

UPDATE SHEET

PLANNING COMMITTEE – 6th February 2024

**To be read in conjunction with the
Head of Planning and Regeneration's Report (and Agenda)**

This list sets out: -

- (a) Additional information received after the publication of the main reports;**
- (b) Amendments to Conditions;**
- (c) Changes to Recommendations**

MAIN REPORT

A1 **23/00565/FUL** **Change of use of land for parking of heavy goods vehicle (HGV) for a temporary period of 36 months including erection of fencing/gates and a mobile building**
Former site of the Stardust Nightclub, Beveridge Lane, Bardon, Coalville

Third Party Representations:

1 letter of representation has been received from the agent representing the Charnwood Arms (Greene King) setting out the following concerns with the officer report and recommendation:

1. Factual inaccuracies within the report:

"In the section entitled 'Suitability of Temporary Permission', paragraph 5 it is stated that "The issues surrounding the approved access as set out above have only been experienced for 7 months in the that 3 year period and generated a complaint within 1 month of the previously approved accessed being used". This is completely wrong and factually incorrect and is very misleading as it suggests that there were no recorded complaints or issues with the scheme up until 7 months ago or with the original unauthorised access to the site at the rear."

Officer comment: The exact route into the site as currently proposed has been operating since April 2023 and, therefore, the report should have been updated to 10 months. This part of the report is as per the version that was to be reported to the November 2023 meeting of the Planning Committee and was not updated in error. With regard to misleading comments, officers would also note that within the preceding paragraph of this section of the report officers make it clear that concerns have been raised by the local community about the operation of the lorry park use on the site over the past three years. Therefore, it not considered that the report when read as a whole is misleading.

"In the section 'Residential Amenities', paragraph 2 it is once again stated that no public safety concerns were raised about the original unauthorised point of access into the development. This is factually incorrect as we have set out above."

In the Section 'Compatibility with Existing Use and Car Park Safety', paragraph 4 the same incorrect comment is made."

Officer comment: The nature of concerns received by local residents/neighbours is set out in the officer report. Concerns have been raised about public safety during the course of the application as set out in the representations section. Consideration of public safety issues to considered in detail within the agenda report.

2. Principle of Development

"In the 'Principle of Development' section it is stated that "the proposed development is considered to be acceptable in principle". However, elsewhere in the report and the reason for refusal in is suggested that the proposed use

is incompatible with the use of our client's land as a family pub/ restaurant and hotel. Paragraph 193 of the NPPF states that decisions should ensure new development can integrate effectively with existing business and community facilities (agent of change policy) is quote as a reason for permission being refusal.

Development cannot be considered to be acceptable in principle if it is considered incompatible with an adjacent use. Such an assertion is clearly contradictory and perverse. The committee report should therefore be amended to state that the proposed development is not acceptable in principle."

Officer comments: Within this section of the report, the comments made in respect principle of development were made specifically in relation to the location of the site within the Limits to Development.

3. Residential Amenity

"In our various letters of objection to the development, we have stated that the use is not acceptable due to the noise being generated by the facility and the unacceptable impact that this is having on the managers residential accommodation in the first floor of the pub and guest bedrooms. No mention is made within the report of this issue and our client's objection to the scheme on this basis. This omission should be corrected to ensure Members are in receipt of all the facts.

Furthermore, whilst the Council's Environmental Health officer raises no objection to the scheme and considers noise levels at the Charnwood Arms to be acceptable, the reality is that the development continues to cause daily noises issues in hotel bedrooms and managers residential accommodation. The manager continues to receive regular complaints from hotel guests about noise disturbance from the site and guest are regularly being awoken in the early hours of the morning by noise from the site. A review of Trip Advisor provides clear evidence of this.

It is unlikely that guests that have been disturbed by noise from the lorry park will use the hotel again and as a result the use is having a long-term negative impact on the business and the overall viability of the premises. This is a point which has been raised in various letters of objection, but which is not noted in the committee report. We respectfully request that this omission is corrected."

Officer comment – These objections are included within the table of objections under Impacts on Local Business.

4. Highway Safety within Public Safety

"Paragraph 5 lists the keys issues with the proposed access arrangements. However, reference to a key highway safety issue has been omitted. This is that HGVs are attempting to exit the site on the wrong side of the road in the access into the pub and make an illegal right turn onto the B585, but when they find they are unable to do this due to traffic volumes they then undertake a blind reverse manoeuvre back into the pub car park right at the point where

pedestrians are crossing to enter the pub. This is a very serious safety issue and one which needs to be specifically highlighted to elected Members within the report.”

Officer comment – Members have been directed to footage available within representations from the Charnwood Arms and have also been shown footage of the illegal right turn manoeuvres out of the site. The advice of the County Highways Authority has been sought in this regard and is set out on page 42 of the agenda. The view of the County Highways Authority is that the highway mitigation scheme put forward by the applicant to address this issue is acceptable.

5. Single reason for refusal

“We are extremely concern about the use of a single reason for refusal and its current drafting, which is very lengthy, not concise and very unclear. We also consider that it is missing keys points around the incompatibility of the uses, the excess noise and disturbance which is continuing to impact on hotel accommodation and the managers flat and the impact this development is having on the overall viability of the pub.

We urge you to relook at the drafting of the refusal and split it into four separate reasons for refusal as follows: (1) highway safety; (2) pedestrian safety; (3) incompatibility of uses and amenity and (4) future viability of the pub and hotel.

We have provided a suggested a revised drafting below:

- 1. The development would result in an unacceptable impact on vehicle safety within the adopted highway contrary to paragraph 115 of the NPPF due to the inability to achieve safe and suitable access for Heavy Goods Vehicles (NPPF paragraph 114(b)), thereby increasing the risk of collisions at the site access with Beveridge Lane (NPPF 116(c)) which cannot be mitigated against to an acceptable degree (NPPF 114(d)).*
- 2. The development would result in an unacceptable impact on pedestrian safety within the unadopted highway contrary to paragraph 115 of the NPPF by prioritising HGV manoeuvres through a private car parking area serving a family pub/restaurant and hotel site, thereby increasing the risk of conflict (NPPF 116(a, c)) which cannot be mitigated to an acceptable degree (NPPF 114(d)).*
- 3. The development is an inappropriate use of the land and is incompatible with the use of the adjacent land as a family pub/ restaurant and hotel by reason of a conflict between pedestrians and HGVs and noise and disturbance, which is adversely impacting guests in hotel bedrooms and the residential amenity of managers residential accommodation. The development is accordingly contrary to paragraph 193 and 194 of the NPPF, which requires new development to integrate with and be compatible with existing businesses and community facilities and should not result in unreasonable restrictions being placed on existing facilities as a result of a development permitted after they were established.*
- 4. The development by reason of its adverse impact on pedestrian safety, customers use of the car park and noise and disturbance of hotel guests is likely to have a*

detrimental impact on the long-term future and viability of the Charnwood Arms as a family pub/ restaurant and hotel business contrary to paragraph 97 (c) (d) and (e) of the NPPF.

It is absolutely imperative that the reasons for refusal are clear and robust and that they cover the reasons of problems and issues occurring.”

Officer comment: Officers consider that the single reason for refusal is clear. The matters raised are interrelated and so there is some logic to combining the points within one condition. All relevant parts of the Local and National policy are referenced.

With regard to noise disturbance from the proposed used, the conclusion within the residential amenity section based on the advice of Environmental Protection and following the provision of a noise survey are that the development is considered acceptable in this respect and therefore, this was not included as a reason for refusal.

In respect of the safety of vehicles within the site, whilst there will be situations within the site where vehicles have to give way to other vehicles, it is not considered that this would give rise to significant concerns within the unadopted highway. It is also noted that the highway mitigation scheme proposed by the applicant should address the issue of HGV's exiting the site incorrectly and reversing back into the site. It must also be made clear that viability issues are not a planning consideration in the context of the typer of planning application proposed.

RECOMMENDATION – NO CHANGE TO RECOMMENDATION.

A2 23/01108/FUL Works to an existing clubhouse to include raising the roof height to provide first floor accommodation, dormer windows and a balcony with the erection of a single storey building to provide changing room facilities, retention/extension to terrace stand and new pathway

Ashby Ivanhoe Football Club, Lower Packington Road, Ashby De La Zouch.

Additional Representation

An additional letter of representations was received which focused on highway safety concerns and included videos of coaches entering the site. The videos and concerns were circulated to Councillors prior to the Technical Briefing.

An additional letter of representations was received from the residents group focused on highway safety and noise concerns. These concerns were also circulated to Members prior to tonight's Planning Committee.

Other Matters

Further to queries raised at the Technical Briefing.

Restricting the commencement of the planning permission until the access and parking arrangements from 22/01811/FULM have been implemented.

Since the Technical Briefing, officers have taken advice on the possibility of the use of restrictive planning conditions to prevent the applicant from commencing on or occupying the facilities that are here before the committee tonight until the car parking and access arrangements which were the subject of the earlier approved planning permission 22/01811/FULM have been implemented first. The legal advice indicated that the above could not be effectively controlled by conditions and that it needed to be done via a S106 agreement to ensure that the works took place in this way.

Club position on the use of a S106 agreement

Their comments in relation to the above are as follows:

It is essential for the club to be able to undertake the ground grading improvements and changing block immediately following receipt of a successful planning approval. This is so the club conforms to FA regulations, which we do not at present. To put this into context, we have to have these works completed by 23rd March 2024. We have asked for a concession on the changing rooms but will need to provide additional temporary facilities to conform.

It was discussed at the initial CLG on 19th January that the building of the clubhouse roof will not take place until the May 2025, due to funding constraints.

It is the intention that the car park and access will commence in March 2024 and be completed 8 weeks thereafter. This is the earliest it can start as we need to discharge

the pre commencement conditions of the recently issued planning permission for the works.

We are prepared to commit to not starting the clubhouse until the date above, and we do not understand why this cannot be as a condition of the planning approval.

We cannot agree to the use of a S106 Agreement, as this will cause delays and additional cost to the club and will ultimately ensure that the FA Regulations conformance will not be met. This will result in further loss of funding and could lead to automatic relegation for the club.

In addition, we refer to Richard Blunt's announcement on the NWLDC Full Council's agreement made on 30th January, where a pledge has been committed to improve sports and leisure facilities in Ashby. Surely, our planning application sits within this parameter and therefore we would hope that the Planning Committee takes this into account.

We trust that this sets out the situation that the club is in and whilst we wish to be collaborative, we will have to pursue the application without the S106 Agreement and for the application to be considered under its own merits.

Officer Comment

Whilst additional letters of representations have been received raising highway safety and noise concerns, given they raised no new matters and are largely related to existing issues which occur on site, these concerns cannot be remedied through this application. Furthermore, highway safety and noise concerns have been addressed within the Committee Report and no objection to the proposal has been received from the LHA nor Environmental Protection and it is not considered that a refusal on highway safety and residential amenity grounds could be substantiated or defended for this scheme. As such, the conclusion reached within the Committee Report that the proposal is considered to be acceptable is sustained.

Regarding the use of conditions to restrict the commencement of the planning permission until the access and parking arrangements from 22/01811/FULM have been implemented, it is considered this matter has been clarified above and would not be appropriate to do what has been suggested by the applicant and members and such a condition isn't required to make an unacceptable scheme acceptable in planning terms.

It must also be clarified that whilst the restriction suggested by the applicant and committee members could be achieved through a S106 Agreement, the applicant is not agreeable to such a measure and again given the relatively modest proposal it must be emphasised that it would be very difficult to refuse and defend this scheme on this ground as a S106 agreement is not required to make an unacceptable scheme acceptable in planning terms in relation to this specific scheme.

Having regards to the above, the officer recommendation for this scheme remains as detailed in the Planning Committee agenda.

RECOMMENDATION – NO CHANGE TO RECOMMENDATION.

Item A3 23/01240/OUT - Erection of one detached self build dwelling (Outline application - all matters reserved)

Item A4 23/01241/OUT - Erection of one detached self build dwelling (Outline application - all matters reserved)

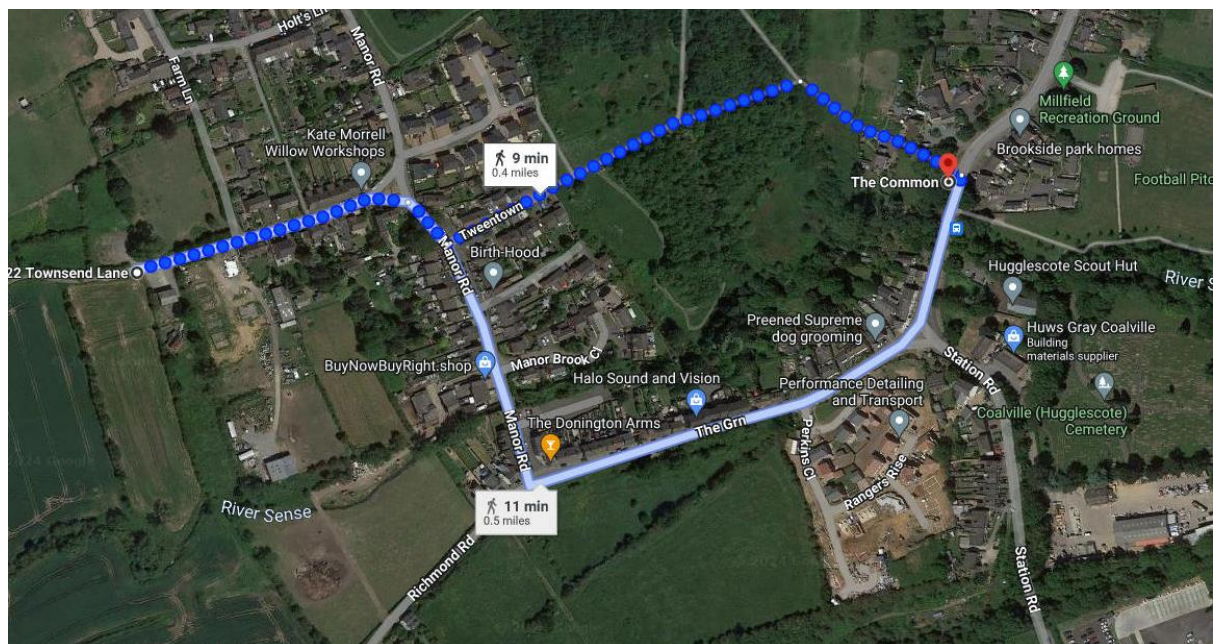
Land Off Townsend Lane Donington Le Heath Leicestershire

a) Clarification on distance to bus connections

During the technical briefing, members queried the distances to nearby bus services and requested that this be clarified prior to the full committee meeting. The nearest bus stops to the application site are located on Station Road where the No. 15, 28 and 125 services are based which would be approximately 650m distance from the site (equating to an estimated 9-minute walk).

Importantly, Sustrans (in its Walkable Neighbourhoods Report <https://www.sustrans.org.uk/media/10520/walkable-neighbourhoods-report.pdf>) note that 800m, or approximately half a mile, is generally considered a standard walkable distance as it typically takes approximately 10 minutes to walk, and a 20 minute walking trip (1,600m total) has been found to be the longest distance a majority of people are willing to walk to meet their daily needs. As such, the bus stops in this case would fall within the standard walkable distance.

In terms of connectivity, the No. 15 connects the site with Ibstock, Coalville and Ravenstone on an hourly basis, the number 28 connects the site to Coalville and Leicester on an hourly basis whilst the No. 125 connects the site with Castle Donington, Coalville and Leicester (approximately every 2-3hrs).



b) Consideration of previous applications on the site

Members raised queries during the technical briefing regarding why comparisons were being drawn between the current scheme and the previous refusal under application reference 16/00698/FUL. It is important to note that these details have been included within the officer assessment given comments have been received from objectors throughout the lifetime of the application noting that the scheme should be determined in line with the previous recommendation on the site. As such, comparisons have been drawn primarily to effectively address the points raised.

However, members should note that each application is assessed on its own merits and the starting point in any assessment is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2021), which includes by extension, the Hugglescote and Donington Le Heath Neighbourhood Plan. The application has been assessed against relevant policies and on balance, is considered to be acceptable when all material considerations are weighed in the balance.

c) Sustainability of the site and distances to local services/facilities

Members raised concerns during the technical briefing regarding the overall distances to services and facilities as well as whether the proposed dwellings would have access to services and facilities to meet day to day needs of future residents.

The site itself is located approximately 25m from the limits to development, although is itself located on land identified as countryside and falls outside the limits to development.

Donington Le Heath, for the purposes of Policy S2, is located at the top of the settlement hierarchy, forming part of the Coalville Urban Area. The urban area is identified as a principal town which ***“provides an extensive range of services and facilities including employment, leisure and shopping and which is accessible by sustainable transport from surrounding areas and to other large settlements outside the district. The largest amount of new development will be directed here.”***

Extract taken from Policy S2

Policy S2 – Settlement Hierarchy

The following Settlement Hierarchy will be used when assessing the suitability of a settlement for new development, with the general principle being that those settlements higher up the hierarchy will take more growth than those lower down and that the type of development proposed is appropriate to the scale and character of the settlement and its place in the hierarchy.

Settlement Classification	Settlement(s)
Principal Town The primary settlement in the district which provides an extensive range of services and facilities including employment, leisure and shopping and which is accessible by sustainable transport from surrounding areas and to other large settlements outside the district. The largest amount of new development will be directed here, including retail development, to support the regeneration of Coalville Town Centre.	Coalville Urban Area which comprises of Coalville, Donington-le-Heath, Greenhill, Hugglescote, Snibston, Thringstone and Whitwick as well as the Bardon employment area.

Donington Le Heath is located within the Greater Coalville Area which benefits from a range of public services and facilities including convenience stores, public houses, local schools, recreation grounds and community centres among other things. In the immediate area, occupants of the proposed dwelling would have access to a public house (The Donington Arms), the Millfield Recreation ground, the Ashburton Road Recreation ground, Hugglescote Primary School and Hugglescote Community Centre. Whilst it is acknowledged that there is a lack of public footways up Manor Road (which would be the most direct route to the nearby Co-op), which would reduce the walkability and overall useability of the route, there are alternative footpaths available (which can be accessed through the nearby road of Tweentown). As such, future occupants of the dwelling would have access to some services and facilities within a reasonable walking distance (approximately a 10-minute walk).

Notwithstanding the above, as outlined in the above section on bus routes, future occupants of the dwellings would also be within walking distance of nearby bus services to provide alternative modes of sustainable transport to connect the occupants of the dwelling to the wider services and facilities within the Coalville Urban Area, whilst also providing links to Castle Donington and Leicester.

As such, future occupants of the property would not necessarily be dependent on the private car to access the most basic of services and would support the approach to a low carbon economy.

d) Paragraph 14 (11d) – presumption for granting development.

Members raised concerns during the technical briefing regarding the interpretation of paragraph 14 (11d) and that the Neighbourhood Plan contains housing allocations and therefore, the presumption for granting development (otherwise known as the “tilted balance” would not apply in this instance and instead, the conflict with the Neighbourhood Plan would significantly and demonstrably outweigh the benefits.

Members are directed to the committee report (pages 119-120) which notes that “the Hugglescote and Donington Le Heath neighbourhood plan was adopted in November 2021 and therefore became part of the development plan five years or less before the date on which the decision is made. However, part (b) also specifies that the neighbourhood plan must contain policies and allocations to meet its identified housing requirement (see paragraphs 67-68 of the NPPF).

The Planning Practice Guidance goes on to clarify that “In order for a neighbourhood plan to meet the criteria set in paragraph 14b of the Framework, the ‘policies and allocations’ in the plan should meet the identified housing requirement in full, whether it is derived from the housing figure for the neighbourhood area set out in the relevant strategic policies” Further, “Policies and allocations within other development plan documents, for example strategic site allocations or windfall development set out in a local plan or spatial development strategy, will not meet criterion 14b of the National Planning Policy Framework.”

Whilst the Neighbourhood Plan refers to the District Housing Need under the “approach to future residential growth” the Neighbourhood Plan does not provide specific allocations to provide for more residential units during the current planning period to 2031 other than through Windfall development so therefore the Neighbourhood Plan policy can only carry limited weight in making a decision on this case.

e) Further consultee response – Waste Services.

Following the publication of the committee agenda, it is noted that Waste Services provided comments in relation to the positioning of the bin store which would need to be secured when layout is for consideration at reserved matters:

The residents of the proposed dwelling would be required to present waste and recycling receptacles at the kerbside adjacent to the adopted highway of Townsend Lane, as per the current collection arrangements for the neighbouring properties

f) Additional third-party representations

Following the publication of the agenda, 4 no. additional objections were received citing the following points:

Objection	Officer Response
The proposals are outside the limits in both the Development of the local plan and neighbourhood plan.	This is correct but a planning balance assessment needs to be carried out in the case given the proposals are for a self build dwelling, in which significant positive weight

	<p>is given to an additional self build dwelling. This ultimately needs to be weighed against the harms resulting from development outside of limits and officers have concluded that whilst harm in relation to criteria (i), (ii) and (iii) of the second part of Policy S3 has been identified, it is considered that this harm would be outweighed by the benefits of providing a self-build property.</p>
<p>The building is nearby to a nature reserve.</p>	<p>LCC Ecology were consulted throughout the lifetime of the application who confirmed that the habitats are of low ecological value and there is no evidence of protected species present. Whilst a local wildlife site is located on the corner of Farm Lane and Townsend Lane, no objections were raised by LCC Ecology in respect of the proximity of the development site or potential impacts upon the nearby local wildlife site.</p>
<p>The proposals would represent overdevelopment of the area.</p>	<p>Whilst the proposals would result in additional built development within the countryside, given the low density of development, it is not considered the site would appear overly cramped or represent overdevelopment to warrant the refusal of the application on these grounds.</p>
<p>There is no public transport provision in the local area.</p>	<p>The nearest bus stops to the application site are located on Station Road where the No. 15, 28 and 125 services are based which would be approximately 650m distance from the site (equating to an estimated 9-minute walk). Full details of these services are outlined in the above section on bus services.</p>
<p>The proposals would result in the loss of countryside land.</p>	<p>This is correct but a planning balance assessment needs to be carried out in the case given the proposals are for a self build dwelling, in which significant positive weight is given to an additional self build dwelling. In this case, it is considered any harms would be outweighed by the benefits resulting from the scheme.</p>
<p>No site notice was posted in relation to the application.</p>	<p>The application was published by way of site notice as well as advertisement in a local newspaper. As such, the Local Authority has met its statutory requirements in publicising the application.</p>
<p>The proposals would not meet the definition of Self-Build and Custom Build.</p>	<p>The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and</p>

	<p>Planning Act 2016) provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.</p> <p>In considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout. Whilst design, scale and layout are not for consideration at this stage, indicative details have been provided which demonstrates a customised design for the proposed dwelling which differs from that under application 23/01240/OUT.</p> <p>The application has been submitted by a single applicant who has been confirmed to be on the self-build register. The applicant is also agreeable to a section 106 to ensure the applicant occupies the dwelling for a period of at least 3 years from first occupation and shall not be sold to someone other than the Owners Family (or offer so to do) prior to the expiry of a period of 3 years from first occupation.</p> <p>On this basis, it is considered that the applicant would meet the self and custom build definition.</p>
<p>Local services and facilities would not be able to cope with additional demand</p>	<p>Whilst this comment is noted, each application is assessed on its own merits which includes undertaking an assessment of the sustainability of the location. Donington Le Heath, for the purposes of Policy S2, is located at the top of the settlement hierarchy, forming part of the Coalville Urban Area. The urban area is identified as a principal town which</p> <p><i>“provides an extensive range of services and facilities including employment, leisure and shopping and which is accessible by sustainable transport from surrounding areas and to other large settlements</i></p>

	<p><i>outside the district. The largest amount of new development will be directed here.”</i></p> <p>Additionally, the development site would be within a 10-minute walk of bus services to connect occupants of the dwelling to a wider array of facilities and services.</p>
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(g) Amendments to Conditions;

There are no amendments to the proposed conditions list.

Officer comment

The above comments raise no new issues to those previously reported and therefore, officers have no further comments to make.

(h) Changes to Recommendations

RECOMMENDATION – NO CHANGE TO RECOMMENDATION.

Item A4 23/01241/OUT - Erection of one detached self build dwelling (Outline application - all matters reserved)

Land Off Townsend Lane Donington Le Heath Leicestershire

Land Off Townsend Lane Donington Le Heath Leicestershire

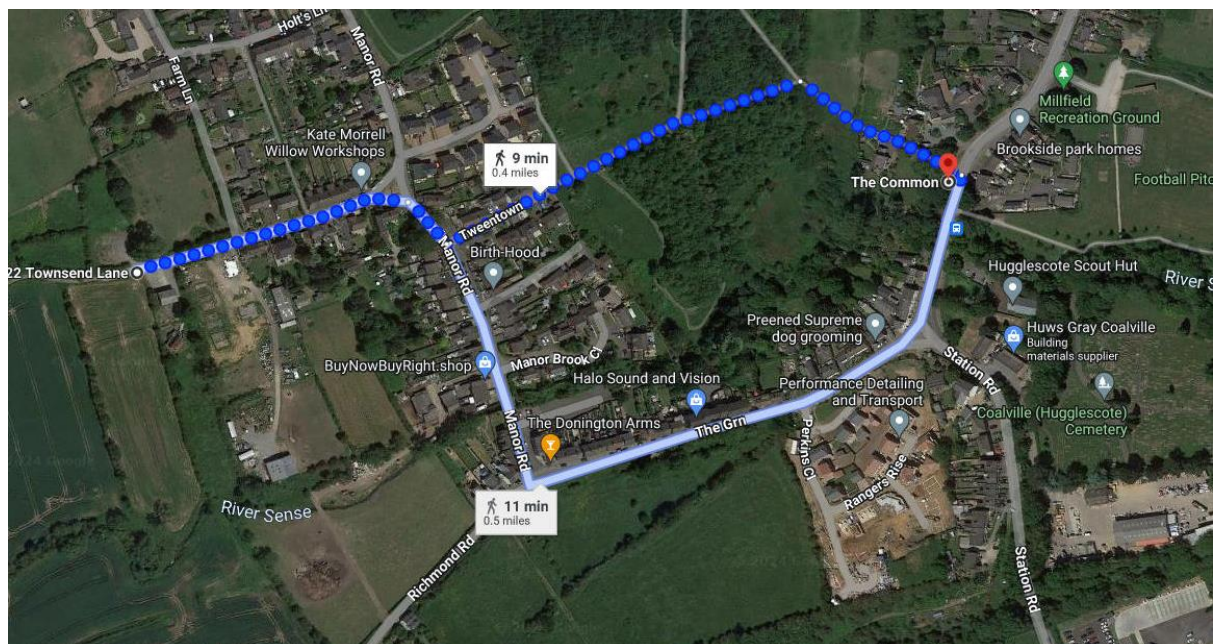
a) Clarification on distance to bus connections

During the technical briefing, members queried the distances to nearby bus services and requested that this be clarified prior to the full committee meeting. The nearest bus stops to the application site are located on Station Road where the No. 15, 28 and 125

services are based which would be approximately 650m distance from the site (equating to an estimated 9-minute walk).

Importantly, Sustrans (in its Walkable Neighbourhoods Report <https://www.sustrans.org.uk/media/10520/walkable-neighbourhoods-report.pdf>) note that 800m, or approximately half a mile, is generally considered a standard walkable distance as it typically takes approximately 10 minutes to walk, and a 20 minute walking trip (1,600m total) has been found to be the longest distance a majority of people are willing to walk to meet their daily needs. As such, the bus stops in this case would fall within the standard walkable distance.

In terms of connectivity, the No. 15 connects the site with Ibstock, Coalville and Ravenstone on an hourly basis, the number 28 connects the site to Coalville and Leicester on an hourly basis whilst the No. 125 connects the site with Castle Donington, Coalville and Leicester (approximately every 2-3hrs).



b) Consideration of previous applications on the site

Members raised queries during the technical briefing regarding why comparisons were being drawn between the current scheme and the previous refusal under application reference 16/00698/FUL. It is important to note that these details have been included within the officer assessment given comments have been received throughout the lifetime of the application noting that the scheme should be determined in line with the previous recommendation on the site. As such, comparisons have been drawn primarily to effectively address the points raised.

However, members should note that each application is assessed on its own merits and the starting point in any assessment is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2021), which includes by extension, the Hugglescote and Donington Le Heath Neighbourhood Plan. The application has been assessed against relevant policies and on balance, is considered to be acceptable when all material considerations are weighed in the balance.

c) Sustainability of the site and distances to local services/facilities

Members raised concerns during the technical briefing regarding the overall distances to services and facilities as well as whether the proposed dwellings would have access to services and facilities to meet day to day needs of future residents.

The site itself is located approximately 25m from the limits to development, although is itself located on land identified as countryside and falls outside the limits to development. Donington Le Heath, for the purposes of Policy S2, is located at the top of the settlement hierarchy, forming part of the Coalville Urban Area. The urban area is identified as a principal town which *“provides an extensive range of services and facilities including employment, leisure and shopping and which is accessible by sustainable transport from surrounding areas and to other large settlements outside the district. The largest amount of new development will be directed here.”*

Extract taken from Policy S2

<u>Policy S2 – Settlement Hierarchy</u>	
<p>The following Settlement Hierarchy will be used when assessing the suitability of a settlement for new development, with the general principle being that those settlements higher up the hierarchy will take more growth than those lower down and that the type of development proposed is appropriate to the scale and character of the settlement and its place in the hierarchy.</p>	
Settlement Classification	Settlement(s)
<p>Principal Town</p> <p>The primary settlement in the district which provides an extensive range of services and facilities including employment, leisure and shopping and which is accessible by sustainable transport from surrounding areas and to other large settlements outside the district. The largest amount of new development will be directed here, including retail development, to support the regeneration of Coalville Town Centre.</p>	<p>Coalville Urban Area which comprises of Coalville, Donington-le-Heath, Greenhill, Hugglescote, Snibston, Thringstone and Whitwick as well as the Bardon employment area.</p>

Donington Le Heath is located within the Greater Coalville Area which benefits from a range of public services and facilities including convenience stores, public houses, local schools, recreation grounds and community centres among other things. In the immediate area, occupants of the proposed dwelling would have access to a public house (The Donington Arms), the Millfield Recreation ground, the Ashburton Road Recreation ground, Hugglescote Primary School and Hugglescote Community Centre. Whilst it is acknowledged that there is a lack of public footways up Manor Road (which would be the most direct route to the nearby Co-op), which would reduce the walkability and overall useability of the route, there are alternative footpaths available (which can be accessed through the nearby road of Tweentown). As such, future occupants of the dwelling would have access to some services and facilities within a reasonable walking distance (approximately a 10-minute walk).

Notwithstanding the above, as outlined in the above section on bus routes, future occupants of the dwellings would also be within walking distance of nearby bus services to provide alternative modes of sustainable transport to connect the occupants of the dwelling to the wider services and facilities within the Coalville Urban Area, whilst also providing links to Castle Donington and Leicester.

As such, future occupants of the property would not necessarily be dependent on the private car to access the most basic of services and would support the approach to a low carbon economy.

d) Paragraph 14 (11d) – presumption for granting development.

Members raised concerns during the technical briefing regarding the interpretation of paragraph 14 (11d) and that the Neighbourhood Plan contains housing allocations and therefore, the presumption for granting development (otherwise known as the “tilted balance” would not apply in this instance and instead, the conflict with the Neighbourhood Plan would significantly and demonstrably outweigh the benefits.

Members are directed to the committee report (pages 119-120) which notes that “the Hugglescote and Donington Le Heath neighbourhood plan was adopted in November 2021 and therefore became part of the development plan five years or less before the date on which the decision is made. However, part (b) also specifies that the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 67-68 of the NPPF).

The Planning Practice Guidance goes on to clarify that “In order for a neighbourhood plan to meet the criteria set in paragraph 14b of the Framework, the ‘policies and allocations’ in the plan should meet the identified housing requirement in full, whether it is derived from the housing figure for the neighbourhood area set out in the relevant strategic policies” Further, “Policies and allocations within other development plan documents, for example strategic site allocations or windfall development set out in a local plan or spatial development strategy, will not meet criterion 14b of the National Planning Policy Framework.”

Whilst the Neighbourhood Plan refers to the District Housing Need under the “approach to future residential growth” the Neighbourhood Plan does not provide specific allocations to provide for more residential units during the current planning period to 2031 other than through Windfall development as outlined in the below extract.

e) Further consultee response – Waste Services.

Following the publication of the committee agenda, it is noted that Waste Services provided comments in relation to the positioning of the bin store which would need to be secured when layout is for consideration at reserved matters:

The residents of the proposed dwelling would be required to present waste and recycling receptacles at the kerbside adjacent to the adopted highway of Townsend Lane, as per the current collection arrangements for the neighbouring properties. To facilitate this, I have annotated a bin collection point (BCP) on the extract below taken from the attached proposed site plan.

f) Additional third party representations

Following the publication of the agenda, 4 no. additional objections were received citing the following points:

Objection	Officer Response
The proposals are outside the limits in both the Development of the local plan and neighbourhood plan	This is correct but a planning balance assessment needs to be carried out in the case given the proposals are for a self build dwelling, in which significant positive weight is given to an additional self build dwelling. This ultimately needs to be weighed against the harms resulting from development outside of limits and officers have concluded that whilst harm in relation to criteria (i), (ii) and (iii) of the second part of Policy S3 has been identified, it is considered that this harm would be outweighed by the benefits of providing a self-build property.
The building is nearby to a nature reserve.	LCC Ecology were consulted throughout the lifetime of the application who confirmed that the habitats are of low ecological value and there is no evidence of protected species present. Whilst a local wildlife site is located on the corner of Farm Lane and Townsend Lane, no objections were raised by LCC Ecology in respect of the proximity of the development site or potential impacts upon the nearby local wildlife site.
The proposals would represent	Whilst the proposals would result in

overdevelopment of the area.	additional built development within the countryside, given the low density of development, it is not considered the site would appear overly cramped or represent overdevelopment to warrant the refusal of the application on these grounds.
There is no public transport provision in the local area.	The nearest bus stops to the application site are located on Station Road where the No. 15, 28 and 125 services are based which would be approximately 650m distance from the site (equating to an estimated 9-minute walk). Full details of these services are outlined in the above section on bus services.
The proposals would result in the loss of countryside land.	This is correct but a planning balance assessment needs to be carried out in the case given the proposals are for a self build dwelling, in which significant positive weight is given to an additional self build dwelling. In this case, it is considered any harms would be outweighed by the benefits resulting from the scheme.
No site notice was posted in relation to the application	The application was published by way of site notice as well as advertisement in a local newspaper. As such, the Local Authority has met its statutory requirements in publicising the application.
The proposals would not meet the definition of Self-Build and Custom Build.	<p>The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.</p> <p>In considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout. Whilst design, scale and layout are not for consideration at this stage, indicative details have been provided which demonstrates a customised design for the proposed dwelling which differs from that under application 23/01240/OUT.</p> <p>The application has been submitted by a</p>

	<p>single applicant who has been confirmed to be on the self-build register. The applicant is also agreeable to a section 106 to ensure the applicant occupies the dwelling for a period of at least 3 years from first occupation and shall not be sold to someone other than the Owners Family (or offer so to do) prior to the expiry of a period of 3 years from first occupation.</p> <p>On this basis, it is considered that the applicant would meet the self and custom build definition.</p>
<p>Local services and facilities would not be able to cope with additional demand</p>	<p>Whilst this comment is noted, each application is assessed on its own merits which includes undertaking an assessment of the sustainability of the location. Donington Le Heath, for the purposes of Policy S2, is located at the top of the settlement hierarchy, forming part of the Coalville Urban Area. The urban area is identified as a principal town which <i>“provides an extensive range of services and facilities including employment, leisure and shopping and which is accessible by sustainable transport from surrounding areas and to other large settlements outside the district. The largest amount of new development will be directed here.”</i></p> <p>Additionally, the development site would be within a 10-minute walk of bus services to connect occupants of the dwelling to a wider array of facilities and services.</p>

(g) Amendments to Conditions;

There are no amendments to the proposed conditions list.

Officer comment

The above comments raise no new issues to those previously reported and therefore, officers have no further comments to make.

(h) Changes to Recommendations

RECOMMENDATION – NO CHANGE TO RECOMMENDATION.

A5

23/01482/VCIM

Erection of 400 dwellings approved under approval ref. 23/00459/VCUM (outline planning permission ref. 22/01140/VCIM) without complying with Condition 8 so as to allow for removal of additional trees

Land North of Standard Hill and West of Highfield Street, Hugglescote

Issues Arising from Planning Committee Technical Briefing

An extract of the Coal Authority high risk referral areas within the vicinity of the site is provided below (with the relevant high risk areas annotated in pink). The location of the trees proposed to be felled is identified approximately with a red cross and this shows that the trees are nowhere near the identified areas in the map.



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Correction

It is noted that there is an error in the schedule of relevant planning history set out within the main report. To clarify, application ref. 16/00406/REMM was **withdrawn** on 18/07/22.

NO CHANGE TO RECOMMENDATION

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