the Business Park (and, in particular, noise from HGVs), and mitigation measures are recommended within the proposed dwellings themselves (double glazing, with trickle vents or passive through wall ventilators). In terms of external noise levels, these are considered to be acceptable, and no other mitigation measures are proposed. The District Council's Environmental Protection team raises no objections to the proposals, subject to the implementation of the internal mitigation measures proposed. Whilst concern has been raised that the development could result in complaints from new occupiers regarding the adjacent industrial estate, this concern does not appear to be supported by the evidence, and a refusal on this issue would not be likely to be sustainable on appeal. Whilst the concerns also suggest that full use of the industrial estate following the end of the current economic downturn could be prevented, it is understood that the estate has been operating on a partial basis only for a number of years, and was not fully occupied prior to the recession.

In addition to noise issues, the District Council's Environmental Protection team also draws the developers' attention to potential intrusion to future occupiers from floodlighting serving the nearby sports pitch. Whilst the developers have not undertaken a detailed assessment of whether there is any existing overspill of lighting from the sports pitch at this outline stage, the layout shown is illustrative, and this issue would be more pertinent at the reserved matters stage when issues such as layout and orientation of dwellings / windows is considered. Were any issues to be identified, however, there would also appear to be no overriding reason why these could not be addressed directly so as to limit any unnecessary light pollution.

In terms of the impacts on neighbouring occupiers arising from the proposed development, whilst an illustrative masterplan has been submitted, all matters except part access are reserved for subsequent approval. Having regard to the relative land levels between the application site and adjacent dwellings on Wentworth Road and Jackson Street, any reserved matters scheme would need to be appropriately devised so as to ensure that occupiers of both existing and proposed dwellings were afforded an appropriate level of amenity but there is no reason to suggest that the eventual form of development proposed under the reserved matters would necessarily result in undue loss of amenity to adjacent occupiers, and the scheme is, at this outline stage, acceptable in this regard. In terms of potential disturbance from vehicular movements to and from the site, it is noted that no. 4 Wentworth Road would, following the development, have a vehicular access road adjacent to its side elevation. It is understood that this dwelling is currently in the ownership of the applicants (with a view to its continued residential occupation) but regardless, however, there is no reason to suggest that this relationship would be any different to the impacts on any other dwelling on the corner of two roads, and undue harm to amenity of occupiers of that property would appear unlikely.

Ecology

The application is supported by an Ecological Assessment. This provides that the site supports a "mosaic" of grassland, scrub woodland and hedgerow habitats of value at the local level and is adjacent to the semi-natural habitats of Snibston Grange which serves both recreational and biodiversity functions; species present on site include bats, birds and grass snakes, and the site is considered to be of value at the local level to bats and birds and, at the site level to amphibians and reptiles.

The assessment also confirms that the proposed development incorporates the retention of over one tenth of existing habitats within the illustrative scheme, as well as the provision of new structural planting, a balancing pond and open space designed to benefit biodiversity. In terms of mitigation and enhancement, it advises that the scheme includes:

- Measures to avoid and minimise impacts both as part of sensitive design, such as retention of specific areas of habitat and a sensitive lighting strategy;
- Measures to avoid and minimise impacts during construction, such as scheduling works to avoid those periods when ecological receptors are most vulnerable, and precautionary methods of working;
- Incorporation of compensation and enhancement measures (e.g. new planting, a balancing pond and open space grassland); and
- Management of retained and newly created habitats through a Landscape and Ecology Management Plan to ensure the goals for biodiversity, landscape and recreation are achieved in the long term.

The Landscape and Ecology Management Plan has been submitted as a separate document, and contains a number of habitat management measures so as to ensure the ongoing ecological value of the site following the development.

In response to the application, Leicestershire County Council's Ecology team advises that the submitted assessment is satisfactory, and no objections are raised by the County Ecologist in this regard. Whilst the District Council's Tree Officer has suggested that there may be a high wildlife value to the area of scrub vegetation in the south eastern part of the site, no concerns in this respect have been raised by the County Ecologist.

It is therefore considered that, subject to the imposition of suitably-worded conditions, the submitted scheme is acceptable in ecological terms, and would provide suitable mitigation for the habitat affected, as well as an appropriate future management scheme for retained and new habitat.

Cultural Heritage

Whilst reference is made in the applicants' submissions to the desk-based archaeological work already undertaken on the site to the south, having regard to the large extent of vegetation on the site (including brambles etc), further archaeological work has not to date been undertaken, save for the submission of a Method Statement for an Archaeological Geophysical Survey. This sets out the applicants' proposals in respect of the proposed geophysical survey field work and reporting methodology.

In response to the application, Leicestershire County Council's Principal Planning Archaeologist advises that the Leicestershire and Rutland Historic Environment Record (HER) identifies that the application site lies in an area of significant archaeological potential, and that the proposed development would be likely to impact upon any surviving buried archaeological remains preserved within the application area, and that the assessment of the submitted development

details and particular archaeological interest of the site, has indicated that the proposals are likely to have a detrimental impact upon any heritage assets present. In accordance with the advice in the NPPF, therefore, the County Archaeologist recommends that conditions be imposed for an appropriate programme of archaeological mitigation, commencing with an initial programme of non-intrusive and intrusive exploratory investigation, followed as necessary by targeted archaeological investigation and recording. The development is therefore considered acceptable in this regard, subject to the imposition of suitably worded conditions so as to secure the appropriate investigation and recording of the affected archaeology.

Geo-Environmental Conditions

A geo-environmental site assessment has been submitted with the application which provides an assessment of the site's ground conditions, and indicates that there are no impediments to the site's development in terms of contamination or general ground conditions. The District Council's Environmental Protection team raises no objection subject to conditions.

Other Matters

Developer Contributions

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

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

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

The relevant developer contributions are listed below.

Affordable Housing

The applicants initially proposed to make an affordable housing contribution of 20% (i.e. up to 26 dwellings) as per the Local Planning Authority's current requirements for the Coalville area for a scheme of this scale. In terms of tenure, a tenure split of 70% rented (of which 61% would be for social rent and 39% affordable rent) and 30% shared equity was proposed. However, in response to the Cabinet report referred to above in respect of the prioritisation of transportation infrastructure over affordable housing, this would now appear likely to be reduced (should the viability calculations indicate that the scheme would be unviable when including the transportation contributions), although it is noted that the applicants have indicated that, regardless of the outcome of the viability assessment work, they would anticipate that a minimum contribution of 5% would be provided. Clearly this would fall below the minimum contribution the District Council's Affordable Housing SPD seeks to secure from new housing development in Coalville but, for the reasons as set out under Means of Access and Transportation above, is considered an acceptable approach. Having regard to the approach suggested in the emerging Priorities for Developer Financial Contributions for infrastructure provision relating to Major Residential Development Proposals in and around Coalville policy, and given the under-provision of affordable housing vis-à-vis the adopted Affordable Housing SPD, it would be considered appropriate to limit the implementation period of any planning permission granted accordingly.

Play and Public Open Space

The illustrative masterplan shows a significant extent of the site given over to landscaping, retained and proposed tree / hedgerow planting and other open space. The open space proposed includes an on-site equipped children's play area and adjacent community orchard. In terms of the extent of the play area and orchard, on the basis of the illustrative details, this appears to be in the order of 1,865 square metres. Under the Local Planning Authority's Play Area Design Guidance SPG, children's play areas should be provided at a rate of 20 square metres per dwelling. Therefore, for a development of 130 dwellings, an area for children's play of 2,600 square metres would normally be required. Whilst this represents a shortfall in this regard, the extent of the "play area" in its general terms (which is the figure to which the SPG relates) is normally calculated in its wider sense and, when taking into account the other landscaped open space in the immediate vicinity of the play area and orchard, the minimum requirements of the SPG would be comfortably met. The actual equipped parts of the children's play area would be in the order of 557 square metres. However, as set out above, the "wider" play area is the relevant figure insofar as the SPG is concerned, and it would normally be expected that the equipped areas would only represent a small proportion of the "play area" as a whole.

In terms of the range of equipment necessary, for developments of this number of dwellings, Local Plan Policy L22 and the District Council's SPG requires that the needs of children up to the age of 14 should be provided for, including a minimum of 8 types of activity, as well as a "kickabout" area. In addition, formal recreation open space (e.g. sports pitches) should also be provided for. Whilst on-site "kickabout" and recreational open space provision is not proposed, the applicants propose to make a financial contribution in this regard although, at the time of preparing this report, were awaiting the comments of the District Council's Leisure department before confirming the level of contribution; any comments subsequently received will be provided on the Update Sheet.

As already set out above, the total proportion of the site proposed to be given over to green space (excluding private gardens) is in the order of 45% and, having regard to this, the overall contribution of public open space is considered acceptable.

As set out above, there are existing allotments within the site, and relocation of these allotments is proposed by the applicants. Aerial photographs show how the position of the allotments within the site as a whole, and the number occupied, have varied over recent years. Whilst the site is not owned by the District Council, the allotments are leased by the District Council, and, at present, approximately one third are leased, albeit this is believed to be, in part, a result of uncertainty over the allotments' future given the current application. As of September 2012, 12 of the main row of allotments were in full or part active use.

Allotments were previously included within the definition of open space as set out in the former PPG 17, but this definition has not been carried forward into the NPPF. In terms of the principles relevant to the loss of allotment land, however, it is considered appropriate to have regard to the need to replace the existing allotments with facilities of equivalent quantity and standard.

In terms of the proposed allotments, 30 new allotments are proposed, as well as the retention of six existing plots on the eastern site boundary, provided over an area of 0.91ha. The applicants confirm that the new allotments would include security fencing, car parking for allotment users, a potential WC connection, stand pipes for water, and hardstandings for sheds. The applicants intend to allow for continuity of occupation of allotments by ensuring that the new allotments are in situ and in a usable condition prior to undertaking development on that part of the site from

which allotments would be removed.

National Forest planting

The applicants' proposals show the provision of on-site National Forest planting and, as per the National Forest Company's comments as set out above, the proposals meet the National Forest planting standards of 20% of the site area. The proposals are therefore considered appropriate in this regard.

Education

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

Primary School Requirements:

The site falls within the catchment area of Belvoirdale Community Primary School. The school has a net capacity of 351, and 285 pupils are projected on roll should this development proceed; a surplus of 66 places, taking into account the 26 pupils generated by the development.

High School Requirements:

The site falls within the catchment area of Newbridge High School. The School has a net capacity of 590, and 636 pupils are projected on roll should this development proceed; a deficit of 46 pupil places (of which 35 are existing and 11 are created by this development). However taking the two other high schools into account within a three mile walking distance of the development there is an overall surplus for the area of 52 places.

Upper School Requirements:

The site falls within the catchment area of King Edward VII College. The School/College has a net capacity of 1193, and 1089 pupils are projected on roll should this development proceed; a surplus of 104 places after taking into account the 11 pupils generated by this development.

Overall, therefore, given the existing and projected surpluses in the relevant schools, no education contributions are sought by Leicestershire County Council.

Civic Amenity

A contribution of £9,168 is proposed to be made by the developer for Civic Amenity facilities in accordance with the requirements of Leicestershire County Council.

Library Services

A contribution of £7,290 is proposed to be made by the developer for library services in accordance with the requirements of Leicestershire County Council.

Healthcare

The Leicester, Leicestershire and Rutland PCT Cluster requests a healthcare contribution of £17,454.53 as set out in the consultation response above, and relating to proposed expansion of a surgery(ies) to accommodate this and other development within whose catchment the application site falls (including Belvoir Road, Broom Leys Road, Whitwick Health Centre, Coalville Health Centre, Whitwick Road, Long Lane and Hugglescote practices), and based upon a contribution commensurate to the anticipated increased population arising from this

development. The applicants are agreeable to making this contribution.

Contributions sought by Leicestershire Constabulary

Leicestershire Constabulary requests a developer contribution of £65,077 in respect of policing as set out in the consultation response above.

This contribution is comprised of:

- Contribution towards a new Airwaves transmitter (£5,534)
- Contribution to increase the capacity of the Airwaves system (£799)
- Contribution towards new vehicles (£4,424)
- Contribution towards officer equipment (£10,119)
- Contribution towards extension at Coalville Local Policing Unit or provision of space in a replacement building, the BCU facility at Loughborough (£40,007)
- Contribution towards call handling (£232)
- Contribution towards Police National Database (£491)
- Contribution towards ANPR cameras on the main road network (£2,713)
- Contribution towards mobile CCTV units (£500)
- Contribution towards access hub equipment (£129)
- Contribution towards crime prevention (£129)

In response to the Police requests, the applicants comment that they are concerned that the contributions sought are not compliant with CIL Regulation 122 as they consider that the contributions requested are not directly related to the proposed residential development which is under consideration and that the request seems to be for general policing costs in the area. These are, the applicants consider, not justified as there appears to be a very limited relationship between the contribution requested and the development proposed. The applicants also comment that the request appears to be based upon a flat rate of £504 per dwelling which would subsequently be allocated to different policing proposals, and does not therefore take account of the specific infrastructure requirements the development would generate. For these reasons the applicants advise that they are not agreeable to making this contribution request.

From officers' point of view, the contributions do not appear to be justified at this time as (as set out by the applicants) there appears a limited relationship between the contributions requested and the development proposed. In other words, these just seem to be general contributions towards policing costs in the area, rather than being directly related to the residential development scheme under consideration and mitigating identified impacts on infrastructure provision specifically arising from the development. It is, in officers' view, unclear as to how the contributions sought are directly necessary such that they would render an otherwise unacceptable development acceptable. It is not considered that it has been demonstrated sufficiently that the contributions sought are required and that, in their absence, planning permission should be refused.

Transportation Contributions

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

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

Conclusions

As set out in the main report above, whilst the site is outside Limits to Development, and constitutes a greenfield site, its release for housing is considered suitable in principle, particularly having regard to the approach taken in the emerging Core Strategy in respect of south west Coalville, and the subsequent changes in housing land supply. The scheme is considered to be acceptable in terms of technical issues (and including in respect of transportation and highway safety issues), such that there appear to be no other reasons to prevent the site's development for housing. Whilst the proposed development would, for viability reasons, be unlikely to be able to support the specific transportation infrastructure requirements for its development, the applicants are proposing to provide a minimum of 5% affordable housing pending the undertaking of viability work to establish the exact contribution that the development could reasonably make. Given the otherwise advanced nature of the application's consideration, in this case, it is accepted that this represents a reasonable approach to enabling the proposals to be progressed in a timely fashion.

Summary Reasons for Granting Planning Permission

The site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan and its development for housing would therefore be contrary to local policy designed to protect the countryside for its own sake. The site is also greenfield. However, having regard to the site's general suitability for housing (including its proximity to the built up area of Coalville and, in particular, the town centre), the emerging Core Strategy's stated intention of promoting housing growth to the south west of Coalville, and the need to demonstrate and maintain a five year supply of housing land within the District, release of the site for residential development is considered appropriate in principle. The proposed development would be acceptable in terms of transportation and highway safety issues, landscaping and visual impact, design, flood risk and drainage, residential amenity, ecological impacts, impacts on the cultural heritage of the area and geo-environmental conditions. No other technical issues are considered to arise. Appropriate contributions to infrastructure would also be made so as to mitigate the impacts of the proposals on local facilities and transportation. Whilst the contribution to affordable housing would be below that normally required for sites in the Coalville as set out in the District Council's current Affordable Housing Supplementary Planning Document, the Local Planning Authority is of the view that, in order to enable essential transportation infrastructure to be delivered whilst ensuring that residential development remains viable, it is appropriate in this case to prioritise that transportation infrastructure above the need to ensure an adequate contribution to affordable housing and, notwithstanding this shortfall vis-à-vis the current affordable housing requirements, the proposed scheme would remain a sustainable form of development. It is therefore recommended that outline planning permission be granted.

RECOMMENDATION- PERMIT, subject to Section 106 Obligations being agreed following a viability assessment, and subject to the following condition(s):

- 1 Save for the details of vehicular access into the site from Wentworth Road / Jackson Street, details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced.

Reason - This permission is in outline only.

- 2 Plans and particulars of the reserved matters referred to in Condition 1 above, relating to

the access (save for the details of vehicular access into the site from Wentworth Road / Jackson Street), appearance, landscaping, layout, and scale shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

- 3 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of one year from the date of this permission and the development hereby permitted shall begin before the expiration of one year from the date of approval of the last of the reserved matters to be approved.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended), and to accord with the requirements of the Local Planning Authority's emerging policy relating to developer contributions.

- 4 The proposed development shall be carried out strictly in accordance with the following plans:
- Site location plan (CSa/1931/114 Rev A) deposited with the Local Planning Authority on 7 August 2012
 - Proposed site access arrangements (Project no. TRN-10901, drawing no. 010 Rev A) deposited with the Local Planning Authority on 8 October 2012

Reason - To determine the scope of this permission.

- 5 Notwithstanding Conditions 1, 2 and 3 above, the first reserved matters application shall include a masterplan for the whole of the site setting out indicative details of site layout, areas of open space / children's play, landscaping, density parameters and scale,. All subsequent reserved matters applications shall be in accordance with the approved masterplan unless any alteration to the masterplan is first agreed in writing by the Local Planning Authority. All development of the site shall thereafter be undertaken in accordance with the agreed phasing and timetable details (or any alternatives subsequently agreed in writing by the Local Planning Authority).

Reason - To ensure that the development of the site takes place in a consistent and comprehensive manner.

- 6 A total of no more than 130 dwellings shall be erected.

Reason - To define the scope of this permission.

- 7 No development shall commence on the site until such time as a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented as approved

Reason - To ensure that the development is adequately drained, to minimise the risk of pollution to the water environment, and to comply with Policies 32 and 35 of the East Midlands Regional Plan.

- 8 The development permitted by this planning permission shall not be carried out other than in strict accordance with the approved Flood Risk Assessment (FRA) dated July 2012, Ref: TRN10901/reports/fra coalville, undertaken by Waterman and the following

mitigation measures detailed within the FRA:

- Limiting the surface water run-off generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site (Sections 7.8 and 7.9).

Unless any alternative programme is first agreed in writing by the Local Planning Authority, none of the dwellings hereby permitted shall be occupied until such time as the mitigation measures have been fully implemented.

Reason - To prevent flooding by ensuring the satisfactory storage / disposal of surface water from the site, and to comply with Policy 35 of the East Midlands Regional Plan.

- 9 No development shall commence on the site until such time as a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- Details of how the balancing pond will be connected to the on site watercourse. This connection should be made by incorporating an open swale into the development.
- Surface water drainage system/s to be designed in accordance with either the National SUDs Standards, or CIRIA C697 and C687, whichever are in force when the detailed design of the surface water drainage system is undertaken.
- Limiting the surface water run-off generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site;
- Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm;
- Detailed design (plans, cross sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements; and
- Details of how the scheme shall be maintained and managed after completion

Reason - To prevent the increased risk of flooding, to improve and protect water quality, to improve habitat and amenity and to comply with Policies 32 and 35 of the East Midlands Regional Plan.

- 10 No development shall commence on the site until such time as a Risk Based Land Contamination Assessment has been submitted to and agreed in writing by the Local Planning Authority. The assessment shall be carried out in accordance with:

- BS10175 Year 2001 Investigation of Potentially Contaminated Sites Code of Practice;
- BS8485 Year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments; and
- CLR 11 Model Procedures for the Management of Land Contamination (Environment Agency 2004)

Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan shall be prepared and submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of CLR 11 Model Procedures for the Management of Land Contamination (Environment Agency 2004); the Verification Plan shall be prepared in accordance with the requirements of:

- Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1 (Environment Agency 2010); and
- CLR 11 Model Procedures for the Management of Land Contamination (Environment Agency 2004)

If, during the course of development, previously unidentified contamination is discovered, development shall cease on that part of the site and it shall be reported in writing to the Local Planning Authority within 10 working days. No work shall recommence on that part of the site until such time as a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) has been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the land is fit for purpose, and to accord with the aims and objectives in respect of pollution as set out in the National Planning Policy Framework.

- 11 None of the dwellings shall be occupied until such time as a verification investigation has been undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme relevant to either the whole development or that part of the development, and the report showing the findings of the verification investigation has been submitted to and agreed in writing by the Local Planning Authority. The verification report shall:
- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
 - Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
 - Contain Movement permits of all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
 - Contain test certificates of imported material to show that it is suitable for its proposed use;
 - Demonstrate the effectiveness of the approved remedial scheme; and
 - Include a statement signed by the developer or the approved agent, confirming that all the works specified in the Remediation Scheme have been completed

Reason - To ensure that the land is fit for purpose, and to accord with the aims and objectives in respect of pollution as set out in the National Planning Policy Framework.

- 12 No development shall commence on the site until such time as a programme of archaeological work, commencing with an initial phase of trial trenching, has been detailed within a Written Scheme of Investigation first submitted to and agreed in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions, and:
- The programme and methodology of site investigation, recording and post-investigation assessment (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme);
 - Provision to be made for analysis of the site investigation and recording;
 - Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - Provision to be made for archive deposition of the analysis and records of the site investigation; and

- Nomination of a competent person or persons / organisation to undertake the works set out within the Written Scheme of Investigation
- A detailed timetable for the implementation of all such works / measures
Unless any alternative scheme / timetable is first agreed in writing by the Local Planning Authority, no development shall take place at any time other than in accordance with the agreed Written Scheme of Investigation and timetable.

Reason - To ensure satisfactory archaeological investigation and recording, and to comply with Policy 27 of the East Midlands Regional Plan.

- 13 Unless any alterations are first agreed in writing by the Local Planning Authority, the development shall be carried out and thereafter managed strictly in accordance with the Landscape and Ecology Management Plan (August 2012, ref. CSa/1931/05a) prepared by CSa Environmental Planning.

Reason - To ensure the protection of wildlife and supporting habitat, to secure opportunities for the enhancement of the nature conservation value of the site in line with National planning policy, to provide for an appropriate form of development, and to comply with Policies 2 and 29 of the East Midlands Regional Plan.

- 14 Unless any alternative mitigation and management measures are first agreed in writing by the Local Planning Authority, no development shall be undertaken at any time other than in strict accordance with the recommendations as set out in sections 5.1 to 5.30 (inclusive) of the Ecological Assessment (second issue dated 20.07.12, ref. CSa/1931/04, including updated appendices, received by the Local Planning Authority on 5 October 2012) prepared by CSa Environmental Planning.

Reason - In the interests of nature conservation, and to comply with Policy 26 of the East Midlands Regional Plan.

- 15 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources (as described in Annex 2 of the National Planning Policy Framework (March 2012)). Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority as a part of the first reserved matters submissions required by Conditions 1 and 2 above. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure the scheme provides for a sustainable form of development, and to comply with the provisions of the East Midlands Regional Plan.

- 16 All reserved matters applications for the erection of dwellings shall include full details of the proposed dwellings' anticipated level of achievement in respect of criteria / sub-categories contained within the Code for Sustainable Homes. Unless any alternative timescale is first agreed in writing by the Local Planning Authority, none of the dwellings hereby permitted shall be occupied until such time as evidence to demonstrate compliance with the relevant criteria has been submitted to and agreed in writing by the Local Planning Authority.

Reason - To ensure the scheme provides for a sustainable form of development.

- 17 No work shall commence in respect of the erection of any dwelling until such time as precise details of all measures proposed in respect of protection of occupiers of the relevant dwelling from noise and a timetable for their implementation have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in full in accordance with the agreed details, and in accordance with the agreed timetable.

Reason - To ensure that future occupiers of the development are protected from excessive noise, in the interests of amenity, and to comply with Policy E3 of the North West Leicestershire Local Plan.

- 18 No development shall commence on the site in respect of the erection of any dwelling until such time as the Jackson Street / Wentworth Road site access junction as shown on the proposed site access plan (Project no. TRN-10901, drawing no. 010 Rev A) has been provided in full and is available for use.

Reason - To provide vehicular access to the site, including for construction traffic, in the interests of highway safety, and to comply with Policy T3 of the North West Leicestershire Local Plan.

- 19 No development shall commence on the site until such time as a construction management plan, including wheel cleansing facilities and construction vehicle parking facilities, and a timetable for their provision, has been submitted to and agreed in writing by the Local Planning Authority. Unless any alternative management plan has first been submitted to and agreed in writing by the Local Planning Authority, no development shall be undertaken at any time other than in accordance with the approved details and timetable.

Reason - To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic associated with the development does not lead to on-street parking problems in the area.

- 20 Notwithstanding the submitted Residential Travel Plan, none of the dwellings hereby permitted shall be occupied until such time as a scheme of measures to reduce the amount of single occupancy car journeys to / from the site, and including a timetable for their implementation, has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be implemented and occupied in accordance with the agreed details and timetable.

Reason - To ensure that adequate steps are taken to provide a transport choice/a choice in mode of travel to / from the site.

Summary Reasons for Granting Planning Permission

North West Leicestershire District Council's decision to grant planning permission in this instance arose following careful consideration of the relevant provisions of the Development Plan and all other relevant material considerations. Of particular relevance to this decision were the following policies of the Development Plan:

East Midlands Regional Plan

Policy 1 - Regional Core Objectives
Policy 2 - Promoting Better Design
Policy 3 - Distribution of New Development
Policy 12 - Development in the Three Cities Sub-area
Policy 13a - Regional Housing Provision (excluding Northamptonshire)
Policy 14 - Regional Priorities for Affordable Housing
Policy 26 - Protecting and Enhancing the Region's Natural and Cultural Heritage
Policy 27 - Regional Priorities for the Historic Environment
Policy 29 - Priorities for Enhancing the Region's Biodiversity
Policy 32 - A Regional Approach to Water Resources and Water Quality
Policy 35 - A Regional Approach to Managing Flood Risk
Policy 48 - Regional Car Parking Standards
Policy Three Cities SRS 3 - Housing Provision
Policy Three Cities SRS 5 - Green Infrastructure and National Forest

North West Leicestershire Local Plan

S3 - Countryside
H4/1 - Housing Land Release
H6 - Housing Density
H7 - Housing Design
H8 - Affordable Housing
E2 - Landscaped Amenity Open Space
E3 - Residential Amenities
E4 - Design
E6 - Comprehensive Development
E7 - Landscaping
E8 - Crime Prevention
F1 - National Forest General Policy
T3 - Highway Standards
T8 - Parking
L21 - Children's Play Areas
L22 - Formal Recreation Provision

Reasons:

The site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan and its development for housing would therefore be contrary to local policy designed to protect the countryside for its own sake. The site is also greenfield. However, having regard to the site's general suitability for housing (including its proximity to the built up area of Coalville and, in particular, the town centre), the emerging Core Strategy's stated intention of promoting housing growth to the south west of Coalville, and the need to demonstrate and maintain a five year supply of housing land within the District, release of the site for residential development is considered appropriate in principle. The proposed development would be acceptable in terms of transportation and highway safety issues, landscaping and visual impact, design, flood risk and drainage, residential amenity, ecological impacts, impacts on the cultural heritage of the area and geo-environmental conditions. No other technical issues are considered to arise. Appropriate contributions to infrastructure would also be made so as to mitigate the impacts of the proposals on local facilities and transportation. Whilst the contribution to affordable housing would be below that normally required for sites in the Coalville as set out in the District Council's current Affordable Housing Supplementary Planning Document, the Local Planning Authority is of the view that, in order to enable essential transportation infrastructure to be delivered whilst ensuring that residential development remains viable, it is appropriate in this case to prioritise

that transportation infrastructure above the need to ensure an adequate contribution to affordable housing and, notwithstanding this shortfall vis-à-vis the current affordable housing requirements, the proposed scheme would remain a sustainable form of development.

Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through early engagement with the applicant both at the pre-application stage and during the application determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).
- 2 The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

- Collapse of shallow coal mine workings.
- Collapse of, or risk of entry into, mine entries (shafts and adits).
- Gas emissions from coal mines including methane and carbon dioxide.
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground

gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

- 3 Your attention is drawn to the attached report of Severn Trent Water Limited.
- 4 Your attention is drawn to the attached report of the Environment Agency. The applicants are also advised that the reserved matters scheme should include for a minimum 4m easement to be provided between the top of the bank of the on site watercourse and allotment Plots 20 and 21 as shown on the illustrative masterplan.
- 5 Your attention is drawn to the attached report of Leicestershire County Council's Director of Environment and Transport.
- 6 The applicants are advised that any future reserved matters application will be assessed against Building for Life 12 and the development will be required to perform well against this design quality indicator. The applicants are also advised that, prior to the inception of design work on any future reserved matters scheme, reference should be made to the District Council's emerging "Good Design" SPD.
- 7 The applicants' attention is drawn to the presence of existing floodlighting serving the nearby sports pitch and the applicants are advised to have regard to its presence when progressing the scheme at the reserved matters stage.
- 8 The applicants are advised that, under the provisions of the Site Waste Management Plan Regulations 2008, the works may require the preparation of a Site Waste Management Plan (SWMP). Further information can be obtained from the Department for Environment Food and Rural Affairs at www.defra.gov.uk
- 9 This decision is in accordance with the resolution of the Planning Committee of 12 March 2013 and is subject to a Section 106 Obligation.

**Change of use of land to form residential curtilage including
necessary enclosure**

**Report Item No
A3**

4 Sunningdale Road Coalville Leicestershire LE67 4DS

**Application Reference
13/00051/FUL**

**Applicant:
Mr Geoffrey Hagger**

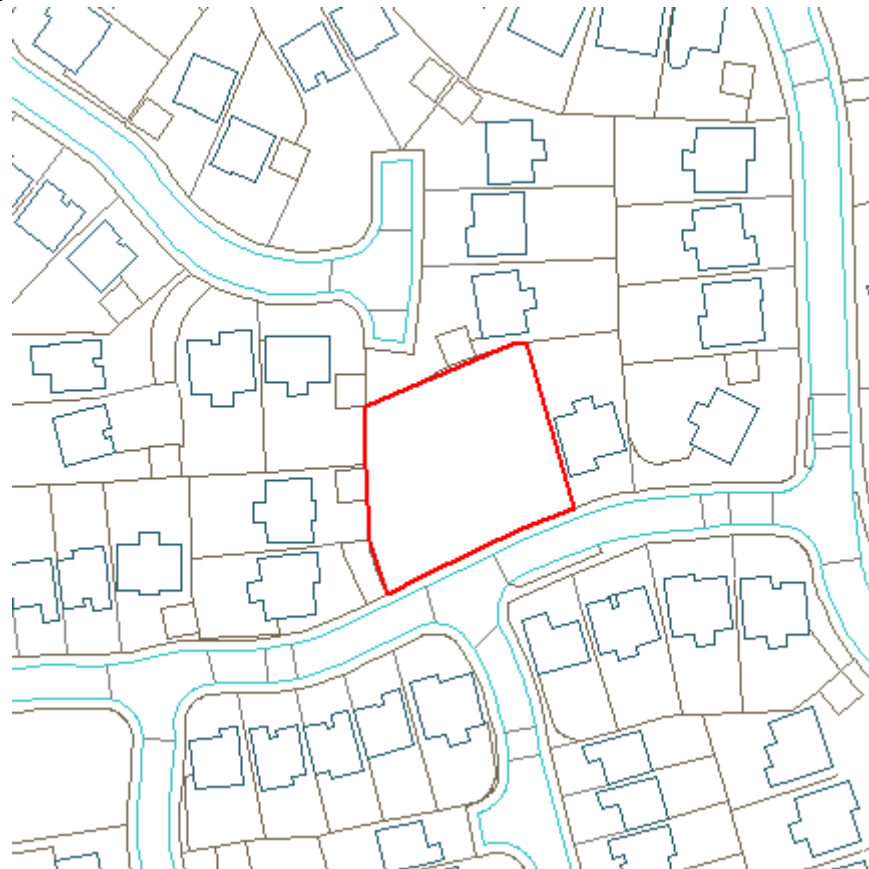
**Date Registered
10 January 2013**

**Case Officer:
Robert McKillop**

**Target Decision Date
7 March 2013**

**Recommendation:
PERMIT**

Site Location



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ITEM A3 – EXECUTIVE SUMMARY

Call In

The application is brought before Planning Committee by Councillor Michael Specht on the grounds of local concern, and loss of public open space.

Proposal

Planning Permission is sought for the change of use of land from informal open space to residential curtilage including necessary means of enclosure at 4 Sunningdale Road, Coalville.

The subject property is a detached two storey dwelling, situated on the northern side of Sunningdale Road, opposite the junction with Highgrove Close. The site is located in a residential area and is within the Limits to Development as set out on the proposals map to the Local Plan.

The proposal is for the change of use of the strip of land to the west of the subject property, currently in use as informal open space, to extend the area of residential curtilage. The subject strip of land measures 31 metres in length, running the entire length of the existing curtilage to the west side of the subject property. The strip of land measures 4.5 metres in width at the northern end, adjacent to Clarence Drive, and extends to a width of 5.4 before narrowing to a width of 3.8 metres where the strip of land meets the footpath along Sunningdale Road.

The existing 1.8 metre high close board boundary fence at the subject property would be removed and rebuilt a distance of between 5.4 metres and 3.8 metres west, further towards the footpath running between Clarence Drive and Sunningdale Road. A strip of land measuring a minimum distance of 2.5 metres in width would be retained as a landscaped area adjacent to the footpath. An enlarged new driveway would be formed in the proposed front curtilage of subject property, extending into the proposed side curtilage of the subject property, where a hard standing area would be formed behind a set of gates in the close board fencing.

No relevant planning history was found for this application.

Consultations

Members will note that 15 third party letters of representation have been made in objection to the proposal. All statutory consultees are satisfied that there are no matters that have not been satisfactorily addressed or cannot otherwise be satisfied by way of condition or legal agreement.

Planning Policy

The development is considered to comply with the relevant policies contained in the NPPF and the North West Leicestershire Local Plan.

Conclusion

The report below indicates that the proposed change of use application would not have a significant detrimental impact on residential amenity. It is also considered that there would not be any significant detrimental impact on the character and appearance of the area. The proposal would not create any highway safety issues. The proposal is deemed to comply with the relevant policies in the Local Plan and on this basis, the application is recommended for approval.

RECOMMENDATION - PERMIT, subject to conditions.

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

ITEM A3 – MAIN REPORT

Proposals and Background

Planning Permission is sought for the change of use of land from informal open space to residential curtilage including necessary means of enclosure at 4 Sunningdale Road, Coalville.

The subject property is a detached two storey dwelling, situated on the northern side of Sunningdale Road, opposite the junction with Highgrove Close. The site is located in a residential area and is within the Limits to Development as set out on the proposals map to the Local Plan.

The proposal is for the change of use of the strip of land to the west of the subject property, currently in use as informal open space, to extend the area of residential curtilage. The subject strip of land measures 31 metres in length, running the entire length of the existing curtilage to the west side of the subject property. The strip of land measures 4.5 metres in width at the northern end, adjacent to Clarence Drive, and extends to a width of 5.4 before narrowing to a width of 3.8 metres where the strip of land meets the footpath along Sunningdale Road.

The existing 1.8 metre high close board boundary fence at the subject property would be removed and rebuilt a distance of between 5.4 metres and 3.8 metres west, further towards the footpath running between Clarence Drive and Sunningdale Road. A strip of land measuring a minimum distance of 2.5 metres in width would be retained as a landscaped area adjacent to the footpath. An enlarged new driveway would be formed in the proposed front curtilage of subject property, extending into the proposed side curtilage of the subject property, where a hard standing area would be formed behind a set of gates in the close board fencing.

No relevant planning history was found for this application.

2. Publicity

10 neighbours have been notified.

Site Notice displayed 1 February 2013

3. Consultations

Leicestershire County Council Highways consulted 21st January 2013

Severn Trent Water consulted 13th February 2013

4. Summary of Representations Received

The following summary of representations is provided. Members will note that full copies of correspondence received are available on the planning file.

Leicestershire County Council - Highways raise no objection to this proposal in their response, received on 29th January 2013, although stated a preference for the height of the fence to be reduced in the interests of pedestrian safety in their consultation response.

Severn Trent Water raise no objection to this proposal in their response on 18th February 2013, subject to an informative added to the decision.

Third Party Representations

15 letters of representation have been received from local residents during the course of this

application, and the issues raised can be summarised as follows:

- Loss of open space, vegetation and amenity for public use;
- Creation of oppressive environment and reduced safety/visibility along footpath;
- Poor design, not in keeping with the surrounding area;
- Reduction in the level of on-street parking available along Sunningdale Road, and increased likelihood for street scene to be altered by vehicles parking at the subject property;
- Highway safety issues for pedestrians and traffic given the proposed driveway to be formed opposite Highgrove Close;
- Conflicts with Policies E2, E3, E7 and F1 of the NWLDC Local Plan and NPPF advice;
- Development would set a precedent for loss of similar open spaces within the area;
- Development would increase the potential for flooding in the surrounding area;
- Would restrict access for maintenance to the rear of garage at 15 Clarence Drive;
- Loss of value of surrounding properties;
- Plans not accurately drawn and do not contain the correct information required.

5. Relevant Planning Policy

National Planning Policy Framework (NPPF)

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The NPPF contains a number of references to the presumption in favour of sustainable development. It states that local planning authorities should:

- approve development proposals that accord with statutory plans without delay; and
- grant permission where the plan is absent, silent or where relevant policies are out of date unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

The NPPF (Para 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.

Adopted North West Leicestershire Local Plan (2002)

The following saved policies of the North West Leicestershire Local Plan are considered to be in compliance with the requirements of the National Planning Policy Framework and are therefore afforded weight in the determination of this application.

Policy S2 (Limits to Development) sets out that development will be permitted on allocated sites and other land within the Limits to Development, where it complies with the policies of this Local Plan.

Policy E2 (Amenity Open Space) seeks to ensure that development provides for satisfactory landscaped amenity open space and secures the retention of important natural features, such as trees.

Policy E3 (Residential Amenity) seeks to prevent development, which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings, and presumes against residential development where the amenities of future occupiers would be adversely

affected by the effects of existing nearby uses.

Policy E4 (Design) indicates that in the determination of planning applications regard will be had to the wider settings of new buildings; new development should respect the character of its surrounding, in terms of scale, design, height, massing, materials of construction, the spaces between and around buildings and the street scene generally.

Policy E7 (Landscaping) seeks to provide appropriate landscaping in association with new development.

Policy T3 (Highways) requires development to make adequate provision for vehicular access, circulation and servicing arrangements.

Policy T8 (Parking) sets out the criteria for the provision of parking associated with development. In relation to car parking standards for dwellings, an average of 1.5 spaces off-street car parking spaces per dwelling will be sought.

Pre-Submission Core Strategy April 2012

The District Council considered its draft Core Strategy at its meeting of 24 April 2012. The Council resolved to approve the draft Core Strategy, agreed to the publication of the Core Strategy Development Plan Document, and delegated authority to officers to make minor changes to the Core Strategy following consultation and submit the amended document to the Secretary of State. The following draft Core Strategy policies are considered relevant, and, given the stage reached in the evolution of the Strategy, such policies may be afforded some weight.

Policy CS32 provides that new development should contribute to the protection and improvement of the natural environment.

Other Guidance

6C's Design Guide (Highways, Transportation and Development) - Leicestershire County Council

Paragraphs 3.171-3.176 set out the County Council's guidance in relation to parking standards for residential development. This document also provides further info in relation to motor cycle/cycle parking, the design of on/off-street parking and other highway safety/design matters.

6. Assessment

Principle

The subject strip of land is a section of land that is 'fenced off' outside of the formal rear garden area belonging to the application dwelling. The land is considered to be informal open space and is not protected by a Section 106 Legal Agreement as public open space. The site is located within the Limits to Development as set out on the Proposals Map to the Local Plan where the principle of development is considered acceptable subject to impacts upon design, residential amenity, highway safety and any other material considerations.

Residential Amenity and Design

Consideration has been given to the impact of the proposed change of use of land to garden on surrounding residential properties, given the representations received from members of the public.

It is considered that the development would not set an unacceptable precedent in terms of design or loss of open space, and any further applications proposing similar works would be

judged on their individual merits. Pre-application advice was sought by the applicant prior to submission of a planning application. The original scheme submitted by the applicant, proposed to change the use of the entire strip of open land, and reposition the 1.8 metre high fence immediately next to the public footpath. The applicant was advised by the Officers that this would represent an unacceptable proposal, given that it would create an oppressive environment to users of the footpath between Clarence Drive and Sunningdale Road, and would lead to an unacceptable loss of the informal landscaped area.

It is considered that this application would not create an oppressive environment for users of the public footpath running between Clarence Drive and Sunningdale Road given that the proposed fence would now be set back from the footpath by a minimum distance of 2.5 metres following the submission of amended plans. This distance increases to 3.3 metres, given the meandering nature of the footpath. The proposed driveway would cover 9.6 metres in length at the front of the proposed strip of land adjacent to Sunningdale Road, and given no new fencing is proposed around this part of the site, it is considered that the subject strip of land would retain an open feel, and would not be oppressive to any neighbours or people using the footpath. As such, this submitted scheme represents an improved scheme from that originally proposed.

The low level post and rail fencing that runs alongside the footpath between Sunningdale Road and Clarence Drive would be retained as part of this application. The same low level fencing that fronts onto Sunningdale Road would be removed in part to allow for the proposed driveway. Given this existing low level fencing around the existing strip of open space, it is considered that this proposal would not represent a significant change in the appearance of this land or the way it is used. Although some of the landscaping and shrubs on site would be removed, it is considered not to be of significant amenity value, and a planning condition is recommended to ensure that appropriate planting and landscaping is provided within the retained landscaping area. No trees would be lost as part of this proposal.

With regard to the plans received with this application, the Location Plan submitted shows the application site edged clearly with a red line, including all land necessary to carry out the proposed development. An amended plan has been received to show the extent of the proposed development which is drawn accurately and to a recommended scale. As this plan shows the proposed development and includes critical measurements, it is considered to be acceptable for the purposes of determining this application.

It is considered that the proposed 1.8 metre high close boarded fence would not have a significant detrimental impact on residential amenity given that it would be the same height as the existing boundary fence, and would a significant distance away from any neighbouring properties with an outlook towards the site. The close boarded fence is considered to be acceptable and would be in keeping with boundary treatments elsewhere on the estate, and matches the style of the fencing on the opposite side of the public footpath, alongside No.8 Sunningdale Road. The area will maintain an open feel and it is therefore considered that the development would not have a significant impact on the visual amenities of the surrounding area.

The loss of access for maintenance purposes of neighbouring properties and the loss of value of neighbouring properties are not material planning considerations.

Taking the above matters into account it is considered that the proposed development is acceptable in relation to Policies E2 (Open Space Amenity), E3 (Residential Amenity), E4 (Design) and E7 (Landscaping) of the Local Plan.

Highway Safety

The County Highway Authority has been consulted and raise no objection to this application. It is considered that an adequate level of on-street parking will remain along Sunningdale Road, and the relationship between the proposed driveway and the entrance to Highgrove Close is replicated elsewhere within this estate. It was suggested in their consultation response that a smaller fence along the footpath between Clarence Drive and Sunningdale Road would have an improved impact on pedestrian safety, in terms of visibility and openness. Following discussions with an officer from the County Highway Authority, and given that the proposed fencing adjacent to Sunningdale Road would be of a low level, it is considered the visibility for pedestrians along the footpath would remain at an acceptable level. As such it is considered that this application would not have a significant detrimental impact upon pedestrian safety, traffic or parking, and the proposal is deemed to comply with Policies T3 (Highways) and T8 (Parking) in the Local Plan and advice contained in the County Council's HTD document.

Other Matters

It is considered that the proposal would not increase the risk of flooding, or increase surface water run-off from the site. It is considered that any potential increase in surface water run-off from the proposed driveway can be dealt with by way of a condition being imposed on any planning permission. Severn Trent Water did not raise any objection to this application, subject to the informative recommended below. As such it is considered that the application would have an acceptable impact in terms of surface water run-off.

A letter of objection received has raised issues regarding compliance with Policy F1 of the North West Leicestershire Local Plan. This policy relates to new development and is not considered to be directly relevant to this proposed change of use application. In any case, a landscaping condition is recommended to ensure an appropriate level of planting.

Summary Reasons for Granting Planning Permission

The proposal is considered not to affect residential amenity or have any significant detrimental design impacts. The proposal would not create any highway safety issues. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the Local Plan, in this case S2 (Limits to Development), E2 (Amenity Open Space), E3 (Residential Amenity), E4 (Design), E7 (Landscaping), T3 (Highways) and T8 (Parking). It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to the following conditions;

- 1 The development shall be begun before the expiration of three years from the date of this permission.

Reason- to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The proposed development shall be carried out strictly in accordance with the following plans;
 - Garden Alterations - Drawing No. 1307/01, deposited with the Local Planning Authority on 19/02/2013;
 - Location Plan (Title number - LT350785 at 1:1250), deposited with the Local Planning Authority on 19/02/2013;

- Existing Plan - Scale 1:200, deposited with the Local Planning Authority on 19/02/2013;
- Landscaping/Site Information and Specification, deposited with the Local Planning Authority on 19/02/2013.

Reason- To determine the scope of this permission.

- 3 The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing with the Local Planning Authority.

Reason- to ensure a satisfactory standard of external appearance.

- 4 The proposed hard surface shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

Reason- to ensure there is no increase in surface water run-off from the site.

- 5 Prior to the first use of the new vehicular access, the driveway shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.

Reason - To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)

- 6 Before first use of the garden land hereby approved details of landscaping for the site, including details of any existing trees and vegetation to be retained, shall first be submitted to and agreed in writing by the Local Planning Authority. The approved landscaping scheme shall be provided in the first planting and seeding season following the first use of the development hereby approved unless an alternative implementation programme is first agreed in writing with the Local Planning Authority.

Reason- to ensure satisfactory landscaping is provided within a reasonable period and in the interests of visual amenity.

- 7 Any tree or shrub which may die, be removed or become seriously damaged shall be replaced in the first available planting season thereafter and during a period of 5 years from the first implementation of the approved landscaping scheme or relevant phase of the scheme, unless a variation to the landscaping scheme is agreed in writing with the Local Planning Authority.

Reason- to provide a reasonable period for the replacement of any trees.

- 8 Before first use of the garden land hereby approved a 1.8 metre high close boarded fence shall be erected on the boundary of the site as shown on Drawing No. 1307/01 - Garden Alterations, and thereafter be so retained.

Reason- in the interests of visual amenity.

Summary Reasons for Granting Planning Permission

North West Leicestershire District Council's decision to grant planning permission in this instance arose following careful consideration of the relevant provisions of the Development Plan and all other relevant material considerations. The following policies of the North West Leicestershire Local Plan are consistent with the policies in the National Planning Policy Framework and should be afforded weight in the determination of this application:

North West Leicestershire Local Plan

Policy S2 (Limits to Development)

Policy E2 (Open Space Amenity)

Policy E3 (Residential Amenities)

Policy E4 (Design)

Policy E7 (Landscaping)

Policy T3 (Highways)

Policy T8 (Parking)

Other Policies

6C's Design Guide (Highways, Transportation and Development) - Leicestershire County Council

Reasons:

The proposal is considered not to affect residential amenity or have any significant detrimental design impacts. The proposal would not create any highway safety issues. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the Local Plan, in this case S2 (Limits to Development), E2 (Amenity Open Space), E3 (Residential Amenity), E4 (Design), E7 (Landscaping), T3 (Highways) and T8 (Parking). It is therefore recommended that the application be permitted.

Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).
- 2 Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent to discuss your proposals. Severn Trent will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.
- 3 The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

- Collapse of shallow coal mine workings.

- Collapse of, or risk of entry into, mine entries (shafts and adits).
- Gas emissions from coal mines including methane and carbon dioxide.
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

- 4 This application to change the use of the landscaped area, as shown within the red line on the submitted plans, does not authorise the change of use of the land up to the

PLANNING APPLICATIONS- SECTION A

footpath running between Sunningdale Road and Clarence Drive, as shown within the blue line of the submitted plans. This area shown in blue shall be retained in full as a landscaped area, and should not be used as part of the residential curtilage.

Retention of single-storey outbuilding

**Report Item No
A4**

Moira Post Office 38 Ashby Road Moira Swadlincote

**Application Reference
12/01034/FUL**

**Applicant:
Mr S Sohal**

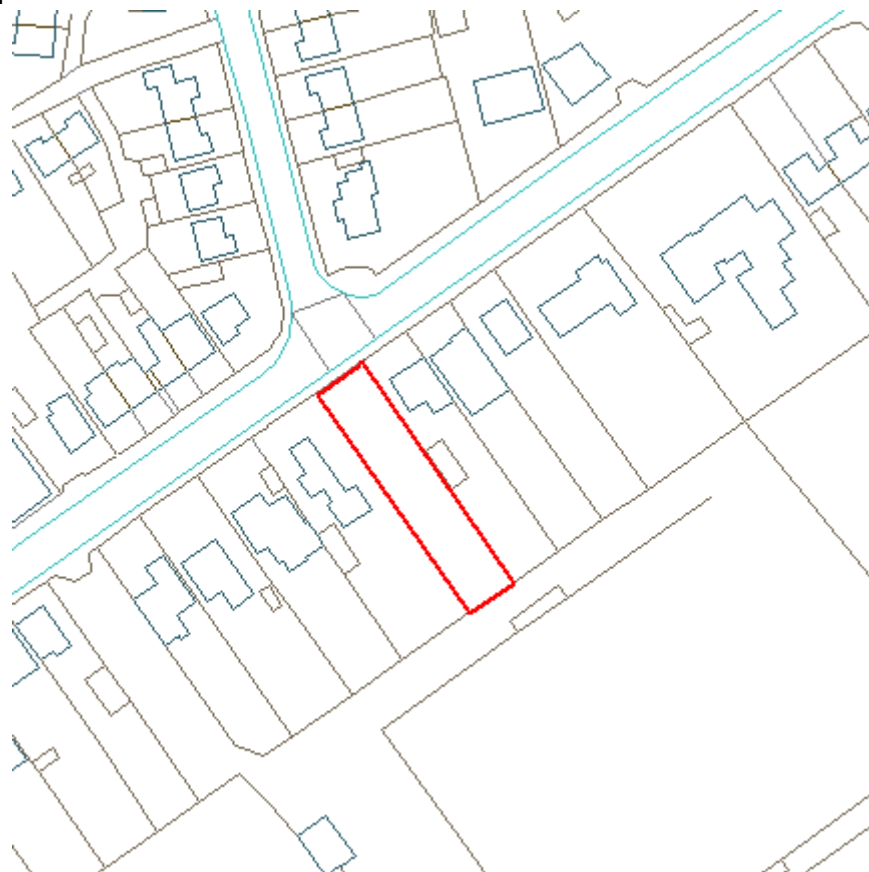
**Date Registered
14 December 2012**

**Case Officer:
Jenny Davies**

**Target Decision Date
8 February 2013**

**Recommendation:
PERMIT**

Site Location



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ITEM A4 – EXECUTIVE SUMMARY

Call In

This application is called to Planning Committee at the request of Councillor Jones on the grounds of the scale and design of the building and impact on the adjacent football club.

Proposal

Planning permission is sought for the retention of a single storey outbuilding at Moira Post Office, 38 Ashby Road, Moira. The outbuilding will have a rectangular footprint and will be sited at the south eastern end of the garden to No. 38. The applicant has advised that the building will be used for storage.

Consultations

Members will see from the main report below that five letters of objection from local residents and Moira United Football Club have been received. An objection has been received from Ashby Woulds Town Council in relation to visual amenity, the size, layout, design and appearance of the outbuilding and its proposed use. The matters raised in these representations are dealt with in more detail in the main report below. No objections have been received from any other statutory consultees.

Planning Policy

The application site is within the Limits to Development as defined in the adopted North West Leicestershire Local Plan. The recently published National Planning Policy Framework sets out national guidance on such proposals.

Conclusion

The application has been dealt with on the basis of the building being used for storage in connection with the existing dwelling/Post Office, which is acceptable in principle on this site which lies within Limits to Development. It is considered that the proposal will not be so significantly detrimental to the character and visual amenities of the surrounding area to justify a reason for refusal. The building will not result in significant detriment to the amenities of occupiers of nearby dwellings from direct overlooking, overshadowing or creation of an oppressive environment. The proposal is unlikely to increase the levels of noise and disturbance to nearby dwellings and is unlikely to significantly impact on highway safety. It can be ascertained that the proposal will not, either alone or in combination with other plans or projects, 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. A reason for refusal based on impact on the nearby poplar tree 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 -PLANNING PERMISSION BE GRANTED subject to conditions:

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

ITEM A4 - MAIN REPORT

1. Proposals and Background

This application is called to Planning Committee at the request of Councillor Jones on the grounds of the scale and design of the building and impact on the adjacent football club.

Permission is sought for the retention of a single storey outbuilding at Moira Post Office, 38 Ashby Road, Moira. The outbuilding will have a rectangular footprint and will be sited at the south eastern end of the garden to No. 38, approximately 1.02 metres from the garden's rear boundary with the adjacent football ground. The building will measure 6.09 metres deep by 8.9 metres wide by 3.9 metres to the ridge and will contain two windows and a door in its front elevation and one window in its rear elevation. The applicant has advised that the building will be used for storage.

Work has started on the outbuilding but following the opening of an enforcement investigation (12/00207/UD) work appears to have ceased.

Planning history from 2001 onwards:

- two-storey and single storey rear extension to form habitable accommodation for dwelling and extension to internal floorspace of post office (Revised Scheme) (11/00843/FUL) approved November 2011;
- two-storey and single storey rear extension to form habitable accommodation for dwelling and extension to internal floorspace of post office (11/00556/FUL) refused September 2011;
- installation of replacement shop front (04/01872/FUL) approved January 2005.

2. Publicity

5 neighbours have been notified (Date of last notification 7 January 2013)

3. Consultations

Ashby Woulds Town Council consulted 27 December 2012

North West Leicestershire District Council - Enforcement consulted 27 December 2012

4. Summary of Representations Received

The following summary of representations is provided. Members will note that full copies of correspondence received are available on the planning file.

Ashby Woulds Town Council objects on the grounds of visual amenity and the size, layout, design and appearance of the outbuilding and is concerned about the proposed use of the building.

Third Party Representations

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

- size, design and position of building is out of keeping with nearby properties;
- overlooking/loss of privacy;
- trees in close proximity to the building which could be damaged;
- insufficient parking;
- concerns about what will be stored in the building and fire precautions if inflammable liquid/materials are stored;
- queries as to why windows/doors needed and building built with cavity walls, facing bricks and insulation blocks if to only be used for storage;
- queries about size of building and why it needs a pitched roof;

- building is large enough to be lived in and could easily be used as a dwelling;
- storm water run-off cannot be dealt with by water butts and the ground is dense yellow clay so soakaways cannot be used;
- impact on property values;
- what precautions will be taken to prevent the breaking of the rear window as it faces the football ground;
- damage is likely to occur to the concrete roof tiles as the building is close to the football ground;
- Moira United Football Club should not be liable for any damage to the building from use of the football pitch and this should be included in any planning permission;
- errors on the application form;
- did not have planning permission before work was started.

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The NPPF contains a number of references to the presumption in favour of sustainable development. It states that local planning authorities should:

- approve development proposals that accord with statutory plans without delay; and
- grant permission where the plan is absent, silent or where relevant policies are out of date unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

Paragraph 17 sets out the 12 key principles that should underpin plan-making and decision-taking, which include:

- always seek to secure high quality design and a good standard of amenity;
- support the transition to a low carbon future in a changing climate;
- contribute to conserving and enhancing the natural environment and reducing pollution;
- take account of and support local strategies to improve health, social and cultural wellbeing.

Paragraph 119 states that 'The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.'

The NPPF (Para 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 sections of the NPPF that are relevant to this application are:

- 7 - Requiring Good Design;
- 8 - Promoting Healthy Communities;
- 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change;
- 11 - Conserving and Enhancing the Natural Environment.

The following policies of the development plan are consistent with the policies in the NPPF and should be afforded weight in the determination of this application:

East Midlands Regional Plan (RSS8):

The Government has stated that it intends to revoke all Regional Spatial Strategies. The Secretary of State for Communities and Local Government issued a statement on 6 July 2010 revoking all Regional Spatial Strategies. This was subsequently challenged in the High Court and the decision quashed. As such, therefore, the Regional Spatial Strategy was reinstated.

The Secretary of State issued a further letter in light of the decision of the High Court, in which he said that it was still the Government's intention to abolish Regional Spatial Strategies as part of the Localism Bill and that local planning authorities should continue to have regard to his letter of 27 May 2010 (in which he announced his intention to revoke Regional Spatial Strategies) as a material consideration in making decisions. This was subject to a further legal challenge. In this instance the High Court dismissed the appeal and so the proposed revocation of the Regional Spatial Strategy is a potential material consideration. Also, the Localism Act 2011 includes the proposed power to abolish Regional Spatial Strategies as intended.

Until such time that the plan is abolished however limited weight is still applied to the following policies:

Policy 2 seeks to improve continuously the layout, design and construction of new development.

Policy 26 seeks to ensure that sustainable development should ensure the protection, appropriate management and enhancement of the Region's natural and cultural heritage, including that neither direct nor indirect damage to Natura 2000 sites (of which the SAC is one) will be permitted.

Policy 32 sets out the regional approach to water resources and water quality that local Authorities, developers, water companies, the Environment Agency and other relevant public bodies should work together towards.

Policy 35 sets out the regional approach to managing flood risk.

Policy 48 states that Local Planning Authorities should apply the maximum amounts of vehicle parking for new development as set out in PPG13. Parking in excess of these standards should only be provided in exceptional circumstances.

Adopted North West Leicestershire Local Plan (August 2002):

The following saved policies of the North West Leicestershire Local Plan are considered to be in compliance with the requirements of the National Planning Policy Framework and are therefore afforded weight in the determination of this application.

Policy S1 sets out 13 criteria which form the strategy for the adopted Local Plan.

Policy S2 states that development will be permitted on allocated sites and other land within the Limits to Development where it complies with the policies of the Local Plan.

Policy E2 seeks to ensure that development provides for satisfactory landscaped amenity open space and secures the retention of important natural features, such as trees.

Policy E3 seeks to prevent development which would be significantly detrimental to the

amenities enjoyed by the occupiers of nearby dwellings.

Policy E4 seeks to achieve good design in new development.

Policy E7 seeks to provide appropriate landscaping in association with new development.

Policy F1 requires new development within the National Forest to reflect the importance of its setting.

Policy F2 sets out the criteria for maximising the potential for landscaping/planting as set out under Policy F1.

Policy F3 sets out the measures that will be used to secure landscaping/planting within the National Forest.

Policy T3 requires development to make adequate provision for vehicular access and circulation and servicing arrangements.

Policy T8 sets out the criteria for the provision of parking associated with development.

Pre-Submission Core Strategy

The District Council considered its Pre-Submission Core Strategy at its meeting of 24 April 2012. The Council resolved to approve the Pre-Submission Core Strategy, agreed to the publication of the Core Strategy Development Plan Document and delegated authority to officers to make minor changes to the Core Strategy following consultation and submit the amended document to the Secretary of State. The following Pre-Submission Core Strategy policies are considered relevant and are afforded (albeit limited) weight in the determination of this application:

Policy CS21 provides that all new development will have to demonstrate how it satisfies the Council's place-making principles.

Policy CS23 requires new development to maximise the efficient use of existing transport facilities in the district as it looks to a lower carbon future.

Policy CS24 requires new development to minimise carbon dioxide and other greenhouse gas emissions.

Policy CS26 provides that new development will be directed towards areas at the lowest risk of flooding within the District.

Policy CS28 advises that the Strategic Green Infrastructure Network, which includes the National Forest, will be protected and enhanced.

Policy CS30 sets out the priorities for the National Forest and that landscaping will be required.

Policy CS32 provides that new development should contribute to the protection and improvement of the natural environment.

Policy CS33 sets out the criteria for new development in the catchment area of the River Mease Special Area of Conservation.

Policy CS42 sets out the proposed development strategy for the Rural Area.

Other Guidance

The Conservation (Natural Habitats &c.) Regulations 2010

The 'Habitats Regulations' provide for the protection of 'European sites', which include Special Areas of Conservation (SACs).

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

Circular 06/05 sets out the procedures that local planning authorities should follow when considering applications within internationally designated sites and advises that they 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. The Circular sets out a flow chart for the consideration of development proposals potentially affecting European sites.

River Mease Water Quality Management Plan - August 2011

This plan draws together all existing knowledge and work being carried out within the SAC catchment, along with new actions and innovations that will work towards the long term goal of the achievement of the Conservation Objectives for the SAC and bringing the SAC back into favourable condition.

6. Assessment

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

Principle of development

Concerns have been raised that the outbuilding will be used as a dwelling, due to its scale, the means of construction (facing bricks, insulation blocks, cavity walls) and the installation of doors and windows. The Authority can only deal with applications on the basis of the information submitted and there is no evidence within the application or on site that the building will be used as a dwelling. The means of construction and inclusion of doors/windows does not automatically mean that the building will be used as a dwelling. A condition can be imposed requiring the garage to be used solely for storage connected to the use of No. 38 Ashby Road and/or the Post Office and the Authority has the powers to investigate any future alternative use of the building. Therefore the application has been dealt with on the basis of the building being used for storage in connection with the existing dwelling/Post Office, which is acceptable in principle on this site which is within the limits to development as set out in the adopted North West Leicestershire Local Plan and which is currently used as a dwelling and Post Office.

Design and Visual Impact

The building will be larger than many outbuildings/garages/sheds typically found in rear gardens. However, both the adjacent properties have large garages/outbuildings in their rear gardens, albeit in different positions and with slightly smaller footprints.

The outbuilding will be positioned at least 23 metres from the rear of No. 38 Ashby Road, at the end of its rear garden. The nearest dwelling (No. 36 Ashby Road) will be 22 metres away, although the outbuilding will be sited just over one metre from the boundaries with Nos. 36 and 40 Ashby Road. No. 38 has a large rear garden, as do the adjacent properties and other nearby dwellings on this side of Ashby Road. The building will have a pitched roof but this will be at a shallow pitch of 22 degrees.

There will be limited views of the building from the street due to its position and the screening provided by existing and adjacent dwellings. The building will be visible from the football ground to the rear of the site but will be seen against the backdrop of the existing dwellings and will be partly screened by the existing rear boundary wall. The materials are acceptable as there is a mix of materials used in buildings in the surrounding area. On this basis it is considered that the proposal will not be so significantly detrimental to the character and visual amenities of the surrounding area to justify a reason for refusal.

Impact on Residential Amenities

Both adjacent properties (Nos. 36 and 40 Ashby Road) have windows in their rear elevations serving habitable rooms, as do other nearby dwellings. The outbuilding will be single storey and sited over 22 metres from the rear of No. 36, at least 31 metres from the rear of No. 40 (with No. 40's garage in-between) and approximately 27 metres from the rear of No. 42, which exceed the guidelines for back-to-back distances between dwellings. The building will be sited just over one metre from the rear gardens to Nos. 36 and 40. However some screening is provided by the existing boundary fences, the outbuilding is adjacent to the rear parts of these gardens and the gardens are both large in size. The front windows/doors are at ground floor and no side windows or front rooflights are proposed. A condition could be imposed removing permitted development rights from the building to prevent future alterations/extensions that could impact on the occupiers of the adjacent dwellings. Given these circumstances it is considered that the building will not result in significant detriment to the amenities of occupiers of nearby dwellings from direct overlooking, overshadowing or creation of an oppressive environment.

The proposal is unlikely to increase the levels of noise and disturbance to nearby dwellings as there is no vehicular access to the rear of the property and the storage use would be undertaken in connection with the existing Post Office/residential use of the site.

River Mease Special Area of Conservation

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 national planning guidance in the NPPF. 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 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 will have a significant effect on the SAC is required.

The proposal will not increase the level of occupancy of the property with which it will be associated as it will be used for storage. Surface water would need to discharge to soakaway or another alternative sustainable drainage system to ensure that unnecessary water volume does not go to the sewage treatment plant and this can be required by condition.

Therefore it can be ascertained that the proposal will not, either alone or in combination with other plans or projects, 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.

Other Matters

Three mature poplar trees are located within the rear garden to No. 40 Ashby Road, with one being located approximately two metres from the outbuilding, so it is possible that its canopy

could extend over the outbuilding and the health of this tree could have been affected by the works that have already taken place and there could be a conflict with the tree if the building is completed. However it is considered unlikely that the trees would be worthy of a Tree Preservation Order and therefore it is considered that a reason for refusal based on impact on the tree could not be justified.

Given that the building will be used for storage ancillary to No. 38 Ashby Road and the Post Office there is no requirement for any additional parking to be provided.

Although there are some errors on the application forms, the matters relating to trees have been considered above and the Authority is aware that the building has been started without planning permission.

In response to the concerns raised in the letter of objection that are not covered above, impact on property values and fire precautions are not planning matters that can be taken into account in the determination of this application. There is nothing within the application or on site that indicates that inflammable materials/liquids will be stored within the building. However separate legislation is available to deal with this matter.

The potential for damage of the rear window and roof tiles from use of the adjacent football ground is also not a planning matter and would be a civil matter should such a scenario occur. Therefore a clause cannot be included, should permission be granted, stating that the football club will not be liable for any damage to the building from the playing of football. The applicant's agent has been made aware of the football club's concerns in respect of this matter.

Summary Reasons for Granting Planning Permission

The application has been dealt with on the basis of the building being used for storage in connection with the existing dwelling/Post Office, which is acceptable in principle on this site which lies within Limits to Development. It is considered that the proposal will not be so significantly detrimental to the character and visual amenities of the surrounding area to justify a reason for refusal. The building will not result in significant detriment to the amenities of occupiers of nearby dwellings from direct overlooking, overshadowing or creation of an oppressive environment. The proposal is unlikely to increase the levels of noise and disturbance to nearby dwellings and is unlikely to significantly impact on highway safety. It can be ascertained that the proposal will not, either alone or in combination with other plans or projects, 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. A reason for refusal based on impact on the nearby poplar tree 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 condition(s):

- 1 The development shall be carried out strictly in accordance with Drawing No. 12/275/F01 Revision A (Proposed Plans, Section and Elevations) received by the Local Planning Authority on 14 December 2012, unless otherwise required by a condition of this permission:

Reason- To determine the scope of this permission.

- 2 The external materials to be used in the development hereby permitted shall be in strict

accordance with those specified in the application unless alternative materials are first agreed in writing with the Local Planning Authority.

Reason- to ensure a satisfactory standard of external appearance.

- 3 Unless within 56 days of the date of this decision a scheme for the means of drainage for surface water run-off from the outbuilding to soakaway, or another alternative sustainable drainage system so that the surface water does not enter the mains sewer system, is submitted to the Local Planning Authority for approval in writing, and unless the agreed scheme is implemented within 56 days of the Local Planning Authority's approval, no further development in relation to the outbuilding shall take place until such time as a scheme for surface water run-off is agreed in writing by the Authority and provided in full on site. The agreed scheme shall thereafter be so retained.

Reason: to prevent an adverse impact on the River Mease Special Area of Conservation; to ensure a sustainable drainage system is provided on the site.

- 4 The outbuilding hereby approved shall be used only for storage required in connection with use of No. 38 Ashby Road (including the Post Office), Moira and shall not be used or occupied independently.

Reason- any other use could have adverse impacts in relation to highway safety, the River Mease Special Area of Conservation and residential amenities.

- 5 Notwithstanding the provisions of Part 1 (Class E) of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the outbuilding hereby permitted shall not be enlarged, improved or altered unless planning permission has first been granted by the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain control over future development in view of the form of the development proposed and its location close to nearby dwellings.

Summary Reasons for Granting Planning Permission

North West Leicestershire District Council's decision to grant planning permission in this instance arose following careful consideration of the relevant provisions of the Development Plan and all other relevant material considerations. Of particular relevance to this decision was central government advice contained within the NPPF and Circular 06/05 and the following policies of the North West Leicestershire Local Plan:

- Policy S1 - Overall Strategy
- Policy S2 - Limits to Development
- Policy E2 - Landscaped Amenity Open Space
- Policy E3 - Residential Amenities
- Policy E4 - Design
- Policy E7 - Landscaping
- Policy F1 - National Forest - General Policy
- Policy F2 - Tree Planting
- Policy F3 - Landscaping & Planting
- Policy T3 - Highway Standards
- Policy T8 - Parking

Reasons

The application has been dealt with on the basis of the building being used for storage in connection with the existing dwelling/Post Office, which is acceptable in principle on this site which lies within Limits to Development. It is considered that the proposal will not be so significantly detrimental to the character and visual amenities of the surrounding area to justify a reason for refusal. The building will not result in significant detriment to the amenities of occupiers of nearby dwellings from direct overlooking, overshadowing or creation of an oppressive environment. The proposal is unlikely to increase the levels of noise and disturbance to nearby dwellings and is unlikely to significantly impact on highway safety. It can be ascertained that the proposal will not, either alone or in combination with other plans or projects, 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. A reason for refusal based on impact on the nearby poplar tree could not be justified. There are no other relevant material planning considerations that indicate planning permission should not be granted.

Notes to applicant

1 The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

- Collapse of shallow coal mine workings.
- Collapse of, or risk of entry into, mine entries (shafts and adits).
- Gas emissions from coal mines including methane and carbon dioxide.
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

- 2 Written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £28 per request. Please contact the Local Planning Authority on 01530 454666 for further details.

**Erection of an 18.29M amateur radio mast within rear garden
area**

**Report Item No
A5**

17A Langley Drive Kegworth Derby Leicestershire

**Application Reference
13/00013/FUL**

**Applicant:
Mr & Mrs Trevor Pendleton**

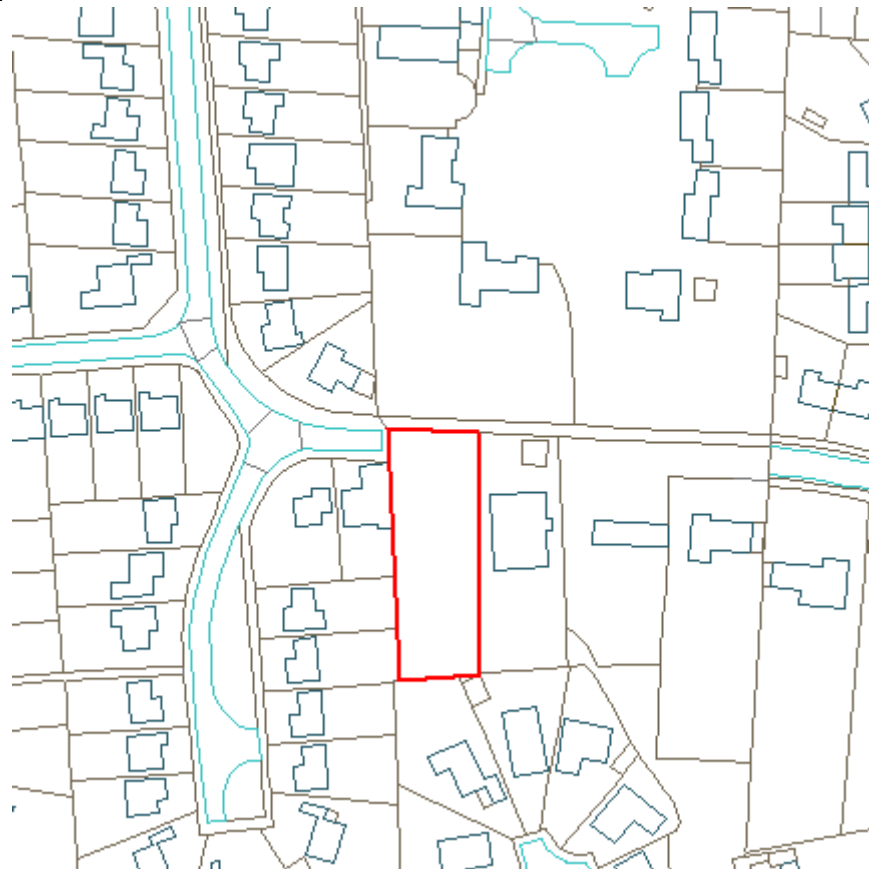
**Date Registered
7 January 2013**

**Case Officer:
Adam Mellor**

**Target Decision Date
4 March 2013**

**Recommendation:
PERMIT**

Site Location



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ITEM A5 - EXECUTIVE SUMMARY

Call In

This application is brought to the Planning Committee as the application property is inhabited by Councillor Trevor Pendleton.

Proposal

Planning permission is sought for the erection of an amateur radio mast which would be situated 16.9 metres from the southern (rear) elevation of 17A Langley Drive. The mast would consist of a triangular lattice tower to a height of 8.0 metres with additional extension rods which could increase its height to a maximum of 18.29 metres. An antenna would then be installed on top of the mast which would have a boom length of 7.32 metres and four individual antennas with lengths of 9.77 metres.

Consultations

Five letters of representation have been received from the occupants of Nos. 22, 23 and 25 Langley Drive and Nos. 8 and 9 Foxhills. Kegworth Parish Council, the County Highways Authority, the Council's Environmental Health team have no objections.

Planning Policy

The development would comply with Policies S2 (Limits to Development); E3 (Residential Amenities); E4 (Design); T3 (Highway Standards) of the North West Leicestershire Local Plan.

Conclusion

The site is situated within the defined limits to development where the principle of this form of development is acceptable. Given the revised position of the mast and antenna, its association with mature vegetation and the respective distances to the habitable areas of the neighbouring properties it is considered that the development would not have a sufficiently detrimental impact on the occupants' outlook and as such would not conflict with the principles of Policy E3 of the Local Plan. In terms of the impacts of the development on the character and appearance of the surrounding area it is considered that the mast in its retracted state would not have a significant impact given the presence of mature vegetation and the variation in the heights of dwellings. Although when utilised at its optimum working height, or full height, the mast and antenna would become more prominent it is considered that its implications to the appearance of the surrounding area would not be sufficiently detrimental given that mature vegetation exists outside the application site, the presence of other street furniture and the massing of the structure at its extended height, on this basis the development would accord with the principles of Policy E4 of the Local Plan. There would be no adverse impact on highway safety and as such the development would accord with Policy T3 of the Local Plan. The development therefore accords with the planning policies stated above.

RECOMMENDATION - APPROVE SUBJECT TO CONDITIONS AND THE RECEIPT OF NO CONTRARY OBSERVATIONS FROM EAST MIDLANDS AIRPORT SAFEGUARDING.

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.

ITEM A5 - MAIN REPORT**1. Proposals and Background**

Permission is sought for the erection of an 18.29 metre amateur radio mast within the rear garden area. No. 17A is a single storey detached property served off a private access drive from Langley Drive, which also serves No. 17B, which is situated to the east of Langley Drive. An existing vehicular access to the property provides off-street car parking and access to a detached garage and car port. The site is situated within the defined limits to development, as identified in the North West Leicestershire Local Plan, and the surrounding area is predominately residential with properties varying in their type and design.

An amateur radio mast was originally proposed as part of planning application reference 12/00687/FUL, which was approved at the planning committee of the 2nd October 2012, however following concerns raised by neighbours the amateur radio mast element of the proposal was removed.

It is now proposed that the base of the amateur radio mast would be situated 16.9 metres from the southern (rear) elevation of 17A Langley Drive, 16.1 metres from the rear boundary of the site with No. 8 Foxhills and 9.1 metres from the eastern (side) boundary of the site with No. 17B Langley Drive. The mast itself would consist of a triangular open lattice tower to a height of 8.0 metres with additional extension rods which would increase the height of the mast to either 15.0 metres (optimum working height) or 18.29 metres (maximum height). The main boom which holds the antenna would be 7.32 metres in length with a thickness of 0.05 metres in diameter and the 4 individual antennas would be 9.77 metres in length consisting of 0.025 metre alloy tubes tapering to 0.006 metre diameter at the outer sections. The antenna would fit within a radius of 6.1 metres.

No additional planning history was found.

2. Publicity

10 neighbours have been notified (Date of last notification 7 January 2013)

Site Notice displayed 16 January 2013

3. Consultations

Kegworth Parish Council consulted 7 January 2013

Leicestershire County Council Highway Authority consulted 11 January 2013

Head of Environmental Protection consulted 11 January 2013

Airport Safeguarding consulted 11 January 2013

4. Summary of Representations Received

The following summary of representations is provided. Members will note that full copies of correspondence received are available on the planning file.

East Midlands Airport Safeguarding no representation received to date.

Kegworth Parish Council has stated the following: "Kegworth Parish Council has no objections to this planning application. However, it wondered whether there could be a limit on the number of times the tower was raised?"

Leicestershire County Council - Highways has no comments.

North West Leicestershire District Council - Environmental Protection has no objections.

Third Party Representations

Five letters of representation to the development have been received from the occupants of Nos. 22, 23 and 25 Langley Drive and Nos. 8 and 9 Foxhills who object to the application on the following grounds: -

- "height of the tower would be out of keeping with area;"
- "conflict with the operations of the airport;"
- "loss of the enjoyment of my property;"
- "interference with electrical appliances;"
- "impact on property values;"
- "visibility of structure from habitable room windows in my property;"

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The NPPF contains a number of references to the presumption in favour of sustainable development. It states that local planning authorities should:

- approve development proposals that accord with statutory plans without delay; and
- grant permission where the plan is absent, silent or where relevant policies are out of date unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

The NPPF (Para 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 policies of the North West Leicestershire Local Plan are consistent with the policies in the NPPF and should be afforded weight in the determination of this application:

North West Leicestershire Local Plan

Policy S2 of the Local Plan provides that development will be permitted on allocated sites and other land within the Limits to Development, identified on the Proposals Map, where it complies with the policies of the Local Plan;

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings;

Policy E4 seeks to achieve good design in new development and requires new development to respect the character of its surroundings;

Policy T3 requires development to make adequate provision for vehicular access, circulation and servicing arrangements.

Pre-Submission Core Strategy April 2012

The District Council considered its draft Core Strategy at its meeting of 24 April 2012. The Council resolved to approve the draft Core Strategy, agreed to the publication of the Core Strategy Development Plan Document, and delegated authority to officers to make minor changes to the Core Strategy following consultation and submit the amended document to the Secretary of State. The following draft Core Strategy policies are considered relevant: and, given the stage reached in the evolution of the Strategy, such policies may be afforded some weight.

There are no relevant policies which relate to this planning application.

6. Assessment

Residential Amenity

It is considered that the properties most immediately affected by the proposed development would be Nos. 17B, 19, 23 and 25 Langley Drive and Nos. 8 and 9 Foxhills.

Given the nature of the development it is considered that it would not lead to any considerable overbearing, overshadowing or overlooking impact on the amenities of neighbours and, on the basis that the Council's Environmental Health team have raised no objections, the development would not create any noise implications. In these circumstances the main consideration would relate to the visual impact of the mast.

In support of the application the agent has specified that the mast will *"remain at 8m permanently and used always at that height. Experience has shown that it rarely needs to be extended to 15m and hardly ever in 20 years at its previous location to 18m and only then when in actual use and which is usually at night."*

The rear residential amenity area of No. 17A contains numerous deciduous and evergreen trees of varying heights and these are mainly accumulated into the southern areas of the site although some do exist in close proximity to the eastern (side) boundary of the site with No. 17B. It is considered that in its retracted state the mast and antenna would only be viewable directly from habitable areas within the dwelling at No. 23, and to a lesser extent No. 25, with distances of 27.5 metres and 28.5 metres, respectively, existing between the rear elevations of these properties and the proposed mast. The western (side) boundary of No. 17A is dominated by mature trees which are mainly evergreen and given that additional planting to this boundary could be secured via a planning condition it is considered that the presence of these trees would assist in 'breaking up' the visual outline of the lattice mast and antenna to an extent that it would not have a sufficiently detrimental impact on the outlook from the neighbouring properties which would warrant a refusal of the application. Nos. 8 and 9 Foxhills are orientated so that any direct view out of the habitable windows of the dwelling would not be in the direction of the mast and antenna. A distance of 32.0 metres and 28.0 metres, respectively, exists between the rear elevations of these dwellings and the proposed mast and having visited these properties to view the mast in situ at No. 17A, which would reflect its height in the retracted state, it is considered that the presence of the trees would again assist in screening the development to an extent that the occupant's outlook would not be significantly affected. The front elevation of No. 22 would be at a distance of 62.0 metres from the mast and antenna which is considered sufficient in ensuring that the outlook from this dwelling would not be adversely affected.

Any views of the structure established from within the properties at Nos. 17B and 19 would be at an oblique angle and as such would not have an adverse impact on the occupants' amenities.

The presence of the trees within the site, as well as the provision of additional landscaping, would also ensure that the proposed mast, in its retracted state, would not have a sufficiently detrimental impact on the neighbouring properties outlook when utilising their private amenity areas.

Although when erected to its optimum working height, which on the basis of the information provided by the agent for the application would be infrequently, the mast and antenna would become more visible on the outlook from the neighbouring properties it is considered that the massing of the mast and antenna at this height would not be significant and given the context in which the structure would be viewed, i.e. its association with mature vegetation, roof-slopes and street furniture, the overall impacts would not be sufficiently detrimental as to warrant a refusal of the application. Appropriate conditions would be imposed on any grant of planning permission to ensure that the mast was retained in its retracted state when not in use.

Overall the proposal would not sufficiently conflict with the aims of Policy E3 as to warrant a refusal of the development.

Design

Although the lattice mast structure would have the appearance of an 'alien' structure within the rear residential amenity area to No. 17A its association with mature vegetation, as well as its detachment from the rear elevation of the dwelling, would ensure that it would not have a sufficiently detrimental impact on the character or appearance of the dwelling to warrant a refusal of the application. With regards to the character and appearance of the wider area it is considered that in its retracted state the mast and antenna would not be sufficiently prominent from the public domain given the placement of the structure within close proximity to mature vegetation. Although when erected to its optimum working height and full height the mast and antenna would become more visible their overall impacts on the character and appearance of the surrounding area and streetscape would not be sufficiently detrimental given the massing of the structure at this height, the presence of mature vegetation outside the application site, the heights of dwellings around the site and the presence of other street furniture such as lighting columns and telegraph poles. In these circumstances the development would not appear 'out of context' with the locality and given that a condition would be imposed on any consent to ensure that the mast was retracted when not in use the development, overall, would not conflict with the principles of Policy E4.

It is indicated that the mast would be maintained in a galvanised state and this colour is considered appropriate in reducing the visual implications of the development.

Highway Safety

The County Highways Authority has raised no objections and it is considered that the structure would not have an adverse impact on highway safety in accordance with Policy T3.

Other Matters

In terms of the issues raised which are not covered above the impact of a development on the value of a property is not a material planning consideration. In terms of the potential interference with other electrical appliances, it is noted that all amateur radio operators are licensed by the Home Office and as such are required, by wireless telegraphy legislation, to avoid creating undue interference with other electrical equipment. In these circumstances there would be no adverse impacts on electrical equipment within the vicinity of the site given the above legislation would prevent these issues from occurring.

In terms of the comments of Kegworth Parish Council it is considered that it would be

unreasonable to impose a condition limiting the amount of times when the tower could be raised given that this may well disrupt the user's enjoyment of the system. A condition specifying that the mast could only be raised after 'daylight hours' would also be unreasonable and difficult to enforce given that the hours of daylight vary greatly between the seasons of the year.

Summary Reasons for Granting Planning Permission

The site is situated within the defined limits to development where the principle of this form of development is acceptable. Given the revised position of the mast and antenna, its association with mature vegetation and the respective distances to the habitable areas of the neighbouring properties it is considered that the development would not have a sufficiently detrimental impact on the occupants' outlook and as such would not conflict with the principles of Policy E3 of the Local Plan. In terms of the impacts of the development on the character and appearance of the surrounding area it is considered that the mast in its retracted state would not have a significant impact given the presence of mature vegetation and the variation in the heights of dwellings. Although when utilised at its optimum working height, or full height, the mast and antenna would become more prominent it is considered that its implications to the appearance of the surrounding area would not be sufficiently detrimental given that mature vegetation exists outside the application site, the presence of other street furniture and the massing of the structure at its extended height, on this basis the development would accord with the principles of Policy E4 of the Local Plan. There would be no adverse impact on highway safety and as such the development would accord with Policy T3 of the Local Plan. It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to the following conditions and the receipt of no contrary observations from East Midlands Airport Safeguarding;

- 1 The development shall be begun before the expiration of three years from the date of this permission.

Reason - to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 This development shall be implemented in accordance with drawing numbers 625/01 B and 628/03, received by the Local Authority on the 7th January 2013, and drawing number 628/06 D, received by the Local Authority on the 19th February 2013, unless otherwise required by another condition of this permission.

Reason - for the avoidance of doubt and to determine the scope of the permission.

- 3 The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application form unless alternative materials are first agreed in writing by the Local Planning Authority.

Reason - to ensure a satisfactory standard of external appearance.

- 4 No development shall commence on the site until a landscaping scheme for the provision of additional trees to the western (side) boundary of the site has first been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in the first planting and seeding season following the first occupation of the development hereby permitted unless an alternative implementation

programme is first agreed in writing with the Local Planning Authority. Any tree which may die, be removed or become seriously damaged shall be replaced in the first available planting season thereafter in perpetuity from the first implementation of the agreed landscaping scheme or relevant phase of the scheme, unless a variation to the landscaping scheme is agreed in writing with the Local Planning Authority.

Reason - to ensure satisfactory landscaping is provided within a reasonable period and to provide a reasonable period for the replacement of any trees.

- 5 At all times, when the mast is not being used for radio communication it shall be lowered to its fully retracted position of 8.0 metres in height and the antenna shall be maintained in the position indicated on drawing number 628/06 D, received by the Local Authority on the 19th February 2013.

Reason - in the interests of preserving the visual amenity of the area.

- 6 The mast shall be taken down within 28 days of ceasing to be required for radio communication.

Reasons - in the interests of preserving the visual amenity of the area.

Summary Reasons for Granting Planning Permission

North West Leicestershire District Council's decision to grant planning permission in this instance arose following careful consideration of the relevant provisions of the Development Plan and all other relevant material considerations. Of particular relevance to this decision were the following policies of the North West Leicestershire Local Plan:

Policy S2 (Limits to Development);

Policy E3 (Residential Amenity);

Policy E4 (Design);

Policy T3 (Highway Standards);

Reasons:

The site is situated within the defined limits to development where the principle of this form of development is acceptable. Given the revised position of the mast and antenna, its association with mature vegetation and the respective distances to the habitable areas of the neighbouring properties it is considered that the development would not have a sufficiently detrimental impact on the occupants' outlook and as such would not conflict with the principles of Policy E3 of the Local Plan. In terms of the impacts of the development on the character and appearance of the surrounding area it is considered that the mast in its retracted state would not have a significant impact given the presence of mature vegetation and the variation in the heights of dwellings.

Although when utilised at its optimum working height, or full height, the mast and antenna would become more prominent it is considered that its implications to the appearance of the surrounding area would not be sufficiently detrimental given that mature vegetation exists outside the application site, the presence of other street furniture and the massing of the structure at its extended height, on this basis the development would accord with the principles of Policy E4 of the Local Plan. There would be no adverse impact on highway safety and as such the development would accord with Policy T3 of the Local Plan. The development therefore accords with the planning policies stated above.

Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).
- 2 As of the 22nd November 2012 written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £28.00 per request. Please contact the Local Planning Authority on (01530) 454665 for further details.

Demolition of existing detached garage and erection of new gates along with alterations to car parking and manoeuvring area

**Report Item No
A6**

6 Barn Close Castle Donington Derby DE74 2TP

**Application Reference
13/00021/FUL**

**Applicant:
Mrs Lindsey Wildbore-Else**

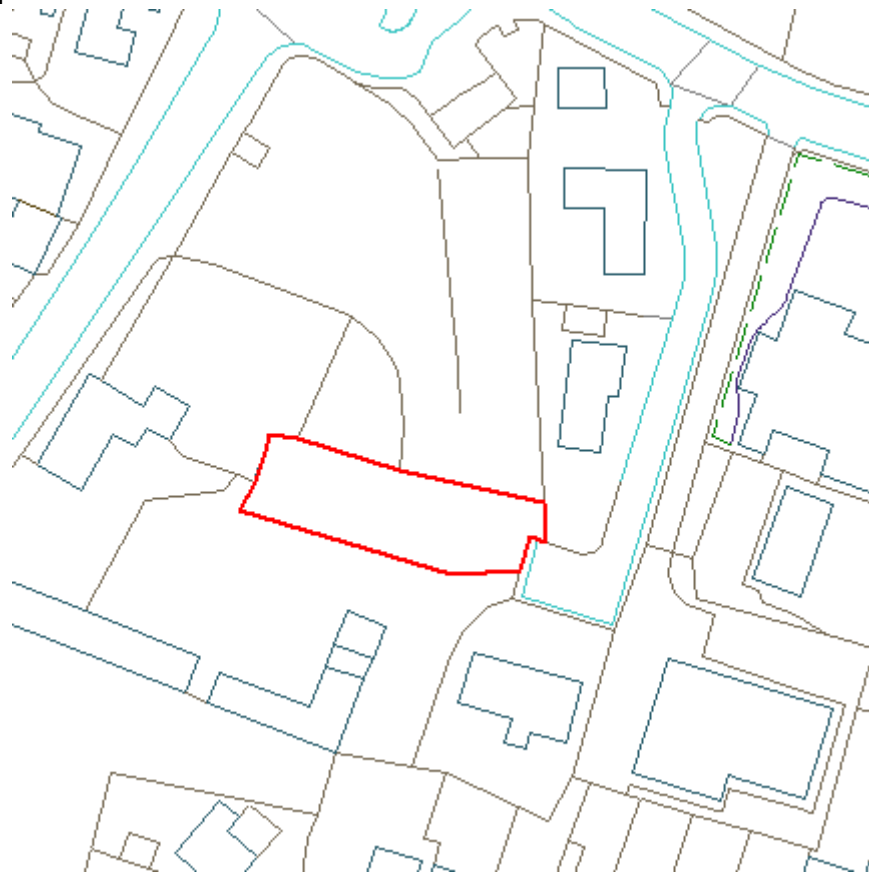
**Date Registered
28 January 2013**

**Case Officer:
Adam Mellor**

**Target Decision Date
25 March 2013**

**Recommendation:
PERMIT**

Site Location



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ITEM A6 - EXECUTIVE SUMMARY

Call In

This application is brought to the Planning Committee as the application property is inhabited by Councillor Tony Saffell.

Proposal

Planning permission is sought for the demolition of an existing detached garage and erection of new gates along with alterations to car parking and manoeuvring area at 6 Barn Close, Castle Donington. No. 6, a Grade II Listed Building, is a two-storey (with habitable accommodation in the roof slope) detached dwelling situated on the western side of the street, where it is set back 22.0 metres from the private highway of Barn Close. An existing vehicular access to the site provides off-street car parking to the site frontage as well as access to a detached garage. The property is also within the Castle Donington Conservation Area and the defined limits to development as outlined in the North West Leicestershire Local Plan.

The proposed gates would have a width of 5.85 metres and an overall height of 1.8 metres and would be positioned on the vehicular access into the site off Barn Close. Along with these works the existing detached single garage would be demolished as well as the formation of a parking/manoeuvring area immediately behind the gates.

Consultations

No objections have been raised by members of the public, the County Highways Authority, the Council's Conservation Officer, the Council's Tree Officer or East Midlands Airport Safeguarding. The Parish Council has no objections in principle but did raise concerns about the loss of the detached garage.

Planning Policy

It is considered that the development would accord with all relevant policies of the North West Leicestershire Local Plan as well as Policies CS23 (Transport) and CS34 (Conserving and Enhancing the Historic Environment) of the pre-submission North West Leicestershire Local Plan: Core Strategy and Paragraphs 131, 132 and 137 of the National Planning Policy Framework (NPPF).

Conclusion

The site is situated within the defined limits to development where the principle of this form of development would be acceptable. Given the nature of the development proposals they would not have a significant impact on the amenities of neighbours and as such would accord with Policy E3 of the Local Plan. The design of the gates is considered to be acceptable and their height and design would not have an adverse impact on the historic significance of the heritage assets given that views of the structures would still be achieved, the demolition of the detached garage would also assist in revealing the heritage assets and as such the proposals would accord with Policy E4 of the Local Plan, Policy CS34 of the pre-submission Core Strategy and Paragraphs 131, 132 and 137 of the NPPF. The gates would not impact significantly on highway safety issues given that the road is private and sufficient off-street parking and turning facilities would be provided within the curtilage of the site to ensure compliance with Policies T3 and T8 of the Local Plan and Policy CS23 of the pre-submission Core Strategy. The loss of the two trees identified would also not have an adverse impact on the character of the wider area in accordance with Policy E7 of the Local Plan. The development therefore accords with the planning policies identified above.

RECOMMENDATION - APPROVE SUBJECT TO CONDITIONS.

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

ITEM A6 –MAIN REPORT**1. Proposals and Background**

Permission is sought for the demolition of an existing detached garage and erection of new gates along with alterations to car parking and manoeuvring area at 6 Barn Close, Castle Donington. No. 6 is a two-storey (with habitable accommodation in the roof slope) detached dwelling situated on the western side of the street, where it is set back 22.0 metres from the private highway of Barn Close. An existing vehicular access to the site provides off-street car parking to the site frontage as well as access to a detached garage. No. 6 is a Grade II Listing Building which the listing describes as: *"Stable. Early-mid C18, altered. Chamfered stone base, red brick above with blue headers, dentil eaves and gable verges, half-hipped tiled roof. One storey and loft, 2 bays. C20 2-light wooden casements in original chamfered stone surrounds. Flanking stable doors in banded stone surrounds with lintels shaped into segmental arches. Later brick chimney and loft opening at left end. Small single-storey extension at either end; the left set back with pantiled roof, the right part rebuilt C20 with stable door and casement. Interior has arched brick mangers and reused roof beams. Included for group value."* The property is also within the Castle Donington Conservation Area and the defined limits to development as outlined in the North West Leicestershire Local Plan. A listed building consent application for the works (Ref: 12/00193/FUL) for the demolition of existing detached garage and erection of new gates was also submitted but following discussions with the Council's Conservation Officer it was determined that listed building consent would not be required for the works and as a result this application has been formally withdrawn.

The proposed timber gates would be of a sliding type and would have a width of 5.85 metres to cover the entire access area and an overall height of 1.8 metres. Along with these works a new parking area would be formed immediately behind the gates and an existing detached garage would be demolished which lies to the north of the existing dwelling in order to improve the openness of the site.

The planning history of the site is as follows: -

- 87/0949/P - Conversion of barns to form 3 dwellings and erection of 2 dwellings (outline)
- Refused 11th November 1982, Allowed at Appeal 10th October 1988;
- 90/1233/R - Conversion of outbuilding to one dwelling (approval of reserved matters) - Approved 19th December 1990;
- 90/1262/L - Conversion of outbuilding to one dwelling (listed building consent) - Approved 23rd January 1991;
- 12/00193/FUL - Erection of a detached car port - Refused 7th November 2012.

2. Publicity

10 neighbours have been notified (Date of last notification 30 January 2013)

Site Notice displayed 30 January 2013

Press Notice published 6 February 2013

3. Consultations

Castle Donington Parish Council consulted 30 January 2013

Leicestershire County Council Highway Authority consulted 30 January 2013

Airport Safeguarding consulted 30 January 2013

North West Leicestershire District Council Conservation Officer consulted 30 January 2013

4. Summary of Representations Received

The following summary of representations is provided. Members will note that full copies of correspondence received are available on the planning file.

Castle Donington Parish Council has no objections based on approval of Conservation Officer but concerns raised regarding the removal of garage in Conservation Area.

East Midlands Airport Safeguarding has no objections.

Leicestershire County Council - Highways has no objection given that the road is a private road.

North West Leicestershire District Council - Conservation Officer has no objections and states: "*6 Barn Close is Grade II listed in its own right. The list description notes it was originally a stable serving 9 High Street, and dates to the early-mid 18th century with 20th century alterations. The 2001 Conservation Area Appraisal notes that 'numerous former farm buildings (now converted to domestic use) also survive as evidence to the former importance of agriculture to the village economy', and 6 Barn Close is one such building; The garage is a relatively modern addition, possibly dating to the 1990s. The garage was designed to complement the character of the listed building. However, I appreciate that its close proximity to the listed building is a constraint on the immediate setting of the listed building. Therefore, I have no objection to its demolition and the creation of a hardstanding; The proposed gates are similar in form and appearance to other examples on Barn Close. They would be subservient to the listed building, and can be read in the context of the other adjacent boundary treatments. Therefore, I have no objection to the proposed gate. I understand a pier will be repositioned and rebuilt, and again I have no objection; Both an application for Listed Building Consent and Planning Permission have been submitted. As the works do not appear to involve any alterations to the listed building or the introduction of a physical attachment, Listed Building Consent is not required, unless the applicant can satisfactorily demonstrate otherwise.*"

North West Leicestershire District Council - Tree Officer has no objections.

Third Party Representations

No third party representations have been received.

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The NPPF contains a number of references to the presumption in favour of sustainable development. It states that local planning authorities should:

- approve development proposals that accord with statutory plans without delay; and
- grant permission where the plan is absent, silent or where relevant policies are out of date unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

The NPPF (Para 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.

Paragraph 131 outlines that in determining planning applications, local planning authorities should take account of, amongst other things, the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

Paragraph 132 states 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.

Paragraph 137 outlines that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

The following policies of the North West Leicestershire Local Plan are consistent with the policies in the NPPF and should be afforded weight in the determination of this application:

North West Leicestershire Local Plan

Policy S2 of the Local Plan provides that development will be permitted on allocated sites and other land within the Limits to Development, identified on the Proposals Map, where it complies with the policies of the Local Plan;

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings;

Policy E4 seeks to achieve good design in new development and requires new development to respect the character of its surroundings;

Policy E7 seeks to provide appropriate landscaping in association with new development including, where appropriate, retention of existing features such as trees or hedgerows;

Policy T3 requires development to make adequate provision for vehicular access, circulation and servicing arrangements;

Policy T8 requires that parking provision in new developments be kept to the necessary minimum, having regard to a number of criteria;

Pre-Submission Core Strategy April 2012

The District Council considered its draft Core Strategy at its meeting of 24 April 2012. The Council resolved to approve the draft Core Strategy, agreed to the publication of the Core Strategy Development Plan Document, and delegated authority to officers to make minor

changes to the Core Strategy following consultation and submit the amended document to the Secretary of State. The following draft Core Strategy policies are considered relevant: and, given the stage reached in the evolution of the Strategy, such policies may be afforded some weight.

Policy CS23 requires new development to maximise the efficient use of existing transport facilities in the district as it looks to a lower carbon future;

Policy CS34 identifies that heritage assets, and their setting, will be protected and conserved. The conservation of assets which reflect the District's industrial and coalmining heritage will be a particular priority.

6. Assessment

Residential Amenity

The closest residential properties to the proposed development would be Nos. 4, 8 and 10 Barn Close although given the nature of the development as well as the presence of substantial mature vegetation it is considered that the proposals would not have a significantly detrimental overbearing, overshadowing or overlooking impact on the neighbouring amenities which would accord with Policy E3 of the Local Plan.

Impact on the Historic Environment and Streetscape

Whilst the gates would be positioned across the access to the site their overall height and design, with open slats in the upper parts, would not obstruct views of the heritage assets when seen from the public domain on Barn Close. The demolition of the detached garage, which was formed at the time of the barn conversion in the early 90s', would also not have an adverse impact on the historic merits of the heritage assets and in many respects would 'better reveal' their significance which would be in accordance with the aims of Paragraph 137 of the NPPF.

The development proposals would also have a limited impact on the character and appearance of the streetscape and surrounding area given that the gates have been designed in a manner which reflect the gate designs within this area of Barn Close and the detached garage is set back a significant distance from the public domain.

On the basis of the above it is considered that the proposal would accord with Policy E4 of the Local Plan, Policy CS34 of the pre-submission Core Strategy, and Paragraphs 131, 132 and 137 of the NPPF.

Highway Safety

The County Highways Authority has raised no objections to the development and whilst a vehicle would have to wait in the highway whilst the gates were opened, given that the road is a private road this would not result in conflicts between vehicles which would impact significantly on highway safety. The proposed new parking area within the site would also be sufficient in accommodating vehicles and would ensure that they exited the site in a forward direction. On this basis the proposal would accord with Policies T3 and T8 of the Local Plan as well as Policy CS23 of the pre-submission Core Strategy.

Other Matters

In order to facilitate the positioning of the gates it is proposed that two Leylandii trees, with heights of 12.0 metres, would need to be removed. As the trees lie within the conservation area consent would be required for their removal as they would be protected. The Council's Tree Officer has raised no objections to the potential loss of the trees, given that they lie adjacent to a

heavily wooded Tree Preservation Order (TPO) area, and as such there would be no adverse impact on the visual amenity of the area. Sufficient vegetation would be retained on the site to mitigate the loss of these trees and as such the development would accord with the principles of Policy E7 of the Local Plan.

Summary Reasons for Granting Planning Permission

The site is situated within the defined limits to development where the principle of this form of development would be acceptable. Given the nature of the development proposals they would not have a significant impact on the amenities of neighbours and as such would accord with Policy E3 of the Local Plan. The design of the gates is considered to be acceptable and their height and design would not have an adverse impact on the historic significance of the heritage assets given that views of the structures would still be achieved, the demolition of the detached garage would also assist in revealing the heritage assets and as such the proposals would accord with Policy E4 of the Local Plan, Policy CS34 of the pre-submission Core Strategy and Paragraphs 131, 132 and 137 of the NPPF. The gates would not impact significantly on highway safety issues given that the road is private and sufficient off-street parking and turning facilities would be provided within the curtilage of the site to ensure compliance with Policies T3 and T8 of the Local Plan and Policy CS23 of the pre-submission Core Strategy. The loss of the two trees identified would also not have an adverse impact on the character of the wider area in accordance with Policy E7 of the Local Plan. It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to the following conditions;

- 1 The development shall be begun before the expiration of three years from the date of this permission.

Reason - to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development shall be carried out in strict accordance with the site location plan (1:1250); drawing number JC/N21/10 and the drawing titled 'Proposed Twin Timber Sliding Gates', received by the Local Authority on the 28th January 2013, unless otherwise required by another condition of this permission.

Reason - for the avoidance of doubt and to determine the scope of the permission.

- 3 The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application and as shown on drawing number JC/N21/10 and the drawing titled 'Proposed Twin Timber Sliding Gates', received by the Local Authority on the 28th January 2013, unless alternative materials are first agreed in writing by the Local Planning Authority.

Reason - to ensure a satisfactory standard of external appearance.

Summary Reasons for Granting Planning Permission

North West Leicestershire District Council's decision to grant planning permission in this instance arose following careful consideration of the relevant provisions of the Development Plan and all other relevant material considerations. Of particular relevance to this decision were

the following policies of the North West Leicestershire Local Plan:

Policy S2 (Limits to Development);
Policy E3 (Residential Amenity);
Policy E4 (Design);
Policy E7 (Landscaping);
Policy T3 (Highway Standards);
Policy T8 (Parking);

Reasons:

The site is situated within the defined limits to development where the principle of this form of development would be acceptable. Given the nature of the development proposals they would not have a significant impact on the amenities of neighbours and as such would accord with Policy E3 of the Local Plan. The design of the gates is considered to be acceptable and their height and design would not have an adverse impact on the historic significance of the heritage assets given that views of the structures would still be achieved, the demolition of the detached garage would also assist in revealing the heritage assets and as such the proposals would accord with Policy E4 of the Local Plan, Policy CS34 of the pre-submission Core Strategy and Paragraphs 131, 132 and 137 of the NPPF. The gates would not impact significantly on highway safety issues given that the road is private and sufficient off-street parking and turning facilities would be provided within the curtilage of the site to ensure compliance with Policies T3 and T8 of the Local Plan and Policy CS23 of the pre-submission Core Strategy. The loss of the two trees identified would also not have an adverse impact on the character of the wider area in accordance with Policy E7 of the Local Plan. The development therefore accords with the planning policies identified above.

Notes to applicant

- 1 Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).
- 2 As of the 22nd November 2012 written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £28.00 per request. Please contact the Local Planning Authority on (01530) 454665 for further details.

SECTION B- OTHER MATTERS

There are no items in this section

LIST OF APPLICATIONS FOR PLANNING COMMITTEE 12 March 2013

Section A – Planning Applications

Item	Reference	Details	Amend	Print	Sign	Sent
A1	13/00071/FUL					
A2	12/00688/OUTM					
A3	13/00051/FUL					
A4	12/01034/FUL					
A5	13/00013/FUL					
A6	13/00021/FUL					

Section B – Other Matters

Item	Reference	Details	Amend	Print	Sign	Sent
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