

Meeting	<b>PLANNING COMMITTEE</b>
Time/Day/Date	4.30 pm on Tuesday, 4 October 2016
Location	Council Chamber, Council Offices, Coalville
Officer to contact	Democratic Services (01530 454512)

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

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

## AGENDA

Item	Pages
<b>1. APOLOGIES FOR ABSENCE</b>	
<b>2. DECLARATION OF INTERESTS</b>	
Under the Code of Conduct members are reminded that in declaring disclosable interests you should make clear the nature of that interest and whether it is pecuniary or non-pecuniary.	
<b>3. MINUTES</b>	
To confirm and sign the minutes of the meeting held on 6 September 2016.	<b>3 - 10</b>
<b>4. PLANNING APPLICATIONS AND OTHER MATTERS</b>	
Report of the Head of Planning and Regeneration.	<b>11 - 14</b>



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A1	<b>16/00966/PDNATR: Prior approval notification for the change of use, demolition and external alterations of an existing agricultural building to form 1 no. dwelling</b>  Agricultural Outbuilding Clock Mill Swepstone Road Measham Swadlincote Derby DE12 7HS	PERMIT	15 - 26
A2	<b>15/00966/VCUM: Variation of condition 2 to 13/00183/FULM to amend house and garage types in addition to landscaping, boundary treatments and levels</b>  Land Off Measham Road Moira Swadlincote Derby DE12 6AA	PERMIT Subject to a Section 106 Agreement	27 - 46
A3	<b>15/00951/OUTM: Residential development of up to 34 dwellings (outline with details of part access included)</b>  Land South Of The Green Donington Le Heath Coalville Leicestershire LE67 2GE	PERMIT Subject to a Section 106 Agreement	47 - 68
A4	<b>16/00414/OUTM: Demolition of existing buildings and erection of up to 20 dwellings (outline - details of part access included)</b>  Workspace 17 Highfield Street Coalville Leicestershire LE67 3BR	PERMIT Subject to a Section 106 Agreement	69 - 86
A5	<b>16/00415/OUTM: Demolition of existing buildings and erection of up to 18 dwellings and retail convenience store (A1) (outline - details of part access included)</b>  Workspace 17 Highfield Street Coalville Leicestershire LE6 3BR	PERMIT Subject to a Section 106 Agreement	87 - 104
A6	<b>16/00416/OUTM: Erection of business units (B1b, B1c and B2 use class) (outline - all matters reserved except part access)</b>  Land At Vulcan Way Coalville Leicestershire	PERMIT Subject to a Section 106 Agreement	105 - 114
A7	<b>16/00409/OUT: Erection of two industrial units (Outline application - all matters reserved except part access)</b>  Land At Samson Road Coalville Leicestershire LE67 3FP	PERMIT	115 - 122

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 6 SEPTEMBER 2016

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

In Attendance: Councillors T J Pendleton

Officers: Mr C Elston, Mr A Mellor, Mr J Newton, Miss S Odedra and Mrs R Wallace

#### **34. APPOINTMENT OF CHAIRMAN**

In the absence of the Chairman and Deputy Chairman the meeting was opened by the Head of Planning and Regeneration, and Members were invited to appoint a Chairman for the remainder of the meeting.

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

RESOLVED THAT:

Councillor M Specht take the chair for the remainder of the meeting.

#### **35. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors R Adams, J Bridges, V Richichi, N Smith and D J Stevenson.

It was agreed to send Councillor D J Stevenson a get well soon card on behalf of the Committee.

#### **36. DECLARATION OF INTERESTS**

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

Councillor M Specht declared a non pecuniary interest in item A5, application number 16/00612/OUT as he had worked with the applicant in the past.

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

Item A1, application number 15/00966/VCUM  
Councillors R Boam, R Canny, J Clarke, J Cotterill, J G Coxon, D Everitt, D Harrison, J Hoult, R Johnson, G Jones, J Legrys, P Purver, M Specht and M B Wyatt.

Item A2, application number 16/00568/FUL  
Councillor J Legrys.

Item A3, application number 16/00558/OUT  
Councillors R Boam and G Jones.

#### **37. MINUTES**

Consideration was given to the minutes of the meeting held on 2 August 2016.

It was moved by Councillor J Legrys, seconded by Councillor D Harrison and

RESOLVED THAT:

The minutes of the meeting held on 2 August 2016 be approved and signed by the Chairman as a correct record.

### **38. PLANNING APPLICATIONS AND OTHER MATTERS**

Consideration was given to the report of the Head of Planning and Regeneration, as amended by the update sheet circulated at the meeting.

### **39. A1 15/00966/VCUM: VARIATION OF CONDITION 2 TO 13/00183/FULM TO AMEND HOUSE AND GARAGE TYPES IN ADDITION TO LANDSCAPING, BOUNDARY TREATMENTS AND LEVELS**

Land Off Measham Road Moira Swadlincote Derby DE12 6AA

Officer's Recommendation: PERMIT Subject to a Section 106 Agreement

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

Town Councillor S McKendrick, Chair of Ashby Woulds Town Council, addressed the Committee. She explained that the local residents had a number of concerns which she addressed in turn. The proposed increase in roof levels would intrude on the privacy of the neighbouring gardens due to overlooking. The risk of flooding was also an ongoing concern as water levels were often high in the area, especially since the development had begun and this was well documented. Gardens and service roads had been flooded recently on three separate occasions and it seemed that the developer was not doing anything to ease the problem. Councillor S McKendrick stated that there had been no consultation with the local residents by the developer and there was a fear that there would not be any kind of consultation in the future. She acknowledged that there was no obligation on the applicant to do so, but felt that if residents had been consulted then a better solution could have been found.

Mr R Redfern, objector, addressed the Committee. He believed that the increased floor levels were adopted without thought of the impact to the flood risk and the height increase was unsympathetic to the surroundings as well as overlooking the neighbouring properties. He also believed that the proposal contravened a number of planning policies and the developers had not followed national guidelines regarding flood risks. He added that in the past, flood water had been so severe that it required a pump to run 24 hours per day for 6 months to disperse the water. He suspected that the increase in floor levels was as a result of the flood risk and not to meet building regulations as proposed. He was of the view that the flood risk assessment undertaken in 2016 should be made void and that a new assessment should be undertaken. He also explained that the development would have a detrimental impact on resident's right to quiet enjoyment of their property and urged Members to refuse.

Mr P Stone, agent, addressed the Committee. He reported that the scheme had evolved over a number of years and had full planning permission which could not be reversed, this included drainage systems and other agreed conditions. He added that the flooding risks and drainage scheme had been subject to a robust assessment and subsequently approved by the Environment Agency. Regarding the floor levels, he insisted that the increase was to meet building regulations and was merely a slight change. He explained that there was a distance of 60 metres between the plots at the back of the site and the nearest properties, which he set out was the same distance as the width of a football pitch, twice the width of the car park at the Council Offices, and three cricket squares end to end. He believed that this was a considerable distance and therefore not a detrimental

impact on neighbouring properties. He reminded Members that the application was for minor amendments only, that there was no loss of amenity and urged to permit.

Councillor D Harrison moved that the application be deferred due to his concerns regarding the flood risks. It was seconded by Councillor J G Coxon.

Councillor J Legrys spoke in support of the motion but asked for assurances that discussions would be held with the developer as applications often came back to Committee after a deferral without any amendments. He explained that the rise in water levels lead him to believe that the developer did not have a proper drainage system in place. It was his opinion that the developer was attempting to move the responsibility of dealing with the flood risks away, currently to Moira Furnace which now experiences flooding.

Councillor G Jones commented that when the development was approved it had great potential but it had turned out to be very poor with very little consultation between the developer and residents. He supported the motion to defer the application.

Councillor J Geary endorsed the comments already made by Members. Regarding the increase in floor levels, Councillor J Geary asked why the Building Regulations 2010 had been ignored even though the first application for planning permission was made in 2012, two years after the Building Regulations had come into force, and when the subsequent application for full planning permission was granted in 2013. He also questioned why the developers were only making the application now.

The Head of Planning and Regeneration stated that although planning permission had already been granted, the officers could still go back to the developers to make sure that the flood risk was tolerable, therefore he would not be advising Members against deferral if they were minded to do so. In response to Councillor J Geary, he reported that building regulations do change regularly and this was likely the reason for the amendment at this time, this was something he would check if Members decided to defer the application.

Councillor J Geary replied that the Building Regulations 2010 in question were in place before the planning permission was approved and if Members were to defer the application, he would appreciate an explanation as to why planning permission had been granted if the development did not meet building regulations when it was brought back to Committee.

Regarding the landscaping as detailed at condition eight within the report, Councillor J Geary expressed his disappointment that it was for five years only as in the past trees and other planting had been removed from development sites after this timeframe. He stated that the requirement should be in perpetuity.

Councillor J Clarke did not agree with comments from the Head of Planning and Regeneration regarding making sure the flood risk was tolerable as he was sure that residents would not find any kind of flood risk tolerable.

Councillor J Coxon felt that it was important to listen to the residents' concerns and was pleased that the planning team were prepared to revisit this matter so that residents were not adversely affected. He supported the motion to defer the application.

Councillor J Legrys asked that the discussions with the developer be opened up for local residents and the Moira Furnace Trust to attend. He also asked for information to a future meeting regarding whose responsibility it was to maintain SUDS, which was an issue that had been raised previously.

Before the motion was put to the vote, the Chairman asked Members for reasons for deferral. It was agreed that the reason for deferral was to allow more information to be obtained from the developer regarding mitigating the risks of flooding.

RESOLVED THAT:

The application deferred to allow more information to be obtained from the developer regarding mitigating the risk of flooding.

40.

**A2**

**16/00568/FUL: AGRICULTURAL STORAGE BUILDING AND DRIVEWAY**

Land East Side Of Austrey Lane Appleby Parva Derby

Officer's Recommendation: PERMIT

The Senior Planning Officer presented the report to Members.

Mr P Lees, objector, addressed the Committee. He explained that every resident in the village had signed the objection for a number of reasons. Firstly, the proposal was contrary to policy S6 and was not an essential agricultural building as represented within the report as it would not be used for business but for a hobby, the land owner did not farm any of his land or own any animals. He believed that the application was the first step to developing the site and the applicant was trying to get around planning by putting forward the application. He believed that the proposed access to the site was not safe as it was situated on a bend which meant it was impossible to see oncoming traffic; he guaranteed that accidents would occur if the application was permitted. He brought Members attention to the fact that the proposed height of the building was 5.2 metres and was supposedly for a tractor, considering that the biggest tractor in the village was 3 metres high, he did not believe that this would be the use of the building. He concluded that the application was very misleading and very poor, therefore he urged Members to refuse it.

Councillor R Blunt, ward member, addressed the committee. He began by stating that as Members who visited the site would have seen, the area was of outstanding beauty and the site itself was only a small field which some would consider a garden. The Council had a duty to protect the countryside and this application would be a visual intrusion on the area. He added that the piece of land was definitely not used for farming. He concurred with the comments of Mr P Lees and urged Members to refuse the application on the grounds that it would have an adverse visual impact, the proposed access was dangerous and that the building was not required as the agricultural use did not apply.

Councillor J G Coxon moved that the application be refused on the grounds stated above. It was seconded by Councillor J Hout.

Councillor D Harrison commented that having been to the site it did not look like it would be used for farming especially now he was aware that the land owner did not currently farm. He asked if the officer's recommendation to permit had been made on the basis that it would be used to store a tractor. The Head of Planning and Regeneration explained that officer's made a judgement by taking a number of things into account, including the size of the land and views of the agricultural officer. Regarding the reasons for refusal, the Head of Planning and Regeneration advised that as the Highway Authority had not objected and that there was already gated access to the site, dangerous access would not be a strong reason for refusal. Councillor J G Coxon felt that the proposed access was on a dangerous part of the road which the Highway Authority had already reduced the speed of; therefore he wished the reason for refusal to remain.

Councillor P Purver commented that she passed the site daily and the land level was higher than the road junction, when you add this to the height of the proposed building she believed that the size would have an adverse affect.

Councillor J Geary commented that the application was a classic example of the importance of non pre-determination. His initial thoughts whilst on site were that it was very messy and any kind of development would tidy up the site considerably. However, now he had listened to the comments and discussion at the meeting he was in support of the motion to refuse.

Councillor J Legrys agreed that it was an untidy site that was on a very heavily used road. As the Highway Authority had no objections he felt that the reason for refusal based on the dangerous access could not be defended in the event of an appeal, therefore it was his opinion that it should not be included. He believed it was an area of outstanding beauty and what he had seen on the site was a scrub land that was in need of development.

For clarification, the Head of Planning and Regeneration stated that the access to the site was not directly onto the A444, so vehicles would not be exiting directly onto this busy road.

Councillor D Everitt commented that he liked to see overgrown natural landscape and hoped that it would stay that way.

Councillor G Jones felt that if the Committee were minded to refuse the application then the land owner should be issued with a tidying up order.

Councillor J Clarke agreed that the site should be tidied up but he did not believe a building of the proposed size would enhance the area.

RESOLVED THAT:

The application be refused on the grounds that it would have an adverse visual impact, the proposed access was dangerous and that the building was not required as the agricultural use did not apply.

41.

**A3**

**16/00558/OUT: ERECTION OF TWO DWELLINGS WITH ASSOCIATED GARAGES INCLUDING THE CREATION OF A NEW VEHICULAR ACCESS (OUTLINE APPLICATION ACCESS AND LAYOUT FOR APPROVAL)**

Land Adjacent To The Cottages Stoney Lane Coleorton Leicestershire

Officer's Recommendation: REFUSE

The Senior Planning Officer presented the report to Members.

Mr G Jones, objector, addressed the Committee. He explained that his driveway was located directly opposite the proposed site on an acute angle which meant he needed to sweep across the road to exit onto the very narrow lane. If the proposal was to be approved it would mean that it would be very dangerous for himself and his visitors to exit his property. He stated that people abused the speed limit and drove very fast along that part of the road and as the road is in a narrow embankment, also on a camber, it does become very dangerous. He agreed with the officers' recommendations and urged Members to refuse.

Mr T Stewart, supporter, addressed the Committee. He stated that he had been studying the history of Coleorton for many years and the applicant was the third generation of the

family to reside in the main house. The proposal was to include a house for the aging parents to allow them to stay in the area as well as another dwelling to allow others to do the same thing. He felt it was important to protect the history of the village and to keep generations of families in the area. He explained that the development met local need requirements and that the applicant was happy to enter into a suitable Section 106 agreement.

Mr A Large, agent, addressed the Committee. His observation was that the site was a natural place to infill and there were no objections from the Highway Authority as all concerns had already been addressed, as well as the fact that the applicant was willing to widen the road if need be. He referred to the officer's reason for refusal regarding unsustainability and highlighted to Members that the report failed to mention the local school or the Beaumont Centre. He also referred Members to a letter submitted by the school's head teacher who would encourage development in the area as the pupil intake had been down on numbers. He urged Members to permit.

Councillor J Legrys moved that the application be permitted; it was seconded by Councillor G Jones.

Councillor G Jones commented that other permissions had been granted in the area and as the development was to help people to stay in the area he was in support. He explained that he could see no problem with the proposal given that the applicant was happy to widen the highway which would benefit the local residents.

Councillor R Boam agreed that similar applications had been permitted in the area but he believed that they were needed. He commented that there were already two empty cottages on the site which could be occupied and therefore he felt the proposal was unnecessary. He added that the road was already heavily used and he could not support the motion to permit.

RESOLVED THAT:

The application be permitted.

**42.**

**A4**

**16/00683/FUL: ERECTION OF ONE DWELLING**

Ivy House Nottingham Road Peggs Green Coleorton Coalville Leicestershire LE67 8HN

Officer's Recommendation: PERMIT

The senior planning officer presented the report to Members.

Mr A Large, agent, addressed the Committee. He commented that the application was not too dissimilar to the previous application and as there were no objections, he urged Members to permit.

The officer's recommendation was moved by Councillor J G Coxon and seconded by Councillor D Harrison.

RESOLVED THAT:

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



**43. A5  
16/00612/OUT: ERECTION OF ONE SELF-BUILD DWELLING (OUTLINE - ALL MATTERS RESERVED)**

Land At Babelake Street Packington Ashby De La Zouch Leicestershire LE65 1WD

Officer's Recommendation: Permit Subject to a Section 106 Agreement

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

Parish Councillor C Miles, Chairman of Packington Parish Council, addressed the Committee. He raised concerns that the proposal was outside the Limits to Development and would be detrimental to the village as, although he acknowledged this was not something that the Committee was able to take into account, it could set a precedent to other pony paddock owners resulting in sporadic development. He stated that self builds should not take precedent over defined Limits to Development. He added that the site connected four different footpaths and if the application was approved it was feared that the footpaths would no longer be used. He stressed the importance of protecting the natural environment of the village and due to there being no through road to the site, a busy access road, and flooding risks he urged Members to refuse the application.

Ms S Price, agent, addressed the Committee. She stated that Packington was a sustainable village within walking distance of services and that similar applications had been permitted in the past. She further advised that although the proposed development was outside Limits to Development, other dwellings adjoined the site and therefore the site was not isolated. There was no evidence that users of the footpaths and roads would be affected by the development and there were no objections from neighbouring residents. She concluded that the proposal was for a self build which the applicant was planning on retiring to, with the intention to reduce their vehicles from two to one.

Councillor J Hoult moved the officer's recommendation. It was seconded by Councillor G Jones and he commented that he was in full support of self builds and believed they should be encouraged.

Councillor J Coxon stated that he liked to support the views of the Parish Council but on this occasion he could not see anything wrong with the application. He concurred with Councillor G Jones and even though the site was outside the limits to development, there was a bungalow across the road.

RESOLVED THAT:

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

Councillor M B Wyatt left the meeting at 5.10pm.

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 6.10 pm

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**APPENDIX B**

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

**4 October 2016**

**PLANNING & DEVELOPMENT REPORT**



## **PLANNING COMMITTEE FRONT SHEET**

### **1. Background Papers**

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

### **2. Late Information: Updates**

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

### **3. Expiry of Representation Periods**

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

### **4. Reasons for Grant**

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

### **5. Granting permission contrary to Officer Recommendation**

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

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

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

## **6 Refusal contrary to officer recommendation**

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

## **7 Amendments to Motion**

An amendment must be relevant to the motion and may:

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

as long as the effect is not to negate the motion

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

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

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

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

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

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

## **8 Delegation of wording of Conditions**

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

to the Head of Planning and Regeneration.

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

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

Prior approval notification for the change of use, demolition and external alterations of an existing agricultural building to form 1 no. dwelling

Report Item No  
A1

Agricultural Outbuilding Clock Mill Swebstone Road Measham Swadlincote Derby DE12 7HS

Application Reference  
16/00966/PDNATR

Applicant:  
Mr And Mrs Colin Roberts

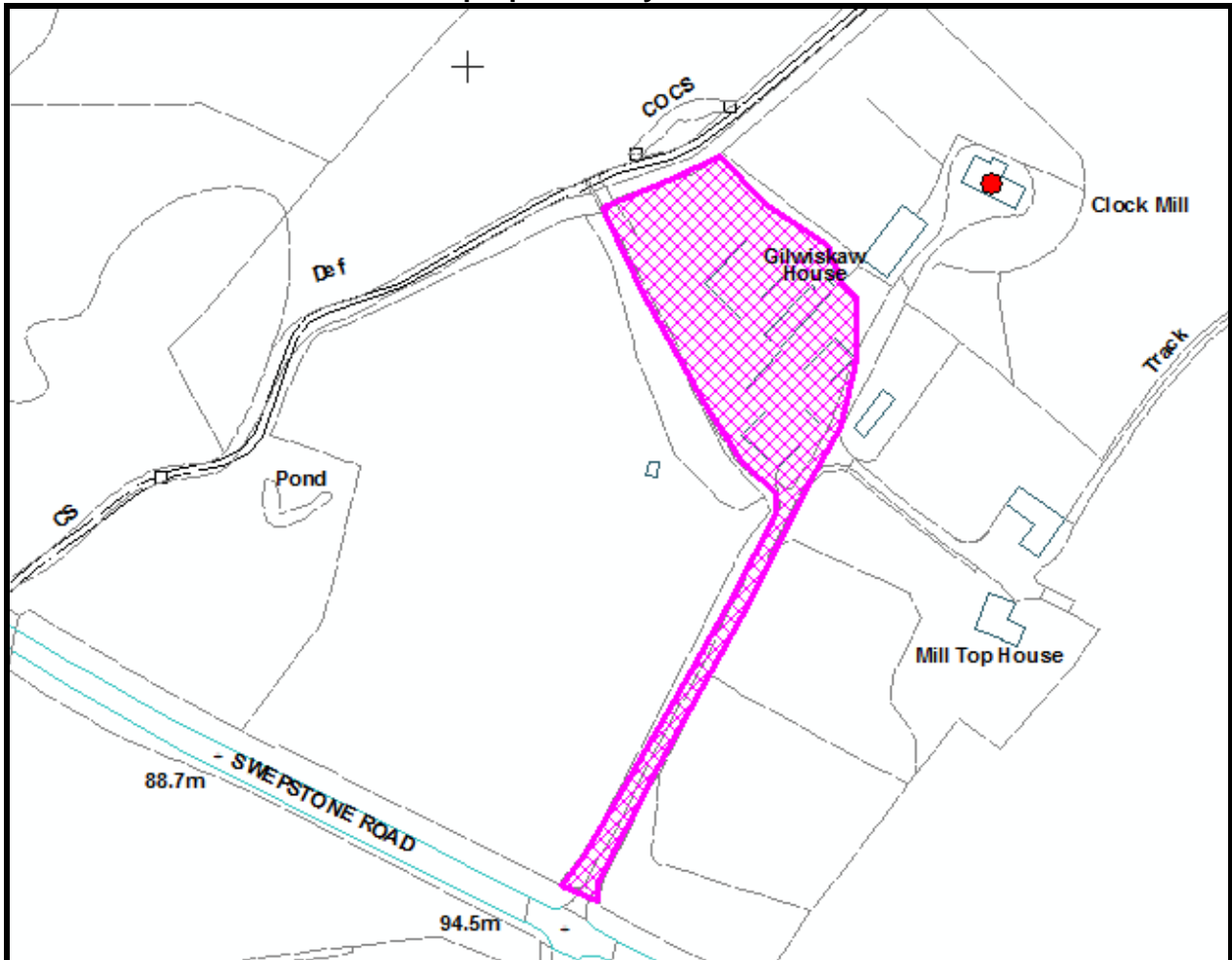
Date Registered  
9 August 2016

Case Officer:  
Ebony Mattley

Target Decision Date  
4 October 2016

Recommendation:  
PERMIT

Site Location - Plan for indicative purposes only



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## **Executive Summary of Proposals and Reasons for Approval**

### **Reason for Call In**

The application is reported to the Planning Committee, at the request of Councillor Blunt on the grounds of highway safety.

### **Proposal**

This is an application for prior notification under Part 3 Class Q of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the conversion of an existing agricultural barn to form 1 no. residential dwelling and external alterations including demolition, at 'Clock Mill', Swepestone Road, Measham.

### **Consultations**

Members will see from the main report below that there are objections from one address to the scheme. There are no other objections raised from statutory consultees.

### **Planning Policy**

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

### **Conclusion**

The submission has been assessed against the criteria set out under Part 3 Class Q of the General Permitted Development (England) Order 2015 and has been found to comply with them all. The proposals would be acceptable with regard to noise implications and flood risk, and considered to be acceptable subject to the imposition of conditions in relation to highway safety and contamination risks. Furthermore, the location is considered to be appropriate and the scheme does not give rise to any significant material impacts upon the designs of the building or the appearance of the site. Accordingly it is therefore recommended that prior approval be granted, subject to the imposition of planning conditions.

### **RECOMMENDATION - PERMIT, SUBJECT TO THE IMPOSITION OF CONDITIONS**



## MAIN REPORT

### 1. Proposals and Background

This is an application for prior notification under Part 3 Class Q of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the conversion of an existing agricultural barn to form 1 no. residential dwelling and external alterations and demolition at 'Clock Mil', Sweptstone Road, Measham.

The General Permitted Development (England) Order 2015 grants permitted development rights to allow for certain types of development without the need for planning permission. However, in cases such as this it is necessary to seek prior approval from the Local Planning Authority as to whether specified elements of the development are acceptable before work can proceed. The assessment criteria for prior notification applications are strictly limited to those defined in the General Permitted Development (England) Order 2015; the specifics of which have been identified in the detailed report. The Local Planning Authority may grant prior approval either unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. If a decision does not reach the applicant within the 8 week expiry date from the date of receipt of the application by the Local Planning Authority then the development would be permitted by default.

#### Recent Planning History:-

16/00592/PDNATR - Prior approval notification for the change of use and external alterations of existing agricultural building to form 3 no. dwellings - Refused - 16.06.2016.

Applications between 2001 and 2003, including that reference below, for the conversion of a barn to a dwelling is not the same building as that seeking conversion within this application.

03/00969/FUL - Conversion of barn to one dwelling and alterations to access - Approved - 12.09.2003.

### 2. Publicity

One neighbour has been notified.(Date of last notification 21 August 2016)

Site Notice displayed 23 August 2016

### 3. Consultations

Sweptstone Parish Council consulted 16 August 2016

County Highway Authority

Head of Environmental Protection

Natural England

LCC Flood Management

### 4. Summary of Representations Received

The following summary of representations is provided:-

#### Statutory Consultees

**Natural England** raises no objection, subject to the imposition of conditions.

**Leicestershire County Council - Highways** raises no objection, subject to the imposition of conditions.

**Leicestershire County Council - Lead Local Flood Authority** has no comments to make.

**NWLDC Environmental Protection - Land Contamination** raises no objection, subject to the imposition of conditions.

**NWLDC Environmental Protection** has no environmental observations.

### **Third Party Representations**

One letter of objection has been received (jointly by the owners of Milltop House and Clock Mill) raising the following concerns:-

- the application is invalid - the present authorised use of the site is not agricultural and the site has benefit of planning permission for residential use ref: 03/0969 and the planning permission has been implemented;
- the conversion would neither be practical nor desirable;
- the size of the building is inappropriate for a single dwelling and twice the size of a large four bedroom house;
- the access from Swepstone Road to the proposed development is owned by Clock Mill and the applicant has access only via a narrow single trackway;
- the entrance and access off Swepstone Road is owned by Clock Mill;
- the applicant has no say in the width of the entrance, surfacing, visibility splays. Signage cannot be erected, the gates open both ways;
- the applicant has never contacted us within regards to the access;
- the applicant's access along the driveway does not permit any passing places and any cars meeting only have the option of reversing onto the highway;
- proximity to Gilwiskaw Brook and impact upon the SSSI;
- the conversion is a metal and tin shed with internal girders; and
- approval will set a precedent for all tin sheds

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

### **5. Relevant Planning Policy**

Town and Country Planning (General Permitted Development) (England) Order 2015 Part 4, Class Q of Schedule 2.

#### *National Planning Policy Framework (NPPF)*

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

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

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

Paragraph 14 (Presumption in favour of sustainable development)  
Paragraph 17 (Core planning principles)  
Paragraph 57 (Requiring good design)  
Paragraph 59 (Requiring good design)  
Paragraph 60 (Requiring good design)  
Paragraph 61 (Requiring good design)  
Paragraph 100 (Meeting the challenge of climate change, flooding and coastal change)  
Paragraph 101 (Meeting the challenge of climate change, flooding and coastal change)  
Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change)  
Paragraph 118 (Conserving and enhancing the natural environment)

### **Adopted North West Leicestershire Local Plan (2002)**

The following adopted Local Plan policies are relevant to this application:

Policy S3 - Countryside

Policy E3 - Residential Amenity  
Policy E4 - Design  
Policy T3 - Highway Standards  
Policy T8 - Parking

### **Publication Version North West Leicestershire Local Plan**

On 15 September 2015 the District Council's Full Council approved a draft Local Plan for consultation. That consultation has now ended and the publication version of the Local Plan was agreed by Council on 28th June 2016 with a view to its submission for examination in September 2016. Given the more advanced stage that has now been reached with agreement of a publication version of the Local Plan it is considered that more weight can be attached to the following policies:

S3 - Countryside  
D1 - Design of New Development  
D2 - Amenity  
EN2 - River Mease Special Area of Conservation  
CC2 - Water - Flood Risk  
IF7 - Parking Provision and New Development

### **Other Guidance**

National Planning Practice Guidance - March 2014.  
The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations').  
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System.  
River Mease Water Quality Management Plan - August 2011.  
River Mease Development Contributions Scheme - November 2012.

## 6Cs Design Guide (Leicestershire County Council)

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

### 6. Assessment

The site lies outside Limits to Development, as defined in the adopted Local Plan and outside Limits within the publication version local Plan, however the principle of the development is only subject to assessment criteria identified in the General Permitted Development (England) Order 2015.

Therefore the principle of and the need for the proposed dwelling (Policy S3 of the adopted Local Plan) does not need to be considered as part of this prior notification application.

The General Permitted Development (England) Order 2015 makes it clear that, where a development falls under Part 3 Class Q of Schedule 2 of the Order, the Local Planning Authority can only determine whether prior approval will be required in relation to 6 specific matters. Those matters that fall for consideration are:-

- 1) Transport and highways impacts of the development
- 2) Noise impacts of the development
- 3) Contamination risks on the site
- 4) Flooding risks on the site
- 5) Whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to use as a dwelling house
- 6) The design or external appearance of the building

The Local Planning Authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. The General Permitted Development (England) Order 2015 also imposes some standard conditions on any development that is classified as general permitted development under Part 3, Class Q of Schedule 2.

This report, below therefore refers only to those six matters, identified above.

#### 1) Highways

The previous application for prior notification ref: 16/00592/PDNATR for 3 dwellings was refused on the grounds of highway safety.

The scheme has been considered by the County Highway Authority (CHA) who confirm that whilst they have the same concerns with the site access, the individual circumstances surrounding each planning application must be taken into account in order to assess the merits of the application. In this case the CHA are of the opinion that the change of use of an agricultural building to one residential dwelling would potentially reduce the number of larger slower moving vehicles visiting the site and so consider this to be betterment, in highway terms.

The CHA conclude that on balance, the scheme is acceptable from a highway point of view and recommend that conditions are imposed in respect of car parking provision, size of spaces and surfacing of the private access drive, within the applicant's ownership.

It is considered that given the distance from the proposed private drive to the adopted highway that it would be unreasonable and unnecessary to require the private drive to be hard surfaced, in this instance.

In relation to 'betterment' for the avoidance of doubt, the site could be continued to be or brought back into an agricultural use at any time.

Therefore, it is not considered that the proposal would conflict with Saved Policies T3 and T8 in the adopted Local Plan or IF7 of the publication version Local Plan.

## **2) Noise impacts**

The Council's Environmental Protection Officer has no objection to the proposal and has not raised any concerns regarding noise implications. Therefore it can be concluded that the proposed dwelling will have an acceptable level of residential impact in accordance with Saved Policy E3 of the adopted Local Plan and Policy D2 of the publication version Local Plan.

## **3) Contamination**

The Council's Environmental Protection Officer has advised that it is necessary to attach conditions in relation to land contamination.

## **4) Flood Risk**

The site is not within flood zones 2 or 3 and the Lead Local Flood Authority have no comments to make in relation to this application.

## **5) Location**

The location of the proposal must be considered to ensure it would not be impractical or undesirable for the building to change from an agricultural building to one dwelling.

The wider site forms part of a farm, but this building is isolated from the main farm house. The nearest agricultural buildings are not considered to cause any impact upon future residential amenity.

The nearest building received consent for conversion to a residential use ref: 03/00969/FUL and documentation confirms that the Local Planning Authority is satisfied that development commenced. Accordingly the closest building also affords residential status.

## **6) Design**

The scheme proposes render and cedar cladding with anthracite grey roof sheets and grey windows and doors. The scheme proposes large expanse of glazing to the south west, north east and north-west elevations. The window and glazing proportions to the mass of the building are considered acceptable and the use of the materials are considered to complement the scheme.

The proposals are therefore considered to respect the character of their surroundings in terms of scale, design, density, height, massing and materials of construction and as such would be compliant with Saved Policy E4 of the adopted Local Plan and Policy D1 of the publication version Local Plan.

## **Other Matters**

### **River Mease SAC/SSSI**

The site lies within the catchment area for the River Mease Special Area of Conservation (SAC). Whilst the impact of the buildings on the SAC cannot be taken into account when determining this submission, the applicant is required to obtain prior approval before undertaking something that is deemed permitted development that might have a likely significant effect on the SAC. Natural England can be requested to provide an opinion as to the likelihood of a development having a likely significant effect. A note to applicant should therefore be imposed advising the applicant of this matter.

It is also noted that Natural England have recommended conditions be imposed and a contribution under the River Mease DCS may be applicable. However, as this type of prior notification cannot consider foul drainage and the SAC, it would not be possible to attach conditions relating to foul drainage or a contribution under the River Mease DCS, in this instance.

### **Letter of Representation**

The building was included within the application site of application ref: 03/00969/FUL and the plans show an annotation for the barns to be demolished, however no conditions were imposed in relation to demolition. Whilst the adjacent barn has consent for conversion, this barn, subject to this application does not have any residential status. Notwithstanding the requirement to satisfy a series of other criteria under the General Permitted Development (England) Order 2015, in relation to the previous use of the building, providing that the last use has been agricultural and there has been no intervening use, then it is acceptable for a prior approval notification to be submitted.

Accordingly it is not considered that this prior approval notification application is invalid. It is the last use of the building that is required to be agricultural and there is no reason to suggest from visiting the site that it has been used for anything else. It does not have any residential status and was not the building subject to consent ref: 03/00969/FUL for conversion.

With regards to size, a prior approval application can be made up to the floor area of 450 square metres and therefore on this basis, it is likely the size of a residential property would be large for a modern agricultural conversion.

The concerns raised by the neighbours with regards to the access and highway matters have been considered by the County Highway Authority.

The implications upon the River Mease SAC/SSSI have been addressed above.

### **Conclusion**

The submission has been assessed against the criteria set out under Part 3 Class Q of the General Permitted Development (England) Order 2015 and has been found to comply with them all. The proposals would be acceptable with regard to noise implications and flooding risk and considered to be acceptable, subject to the imposition of conditions in relation to highway safety and contamination risks. Furthermore, the location is considered to be appropriate and the scheme does not give rise to any significant material impacts upon the designs of the building or

the appearance of the site. Accordingly it is therefore recommended that prior approval be granted, subject to the imposition of planning conditions.

**RECOMMENDATION - NO OBJECTIONS, subject to conditions:-**

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

*Reason: To comply with the requirements of Class Q, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.*

- 2 The proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by a condition of this permission: 'Proposed Site Layout Plan' Drawing No. HMD/PD/0370/02 and 'Proposed Elevations & Floor Plans. Design Section A/A' Drawing No. HMD/PD/0370/01 received by the Local Planning Authority on 9 August 2016.

*Reason: To determine the scope of this permission.*

- 3 Before first occupation of the dwelling hereby approved, the section of the agricultural building shown to be demolished on 'Proposed Site Layout Plan' Drawing No. HMD/PD/0370/02 received by the Local Planning Authority on 9 August 2016 shall first be removed.

*Reason: To ensure the residential amenity of future occupiers is maintained.*

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

*Reason: To ensure a satisfactory standard of external appearance.*

- 5 No development (except the demolition permitted by this permission) shall commence on site until a Risk Based Land Contamination Assessment has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:

- a) BS10175:2011+A1:2013 Investigation Of Potentially Contaminated Sites Code of Practice;
- b) BS 8576:2013 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOCs); and
- c) CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
- d) Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan must 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:
- e) CLR 11 Model Procedures for the Management of Land Contamination,

- published by The Environment Agency 2004; and
- f) BS 8485:2015 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings
- g) The Verification Plan shall be prepared in accordance with the requirements of:
- h) Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
- i) CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved 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 of paragraph 120 of the NPPF.*

- 6 Prior to occupation of any part of the completed development, a Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme and a report showing the findings of the Verification Investigation relevant to either the whole development or that part of the development shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:
- a) Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
  - b) Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
  - c) Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
  - d) Contain Test Certificates of imported material to show that it is suitable for its proposed use;
  - e) Demonstrate the effectiveness of the approved Remedial Scheme; and
  - f) Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

*Reason: To ensure that the land is fit for purpose and to accord with the aims and objectives of paragraph 120 of the NPPF.*

- 7 Before first occupation of the dwelling, car parking shall be provided, hard surfaced and made available for use in accordance with Proposed Site Layout Plan' Drawing No. HMD/PD/0370/02 received by the Local Planning Authority on 9 August 2016. The parking spaces so provided shall thereafter be permanently so maintained.

*Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.*



**Notes to applicant**

- 1 The site lies within the catchment area for the River Mease Special Area of Conservation (SAC)/SSSI. Contact Natural England (0300 060 3900) for an opinion as to whether the proposed building is likely to have a significant effect on the special features of the SAC/SSSI. If this is considered to be the case then written prior approval from the Local Planning Authority will be required before the development can be carried out. If you do not consult Natural England first regarding this matter, you will need to make an application direct to the Local Planning Authority for written prior approval of the development.

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Variation of condition 2 to 13/00183/FULM to amend house and garage types in addition to landscaping, boundary treatments and levels

Report Item No  
A2

Land Off Measham Road Moira Swadlincote Derby DE12 6AA

Application Reference  
15/00966/VCUM

Applicant:

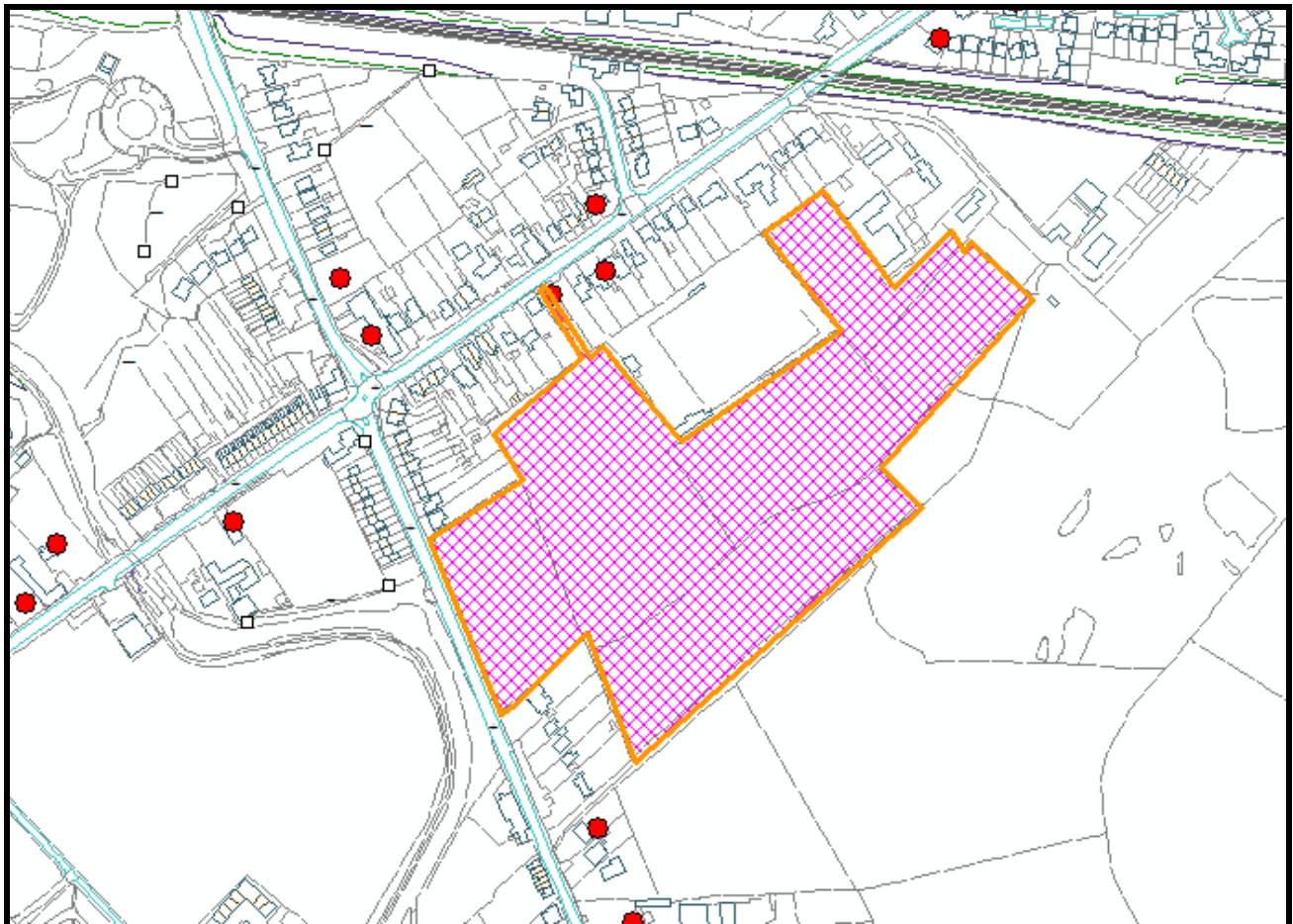
Date Registered  
1 October 2015

Case Officer:  
James Mattley

Target Decision Date  
31 December 2015

Recommendation:  
PERMIT Subject to a Section 106 Agreement

Site Location - Plan for indicative purposes only



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## EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

### Proposal and Update

Planning permission is sought for the variation of condition 2 of planning permission 13/00183/FULM to amend house and garage types in addition to landscaping, boundary treatments and levels at land off Measham Road, Moira. The application was heard at the Planning Committee in September 2016 where it was resolved to defer the application for the applicant to demonstrate that the development would not have an adverse impact on neighbours from flooding and that the development would not result in flooding downstream at Moira Furnace. The applicant has provided some updated information in this regard.

### Consultations

Members will see from the report below that objections have been received from surrounding neighbours and from the Parish Council. No other objections have been received from any other statutory consultees.

### Planning Policy

The sole issue in the determination of this application is whether the scheme would be acceptable when having regard to the changes that are now proposed. Relevant policies in relation to the changes proposed are set out in the NPPF, the Council's adopted Local Plan and the publication version North West Leicestershire Local Plan.

### Conclusion

The principle of this development has already been established by the granting of planning permission 13/00183/FULM. The amended proposal is not considered to have any significant detrimental design impacts or result in impacts upon existing residents. In respect of flooding and drainage, the concerns of the Lead Local Flood Authority (LLFA) and the Environment Agency (EA) have now been satisfactorily addressed and both consultees raise no objection to the scheme on flooding or drainage grounds and the scheme is considered acceptable in this regard. 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 adopted Local Plan, publication version North West Leicestershire Local Plan and the advice in the NPPF.

Therefore, it is recommended that the application be permitted.

### RECOMMENDATION:- PERMIT

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

## MAIN REPORT

### 1. Proposals and Background

This is a full application to vary condition 2 of planning permission 13/00183/FULM since the proposal comprises substitution house and garage types on various plots within the site as set out in the application cover letter. The house and garage type substitutions would also result in alterations to the landscaping and boundary treatment layouts considered as part of the application and associated discharge of condition process. Alternative plans have been submitted in relation to those aspects as part of this application to vary condition 2 of the original permission. The scheme also proposes that the finished floor levels of some plots would be amended. The applicants indicate that such amendments are required to tie into the existing road, detailed design levels and existing topography and to ensure that access is provided in accordance with Part M of the Building Regulations 2010.

The application was heard at the Planning Committee in September 2016 where it was resolved to defer the application for the applicant to demonstrate that the development would not have an adverse impact on neighbours from flooding and that the development would not result in flooding downstream at Moira Furnace. The applicant has provided some updated information in this regard.

#### Planning History

An application in 2012 for 99 dwellings and a small retail store (12/00631/FULM) was going to be considered by Planning Committee, with a recommendation for approval, but was withdrawn prior to the meeting. A subsequent reduced scheme for 80 dwellings and a small retail store (13/00183/FULM) was submitted and was considered by Planning Committee, with a recommendation for approval. It was agreed to approve the application subject to conditions and a S106 legal agreement which was subsequently completed and the decision issued. All pre-commencement conditions relating to the 2013 application have been discharged.

### 2. Publicity

85 no neighbours have been notified (date of last notification 16 September 2016)

Site Notice displayed 16 October 2015

Press Notice published 14 October 2015

### 3. Consultations

Ashby Woulds Town Council consulted 5 October 2015

County Highway Authority

NWLDC Urban Designer

LCC Flood Management

Environment Agency

WARD MEMBER

### 4. Summary of Representations Received

Representations

**Ashby Woulds Town Council** - supports residents objections to the proposal.

**Natural England** - no comments received.

**Environment Agency** - no objection.

**LCC Ecology** - no objection.

**Lead Local Flood Authority** - no objection.

**National Forest Company** - no objection.

### **Third Party Representations**

Eighteen letters of representations raising concern and objection have been received and the comments can be summarised as follows:

- There are coalfield legacy issues relating to the site;
- Abandoned mines get flooded and then leak;
- There is continuous flooding and silting up at the bottom of the site;
- The site drainage will potentially impact on water levels at Moira Furnace;
- The number of surface water holding ponds would be reduced depending on the drawing interpretation and as a result the site surface water holding capacity would be significantly reduced and could be contrary to the original Flood Risk Assessment;
- Will a new flood risk assessment be required?;
- There has been negligible flow rate through the current drainage system which reasonably leads to the opinion that the fields are acting as a soakaway which will not be the case when the area is covered by roadways and houses;
- Effect on surface ground water;
- The proposed revised heights of dwellings would be intrusive, unsightly and overbearing;
- Dwellings would cause overlooking;
- The traffic flow along Measham Road is unacceptable;
- Properties should be 2 storey instead of 2.5 storey;
- Right to light issues;
- Impact upon Human Rights;
- Significant impact upon the local environment.

### **5. Relevant Planning Policy**

The following planning policy is considered relevant to the determination of this planning application.

#### **National Planning Policy Framework**

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

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

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

application:

Paragraph 9 (Achieving sustainable development);  
 Paragraph 10 (Achieving sustainable development);  
 Paragraph 14 (Presumption in favour of sustainable development);  
 Paragraphs 18-20 (Building a strong, competitive economy);  
 Paragraph 32 (Promoting sustainable transport);  
 Paragraph 34 (Promoting sustainable transport);  
 Paragraph 35 (Promoting sustainable transport);  
 Paragraph 39 (Promoting sustainable transport);  
 Paragraph 47 (Delivering a wide choice of high quality homes);  
 Paragraph 49 (Delivering a wide choice of high quality homes);  
 Paragraph 50 (Delivering a wide choice of high quality homes);  
 Paragraph 54 (Delivering a wide choice of high quality homes);  
 Paragraph 56 (Requiring good design);  
 Paragraph 57 (Requiring good design);  
 Paragraph 58 (Requiring good design);  
 Paragraph 59 (Requiring good design);  
 Paragraph 60 (Requiring good design);  
 Paragraph 61 (Requiring good design);  
 Paragraph 64 (Requiring good design);  
 Paragraph 69 (Promoting healthy communities);  
 Paragraph 74 (Promoting healthy communities);  
 Paragraph 100 (Meeting the challenge of climate change, flooding and coastal change);  
 Paragraph 101 (Meeting the challenge of climate change, flooding and coastal change);  
 Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change);  
 Paragraph 109 (Conserving and enhancing the natural environment);  
 Paragraph 112 (Conserving and enhancing the natural environment);  
 Paragraph 119 (Conserving and enhancing the natural environment);  
 Paragraph 120 (Conserving and enhancing the natural environment);  
 Paragraph 122 (Conserving and enhancing the natural environment);  
 Paragraph 123 (Conserving and enhancing the natural environment);  
 Paragraph 124 (Conserving and enhancing the natural environment);  
 Paragraph 141 (Conserving and enhancing the historic environment);  
 Paragraph 203 (Planning conditions and obligations);  
 Paragraph 204 (Planning conditions and obligations);

**Adopted North West Leicestershire Local Plan (2002)**

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

Policy S1 - Overall Strategy;  
 Policy S3 - Countryside;  
 Policy E2 - Landscaped Amenity Open Space;  
 Policy E3 - Residential Amenities;  
 Policy E4 - Design;  
 Policy E7 - Landscaping;  
 Policy E8 - Crime Prevention;  
 Policy T3 - Highway Standards;  
 Policy T8 - Parking;  
 Policy T20 - Airport Safeguarding;

Policy H4/1 - Housing Land Release;  
 Policy H6 - Housing Density;  
 Policy H7 - Housing Design;  
 Policy H8 - Affordable Housing;  
 Policy L21 - Children's Play Areas;

### **Other Policies**

#### **Publication Version North West Leicestershire Local Plan**

On 15 September 2015 the District Council's Full Council approved a draft Local Plan for consultation. That consultation has now ended and the publication version of the Local Plan was agreed by Council on 28th June 2016 with a view to its submission for examination in September 2016. Given the more advanced stage that has now been reached with agreement of a publication version of the Local Plan it is considered that more weight can be attached to the following policies:

S1 - Future housing and economic development needs  
 S2 - Settlement Hierarchy  
 S3 - Countryside  
 D1 - Design of new development  
 D2 - Amenity  
 IF1 - Development and Infrastructure  
 IF2 - Community and Cultural Facilities  
 IF4 - Transport Infrastructure and new development  
 IF7 - Parking provision and new development  
 En1 - Nature Conservation  
 En2 - River Mease Special Area of Conservation  
 En3 - The National Forest  
 Cc2 - Water - Flood risk  
 Cc3 - Water - Sustainable Drainage Systems

### **National Planning Practice Guidance**

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

## **6. Assessment**

### **Principle of Development**

The principle of this development has already been established by the granting of planning permission 13/00183/FULM. The sole issue in the determination of this application is whether the scheme would be acceptable when having regard to the changes that are now proposed to the plans and detailed within the 'Proposals and Background' section of this report.

### **Flood Risk and Drainage**

There have been continuing concerns of local residents in respect of coalfield legacy issues and, since works began on site in respect of 13/00183/FUL, pooling water on the site. These have been and continue to be dealt with under separate complaints, and negotiation, processes in conjunction with relevant statutory consultees. It should be noted that this proposal relates only to design changes and changes to levels across some parts of the site and these are the only matters which can be considered as part of this application. Clearly the alterations to the



design of the dwellings would have no impact on Flood Risk and Drainage and, therefore, the key issue is whether the revised land levels on the site would result in flood risk and drainage concerns. To consider this issue fully the Local Planning Authority have consulted both the Environment Agency and the Lead Local Flood Authority (LLFA).

In respect of the LLFA they originally objected to the revised application as the proposed changes to the finished floor levels did not assess the impact from a flood risk perspective. The LLFA requested additional information to demonstrate that the properties are appropriately mitigated from the flood risk including from groundwater flooding. Peveril Homes provided this additional information to the LLFA regarding groundwater flooding as this has been recorded on site and measured and the finished floor levels are set to take account of this information. On the basis of this revised information the LLFA now raise no objections to the proposed scheme.

With regards to the comments of the EA they also originally objected to the variation until such time as calculations and drainage drawings were submitted showing how all land drains and private land drainage found during construction have been accounted for as well as information on ground water flooding. Peveril Homes provided this additional information to the EA and they have now removed their objection based on the following:

1. The applicant has stated that the level of the plot of major concern (Plot 1) has been increased back to its original proposed Finished Floor Level (FFL), and there is a flood flow route to deal with any residual flood risk (down the site road and across Measham Road Moira) which protects this plot.
2. The applicant has stated that the land drains originally found on site have been dealt with by them being removed (dug out) during the ground works.
3. The applicant has stated that the Coal drainage issues have been dealt with on site with by the manholes being backfilled and culvert being removed (dug out) during the ground works.
4. The applicant has stated that the groundwater seeping into the new site road highway sub base will be dealt with by means of a drain that will connect directly to the Measham Road culvert, so not connecting into the SW drainage system.

The application was heard at the Planning Committee in September 2016 where it was resolved to defer the application for the applicant to demonstrate that the development would not have an adverse impact on neighbouring properties from flooding and that the development would not result in flooding downstream at Moira Furnace. While the applicants are satisfied that their proposals will not result in either flooding of neighbouring properties or Moira Furnace downstream and see no need to amend the technical surface water drainage scheme, the applicant has provided the following updated information in this regard:

(a) As a good will gesture, a new close boarded fence at the end of the garden to plots 10 and 11 together with a new gravel board will be provided. The developer, Peveril, has also allowed for 1m of land to fall away from the fence back towards plots 10 and 11 which would prevent any run-off water travelling towards the adjacent gardens of residents of Measham Road.

(b) In terms of flooding downstream, and in particular at Moira Furnace, it has been agreed by the LLFA and EA ?? that the amount of runoff from the site will be limited specifically to no more than the 'greenfield' runoff rate of 38 litres per second. Therefore, the impact of the development on flooding will be no more than the previous situation with the site undeveloped.

This information is subject to re-consultation with surrounding neighbours as well as the LLFA and the EA. In addition, Officers have met separately with (i) Ashby Wolds Town Council and a neighbouring resident, and (ii) the Chairman of the Trustees of Moira Furnace to listen to their concerns about the flooding impact of this development on neighbouring properties and Moira Furnace. As a result, the concerns of the Trustees of Moira Furnace and residents will be raised with the developer, Peveril, and the LLFA, and the outcome of this and any additional comments from consultees not already received will be reported on the Update Sheet.

Notwithstanding the revised details which have been submitted, it has previously been concluded that the concerns of the LLFA and the EA have now been satisfactorily addressed and both consultees raised no objection to the scheme on flooding or drainage grounds. The previous conditions which required certain run-off limitations would still apply to any decision to be issued in respect of the current proposal. At this stage, Officers do not consider that there is any evidence to suggest that the conclusions reached by the LLFA and EA should not now be accepted. Therefore, the scheme is still considered to be acceptable in relation to the advice in the NPPF and the Council's adopted and publication version Local Plans in respect of flooding and drainage.

### **Design**

Prior to application 12/00631/FULM being considered, substantive pre-application advice discussions took place between the agent and the Council to establish what would be required as part of a planning application for the site taking into account the countryside location and the fact that the Council did not have a five housing land supply at that time. The Council's Urban Design Officer took part in many discussions with the agent's design consultant and the proposal was presented to the Design Review Panel by the agent. The scheme included some self build units, some chalet type dwellings to the north of the site to create a strong National Forest identity at that edge of the development next to existing woodland areas, and high quality, bespoke design dwellings throughout the remainder of the site in addition to the retail unit. Whilst that scheme was withdrawn the same design ethos and details were carried through into the 13/00183/FULM application via a Design and Access statement and a Building for Life supporting document. That application was approved.

It should be noted that on both the above applications the high quality design, along with the retail offer, local infrastructure benefits in terms of inclusion of a cycleway to assist with the link between Conkers and Hicks Lodge, and the contribution towards the five year housing land supply was a material factor in reaching the conclusion that the benefits of the scheme outweighed the fact that the proposals were contrary to the adopted Local Plan countryside policy S3. As such, at present there is an extant permission under 13/00183/FULM which includes a high quality design.

The current application would retain the self build plots and chalet style woodland feel dwellings at the northern section of the site but seeks to vary house and garage types within the remainder of the site, including 'node' dwellings at corner plots. The original submission that was put forward as part of this application was considered to result in the bespoke design detailing of the house types being 'watered' down and resulting in elevations which are more akin to standard house type appearances. These concerns were raised with the applicant's agent and discussed during a meeting with the Council's Urban Designer which has resulted in amended plans being submitted. On the basis of the amended plans, the original concerns over the application have been addressed and it is considered that the amended house types would continue to result in an acceptable design on the site. No objections have been received from

the Council's Urban Designer or from any other consultee/neighbour regarding the design quality of the amended proposal.

The proposed changes to the landscaping and boundary treatment layouts would not have any significant adverse visual impact.

Therefore, the scheme is considered to be acceptable in relation to the advice in the NPPF and the Council's adopted Local Plan and publication version Local Plan in respect of design matters.

### **Residential Amenity**

The proposal seeks to amend finished floor levels of some plots across the site, to tie in to the existing road, detailed design levels and existing topography of the development, to ensure access is provided in accordance with Part M of the Building Regulations 2010. The finished floor levels have been reviewed across the site, with some levels being reduced and some levels being raised from the indicative finished floor levels forming part of the original planning permission. In terms of the raising of levels the smallest change is 0.05 metres (Plots 2-5) and the greatest change is 1.125 metres (Plot 8). Concern has been expressed from surrounding neighbours regarding the proposed alterations and particular concern has been expressed from residents off Measham Road in respect of the alterations to Plots 10 and 11.

With regards to Plot 10 and 11 these are 2.5 storey dwellings located in the south-western part of the site. The existing relationship is for the back gardens of the proposed plots to back onto the back gardens of the existing properties and this relationship would remain unchanged (as the scheme proposes only level changes and not layout changes). The current scheme proposes that Plot 10 would have a finished floor level of 94.45 metres and Plot 11 would have a finished floor level of 94.75 metres which would be 0.925 metres higher than that which was previously agreed, and between 1.2-1.5 metres higher than the finished floor level of properties fronting onto Measham Road. However, Plots 10 and 11 would have 20 metre long rear gardens and the existing properties off Measham Road have approximately 40 metre rear gardens. The result is that there would be a back to back distance of around 60 metres which is substantially in excess of the Council's recommended distance of 22 metres and would provide more than adequate separation distances between proposed and existing dwellings. Therefore, the proposed increase in levels to Plots 10 and 11 would not result in any significant overlooking, overbearing or overshadowing impacts to the occupiers of these dwellings.

Plots 24-28 which are located in the northern part of the site would also be subject to level changes ranging from 0.15 metres to 0.85 metres although no objections have been received from residents along Ashby Road in the immediate vicinity of these plots. The existing relationship is for the back gardens of the proposed plots to back onto the back gardens of the existing properties and this relationship would remain unchanged. The proposed plots in this area have 20 metre long rear gardens and the existing properties off Measham Road have rear gardens ranging from 27-36 metres in length. The result is that there would be a back to back distance of between 47-56 metres which is substantially in excess of the Council's recommended distance of 22 metres and would provide more than adequate separation distances between proposed and existing dwellings. Therefore, the proposed increase in levels to these plots would not result in any significant overlooking, overbearing or overshadowing impacts to the occupiers of these dwellings.

Plot 1 would be located in close proximity to the side elevation of No.45 Measham Road. Following concerns in respect of drainage it is now proposed that no finished floor level

alterations take place to this plot.

It is, therefore, deemed that the development would not have any significant detrimental impact upon neighbouring residential amenities and is considered to be acceptable in relation to Policy E3 of the adopted Local Plan and Policy D2 of the publication version Local Plan.

### Other

Concerns of the Moira Furnace Trust are noted and the Leicestershire County Council Ecologist indicates there are no concerns in respect of the current proposal. The Leicestershire County Council Ecologist provides further comments in respect of the Trust's project at its site which is a separate matter to the current planning application for consideration. The proposed revisions to the scheme do not impact on the River Mease SAC which has already been considered at the original application 13/00183/FULM stage and dealt with via the associated legal agreement. As such, no further consideration in respect of the Habitats Regulations is required in relation to this current application to vary condition 2 of the original permission.

In terms of other matters raised in letters of representation which have not already been addressed, traffic flow impacts have already been dealt with as part of the original scheme. Right to light legislation is not a material planning consideration and it is not considered that the scheme would result in a breach of Human Rights legislation.

All other relevant planning conditions in respect of the previous planning permission on the site would continue to apply to the site and would need to be attached to any new planning permission on the site.

### Conclusion

The principle of this development has already been established by the granting of planning permission 13/00183/FULM. The amended proposal is not considered to have any significant detrimental design impacts or result in impacts upon existing residents. In respect of flooding and drainage, the concerns of the LLFA and the EA have now been satisfactorily addressed and both consultees raise no objection to the scheme on flooding or drainage grounds, and the scheme is considered acceptable in this regard. 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 adopted Local Plan, publication version Local Plan and the advice in the NPPF. It is therefore recommended that the application be permitted.

### **RECOMMENDATION - PERMIT, subject to the following conditions and subject to a Section 106 agreement to secure a deed of variation;**

- 1 The development shall be begun before 30 June 2017.

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

- 2 The development shall be built in accordance with the following plans submitted as part of planning application 13/00183/FULM:

5820\_EL (20) 10C\_B Housetype Moira Grand Villa Type C elevations;

5820\_PL (20) 10C\_B Housetype Moira Grand Villa Type C floorplans;  
 5820\_SP (90) 01\_S Masterplan House Types;  
 5820\_SP (90) 02\_1 Landscape Masterplan;  
 5820\_SP (90) 03\_F Street hierarchy plan;  
 5820\_SP (90) 04\_F Open space strategy;  
 5820\_SP (90) 05\_F Planting palette;  
 5820\_SP (90) 06\_R Site layout;  
 5820\_SP (90) 08\_F Masterplan building heights; all received 28 June 2013, and,

5820\_SP (90) 09\_A Site location plan 1:1250;  
 EL (20) 001\_A North Elevation Retail Store;  
 EL (20) 002\_A South Elevation Retail Store;  
 EL (20) 003\_A East Elevation Retail Store;  
 EL (20) 004\_A West Elevation Retail Store;  
 PL (20) 001\_A Ground layout plan retail store;  
 PL (20) 101\_A Proposed floor areas plan;  
 PL (20) 102\_A Store internal areas;  
 PL (27) 001\_A Roof plan retail store;  
 SE (20) 001\_A Section A-A;  
 SP (90) 001\_A Store site plan;  
 SP (90) 101\_A Store landscape plan; all received 11 March 2013, and,

5820\_EL (20) 01\_A Moira Paired Bungalow elevations;  
 5820\_EL (20) 01\_A-A Moira Detached Bungalow elevations;  
 5820\_EL (20) 02\_A Moira Terraced Cottages elevations;  
 5820\_EL (20) 03 Moira Paired Cottage elevations;  
 5820\_EL (20) 04 Moira Paired House elevations;  
 5820\_EL (20) 05-A\_A Moira Paired Villa (Gable Variant) elevations;  
 5820\_EL (20) 05-B\_A Moira Paired Villa elevations;  
 5820\_EL (20) 06A Moira Detached Cottage elevations;  
 5820\_EL (20) 07A Moira Corner House elevations;  
 5820\_EL (20) 08A Moira Corner Cottage elevations;  
 5820\_EL (20) 09 A-A Moira Large Cottage - Dutch Gable option elevations;  
 5820\_EL (20) 10A-A Moira Grand Villa (Type A) elevations;  
 5820\_EL (20) 10B-A Moira Grand Villa (Type B) elevations;  
 5820\_EL (20) 11A Woodland House 1 elevations;  
 5820\_EL (20) 12\_A Woodland House 2 elevations;  
 5820\_EL (90) 01\_A Boundary treatment palette - front boundaries;  
 5820\_EL (90) 02\_A Boundary treatment palette - rear and side boundaries; all received  
 11 March 2013, and,

5820\_PL (20) 01\_B Moira Paired Bungalow plans;  
 5820\_PL (20) 02\_B Moira Terraced Cottages plans;  
 5820\_PL (20) 03\_B Moira Paired Cottage plans;  
 5820\_PL (20) 04\_B Moira Paired House plans;  
 5820\_PL (20) 05 A\_B Moira Paired Villa (Type 02);  
 5820\_PL (20) 05 B\_B Moira Paired Villa plans;  
 5820\_PL (20) 06\_B Moira Detached Cottage plans;  
 5820\_PL (20) 07\_A Moira Corner House plans;  
 5820\_PL (20) 08\_B Moira Corner Cottage plans;  
 5820\_PL (20) 09 A\_A Moira Large Cottage - Dutch Gable option plans;  
 5820\_PL (20) 09 B\_B Moira Large Cottage (Type B) plans;

5820\_PL (20) 10 A\_A Moira Grand Villa (Type A) plans;  
 5820\_PL (20) 10 B\_A Moira Grand Villa (Type B) plans;  
 5820\_PL (20) 11-1-A Woodland House 1 plans;  
 5820\_PL (20) 11-2-A Woodland House 1 roof plan and 3D;  
 5820\_PL (20) 12\_A Woodland House 2 plans;  
 5820\_PL (20) 14\_A Moira Workshop House plans and elevations;  
 5820\_PL (20) 31 Garage Type G1 Garage and woodstore;  
 5820\_PL (20) 32 Garage Type G2 Garage and carport (pitched roof);  
 5820\_PL (20) 33 Garage Type G3 Traditional single garage;  
 5820\_PL (20) 34 Garage Type G4 Woodland style garage; and,  
 5820\_PL (20) 35 Garage Type G5 Garage and carport (sedum roof), all received on 11 March 2013.

as amended by the following plans submitted as part of planning application 15/00966/VCUM:

SP(90)24 Rev H (Planting Plan 1 of 4) deposited with the Local Planning Authority on 18 April 2016;  
 SP(90)25 Rev H (Planting Plan 2 of 4) deposited with the Local Planning Authority on 18 April 2016;  
 SP(90)26 Rev F (Planting Plan 3 of 4) deposited with the Local Planning Authority on 18 April 2016;  
 SP(90)27 Rev I (Planting Plan 4 of 4) deposited with the Local Planning Authority on 18 April 2016;  
 External Finishing Schedule deposited with the Local Planning Authority on 1 March 2016;  
 PL(20)29 Rev C (Plans and 3D View) deposited with the Local Planning Authority on 25 February 2016;  
 EL(20)29 Rev C (Elevations) deposited with the Local Planning Authority on 25 February 2016;  
 EL(20)02 Rev G (Elevations) deposited with the Local Planning Authority on 25 February 2016;  
 PL(20)02 Rev G (Plans) deposited with the Local Planning Authority on 25 February 2016;  
 5820\_SP (90)08 Rev M deposited with the Local Planning Authority on 8 August 2016;,  
 EL (20)08 Rev H (Elevations) deposited with the Local Planning Authority on 22 February 2016;  
 PL (20)08 Rev I (Plans and 3D View) deposited with the Local Planning Authority on 22 February 2016;  
 EL (20)01 Rev E (Elevations) deposited with the Local Planning Authority on 22 February 2016;  
 PL (20)01 Rev E (Plans and 3D View) deposited with the Local Planning Authority on 22 February 2016;  
 PL (20)01A Rev D (Plans and 3D View) deposited with the Local Planning Authority on 22 February 2016;  
 EL (20)01A Rev E (Elevations) deposited with the Local Planning Authority on 22 February 2016;  
 PL (20)03 Rev F (Plans and 3D View) deposited with the Local Planning Authority on 22 February 2016;  
 EL (20)03 Rev E (Elevations) deposited with the Local Planning Authority on 22 February 2016;  
 EL (20)04 Rev E (Elevations) deposited with the Local Planning Authority on 22

February 2016;  
 PL (20)04 Rev E (Plans and 3D View) deposited with the Local Planning Authority on 22 February 2016;  
 EL (20)05 Rev H (Elevations) deposited with the Local Planning Authority on 22 February 2016;  
 PL (20)05 Rev H (Plans and 3D View) deposited with the Local Planning Authority on 22 February 2016;  
 EL (20)06 Rev I (Elevations) deposited with the Local Planning Authority on 22 February 2016;  
 PL (20)06 Rev I (Plans and 3D View) deposited with the Local Planning Authority on 22 February 2016;  
 EL (20)08 Rev H (Elevations) deposited with the Local Planning Authority on 22 February 2016;  
 PL (20)08 Rev I (Plans and 3D View) deposited with the Local Planning Authority on 22 February 2016;  
 EL (20)09B Rev E (Elevations) deposited with the Local Planning Authority on 22 February 2016;  
 PL (20)09B Rev E (Plans and 3D View) deposited with the Local Planning Authority on 22 February 2016;  
 EL (20)10A Rev E (Elevations) deposited with the Local Planning Authority on 22 February 2016;  
 PL (20)10A Rev E (Plans) deposited with the Local Planning Authority on 22 February 2016;  
 EL (20)10B Rev E (Elevations) deposited with the Local Planning Authority on 22 February 2016;  
 PL (20)10B Rev E (Plans) deposited with the Local Planning Authority on 22 February 2016;  
 PL (20)14 Rev F (Plans and Elevations) deposited with the Local Planning Authority on 22 February 2016;  
 SP (90)04 Rev G deposited with the Local Planning Authority on 1 October 2015;  
 SP (90)05 Rev J deposited with the Local Planning Authority on 1 October 2015;  
 SP (90)06 Rev T (Site Layout) deposited with the Local Planning Authority on 1 October 2015;  
 SP (90)03 Rev H deposited with the Local Planning Authority on 1 October 2015;  
 SP (90)02 Rev T deposited with the Local Planning Authority on 1 October 2015;  
 5820\_SP(90)01 Rev AA deposited with the Local Planning Authority on 1 October 2015;  
 EL (90)01 Rev C deposited with the Local Planning Authority on 1 October 2015;  
 PL (28)36 deposited with the Local Planning Authority on 1 October 2015;  
 PL (28)37 deposited with the Local Planning Authority on 1 October 2015;  
 PL (28)38 deposited with the Local Planning Authority on 1 October 2015.

*Reason- To determine the scope of this permission.*

- 3 Notwithstanding the other conditions of this permission, no development shall commence on site at Plots 77, 78, 79 and 80 until separate full applications for development at the Plots have been submitted to, and agreed in writing, by the Local Planning Authority.

*Reason- To determine the scope of this permission and for the avoidance of doubt.*

- 4 The gross retail floor space of the retail unit shall not exceed 385 sq m, and the net retail sales floor space shall not exceed 300 sq m.

*Reason- For the avoidance of doubt.*

- 5 Notwithstanding any other conditions of this permission, no work shall commence on site until such time as a scheme for the phasing of construction works (including details of the phasing relevant to each area of the site and a timetable for the commencement of work within each area) have been submitted to and agreed in writing by the Local Planning Authority, unless details have been agreed under this condition as part of application 13/00183/FULM. The development shall be carried out in accordance with the agreed details.

*Reason - To ensure the development takes the form envisaged by the Local Planning Authority, and to ensure that various elements of the proposed scheme comes forward in a logical manner, in the interests of the proper planning of the area.*

- 6 The materials to be used in all external surfaces shall be in accordance with the details contained in the External Finishing Schedule dated 1st March 2016, unless otherwise agreed in writing with the Local Planning Authority.

*Reason- To enable the Local Planning Authority to retain control over the external appearance.*

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no development relating to Class A of Part 1 Schedule 2 (erection of extensions) shall be undertaken without the prior written approval of the Local Planning Authority.

*Reason- In the interests of residential amenities of neighbouring properties, and the visual amenities of the locality.*

- 8 All planting, seeding or turfing indicated on the approved landscaping plans (SP(90)24 Rev H, SP(90)25 Rev H, SP(90)26 Rev H, SP(90)27 Rev I) shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a five year period from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

*Reason- To ensure the satisfactory overall appearance of the completed development, and to ensure an appropriate planting palette within the National Forest.*

- 9 No work shall commence on the site until such time as a scheme for protecting the existing trees and hedgerow, identified as being retained, during the construction process has been submitted to and approved by the Local Planning Authority, unless details have been agreed under this condition as part of application 13/00183/FULM. The scheme shall include measures to protect the working area within Root Protection Areas. Such protection as is agreed shall be maintained during the course of development.

*Reason- To ensure satisfactory protection of the existing trees and hedgerow in question during the period when construction works take place on the site.*



- 10 The boundary treatments of the site shall be carried out in accordance with the details shown on drawing numbers EL(90)01 Rev C and SP(90)02 Rev T. The approved scheme shall be implemented before the dwellings and retail unit are occupied, taking into account any agreed phasing of construction works.

*Reason- To preserve the amenities of the locality.*

- 11 No development shall commence until details of waste/recycling storage for units within the site have been submitted to and agreed in writing by the Local Planning Authority, unless details have been agreed under this condition as part of application 13/00183/FULM. The works shall be undertaken in accordance with the approved details and maintained as such.

*Reason- To enable the Local Planning Authority to retain control over the external appearance and to preserve residential amenities of nearby properties.*

- 12 No development shall commence until a detailed scheme for parking courtyard and cycle path lighting has been submitted to and agreed in writing by the Local Planning Authority, unless details have been agreed under this condition as part of application 13/00183/FULM. The works shall be undertaken in accordance with the approved details and maintained as such.

*Reason- To enable the Local Planning Authority to retain control over the external appearance and to preserve residential amenities of nearby properties and the amenities of the adjacent woodland.*

- 13 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority, unless details have been agreed under this condition as part of application 13/00183/FULM. The scheme shall be implemented in accordance with the approved details before the development is first brought into use

*Reason- To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.*

- 14 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 4 March 2013, Ref: IPD-11-198/01 Issue C (submitted as part of 13/00183/FULM), undertaken by IPaD and the following mitigation measures detailed within the FRA:

Limiting the surface water run-off generated by the 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 (Section 4).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

*Reason -To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.*

- 15 Development shall not commence until 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, unless details have been agreed under this condition as part of application 13/00183/FULM. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

- A CCTV condition survey of the existing culvert, and remedial measures undertaken where necessary. Reason, for the purpose of ensuring the culvert is operating as designed for the lifetime of the development.  
A manhole at the location where the site surface water drainage system connects to the existing culvert. Reason, for the purpose of future inspection and maintenance of the culvert.
- 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 discharge rate and storing 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 and long sections, and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements, a drawing showing the flood extents for the residual flood volumes stated in the calculations and the flood flow route channel clearly marked on it, including it's outfall location, extent and depth of flooding during operation. Drawing No. SK002 Revision D or similar should be used at the base for the flood extents drawing.
- 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 and improve habitat and amenity.*

- 16 No development shall commence on site until a full and detailed site investigation and assessment confirming the location and condition of the recorded coal mine entries has been carried out, at the developer's expense, and submitted to the Local Planning Authority, unless details have been agreed under this condition as part of application 13/00183/FULM. In the event that the site investigations confirm the need for remedial works to treat the mine entries, and/or any other mitigation measures to ensure the safety and stability of the proposed development, no development shall commence on site until details of such works have been submitted to and agreed in writing by the Local Planning Authority and implemented at the site, unless details have been agreed under this condition as part of application 13/00183/FULM.

*Reason- In the interests of safeguarding the proposed development and adjacent properties.*

- 17 Any garage doors shall be set back from the highway boundary a minimum distance of

5.5 metres for sliding or roller/shutter doors, 6.1 metres for up-and-over doors or 6.5 metres for doors opening outwards and thereafter shall be so maintained.

*Reason- To enable a vehicle to stand clear of the highway whilst the garage doors are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.*

18 All existing vehicular accesses that become redundant as a result of this proposal shall be closed permanently and the existing vehicular crossings reinstated in accordance with a scheme that shall first have been submitted to and approved by the LPA in consultation with the Highway Authority within one month of the new access being brought into use, unless details have been agreed under this condition as part of application 13/00183/FULM.

*Reason - To reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points.*

19 For the period of the construction, the applicant shall take measures to ensure that the highway is kept free of mud, water, stones etc, in accordance with details that shall have first been approved in writing by the Local Planning Authority in consultation with the Highway Authority, unless details have been agreed under this condition as part of application 13/00183/FULM.

*Reason- To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users.*

20 Before the development commences, details of the routing of construction traffic shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority, unless details have been agreed under this condition as part of application 13/00183/FULM. During the period of construction, all traffic to and from the site shall use the agreed route at all times.

*Reason- To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site.*

21 For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.

*Reason- To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction.*

22 Any garages must have minimum internal dimensions of 6 metres x 3 metres if they are to be counted as a parking space and once provided, shall thereafter permanently remain available for car parking.

*Reason- To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.*

23 No walls, planting or fences, other than any highway trees as part of the wider

landscaping scheme for the site, shall be erected or allowed to grow on the Highway boundary exceeding 0.9 metres in height above the level of the adjacent carriageway.

*Reason- To afford adequate visibility at the access/junction with Measham Road and in the interests of general highway safety within the site.*

- 24 Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.

*Reason- To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.*

- 25 Before the first occupation of any dwelling hereby permitted, off-street car parking provision shall be made in accordance with the details shown on the submitted plans, unless details have been agreed under this condition as part of application 13/00183/FULM. The parking areas shall be surfaced prior to the development being brought into use and shall be so maintained at all times.

*Reason- To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.*

- 26 Before first occupation of any dwelling hereby permitted, its access drive and any turning space 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.)*

- 27 Before the development commences, details of satisfactory pedestrian visibility splays at the junction of each private access with the access roads shall be submitted to the LPA for approval in writing, unless details have been agreed under this condition as part of application 13/00183/FULM. Before the first occupation of each dwelling, the approved pedestrian visibility splays in connection with the access serving that dwelling shall be provided with nothing within those splays higher than 0.6 metres above ground level, in accordance with the current standards of the Highway Authority and shall be so maintained in perpetuity.

*Reason- In the interests of pedestrian safety.*

- 28 No development shall commence on site until details of anti-motorcycle barriers on, and signage information for, the cycle/foot path hereby permitted has been submitted to and agreed in writing with the Local Planning Authority, unless details have been agreed under this condition as part of application 13/00183/FULM. These measures shall be implemented as agreed and maintained as such in perpetuity.

*Reason- In the interests of pedestrian and cyclist safety, and in the interests of the flora and fauna in the adjacent woodland.*

- 29 No construction works, movement of construction traffic, and deliveries to and from the premises, shall occur other than between 0800 and 1800 hours weekdays, and 0800

and 1300 hours on Saturdays, and at no time on Sundays or Public Holidays.

*Reason- To safeguard the privacy and amenities of the occupiers of adjoining properties during periods of construction.*

- 30 The development shall be implemented in accordance with the remedial scheme outlined in the HSP Consulting Phase II intrusive investigation reference C1525 dated 07/02/2012 and submitted as part of planning application 13/00183/FULM.

If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority.

The Risk Based Land Contamination Assessment shall be carried out in accordance with:

- BS10175 Year 2011 Investigation Of Potentially Contaminated Sites Code of Practice;
- BS8485 Year 2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
- The Remedial Scheme shall be prepared in accordance with the requirements of:
- CLR 11 Model Procedures for the Management of Land Contamination, published by The 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, published by the Environment Agency 2010;
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

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 of paragraph 120 of the NPPF.*

- 31 Prior to occupation of any part of the completed development, a Verification Investigation shall be undertaken in line with the agreed Verification Plan (submitted as part of planning application 13/00183/FULM) for any works outlined in the Remedial Scheme and a report showing the findings of the Verification Investigation relevant to either the whole development or that part of the development shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation 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 for 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 Remedial Scheme have been completed.

*Reason- To ensure that the land is fit for purpose and to accord with the aims and objectives of paragraph 120 of the NPPF.*

- 32 Notwithstanding the approved plans and Conditions 8 and 10, no further development shall commence on Plots 10 and 11 until a scheme of boundary treatments, land levels and landscaping is provided for Plots 10 and 11. The scheme shall be carried out in accordance with the agreed details prior to Plots 10 and 11 being occupied.

*Reason - To address flooding and drainage concerns.*

### **Notes to applicant**

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant during the 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 2015.

Residential development of up to 34 dwellings (outline with details of part access included)

Report Item No  
A3

Land South Of The Green Donington Le Heath Coalville  
Leicestershire LE67 2GE

Application Reference  
15/00951/OUTM

Applicant:  
Wrenbury Properties Ltd

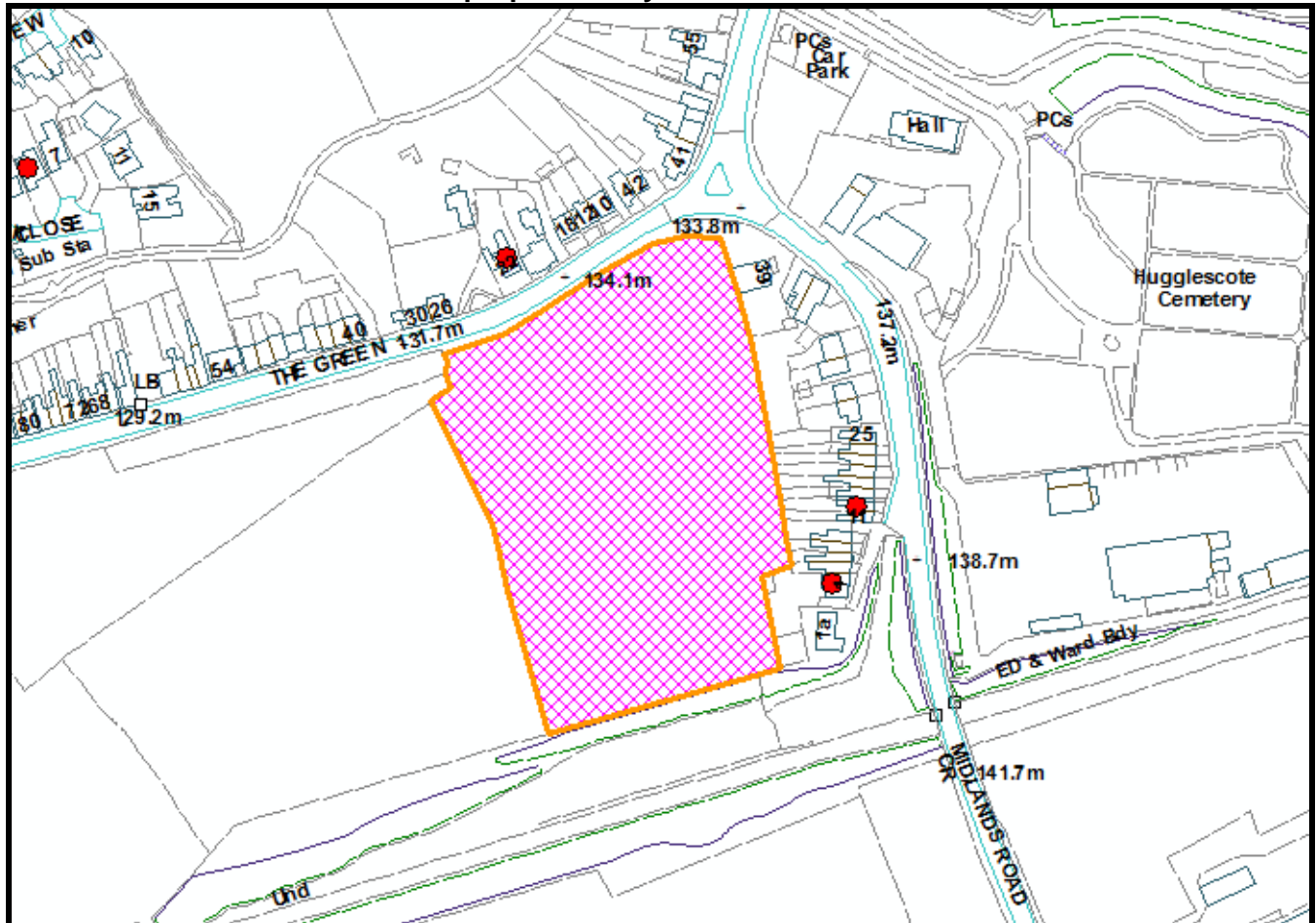
Date Registered  
7 October 2015

Case Officer:  
James Mattley

Target Decision Date  
6 January 2016

Recommendation:  
PERMIT Subject to a Section 106 Agreement

Site Location - Plan for indicative purposes only



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## EXECUTIVE SUMMARY OF PROPOSALS

### Call In

The application has been 'called in' by Councillor Johnson on the grounds that it is not in the public interest, highway safety matters and because the site is in an area of separation.

### Proposal

Planning permission is sought for a residential development of up to 34 dwellings (outline with details of part access included) on land to the south of The Green, Donington Le Heath. The application site which measures some 1.49 hectares is located outside the Limits to Development and in an area of separation.

### Consultations

A total of 26 representations have been received opposing the development and the Parish Council object to the development. All other remaining statutory consultees have raised no objections subject to the imposition of conditions on any consent granted.

### Planning Policy

The application site lies outside Limits to Development and in an area of separation as defined in the adopted North West Leicestershire Local Plan. The site also lies outside of the Limits to Development in the publication version North West Leicestershire Local Plan. Also material to the determination of the application, however, is the supply of housing in the context of the National Planning Policy Framework (NPPF) and whether the scheme represents sustainable development.

### Conclusion

The application site lies outside Limits to Development and in an area of separation as defined in the adopted Local Plan. The site is outside of the Limits to Development in the publication version Local Plan but not in any area of separation. Having regard to the three dimensions of sustainable development, it is accepted that the development has the potential to make a positive contribution to both the economic and social strands of sustainable development. In terms of the environmental strand of sustainable development, the site would result in the loss of a Greenfield site and the previous landscape and visual impacts arising from the scheme have been addressed and there are no significant impacts in respect of ecology, heritage, flooding, drainage and agricultural land. When having regard to all of these issues, it is not considered that any environmental harm which would arise would be so severe that it would significantly and demonstrably outweigh the benefits associated with the development. On this basis it is considered that the scheme would represent sustainable development and, therefore, the proposal is considered to be acceptable.

At the reserved matters stage it would be possible to site up to 34 dwellings within the site that would be acceptable in terms of the residential amenities of existing and future occupiers and that could provide for an appropriate form of design that would be in keeping with the locality. The proposal would be acceptable in relation to highway safety subject to appropriate planning conditions. There are no other relevant material planning considerations that indicate planning permission should not be granted.



Therefore, it is recommended that the application be permitted subject to conditions and subject to a Section 106 agreement.

**RECOMMENDATION - PERMIT, subject to conditions and subject to a Section 106 legal agreement;**

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

## MAIN REPORT

### 1. Proposals and Background

Outline planning permission is sought for a residential development of up to 34 dwellings on land to the south of The Green, Donington Le Heath. All matters other than part access from The Green are reserved for subsequent approval. The application site, which measures 1.49 hectares, is located outside of the limits to development and in an area of separation.

The scheme when it was originally submitted was for 45 dwellings but has now been reduced to a maximum of 34 dwellings. Whilst all matters other than part access are reserved for subsequent approval, an illustrative masterplan has been submitted showing the proposed dwellings, together with public open space and landscaping.

The application is accompanied by a design and access statement, geotechnical desk study, travel plan, transport statement, landscape and visual appraisal, flood risk assessment, ecology report, tree survey and planning statement.

The application has been 'called in' by Councillor Johnson on the grounds that it is not in the public interest, highway safety matters and because the site is in an area of separation.

No relevant planning history found.

### 2. Publicity

34 no neighbours have been notified (date of last notification 24 February 2016)

Site Notice displayed 14 October 2015

Press Notice published 21 October 2015

### 3. Consultations

Hugglescote & Donington Le Heath PC consulted 9 October 2015

County Highway Authority consulted 23 February 2016

Manager Of Housing North West Leicestershire District Council consulted 4 February 2016

LCC ecology consulted 4 February 2016

NWLDC Urban Designer consulted 4 February 2016

LCC Development Contributions consulted 27 April 2016

Environment Agency consulted 27 April 2016

County Archaeologist consulted 27 April 2016

National Forest Company consulted 27 April 2016

Manager Of Housing North West Leicestershire District Council consulted 27 April 2016

Head Of Street Management North West Leicestershire District consulted 27 April 2016

NHS Leicester, Leicestershire And Rutland Facilities Managme consulted 27 April 2016

Severn Trent Water Limited consulted 27 April 2016

Natural England- Within 2k Of SSSI consulted 27 April 2016

Police Architectural Liaison Officer consulted 27 April 2016

Head of Environmental Protection consulted 27 April 2016

Head Of Leisure And Culture consulted 27 April 2016

LCC Flood Management consulted 27 April 2016

NWLDC Tree Officer consulted 27 April 2016

#### 4. Summary of Representations Received Statutory Consultees

**Hugglescote and Donington Le Heath Parish Council** objects to the application on the following grounds:

- Site is located outside of the limits to development;
- The parish is becoming over-developed;
- An extensive offsite drainage network is required as there are no surface water sewers in the vicinity of the site;
- Highway safety concerns regarding visibility, speed of traffic and on-street car parking;
- Countryside would be severely affected;
- Existing parking along The Green is not always considerate.

**Environment Agency** has no comment to make on the application.

**Lead Local Flood Authority** raises no objection subject to the imposition of conditions.

**Leicestershire County Council Archaeologist** raises no objection subject to the imposition of conditions.

**Leicestershire County Council Ecologist** raises no objection subject to the imposition of conditions.

**Leicestershire County Council Highway Authority** raises no objection subject to the imposition of conditions.

**Leicestershire County Council Library Services Development Manager** requests a contribution of £970.

**Leicestershire County Council Local Education Authority** requests a contribution of £164,198.28.

**Leicestershire County Council Civic Amenity** requests a contribution of £2,288.

**National Forest Company** has no objection subject to the National Forest Planting being secured and managed through a legal agreement.

**Natural England** has no comments to make.

**North West Leicestershire District Council Contaminated Land Officer** has no objections subject to conditions.

**North West Leicestershire District Council Environmental Health Officer (EHO)** has no objections subject to conditions.

**Severn Trent Water** has not responded at the time of writing this report. Any comments received shall be included within the Update Sheet.

#### Third party representations

27 letters of representation have been received raising the following comments/objections:

- separation distances on the illustrative masterplan are unacceptable;
- a total of 45 dwellings is too many and there should be a reduced number of dwellings on the site;
- access arrangements are unsuitable due to speed of traffic and on-street car parking along The Green;
- application is outside the limits to development;
- there is already a sufficient supply of housing in the district;
- proposal could result in additional yellow lines along The Green which would prevent existing residents parking;
- flood risk and drainage concerns;
- there is an existing accident record on the road;
- impact upon existing infrastructure;
- increased traffic and noise;
- impact upon archaeology;
- density of development is unacceptable;
- site is located within a Sensitive Area as defined by the local plan and the proposal would result in development getting closer to Ellistown;
- impact upon the visual amenity of the area;
- land was formerly allotments and should be protected;
- scheme should include for car parking for existing residents.

## 5. Relevant Planning Policy

### National Policies

#### *National Planning Policy Framework*

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

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

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

- Paragraph 14 (Presumption in favour of sustainable development)
- Paragraph 17 (Core planning principles)
- Paragraph 28 (Supporting a prosperous rural economy)
- Paragraph 32 (Promoting sustainable transport)
- Paragraph 34 (Promoting sustainable transport)
- Paragraph 47 (Delivering a wide choice of high quality homes)
- Paragraph 49 (Delivering a wide choice of high quality homes)
- Paragraph 57 (Requiring good design)
- Paragraph 59 (Requiring good design)
- Paragraph 60 (Requiring good design)
- Paragraph 61 (Requiring good design)
- Paragraph 100 (Meeting the challenge of climate change, flooding and coastal change)
- Paragraph 101 (Meeting the challenge of climate change, flooding and coastal change)
- Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change)
- Paragraph 109 (Conserving and enhancing the natural environment)

Paragraph 112 (Conserving and enhancing the natural environment)  
Paragraph 118 (Conserving and enhancing the natural environment)  
Paragraph 123 (Conserving and enhancing the natural environment)  
Paragraph 124 (Conserving and enhancing the natural environment)  
Paragraph 203 (Planning conditions and obligations)  
Paragraph 204 (Planning conditions and obligations)

**Adopted North West Leicestershire Local Plan (2002)**

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

Policy S3 - Countryside  
Policy E2 - Landscaped Amenity Open Space  
Policy E3 - Residential Amenities  
Policy E4 - Design  
Policy E7 - Landscaping  
Policy E21 - Separation of Settlements  
Policy F1 - National Forest General Policy  
Policy F2 - National Forest Tree Planting  
Policy F3 - National Forest Landscaping and Planting  
Policy T3 - Highway Standards  
Policy T8 - Parking  
Policy H4/1 - Housing Land Release  
Policy H6 - Housing Density  
Policy H7 - Housing Design  
Policy H8 - Affordable Housing  
Policy L21 - Children's Play Areas

**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 requirements in respect of children's play provision in association with residential development.

**Publication Version North West Leicestershire Local Plan**

The publication version of the Local Plan was agreed by Council on 28th June 2016 with a view to its submission for examination in September 2016. Given the advanced stage that has now been reached it is considered that weight can be attached to the following policies:

S1 - Future housing and economic development needs  
S2 - Settlement Hierarchy

S3 - Countryside  
 D1 - Design of new development  
 D2 - Amenity  
 H4 - Affordable Housing  
 IF1 - Development and Infrastructure  
 IF4 - Transport Infrastructure and new development  
 IF7 - Parking provision and new development  
 En1 - Nature Conservation  
 En3 - The National Forest  
 Cc2 - Flood risk  
 Cc3 - Sustainable Drainage Systems

## 6. Assessment

### Principle of Development

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

The application site lies outside the defined Limits to Development with residential dwellings not being a form of development permitted by Policy S3 of the adopted Local Plan or Policy S3 of the publication version Local Plan. The site is also within an area of separation as defined by Policy E21 of the adopted Local Plan although it is noted that this designation would not be carried forward as part of the publication version Local Plan. Whilst the publication version Local Plan proposes a new Areas of Separation policy, this would not be applicable to any of the areas identified under Policy E21 of the adopted Local Plan.

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

Paragraph 17 of the NPPF highlights the need to recognise the intrinsic character and beauty of the countryside, but does not specifically preclude development within the countryside. Consideration must therefore be given as to whether the proposals constitute sustainable development (including in its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF. Further consideration of the proposals' compliance with the three dimensions of sustainable development is set out below.

Donington Le Heath is located within the Greater Coalville area which benefits from a range of public services and facilities that could contribute to reducing future occupants of the dwelling's reliance on the private car.

Having regard to the three dimensions of sustainable development, it is accepted that the development has the potential to make a positive contribution to the economic dimension by virtue of the growth associated with the proposed development. Socially the development would benefit from the provision of up to 34 dwellings which would include for a minimum of 20% affordable properties which would contribute to the housing needs of different groups within the community. Subject to the inclusion of appropriate contributions to local services as detailed below and the inclusion of affordable housing, the scheme has the potential to positively contribute in terms of the economic and social dimensions of sustainable development.

However, from an environmental sustainability point of view it is noted that the site is located outside the Limits to Development in both the adopted and publication version Local Plans, both of which seek to resist residential development on greenfield sites in the countryside. These policies are considered to be supported by the principles of Paragraphs 17 and 109 of the NPPF, and the ministerial letter from Brandon Lewis of the 27th March 2015 urging Inspectors to protect the intrinsic beauty of the countryside.

The land is also subject to Policy E21 in the adopted Local Plan which seeks to ensure that adjoining settlements Hugglescote and Ellistown remain as two separate and distinct settlements. This policy states that development will not be permitted which would result in a reduction in the physical separation between the built-up areas of adjoining settlements. Whilst no such specific policy is proposed as part of the publication version Local Plan, Policy S3 of the publication version Local Plan does allow some forms of development (not including residential) where 'it does not undermine, either individually or cumulatively with existing or proposed development, the physical and perceived separation and open undeveloped character between nearby settlements either through contiguous extensions to existing settlements or through development on isolated sites on land divorced from settlement boundaries'. In terms of compliance with the adopted and publication version Local Plans, the scheme would not be in accordance with adopted Local Plan Policies E21 and S3. However, it is reasonable to have regard to the specific impacts of developing the site and whether this would result in a physical or perceived reduction in the separation between Donington Le Heath and Ellistown. A former railway line is located on the southern boundary and this forms a defensible boundary between further encroachment between Donington Le Heath and Ellistown. Such a strong defensible boundary is not located on the western boundary of the site and it is noted that the land further to the west is also currently located within the area of separation. When having regard to these impacts, it is considered that they would not be so severe as to warrant refusal of the application on this basis alone, but would count against the scheme in the overall planning balance.

In terms of any built development being proposed, the landscape and visual impacts are considered in more detail below, although the existing site makes a positive contribution to the character and appearance of the countryside and the surrounding landscape. Concern was expressed regarding the originally submitted and originally amended scheme as it was considered that the development would result in a significant physical intrusion into the rural environment and would not be in keeping with the character and appearance of the surrounding area. However, since this time the scheme has been amended further and now only a total of 34 dwellings are proposed on the site (a reduction in 11 dwellings in comparison to the originally submitted scheme). The established hedgerow which fronts onto The Green would now be retained and this would help to screen the residential development to such an extent that the previous concerns are considered to have been addressed.

The applicants have amended the scheme on two occasions and have sought to reduce the extent of environmental harm arising. On the basis of the matters referred to above, it is considered that any identified environmental harm which would remain would not significantly and demonstrably outweigh the social and economic benefits of the scheme. On balance, the proposal can be considered to represent sustainable development and, therefore, the application is considered to be acceptable in relation to the NPPF.

### **Detailed Issues**

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

### **Landscape and Visual Impact**

The application is accompanied by a landscape and visual impact assessment (LVIA). The site is not protected by any national landscape designations. The application site covers 1.49 hectares and is a field which was previously used as allotments but which now has been allowed to naturally regenerate with scrub planting. Immediately to the north and east of the site are residential properties. The southern boundary of the site borders the disused railway and there is strong landscaping present in this area. An unmanaged hedgerow with hedgerow trees runs along the western site boundary adjacent to land which lies in open countryside.

The submitted LVIA states that in terms of landscape impacts the proposed development on relatively low ground can be sympathetically accommodated within the existing landscape and will not have a significant adverse effect on the character of the local and wider landscape. This is on the basis that the existing hedgerows and trees are retained as part of the proposed development. With regards to visual effects the LVIA asserts that views of the proposed development will be localised with direct views mainly possible from properties on The Green and Midland Road. It goes on to conclude that it is unlikely that the residential development will be highly visible or viewed as a prominent built feature in the local landscape.

The LVIA states that the proposed development on relatively 'low ground' could be sympathetically accommodated with the retention of the existing landscaping. However, the original illustrative masterplan submitted showed that the dwellings would be constructed on higher ground and that the hedge which fronts the site would be reduced in height along much of its length. It was previously considered that the combination of these issues would have resulted in any development being highly visually prominent from areas along The Green and from Station Road and which would fundamentally and significantly alter the landscape character in the immediate vicinity of the site.

However, since these concerns were raised the applicant's agent has confirmed that the hedge would now be retained at its current height and has removed Plot 1 from the illustrative layout as this would have been highly visible from public vantage points. A number of illustrative sketch images have been provided showing how the proposed development would be viewed given that the existing landscaping would now be retained and these demonstrate that a residential scheme could come forward at the reserved matters stage without having significant visual and landscape impacts.

### **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 the creation of a new vehicular access onto The Green. Whilst the illustrative layout shows internal access roads, these would be a matter for the reserved matters stage(s) (although their impact on the overall potential accessibility and connectivity of the site still ought to be considered).

The application is accompanied by a highway report which concludes that the development would be in a sustainable location and that the development would not materially increase traffic flows on the surrounding highway network and a road safety problem would not be introduced.

The County Highway Authority (CHA) reviewed the highway report and originally raised concerns over the level of on-street car parking along The Green. Further information in respect of tracking of the largest vehicles (such as delivery lorries and recycling lorries) was requested



along with the provision of a new footway from the point of the proposed access to existing footways on the junction of The Green and Station Road.

Following the submission of further tracking information, the CHA now raises no objection to the proposed scheme subject to the inclusion of conditions and legal obligations. The legal obligation would need to secure details of the routeing of construction traffic along with other contributions in respect of public transport.

In conclusion, the County Highway Authority raises no highway safety objections to the proposed scheme subject to the inclusion of relevant conditions and obligations. Taking these matters into account, therefore, the proposed development is considered acceptable in terms of Means of Access and Transportation issues and would comply with Policy T3 in the adopted Local Plan, Policy IF4 in the publication version Local Plan and the advice in the NPPF.

### **Neighbours' Amenities**

The impacts on neighbouring occupiers arising from the proposed development would need to be assessed at the reserved matters stage(s); notwithstanding the details shown on the illustrative layout, there would appear to be no reason in principle why up to 34 units could not be provided on the site in a manner which would not significantly adversely impact upon neighbours' amenities.

The District Council's Environmental Protection team has no objections and it is not considered that the proposal would result in significant adverse impacts on health or quality of life. Accordingly, the requirements under Policy E3 of the adopted Local Plan and D2 of the publication version Local Plan are considered to have been met by the scheme and the proposal would not conflict with paragraph 123 of the NPPF.

### **Design**

The proposed scheme has been assessed by the District Council's Urban Designer, and rated in accordance with CABE's Building for Life 12 criteria which scores on the basis of red/amber/green. The Council's Urban Designer reviewed the original proposals for up to 45 dwellings and originally had some concerns over the illustrative layout that had been submitted as part of the application. These concerns included issues regarding the amount of development, form of development, distribution of open space and layout of built form.

The applicant submitted a revised layout reducing the overall number of dwellings from 45 to 34 and have also provided additional information which has addressed some of the issues which have been raised. It is accepted that the majority of these issues would need to be fully addressed by reserved matters. Suitable conditions and notes to applicant can be provided to indicate that the design concerns would need to be fully addressed as part of any future reserved matters application(s).

Therefore, whilst the scheme in outline cannot be assessed fully against Building for Life, it is considered that it has been demonstrated that, in principle, an appropriate scheme for up to 34 dwellings could be satisfactorily developed on the site, and would comply with Policy E4 of the adopted Local Plan, Policy D1 of the publication version Local Plan and advice in the NPPF.

### **Density**

Adopted Local Plan Policy H6 provides that, for sites of 0.3 hectares and above, residential

development should meet a minimum density of 40 dwellings per hectare within locations well served by public transport and accessible to services, and a minimum density of 30 dwellings per hectare elsewhere.

The application site area is given as 1.49 hectares and the maximum of 34 dwellings proposed by the developers would therefore equate to a maximum density of 22.8 dwellings per hectare, which would fall short of the requirements set out in Policy H6. However, when considering that parts of the site would be taken up by the creation of landscaping and public open space, the net dwelling density would be higher and more in-line with that stated in Policy H6. It is also recognised that a reduced density would be more appropriate in this edge of settlement location. Therefore, the scheme is considered to have an appropriate density.

### **Ecology and Trees**

The application is supported by an ecological appraisal. The appraisal concludes that there are no statutory designated sites within 1km of the site. However, there are a number of non-statutory designated sites in the vicinity of the site, the closest of which is 190 metres away from the site.

There are trees and hedges on the site boundaries which provide suitable habitat for protected species. The majority of hedgerows and trees are to be retained although there would be some impacts in respect of the access point along The Green. In the event that planning permission were to be granted, conditions could be attached to any planning permission requiring existing trees to be protected.

Leicestershire County Council's ecologist considers that the ecology report is satisfactory and there was no evidence of protected species on site. However, concern was expressed regarding the illustrative masterplan as the land to the south of the site is an important wildlife corridor and should be protected by a buffer zone. Following the submission of an amended plan the concerns of the County Ecologist have been addressed and no objections are raised subject to the inclusion of relevant planning conditions.

Therefore, subject to the imposition of suitably-worded conditions and notes to applicant the submitted scheme is considered acceptable in ecological terms and in respect of the impact upon trees.

### **Flood Risk and Drainage**

A Flood Risk Assessment (FRA) and drainage strategy has been submitted in support of the application. The Environment Agency flood zone maps indicate that the site lies within Flood Zone 1, and on this basis the site would appear suitable for development in principle (and in flood risk sequential terms, would meet the requirements of the NPPF).

The submitted FRA and drainage strategy indicates that the site is not at risk of significant flooding from surface water runoff from adjacent land or from ground water. The flood risk assessment indicates that surface water discharge to the ground via infiltration should be achievable and that foul water from the proposed development would discharge into the public sewer. In the event that planning permission were granted, conditions would be needed to ensure that detailed and satisfactory surface water and foul drainage schemes are provided on the site.

Overall, in terms of issues of Flood Risk and Drainage, it is considered that the scheme is

acceptable, and it would be possible to provide for appropriate drainage solutions to accommodate the proposed development. In coming to this conclusion it is noted that the Lead Local Flood Authority raises no objections to the proposed development subject to the inclusion of relevant planning conditions and notes to applicant.

### **Developer Contributions**

The requested developer contributions are listed below.

#### *Affordable Housing*

The Council's SPD on affordable housing indicates that for developments of this scale in the Greater Coalville area 20% of the units should be provided as affordable housing (i.e. 7 units, assuming the construction of the maximum 34 dwellings as proposed). In terms of tenure split, the District Council's Affordable Housing Enabler advises that a tenure split of 70% affordable rented and 30% shared ownership would be sought and the District Council's Strategic Housing Team is seeking the following:

Affordable Rented - 5

2 x 1 bed homes

2 x 2 bed homes

1 x 3 bed home

Shared ownership - 2

1 x 2 bed home

1 x 3 bed home

However, it is accepted that the current requirements are likely to change over time, and it is considered appropriate for the Section 106 agreement to secure a minimum of 20% (and including the tenure split suggested above) with the actual contribution in terms of unit types to be agreed by the District Council.

#### *Transportation Contributions*

The County Highway Authority has requested the following developer contributions, required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, reducing car use and highway safety:

- Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).
- 6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £350.00 per pass - NOTE it is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate).
- New/Improvements to 2 nearest bus stops (including raised and dropped kerbs to allow level access); to support modern bus fleets with low floor capabilities. At £3263.00 per stop.
- Information display cases at 2 nearest bus stops; to inform new residents of the nearest bus

services in the area. At £120.00 per display.

- Contribution towards equipping the nearest bus stop(s) with Real Time Information (RTI) system; to assist in improving the nearest bus service with this facility, in order to provide a high quality and attractive public transport choice to encourage modal shift. 3 line display - £5000.00.

The County Highway Authority have also requested that details of the routing of construction traffic be included in the legal agreement. It is understood that the applicants are agreeable to making these contributions

### *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 Hugglescote Community Primary School. The School has a net capacity of 420 and 1012 pupils are projected on the roll should this development proceed; a deficit of 592 pupil places. A total of 533 pupil places are included in the forecast for this school from S106 agreements for other developments in this area and have to be discounted. This reduces the total deficit for this school to 59 pupil places (of which 50 are existing and 9 are created by this development).

The overall deficit including all schools within a two mile walking distance of the development is 86 pupil places. A total of 615 pupil places have been discounted that are being funded from S106 agreements for other developments in the area. The 9 deficit places created by this development can therefore not be accommodated at nearby schools and a claim for an education contribution of 9 pupil places in the primary sector is justified.

In order to provide the additional primary school places anticipated by the proposed development the County Council requests a contribution for the Primary School sector of £101,631.68. This contribution would be used to accommodate the need created by the proposed development by improving, remodelling or enhancing existing facilities at Hugglescote Community Primary School.

#### *High School Requirements*

The site falls within the catchment area of Newbridge High School. The School has a net capacity of 590 and 774 pupils are projected on the roll should this development proceed; a deficit of 184 pupil places. A total of 166 pupil places are included in the forecast for this school from S106 agreements for other developments in this area and have to be discounted. This reduces the total deficit for this school to 18 pupil places.

There are no other high schools within a three mile walking distance of the development. A claim for an education contribution in the high school sector is therefore justified. In order to provide the additional high school places anticipated by the proposed development the County Council requests a contribution for the High School sector of £62,566.60. This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Newbridge High School.

*Upper School Requirements*

The site falls within the catchment area of King Edward VII College. The College has a net capacity of 1193 and 1294 pupils are projected on roll should this development proceed; a deficit of 101 pupil places after taking into account the 4 pupils generated by this development. There are currently no pupil places at this school being funded from S106 agreements for other developments in the area. There is one other upper school within a three mile walking distance of the development which has a surplus of 259 places. There is an overall surplus in this sector after including all upper schools within a three mile walking distance of the development of 158 pupil places. An education contribution is therefore not requested for this sector.

*Children's Play Equipment*

Under the District Council's Play Area Design Guidance Supplementary Planning Guidance (SPG), on-site children's play provision is required at a rate of 20 square metres per dwelling. Given that 34 dwellings are proposed, this would require a play area of not less than 680 square metres. No on-site children's play area is proposed as part of this proposal and no off-site commuted sum is proposed. The Council's SPG regarding children's play areas specifies that the Council will not seek any additional provision where existing play areas, within 400 metres walking distance, satisfy the needs of the area, including the proposed development.

There would be a distance of less than 400 metres between any part of the proposed site and the existing children's play area on the recreation ground off Station Road and, therefore, this would be considered a reasonable walking distance in accordance with the Council's SPG. The existing children's play area is considered to be of a sufficient size and accommodates a sufficient level of equipment. Therefore, an off-site commuted sum will not be required in this instance.

*National Forest Planting*

The application site extends to 1.49ha and the National Forest Company's (NFC) Planting Guidelines, as set out in the Guide for Developers and Planners, expects 20% of the site area to be for woodland planting and landscaping. This would equate to 0.3ha in this instance. The NFC welcomes the combination of woodland planting and open space as indicated on the indicative layout plan. In the event that planning permission were to be granted, this would need to be secured by condition or legal obligation.

Subject to the inclusion of relevant conditions and obligations which include, amongst other things, detailed landscaping plans the National Forest Company raise no objection to the proposed development.

*Library Services*

The proposed development is within 2.1km of Coalville Library and the proposal would impact on local library services in respect of additional pressures on the availability of local library facilities. Therefore, a library contribution of £970 is requested. It is understood that the applicants are agreeable to making these contributions

*Civic Amenity*

The nearest Civic Amenity Site is located in Coalville. The proposal would impact on this site in respect of additional waste which would not exist but for the proposed development. Therefore, a civic amenity contribution of £2288 is requested. It is understood that the applicants are

agreeable to making these contributions

**Other**

The County Highway Authority has confirmed that double yellow lines in the vicinity of the site access are not required.

It is understood that the site was formerly used as allotments. The land is privately owned and the allotments do not appear to have been used since at least 2000 and as such, the proposal would not result in the loss of allotment land.

The County Council Archaeologist originally requested the submission of an Archaeological Impact Assessment prior to the determination of the application. Following the submission of this information, the County Council Archaeologist raises no objection subject to the inclusion of relevant planning conditions. Therefore, the scheme is considered to be acceptable in relation to archaeology.

**Conclusions**

The application site lies outside Limits to Development and in an area of separation as defined in the adopted Local Plan. The site is outside of the Limits to Development in the publication version Local Plan but not in any area of separation. Having regard to the three dimensions of sustainable development, it is accepted that the development has the potential to make a positive contribution to both the economic and social strands of sustainable development. In terms of the environmental strand of sustainable development, the site would result in the loss of a greenfield site, but the previous landscape and visual impacts arising from the scheme have been addressed and there are no significant impacts in respect of ecology, heritage, flooding, drainage and agricultural land. When having regard to all of these issues, it is not considered that any environmental harm which would arise would be so severe that it would significantly and demonstrably outweigh the benefits associated with the development. On this basis it is considered that the scheme would represent sustainable development and, therefore, the proposal is considered to be acceptable.

At the reserved matters stage it would be possible to develop up to 34 dwellings within the site and this would be acceptable in terms of the residential amenities of existing and future occupiers and could provide for an appropriate form of design that would be in keeping with the locality. The proposal would be acceptable in relation to highway safety subject to appropriate planning conditions. There are no other relevant material planning considerations that indicate planning permission should not be granted.

Therefore, it is recommended that the application be permitted subject to conditions and subject to a Section 106 agreement.

**RECOMMENDATION - PERMIT, subject to conditions and subject to a Section 106 legal agreement;**

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

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

- 2 Approval of the details of the appearance, layout, access (save for the details of vehicular access into the site from The Green), landscaping and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

*Reason - This permission is in outline only.*

- 3 The proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by another condition of this planning permission:

- Site Location Plan (40261/001) deposited with the Local Planning Authority on 7 October 2015.

*Reason - To determine the scope of this permission.*

- 4 A total of no more than 34 dwellings shall be erected.

*Reason - To define the scope of this permission.*

- 5 No development (except any demolition permitted by this permission) shall commence on site until a Further Risk Based Land Contamination Assessment, as recommended by BSP Consulting report Land south of The Green, Donington Le Heath, Leicestershire Geotechnical & Geo- Environmental Desk Study On behalf of William Builders Ltd Project: 15210 Date 02.10.15, has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:

- BS10175:2011+A1:2013 Investigation Of Potentially Contaminated Sites Code of Practice;  
- BS 8576:2013 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOCs); and  
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, No development shall commence on site until a Remedial Scheme and a Verification Plan is 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, published by The Environment Agency 2004; and  
- BS 8485:2015 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings

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, published by the Environment Agency 2010;  
 - CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved 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.

iReason - To ensure that the land is fit for purpose and to accord with the aims and objectives of paragraph 120 of the NPPF.

6 Prior to occupation of any part of the completed development, either

1) If no remediation was required by Condition 5 a statement from the developer or an approved agent confirming that no previously identified contamination was discovered during the course of development is received and approved in writing by the Planning Authority, or

2) A Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme and a report showing the findings of the Verification Investigation relevant to either the whole development or that part of the development shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation 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 for 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 Remedial Scheme have been completed.

*Reason - To ensure that the land is fit for purpose and to accord with the aims and objectives of paragraph 120 of the NPPF.*

7 Unless first agreed in writing by the Local Planning Authority, no site clearance operations that involve the destruction or removal of vegetation on the site shall be undertaken during the months of March to August (inclusive).

Reason - To ensure that breeding birds are not adversely affected, in the interests of nature conservation.



- 8 No development shall take place until 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 include the utilisation of holding sustainable drainage techniques with the incorporation of two treatment trains to improve water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements embodied within the scheme.

*Reason - To prevent the increased risk of flooding, both on and off site.*

- 9 No development shall take place until a scheme for foul drainage has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.

*Reason - To protect the water environment by ensuring that there is no risk of pollution due to the increase in foul flows, particularly with regards to any potential adverse impact on the performance of any combined sewer overflows downstream.*

- 10 Before first use of the development hereby permitted, visibility splays of 2.4 metres by 43 metres shall be provided at the junction of the access with The Green. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.

*Reason - To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.*

- 11 The proposed access shall be provided with a width of a minimum of 5.5 metres for a distance of at least 10 metres behind the highway boundary on The Green.

*Reason - To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway.*

- 12 Before first use of the development hereby permitted, the vehicular access to the site shall be provided with 6 metre radii on both sides of the access.

*Reason - To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to afford easy access to the site and protect the free and safe passage of traffic in the public highway.*

- 13 No development shall commence on site until such time as details of a footway from existing footways on The Green to the point of the new access to the development shall be submitted to and agreed in writing with the Local Planning Authority. The footway shall be implemented in full prior to any dwelling being occupied.

*Reason - The highway fronting the site has no separate facility for pedestrians and the proposal would lead to an increase in pedestrian movement along the highway. The footway is therefore required for the safety of pedestrians.*

- 14 No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out 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/site traffic associated with the development does not lead to on-street parking problems in the area.*

- 15 The gradient of the access into the site shall not exceed 1:12 for the first 10 metres behind the highway boundary.

*Reason - To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety.*

- 16 No development shall commence on the site until such time as a programme of archaeological mitigation work, informed by an initial phase of trial trenching and detailed within a Written Scheme(s) of Investigation has first been 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 and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme);
- The programme for post-investigation assessment;
- 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

No development shall take place at any time other than in accordance with the agreed Written Scheme of Investigation. None of the dwellings shall be occupied until such time as the site investigation and post investigation assessment has been completed in accordance with the programme set out in the agreed Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

*Reason - To ensure satisfactory archaeological investigation and recording, and to comply with the NPPF.*

- 17 No site works of any description shall take place on the site until such time as the existing trees to be retained have been securely fenced off in accordance with a scheme

that has first been submitted to and agreed in writing with the Local Planning Authority. Within the fenced off areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and back-filled by hand, unless any alteration is first agreed in writing by the Local Planning Authority.

*Reason - To ensure that existing trees are adequately protected during construction in the interests of the visual amenities of the area.*

- 18 The first reserved matters application shall be accompanied by a further Building for Life 12 assessment.

*Reason - To provide evidence that demonstrates detailed compliance with Building for Life 12.*

**Notes to applicant**

- 1 Your attention is drawn to the notes to applicant provided by the LLFA in their response dated 16 October 2015.
- 2 A Section 106 legal agreement would be required and would need to include the following matters:  
  
  - Affordable Housing;
  - National Forest Planting;
  - Civic Amenity contribution of £2288;
  - Education contribution of £164,198.28;
  - Library contribution of £970;
  - Construction traffic routeing;
  - Travel Packs;
  - Bus Passes;
  - Improvements to 2 nearest bus stops;
  - Information display cases at 2 nearest bus stops;
  - Equipping the nearest bus stops with Real Time Information (RTI)
- 3 Your attention is drawn to the comments from the Council's Recycling Team (dated 3 May 2016 17:58).
- 4 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant at the pre-application stage and during the 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 2015.

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Demolition of existing buildings and erection of up to 20 dwellings (outline - details of part access included)

Report Item No  
A4

Workspace 17 Highfield Street Coalville Leicestershire LE67  
3BR

Application Reference  
16/00414/OUTM

Applicant:  
Leicestershire County Council

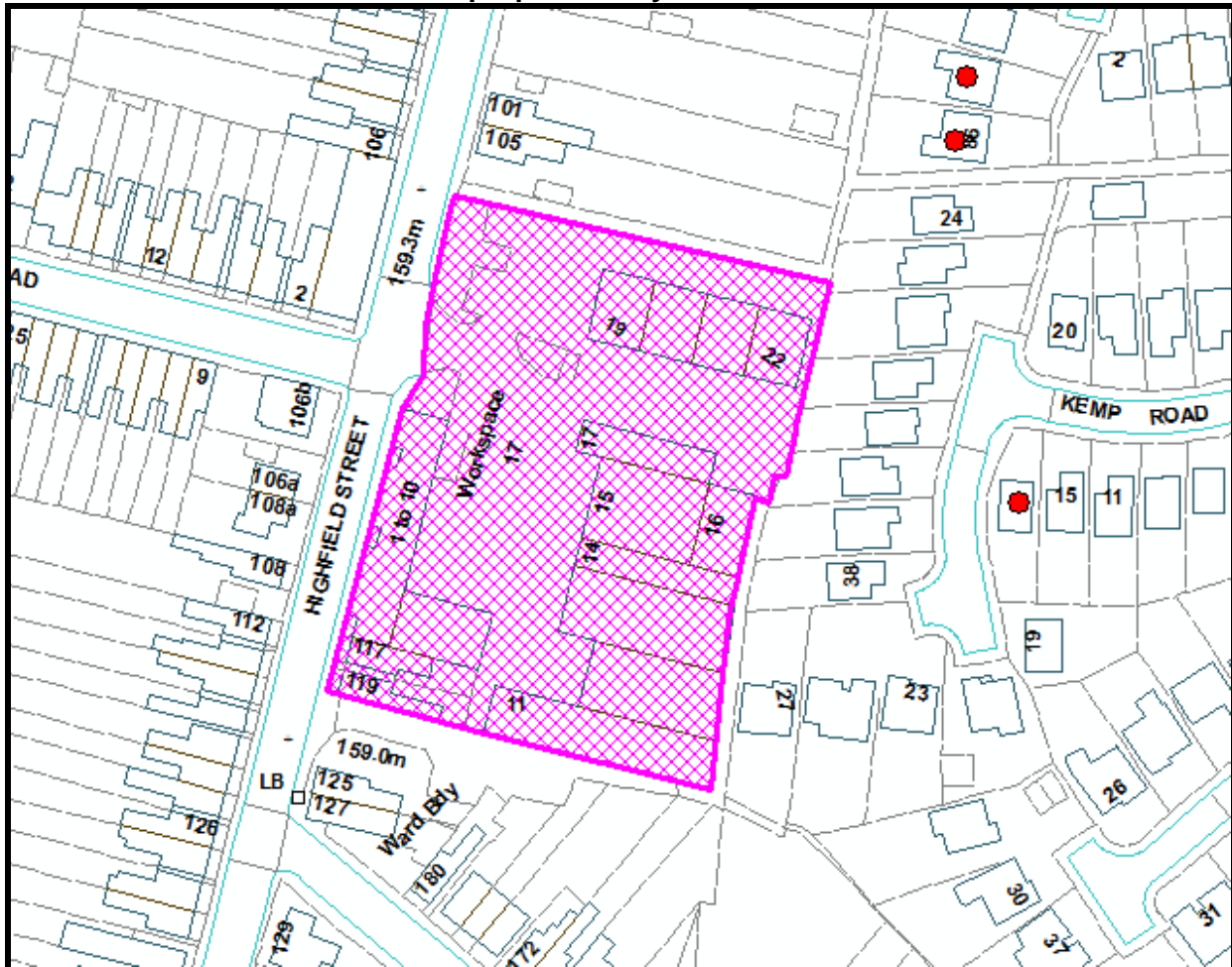
Date Registered  
13 May 2016

Case Officer:  
James Mattley

Target Decision Date  
12 August 2016

Recommendation:  
PERMIT Subject to a Section 106 Agreement

Site Location - Plan for indicative purposes only



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## EXECUTIVE SUMMARY OF PROPOSALS

### Call In

The application has been called in by Councillor Legrys on the grounds of loss of existing employment land.

### Proposal

Planning permission is sought for the demolition of existing buildings and erection of up to 20 dwellings (outline - details of part access included) at Workspace 17, Highfield Street, Coalville. The application site which measures some 0.56 hectares is located within the Limits to Development.

### Consultations

Three letters of representation has been received objecting to the proposal. All statutory consultees have raised no objections subject to the imposition of conditions on any consent granted.

### Planning Policy

It is considered that the development would be compliant with all relevant Paragraphs of the National Planning Policy Framework (NPPF) as well as the relevant Policies of the adopted and publication version Local Plans and other guidance.

### Conclusion

The site is located within the Limits to Development where the principle of residential development is considered acceptable. The site is a sustainable location for new residential development. The loss of employment land in this instance is considered to be acceptable when having regard to the nature of the existing units, the surrounding residential location and because alternative employment provision would be provided elsewhere in Coalville. Having regard to all of these issues, the proposal is considered to represent sustainable development and would be acceptable in principle.

At the reserved matters stage it would be possible to site up to 20 dwellings within the site that would be acceptable in terms of the residential amenities of existing and future occupiers and that could provide for an appropriate form of design that would be in keeping with the locality. The proposal would be acceptable in relation to highway safety subject to appropriate planning conditions. There are no other relevant material planning considerations that indicate planning permission should not be granted.

Therefore, it is recommended that the application be permitted subject to conditions and subject to a Section 106 agreement.

**RECOMMENDATION - PERMIT, subject to conditions and subject to a Section 106 legal agreement;**

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and**

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

## MAIN REPORT

### 1. Proposals and Background

Planning permission is sought for the demolition of existing buildings and erection of up to 20 dwellings (outline - details of part access included) at Workspace 17, Highfield Street, Coalville. The application site which measures some 0.56 hectares is located within the Limits to Development.

The existing light industrial units on the site would be demolished in order to make way for the proposed development. The scheme when it was originally submitted was for 22 dwellings but has now been reduced to a maximum of 20 dwellings. Whilst all matters other than part access are reserved for subsequent approval, an illustrative masterplan has been submitted showing the proposed dwellings, together with proposed and retained landscaping.

The applicants have submitted two additional applications in the Coalville area that would secure alternative employment provision (16/00409/OUT and 16/00416/OUTM). The Local Planning Authority is also considering an alternative proposal on the application site for the demolition of existing buildings and erection of up to 18 dwellings and a retail convenience store (outline - details of part access included) under reference no. 16/00415/OUTM. These applications are also reported in this Planning Committee agenda.

The application is accompanied by a planning, design and access statement, historical building survey, ecology report, geotechnical desk study and drainage strategy.

The application has been called in by Councillor Legrys on the grounds of loss of existing employment land.

No recent planning history found.

### 2. Publicity

56 neighbours have been notified (Date of last notification 16 August 2016)

Site Notice displayed 24 May 2016

Press Notice published 25 May 2016

### 3. Consultations

County Highway Authority  
 Severn Trent Water Limited  
 Head of Environmental Protection  
 NWLDC Tree Officer  
 County Archaeologist  
 LCC ecology  
 NWLDC Urban Designer  
 National Forest Company  
 LCC Development Contributions  
 NHS Leicester, Leicestershire And Rutland Facilities Management  
 Building Control - NWLDC  
 Head Of Leisure And Culture  
 Manager Of Housing North West Leicestershire District Council  
 Police Architectural Liaison Officer  
 LCC Flood Management



Head Of Street Management North West Leicestershire District  
Kay Greenbank

#### **4. Summary of Representations Received**

**Leicestershire County Council Archaeologist** does not consider that any further archaeological work is required as part of the scheme.

**Leicestershire County Council Ecologist** has no objections to the proposed development subject to conditions.

**Leicestershire County Council Education Department** requests a developer contribution of £35,752.34.

**Leicestershire County Council Highway Authority** raises no objection to the scheme subject to the inclusion of relevant planning conditions and obligations.

**Leicestershire County Council Library Service Team** requests a developer contribution of £600.

**Leicestershire County Council Lead Local Flood Authority (LLFA)** consider that the proposed scheme is acceptable subject to the inclusion of relevant planning conditions.

**National Forest Company** raises no objection to the proposed scheme subject to off-site planting or to an off-site financial contribution.

**North West Leicestershire Environmental Protection Section** has no objections subject to conditions in respect of a construction management plan and land contamination.

**Severn Trent Water** has no objection to the proposal subject to the imposition of conditions.

A total of three objections have been received on the following grounds:

- Existing boundary brick wall should be retained;
- Will new boundary treatments be robust?
- Concern regarding damage to existing boundary treatments;
- There should be access from the development to the footpath to the north;
- Existing trees on the site should be retained;
- Off street car parking should be provided;
- Construction details should be conditioned;
- Footpath to the north of the site should be upgraded to a cycle path.

#### **5. Relevant Planning Policy**

##### **National Policies**

##### *National Planning Policy Framework*

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

Save where stated otherwise, the policies of the adopted Local Plan as listed in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise

within the assessment below, should be afforded weight in the determination of this application.

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

Paragraph 14 (Presumption in favour of sustainable development)  
Paragraph 17 (Core planning principles)  
Paragraph 22 (Building a strong, competitive economy)  
Paragraph 32 (Promoting sustainable transport)  
Paragraph 34 (Promoting sustainable transport)  
Paragraph 47 (Delivering a wide choice of high quality homes)  
Paragraph 49 (Delivering a wide choice of high quality homes)  
Paragraph 57 (Requiring good design)  
Paragraph 59 (Requiring good design)  
Paragraph 60 (Requiring good design)  
Paragraph 61 (Requiring good design)  
Paragraph 100 (Meeting the challenge of climate change, flooding and coastal change)  
Paragraph 101 (Meeting the challenge of climate change, flooding and coastal change)  
Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change)  
Paragraph 109 (Conserving and enhancing the natural environment)  
Paragraph 112 (Conserving and enhancing the natural environment)  
Paragraph 118 (Conserving and enhancing the natural environment)  
Paragraph 123 (Conserving and enhancing the natural environment)  
Paragraph 124 (Conserving and enhancing the natural environment)  
Paragraph 203 (Planning conditions and obligations)  
Paragraph 204 (Planning conditions and obligations)

#### **Adopted North West Leicestershire Local Plan (2002)**

The following Local Plan policies are relevant to this application:

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 - National Forest Tree Planting  
Policy F3 - National Forest Landscaping and Planting  
Policy T3 - Highway Standards  
Policy T8 - Parking  
Policy H4/1 - Housing Land Release  
Policy H6 - Housing Density  
Policy H7 - Housing Design  
Policy H8 - Affordable Housing  
Policy L21 - Children's Play Areas

#### **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 requirements in respect of children's play provision in association with residential development.

### **Publication Version North West Leicestershire Local Plan**

The publication version of the Local Plan was agreed by Council on 28th June 2016 with a view to its submission for examination in September 2016. Given the advanced stage that has now been reached it is considered that weight can be attached to the following policies:

- S1 - Future housing and economic development needs
- S2 - Settlement Hierarchy
- D1 - Design of new development
- D2 - Amenity
- H4 - Affordable Housing
- IF1 - Development and Infrastructure
- IF4 - Transport Infrastructure and new development
- IF7 - Parking provision and new development
- En1 - Nature Conservation
- En3 - The National Forest
- Cc2 - Flood risk
- Cc3 - Sustainable Drainage Systems

## **6. Assessment**

### **Principle and Sustainability**

The site is located within the Limits to Development within the adopted and publication version Local Plan, where the principle of residential development is considered acceptable subject to highway, design and amenity criteria and compliance other relevant policies of the adopted Local Plan and other material considerations.

Policy H4/1 of the adopted Local Plan relating to the release of land for housing states that a sequential approach should be adopted. Whilst a sequential approach is outdated in the context of the NPPF, the sustainability credentials of the scheme would still need to be assessed against the NPPF.

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF. The site is located within Greater Coalville where there is a range of day to day services and facilities that would be readily accessible via public transport to future occupiers. Taking this into account, it is considered that the application site is located within a sustainable location.

One of the main issues with the principle of developing the site is the loss of employment land. The existing site is made up of a number of small light industrial units which vary in size but which provide for a total floorspace of approximately 23,000 square feet (2137 square metres). Whilst it is important to seek to maintain the existing stock of employment land and buildings, in order to provide a basis for continuing economic prosperity of the area, the NPPF advises

against the 'long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose'. Policy Ec3 of the publication version Local Plan also allows for non-employment development subject to one of the following criteria being satisfied:

- (a) The property has been vacant for at least 6 months and has been the subject of genuine marketing for commercial (B class) uses for at least that period of time, at reasonable market values, and which has proved unsuccessful, or, where the use is no longer economically viable;
- (b) The site is no longer capable of meeting the needs of modern businesses;
- (c) Continuation in employment use would be inappropriate in terms of adjoining uses or the amenity of the wider area

At present occupancy rates of these units is at 14% and on the whole the units are in a poor state of repair which Leicestershire County Council consider are not financially viable to repair. It is also recognised that the existing site is located in predominantly a residential area where the noise and disturbance arising from industrial uses is not harmonious with surrounding residential amenity. Taking this into account, the proposal would not conflict with the criteria outlined in Policy Ec3 of the publication version Local Plan.

In addition, whilst the proposal would result in the loss of employment on the site, the applicants have submitted two additional applications in the Coalville area that would secure alternative employment provision. The details of these applications are detailed below:

16/00409/OUT - 8,000 square feet (743 square metres) of B2 at Samson Road, Coalville  
16/00416/OUTM - 52,000 square feet of B1/B2 at Vulcan Way, Coalville

The strategy put forward by Leicestershire County Council would result in the loss of 23,000 square feet of employment floorspace at the Highfield Street site but this would be replaced by 60,000 square feet of new modern employment floorspace elsewhere within Coalville. The applicant estimates that the new sites would support between 95 and 120 jobs whereas the Highfield Street site is only able to support approximately 47 jobs on the site (and only provides for 7 jobs at present due to low occupancy rates).

Having regard to all of the above it is considered, overall, that the proposed development of the site is acceptable in principle but it would be necessary to include provisions in the Section 106 legal agreement to ensure that the alternative employment provision elsewhere in Coalville is provided within an appropriate time period.

### **Means of Access and Transportation**

All matters are reserved for subsequent approval except for access into the site from Highfield Street. Whilst the illustrative layout shows internal access roads, these would be a matter for the reserved matters stage(s).

The existing site access onto Highfield Street would be utilised. The County Highway Authority (CHA) has been consulted on the application and raises no objection to the proposed scheme subject to the inclusion of conditions. Some recommended conditions would need to be considered at the reserved matters stage and the legal obligation would need to secure details of the routing of construction traffic.

In conclusion, the County Highway Authority raises no highway safety objections to the proposed scheme subject to the inclusion of relevant conditions. Taking these matters into

account, therefore, the proposed development is considered acceptable in terms of Means of Access and Transportation issues and would comply with Local Plan Policy T3 in the adopted Local Plan, Policy IF4 in the publication version Local Plan and the advice in the NPPF.

### **Neighbours' Amenities**

The impacts on neighbouring occupiers arising from the proposed development would need to be assessed at the reserved matters stage(s); notwithstanding the details shown on the illustrative layout, there would appear to be no reason in principle why up to 18 units and a retail convenience store could not be provided on the site in a manner which would not significantly adversely impact upon neighbours' amenities.

The District Council's Environmental Protection team has no objections subject to a condition regarding construction details. However, the condition recommended would not meet the tests for conditions as it would require information to be provided that is covered under separate legislation. In addition, it is not considered that the proposal would result in significant adverse impacts on health or quality of life. Accordingly, the requirements Policy E3 of the adopted Local Plan and D2 of the publication version Local Plan are considered to have been met by the scheme and the proposal would not conflict with paragraph 123 of the NPPF.

### **Design**

The proposed scheme has been assessed by the District Council's Urban Designer, and rated in accordance with CABI's Building for Life 12 criteria which scores on the basis of red/amber/green. The Council's Urban Designer reviewed the original proposals for up to 20 dwellings and originally had some concerns over the illustrative layout that had been submitted as part of the application. These concerns included issues regarding the amount of development and parking integration.

The applicant submitted a revised layout reducing the overall number of dwellings from 22 to 20 and has also provided additional information which has addressed some of the issues which have been raised. It is accepted that the majority of these issues would need to be fully addressed by reserved matters including connectivity to the surrounding public right of way. Suitable conditions and notes to applicant can be provided to indicate that the design concerns would need to be fully addressed as part of any future reserved matters application(s).

Therefore, whilst the scheme in outline cannot be assessed fully against Building for Life, it is considered that it has been demonstrated that, in principle, an appropriate scheme for up to 20 dwellings could be satisfactorily developed on the site, and would comply with E4 of the adopted Local Plan, D1 of the publication version Local Plan and advice in the NPPF.

### **Density**

Local Plan Policy H6 provides that, for sites of 0.3 hectares and above, residential development should meet a minimum density of 40 dwellings per hectare within locations well served by public transport and accessible to services, and a minimum density of 30 dwellings per hectare elsewhere.

The application site area is given as 0.56 hectares and the maximum of 20 dwellings proposed by the developers would therefore equate to a maximum density of 35.7 dwellings per hectare, which would fall short of the requirements set out in Policy H6. However, when considering that parts of the site would be taken up by the creation of new landscaping and the retention of

existing trees, the net dwelling density would be higher and more in-line with that stated in Policy H6. Therefore, the scheme is considered to have an appropriate density.

### **Ecology and Trees**

There are existing trees located within the north western section of the site that are protected by a Tree Preservation Order. The illustrative masterplan indicates that these trees are shown for retention on the illustrative masterplan. In the event that planning permission were to be granted, conditions would need to be attached to any planning permission requiring existing trees to be protected during construction works and the issues surrounding trees would need to be considered further at the reserved matters stage once the precise location of built development was established.

In terms of ecology, Leicestershire County Council's ecologist considers that the ecology reports that have been submitted are satisfactory and the proposal would not cause unacceptable impacts upon protected species. The submitted ecology report recommends that bird boxes are installed on the new buildings and this could be secured at the reserved matters stage.

Therefore, subject to the imposition of suitably-worded conditions and notes to applicant the submitted scheme is considered acceptable in ecological terms and in respect of the impact upon trees.

### **Flood Risk and Drainage**

The Environment Agency flood zone maps indicate that the site lies within Flood Zone 1, and on this basis the site would appear suitable for development in principle (and in flood risk sequential terms, would meet the requirements of the NPPF). Conditions would need to be attached to any planning permission to ensure that detailed and satisfactory surface water and foul drainage schemes are provided on the site.

Overall, in terms of issues of Flood Risk and Drainage, it is considered that the scheme is acceptable, and would provide for appropriate drainage solutions to accommodate the proposed development. In coming to this conclusion it is noted that the LLFA and Severn Trent Water raise no objections to the proposed development subject to the inclusion of relevant planning conditions and notes to applicant.

### **Developer Contributions**

The requested developer contributions are listed below.

#### *Affordable Housing*

The Council's SPD on affordable housing indicates that for developments of this scale in the Greater Coalville area 20% of the units should be provided as affordable housing (i.e. 4 units, assuming the construction of the maximum 20 dwellings as proposed). In terms of tenure split, the District Council's Affordable Housing Enabler advises that a tenure split of 80% affordable rented and 20% shared ownership would be sought and the District Council's Strategic Housing Team is seeking the following:

Affordable Rented - 3

1 x 2 bed homes

2 x 3 bed homes

Shared ownership - 1  
1 x 3 bed home

However, it is accepted that the current requirements are likely to change over time, and it is considered appropriate for the Section 106 agreement to secure a minimum of 20% (and including the tenure split suggested above) with the actual contribution in terms of unit types to be agreed by the District Council.

### *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 Hugglescote Community Primary School. The School has a net capacity of 420 and 1007 pupils are projected on the roll should this development proceed; a deficit of 587 pupil places. A total of 533 pupil places are included in the forecast for this school from S106 agreements for other developments in this area and have to be discounted. This reduces the total deficit for this school to 54 pupil places.

There are 6 other primary schools within a two mile walking distance of the development. There is an overall surplus in this sector after including all primary schools within a two mile walking distance of the development of 33 pupil places. An education contribution will therefore not be requested for this sector.

#### *High School Requirements*

This site falls within the catchment area of Newbridge High School. The School has a net capacity of 590 and 749 pupils are projected on roll should this development proceed; a deficit of 159 pupil places. A total of 121 pupil places are included in the forecast for this school being funded from S106 agreements for other developments in this area and have to be discounted. This reduces the total deficit for this school to 38 (of which 36 are existing and 2 are created by this development).

There is 1 other high school within a three mile walking distance of the development but this also has a deficit. In order to provide the additional high school places anticipated by the proposed development, the County Council requests a contribution for the high school sector of £26,099.21. This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Newbridge High School.

#### *Upper School Requirements*

This site falls within the catchment area of King Edward VII Science & Sport College. The College has a net capacity of 1193 and 1250 pupils are projected on roll should this development proceed; a deficit of 57 pupil places. There are currently no pupil places in this sector being funded from S106 agreements for other developments in the area to be discounted.

There is 1 other upper school within a three mile walking distance of the development which has a surplus of 309 pupil places. There is an overall surplus in this sector after including all upper

schools within a three mile walking distance of the development of 252 pupil places. An education contribution will therefore not be requested for this sector.

#### *Library Services*

The proposed development is within 0.9km of Coalville Library and the proposal would impact on local library services in respect of additional pressures on the availability of local library facilities. Therefore, a library contribution of £540 is requested.

#### *Children's Play Equipment*

Under the District Council's Play Area Design Guidance Supplementary Planning Guidance (SPG), on-site children's play provision is required at a rate of 20 square metres per dwelling. Given that 20 dwellings are proposed, this would require a play area of not less than 400 square metres. No on-site children's play area is proposed as part of this proposal and no off-site commuted sum is proposed. The Council's SPG regarding children's play areas specifies that the Council will not seek any additional provision where existing play areas, within 400 metres walking distance, satisfy the needs of the area, including the proposed development.

There would be a distance of less than 400 metres between any part of the proposed site and the existing children's play area located to the north of Clutson Road and, therefore, this would be considered a reasonable walking distance in accordance with the Council's SPG. The existing children's play area is considered to be of a sufficient size and accommodates a sufficient level of equipment. Therefore, an off-site commuted sum will not be required in this instance.

#### *National Forest Planting*

The application site extends to 0.56ha and the National Forest Company's (NFC) Planting Guidelines, as set out in the Guide for Developers and Planners, expects 20% of the site area to be for woodland planting and landscaping. However, in this instance they would be willing to accept off-site planting and the applicant is agreeable to such an approach. In the event that planning permission were to be granted, this would need to be secured by a legal agreement.

#### **Other**

Issues in respect of boundary treatments would be matters to be considered as part of future reserved matters submissions if outline planning permission were to be granted.

The existing public footpath to the north of the site is located outside of the application site and, therefore, it seems unlikely that the scheme would have a significant impact upon it. Therefore, it would be unreasonable to require the developer to upgrade the existing public footpath to a cycle path.

#### **Conclusions**

The site is located within the limits to development where the principle of residential development is considered acceptable. The site is a sustainable location for new residential development. The loss of employment land in this instance is considered to be acceptable when having regard to the nature of the existing units, the surrounding residential location and because alternative employment provision would be provided elsewhere in Coalville. Having regard to all of these issues, the proposal is considered to represent sustainable development and would be acceptable in principle.



At the reserved matters stage it would be possible to site up to 20 dwellings within the site that would be acceptable in terms of the residential amenities of existing and future occupiers and that could provide for an appropriate form of design that would be in keeping with the locality. The proposal would be acceptable in relation to highway safety subject to appropriate planning conditions. There are no other relevant material planning considerations that indicate planning permission should not be granted.

Therefore, it is recommended that the application be permitted subject to conditions and subject to a Section 106 agreement.

**RECOMMENDATION - PERMIT, subject to conditions and subject to a Section 106 legal agreement;**

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

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

- 2 Approval of the details of the appearance, layout, access (save for the details of vehicular access into the site from Highfield Street), landscaping and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

*Reason - This permission is in outline only.*

- 3 The proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by another condition of this planning permission:

- Site Location Plan (0311) deposited with the Local Planning Authority on 13 May 2016.

*Reason - To determine the scope of this permission.*

- 4 A total of no more than 20 dwellings shall be erected.

*Reason - To define the scope of this permission.*

- 5 No development shall commence on site until a Remedial Scheme and a Verification Plan have been 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, published by The Environment Agency 2004; and  
- BS 8485:2015 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings

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, published by the Environment Agency 2010;
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004;
- BS 8485:2015 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings;
- CIRIA C735, "Good practice on the testing and verification of protection systems for buildings against hazardous ground gases" CIRIA, 2014.

If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority.

The Risk Based Land Contamination Assessment shall be carried out in accordance with:

- BS10175:2011+A1:2013 Investigation Of Potentially Contaminated Sites Code of Practice;
- BS 8576:2013 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOCs); and
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

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 of paragraph 120 of the NPPF.*

6 Prior to occupation of the completed development, or part thereof, A Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme and a report showing the findings of the Verification Investigation relevant to the whole development, or part thereof, shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation 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 for 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 Remedial Scheme have been completed.

*Reason - To ensure that the land is fit for purpose and to accord with the aims and objectives of paragraph 120 of the NPPF.*

- 7 No development shall take place until 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 include the utilisation of holding sustainable drainage techniques with the incorporation of two treatment trains to improve water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements embodied within the scheme.

Full details for the drainage proposal should be supplied including (but not limited to); flow control details, pipe protection details, long sections, cross sections, construction details, adoption and maintenance schedules and full model scenario's for the 1 in 1, 1 in 30 and 1 in 100 year plus climate change. Where discharging to a sewer, this should be modelled as surcharged for all events above the 1 in 30 year, to account for the design standards of the public sewers.

*Reason - To prevent the increased risk of flooding, both on and off site.*

- 8 No development approved by this planning permission shall take place until such time as a detailed construction phasing plan has been submitted to, and approved in writing by, the Local Planning Authority.

Details within the phasing plan should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

*Reason - To prevent an increase in flood risk and maintain the existing surface water runoff quality through the entire development construction phase, and to prevent damage to the final surface water management systems.*

- 9 No development shall take place until a scheme for foul drainage has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.

*Reason - To protect the water environment by ensuring that there is no risk of pollution due to the increase in foul flows, particularly with regards to any potential adverse impact on the performance of any combined sewer overflows downstream.*

- 10 No development shall commence on the site until such time as a construction traffic/site

traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out 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/site traffic associated with the development does not lead to on-street parking problems in the area.*

- 11 No site works of any description shall take place on the site until such time as the existing trees to be retained have been securely fenced off in accordance with a scheme that has first been submitted to and agreed in writing with the Local Planning Authority. Within the fenced off areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and back-filled by hand, unless any alteration is first agreed in writing by the Local Planning Authority.

*Reason - To ensure that existing trees are adequately protected during construction in the interests of the visual amenities of the area.*

- 12 The first reserved matters application shall be accompanied by a further Building for Life 12 assessment.

*Reason - To provide evidence that demonstrates detailed compliance with Building for Life 12.*

- 13 Unless first agreed in writing by the Local Planning Authority, no site clearance operations that involve the destruction or removal of vegetation on the site shall be undertaken during the months of March to August (inclusive).

Reason - To ensure that breeding birds are not adversely affected, in the interests of nature conservation.

### Notes to applicant

- 1 At the reserved matter stage, consideration should be given to the following:
- providing connectivity to the public right of way to the north of the site;
  - dual aspect buildings on corner plots;
  - well integrated car parking;
  - good quality hard and soft landscaping;
  - visible boundaries should be constructed in brick walls;
  - adequate lighting on any unadopted roads;
  - permeable surfacing;
  - surveillance of the adjacent public right of way.
- 2 Your attention is drawn to the notes to applicant provided by the LLFA in their response dated 18 August 2016.
- 3 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant at the pre-application stage and during the 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 2015.
- 4 A Section 106 legal agreement would be required and would need to include the following matters:
- Affordable Housing;
  - Off Site National Forest Planting;
  - Education contribution of £35,752.34;
  - Library contribution of £600;
  - Construction traffic routeing;
  - Ensuring alternative employment provision is provided elsewhere within Coalville.
- 5 At the reserved matters stage the Local Planning Authority would expect swift nest boxes to be installed as per the recommendations contained within the submitted ecology report.

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Demolition of existing buildings and erection of up to 18 dwellings and retail convenience store (A1) (outline - details of part access included).

Report Item No  
A5

Workspace 17 Highfield Street Coalville Leicestershire LE6  
3BR

Application Reference  
16/00415/OUTM

Applicant:  
Leicestershire County Council

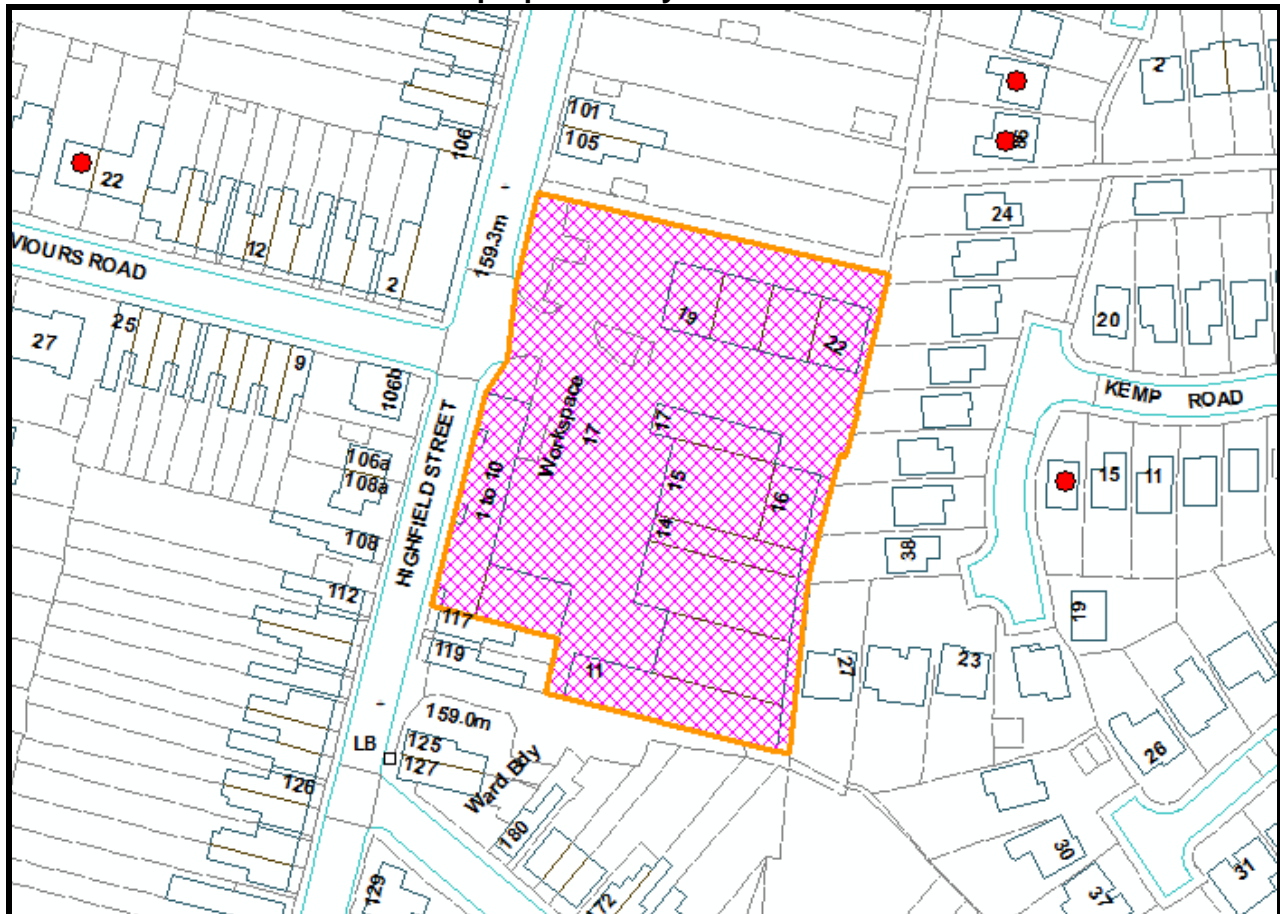
Date Registered  
27 June 2016

Case Officer:  
James Mattley

Target Decision Date  
26 September 2016

Recommendation:  
PERMIT Subject to a Section 106 Agreement

Site Location - Plan for indicative purposes only



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## EXECUTIVE SUMMARY OF PROPOSALS

### Call In

The application has been called in by Councillor Legrys on the grounds of loss of existing employment land.

### Proposal

Planning permission is sought for the demolition of existing buildings, erection of up to 18 dwellings and the erection of a retail convenience store (A1) (outline - details of part access included) at Workspace 17, Highfield Street, Coalville. The application site which measures some 0.56 hectares is located within the Limits to Development.

### Consultations

One letter of representation has been received which supports the proposal. All statutory consultees have raised no objections subject to the imposition of conditions on any consent granted.

### Planning Policy

It is considered that the development would be compliant with all relevant paragraphs of the National Planning Policy Framework (NPPF) as well as the relevant policies of the adopted and publication version Local Plans and other guidance.

### Conclusion

The site is located within the Limits to Development where the principle of residential development is considered acceptable. The site is a sustainable location for new residential development. The loss of employment land in this instance is considered to be acceptable when having regard to the nature of the existing units, the surrounding residential location and because alternative employment provision would be provided elsewhere in Coalville. The proposed retail convenience store would not result in significant adverse impacts upon the vitality and viability of Coalville Town Centre. Having regard to all of these issues, the proposal is considered to represent sustainable development and would be acceptable in principle.

At the reserved matters stage it would be possible to site up to 18 dwellings and a retail convenience store within the site that would be acceptable in terms of the residential amenities of existing and future occupiers and that could provide for an appropriate form of design that would be in keeping with the locality. The proposal would be acceptable in relation to highway safety subject to appropriate planning conditions. There are no other relevant material planning considerations that indicate planning permission should not be granted.

Therefore, it is recommended that the application be permitted subject to conditions and subject to a Section 106 agreement.

**RECOMMENDATION - PERMIT, subject to conditions and subject to a Section 106 legal agreement;**

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and**



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

## MAIN REPORT

### 1. Proposals and Background

Planning permission is sought for the demolition of existing buildings and erection of up to 18 dwellings and a retail convenience store (outline - details of part access included) at Workspace 17, Highfield Street, Coalville. The application site which measures some 0.56 hectares is located within the Limits to Development.

The existing light industrial units on the site would be demolished in order to make way for the proposed development. The scheme when it was originally submitted was for 20 dwellings but has now been reduced to a maximum of 18 dwellings. Whilst all matters other than part access are reserved for subsequent approval, an illustrative masterplan has been submitted showing the proposed dwellings and the retail convenience store, together with proposed and retained landscaping.

The applicants have submitted two additional applications in the Coalville area that would secure alternative employment provision (16/00409/OUT and 16/00416/OUTM). The Local Planning Authority is also considering an alternative proposal on the application site for the demolition of existing buildings and erection of up to 20 dwellings (outline - details of part access included) under reference no. 16/00414/OUTM. These applications are also reported in this Planning Committee agenda.

The application is accompanied by a planning, design and access statement, historical building survey, ecology report, geotechnical desk study, sequential assessment and drainage strategy.

The application has been called in by Councillor Legrys on the grounds of loss of employment.

No recent planning history found.

### 2. Publicity

56 neighbours have been notified (Date of last notification 16 August 2016)

Site Notice displayed 5 July 2016

Press Notice published 6 July 2016

### 3. Consultations

County Highway Authority  
 Severn Trent Water Limited  
 Head of Environmental Protection  
 NWLDC Tree Officer  
 County Archaeologist  
 LCC ecology  
 NWLDC Urban Designer  
 National Forest Company  
 LCC Development Contributions  
 NHS Leicester, Leicestershire And Rutland Facilities Management  
 Building Control - NWLDC  
 Head Of Leisure And Culture  
 Manager Of Housing North West Leicestershire District Council  
 Police Architectural Liaison Officer  
 LCC Flood Management

Head Of Street Management North West Leicestershire District  
Kay Greenbank

#### **4. Summary of Representations Received**

**Leicestershire County Council Archaeologist** does not consider that any further archaeological work is required as part of the scheme.

**Leicestershire County Council Ecologist** has no objections to the proposed development subject to conditions.

**Leicestershire County Council Education Department** requests a developer contribution of £26,099.21.

**Leicestershire County Council Footpaths** raises no objection to the scheme subject to the imposition of conditions.

**Leicestershire County Council Highway Authority** raises no objection to the scheme subject to the inclusion of relevant planning conditions and obligations.

**Leicestershire County Council Library Service Team** requests a developer contribution of £540.

**Leicestershire County Council Lead Local Flood Authority (LLFA)** considers that the proposed scheme is acceptable subject to the inclusion of relevant planning conditions.

**National Forest Company** raises no objection to the proposed scheme subject to off-site planting or to an off-site financial contribution.

**North West Leicestershire Environmental Protection Section** has no objections subject to conditions in respect of a construction management plan and land contamination.

**Severn Trent Water** has no objection to the proposal subject to the imposition of conditions.

One letter of representation has been received expressing a preference for this scheme over the purely residential development. The representation letter also supports the development as it would retain the existing trees on the site.

#### **5. Relevant Planning Policy**

##### **National Policies**

##### *National Planning Policy Framework*

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

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

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

Paragraph 14 (Presumption in favour of sustainable development)  
Paragraph 17 (Core planning principles)  
Paragraph 22 (Building a strong, competitive economy)  
Paragraph 24 (Ensuring the vitality of town centres)  
Paragraph 26 (Ensuring the vitality of town centres)  
Paragraph 27 (Ensuring the vitality of town centres)  
Paragraph 32 (Promoting sustainable transport)  
Paragraph 34 (Promoting sustainable transport)  
Paragraph 47 (Delivering a wide choice of high quality homes)  
Paragraph 49 (Delivering a wide choice of high quality homes)  
Paragraph 57 (Requiring good design)  
Paragraph 59 (Requiring good design)  
Paragraph 60 (Requiring good design)  
Paragraph 61 (Requiring good design)  
Paragraph 100 (Meeting the challenge of climate change, flooding and coastal change)  
Paragraph 101 (Meeting the challenge of climate change, flooding and coastal change)  
Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change)  
Paragraph 109 (Conserving and enhancing the natural environment)  
Paragraph 112 (Conserving and enhancing the natural environment)  
Paragraph 118 (Conserving and enhancing the natural environment)  
Paragraph 123 (Conserving and enhancing the natural environment)  
Paragraph 124 (Conserving and enhancing the natural environment)  
Paragraph 203 (Planning conditions and obligations)  
Paragraph 204 (Planning conditions and obligations)

### **Adopted North West Leicestershire Local Plan (2002)**

The following Local Plan policies are relevant to this application:

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 - National Forest Tree Planting  
Policy F3 - National Forest Landscaping and Planting  
Policy T3 - Highway Standards  
Policy T8 - Parking  
Policy H4/1 - Housing Land Release  
Policy H6 - Housing Density  
Policy H7 - Housing Design  
Policy H8 - Affordable Housing  
Policy R1 - Central Shopping Areas  
Policy L21 - Children's Play Areas

### **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 requirements in respect of children's play provision in association with residential development.

### **Publication Version North West Leicestershire Local Plan**

The publication version of the Local Plan was agreed by Council on 28th June 2016 with a view to its submission for examination in September 2016. Given the advanced stage that has now been reached it is considered that weight can be attached to the following policies:

- S1 - Future housing and economic development needs
- S2 - Settlement hierarchy
- D1 - Design of new development
- D2 - Amenity
- H4 - Affordable housing
- IF1 - Development and infrastructure
- IF4 - Transport Infrastructure and new development
- IF7 - Parking provision and new development
- En1 - Nature conservation
- En3 - The National Forest
- Cc2 - Flood risk
- Cc3 - Sustainable drainage systems

## **6. Assessment**

### **Principle and Sustainability**

The site is located within the Limits to Development within the adopted and publication version Local Plan, where the principle of residential development is considered acceptable subject to highway, design and amenity criteria and compliance other relevant policies of the adopted Local Plan and other material considerations.

Policy H4/1 of the adopted Local Plan relating to the release of land for housing states that a sequential approach should be adopted. Whilst a sequential approach is outdated in the context of the NPPF, the sustainability credentials of the scheme would still need to be assessed against the NPPF.

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF. The site is located within Greater Coalville where there is a range of day to day services and facilities that would be readily accessible via public transport to future occupiers. Taking this into account, it is considered that the application site is located within a sustainable location.

One of the main issues with the principle of developing the site is the loss of employment land. The existing site is made up of a number of small light industrial units which vary in size but which provide for a total floorspace of approximately 23,000 square feet (2137 square metres). Whilst it is important to seek to maintain the existing stock of employment land and buildings, in order to provide a basis for continuing economic prosperity of the area, the NPPF advises against the 'long term protection of sites allocated for employment use where there is no

reasonable prospect of a site being used for that purpose'. Policy Ec3 of the publication version Local Plan also allows for non-employment development subject to one of the following criteria being satisfied:

- (a) The property has been vacant for at least 6 months and has been the subject of genuine marketing for commercial (B class) uses for at least that period of time, at reasonable market values, and which has proved unsuccessful, or, where the use is no longer economically viable;
- (b) The site is no longer capable of meeting the needs of modern businesses;
- (c) Continuation in employment use would be inappropriate in terms of adjoining uses or the amenity of the wider area

At present occupancy rates of these units is at 14% and on the whole the units are in a poor state of repair which Leicestershire County Council consider are not financially viable to repair. It is also recognised that the existing site is located in a predominantly residential area where the noise and disturbance arising from industrial uses is not harmonious with surrounding residential amenity. Taking this into account, the proposal would not conflict with the criteria outlined in Policy Ec3 of the publication version Local Plan.

In addition, whilst the proposal would result in the loss of employment on the site, the applicants have submitted two additional applications in the Coalville area that would secure alternative employment provision. The details of these applications are detailed below:

16/00409/OUT - 8,000 square feet (743 square metres) of B2 at Samson Road, Coalville  
 16/00416/OUTM - 52,000 square feet of B1/B2 at Vulcan Way, Coalville

The strategy put forward by Leicestershire County Council would result in the loss of 23,000 square feet of employment floorspace at the Highfield Street site but this would be replaced by 60,000 square feet of new modern employment floorspace elsewhere within Coalville. The applicant estimates that the new sites would support between 95 and 120 jobs whereas the Highfield Street site is only able to support approximately 47 jobs on the site (and only provides for 7 jobs at present due to low occupancy rates).

Having regard to all of the above it is considered, overall, that the proposed development of the site is acceptable in principle but it would be necessary to include provisions in the Section 106 legal agreement to ensure that the alternative employment provision elsewhere in Coalville is provided within an appropriate time period.

### **Proposed Main Town Centre Uses**

The proposed development includes a convenience store of up to 370 square metres (gross) and the planning application is supported by information in respect of the sequential test.

In terms of the sites considered by the applicants' Retail Assessment, these are principally the development sites at the Belvoir Shopping Centre and land at Hotel Street both in Coalville. The Retail Assessment concludes that neither of these sites would be available for redevelopment within a reasonable timescale and they would serve a different catchment area to the neighbourhood convenience store proposed at the application site. Three vacant units within and on the edges of the town centre have also been considered but none of these would provide for a suitable level of floorspace.

Paragraph 24 of the NPPF provides that local planning authorities should require applications for main town centre uses to be located in town centres, then in edge of centre locations and,

only if suitable sites are not available, should out of centre sites be considered. The application site is out of centre (i.e. the least sequentially suitable), although it is accepted that, for the reasons set out in the applicants' Retail Assessment, no centre or edge of centre locations are available. Paragraph 24 also provides that, when considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. In this case, for the reasons already set out within this report, the site has a good level of accessibility.

Insofar as impact is concerned, the NPPF does not require an impact assessment for developments of less than 2,500sqm. However, Paragraph 27 provides that, where an application is likely to have significant adverse impact on town centre vitality and viability or investment in centres, it should be refused. In this case, it is accepted that any significant adverse impacts on existing centres would be unlikely.

On the basis of the above, it is considered that the proposed development would be acceptable in retail / town centre policy terms, and would not adversely affect the vitality and viability of nearby centres.

### **Means of Access and Transportation**

All matters are reserved for subsequent approval except for access into the site from Highfield Street. Whilst the illustrative layout shows internal access roads, these would be a matter for the reserved matters stage(s).

The existing site access onto Highfield Street would be utilised. The County Highway Authority (CHA) has been consulted on the application and raises no objection to the proposed scheme subject to the inclusion of conditions. Some recommended conditions would need to be considered at the reserved matters stage and the legal obligation would need to secure details of the routing of construction traffic.

In conclusion, the County Highway Authority raises no highway safety objections to the proposed scheme subject to the inclusion of relevant conditions. Taking these matters into account, therefore, the proposed development is considered acceptable in terms of Means of Access and Transportation issues and would comply with Local Plan Policy T3 in the adopted Local Plan, Policy IF4 in the publication version Local Plan and the advice in the NPPF.

### **Neighbours' Amenities**

The impacts on neighbouring occupiers arising from the proposed development would need to be assessed at the reserved matters stage(s); notwithstanding the details shown on the illustrative layout, there would appear to be no reason in principle why up to 18 units and a retail convenience store could not be provided on the site in a manner which would not significantly adversely impact upon neighbours' amenities.

The District Council's Environmental Protection team has no objections subject to a condition regarding construction details. However, the condition recommended would not meet the tests for conditions as it would require information to be provided that is covered under separate legislation. In addition, it is not considered that the proposal would result in significant adverse impacts on health or quality of life. Accordingly, the requirements Policy E3 of the adopted Local Plan and D2 of the publication version Local Plan are considered to have been met by the scheme and the proposal would not conflict with paragraph 123 of the NPPF.

## Design

The proposed scheme has been assessed by the District Council's Urban Designer, and rated in accordance with CABI's Building for Life 12 criteria which scores on the basis of red/amber/green. The Council's Urban Designer reviewed the original proposals for up to 20 dwellings and originally had some concerns over the illustrative layout that had been submitted as part of the application. These concerns included issues regarding the amount of development and parking integration.

The applicant submitted a revised layout reducing the overall number of dwellings from 20 to 18 and has also provided additional information which has addressed some of the issues which have been raised. It is accepted that the majority of these issues would need to be fully addressed by reserved matters including connectivity to the surrounding public right of way. Suitable conditions and notes to applicant can be provided to indicate that the design concerns would need to be fully addressed as part of any future reserved matters application(s).

Therefore, whilst the scheme in outline cannot be assessed fully against Building for Life, it is considered that it has been demonstrated that, in principle, an appropriate scheme for up to 18 dwellings and a retail convenience store could be satisfactorily developed on the site, and would comply with E4 of the adopted Local Plan, D1 of the publication version Local Plan and advice in the NPPF.

## Density

Local Plan Policy H6 provides that, for sites of 0.3 hectares and above, residential development should meet a minimum density of 40 dwellings per hectare within locations well served by public transport and accessible to services, and a minimum density of 30 dwellings per hectare elsewhere.

The application site area is given as 0.56 hectares and the maximum of 18 dwellings proposed by the developers would therefore equate to a maximum density of 32.1 dwellings per hectare, which would fall short of the requirements set out in Policy H6. However, when considering that parts of the site would be taken up by the creation of new landscaping, the retention of existing trees and the provision of a retail convenience store, the net dwelling density would be higher and more in-line with that stated in Policy H6. Therefore, the scheme is considered to have an appropriate density.

## Ecology and Trees

There are existing trees located within the north western section of the site that are protected by a Tree Preservation Order. The illustrative masterplan indicates that these trees are shown for retention on the illustrative masterplan. In the event that planning permission were to be granted, conditions would need to be attached to any planning permission requiring existing trees to be protected during construction works and the issues surrounding trees would need to be considered further at the reserved matters stage once the precise location of built development was established.

In terms of ecology, Leicestershire County Council's ecologist considers that the ecology reports that have been submitted are satisfactory and the proposal would not cause unacceptable impacts upon protected species. The submitted ecology report recommends that bird boxes are installed on the new buildings and this could be secured at the reserved matters stage.



Therefore, subject to the imposition of suitably-worded conditions and notes to applicant the submitted scheme is considered acceptable in ecological terms and in respect of the impact upon trees.

### **Flood Risk and Drainage**

The Environment Agency flood zone maps indicate that the site lies within Flood Zone 1, and on this basis the site would appear suitable for development in principle (and in flood risk sequential terms, would meet the requirements of the NPPF). Conditions would need to be attached to any planning permission to ensure that detailed and satisfactory surface water and foul drainage schemes are provided on the site.

Overall, in terms of issues of Flood Risk and Drainage, it is considered that the scheme is acceptable, and would provide for appropriate drainage solutions to accommodate the proposed development. In coming to this conclusion it is noted that the LLFA and Severn Trent Water raise no objections to the proposed development subject to the inclusion of relevant planning conditions and notes to applicant.

### **Developer Contributions**

The requested developer contributions are listed below.

#### *Affordable Housing*

The Council's SPD on affordable housing indicates that for developments of this scale in the Greater Coalville area 20% of the units should be provided as affordable housing (i.e. 4 units, assuming the construction of the maximum 18 dwellings as proposed). In terms of tenure split, the District Council's Affordable Housing Enabler advises that a tenure split of 80% affordable rented and 20% shared ownership would be sought and the District Council's Strategic Housing Team is seeking the following:

Affordable Rented - 3

- 1 x 2 bed homes
- 2 x 3 bed homes

Shared ownership - 1

- 1 x 3 bed home

However, it is accepted that the current requirements are likely to change over time, and it is considered appropriate for the Section 106 agreement to secure a minimum of 20% (and including the tenure split suggested above) with the actual contribution in terms of unit types to be agreed by the District Council.

#### *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 Hugglescote Community Primary School. The School has a net capacity of 420 and 1007 pupils are projected on the roll should this development proceed; a deficit of 587 pupil places. A total of 533 pupil places are included in the forecast for

this school from S106 agreements for other developments in this area and have to be discounted. This reduces the total deficit for this school to 54 pupil places.

There are 6 other primary schools within a two mile walking distance of the development. There is an overall surplus in this sector after including all primary schools within a two mile walking distance of the development of 33 pupil places. An education contribution will therefore not be requested for this sector.

#### *High School Requirements*

This site falls within the catchment area of Newbridge High School. The School has a net capacity of 590 and 749 pupils are projected on roll should this development proceed; a deficit of 159 pupil places. A total of 121 pupil places are included in the forecast for this school being funded from S106 agreements for other developments in this area and have to be discounted. This reduces the total deficit for this school to 38 (of which 36 are existing and 2 are created by this development).

There is 1 other high school within a three mile walking distance of the development but this also has a deficit. In order to provide the additional high school places anticipated by the proposed development, the County Council requests a contribution for the high school sector of £26,099.21. This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Newbridge High School.

#### *Upper School Requirements*

This site falls within the catchment area of King Edward VII Science & Sport College. The College has a net capacity of 1193 and 1250 pupils are projected on roll should this development proceed; a deficit of 57 pupil places. There are currently no pupil places in this sector being funded from S106 agreements for other developments in the area to be discounted.

There is 1 other upper school within a three mile walking distance of the development which has a surplus of 309 pupil places. There is an overall surplus in this sector after including all upper schools within a three mile walking distance of the development of 252 pupil places. An education contribution will therefore not be requested for this sector.

#### *Library Services*

The proposed development is within 0.9km of Coalville Library and the proposal would impact on local library services in respect of additional pressures on the availability of local library facilities. Therefore, a library contribution of £540 is requested.

#### *Children's Play Equipment*

Under the District Council's Play Area Design Guidance Supplementary Planning Guidance (SPG), on-site children's play provision is required at a rate of 20 square metres per dwelling. Given that 18 dwellings are proposed, this would require a play area of not less than 360 square metres. No on-site children's play area is proposed as part of this proposal and no off-site commuted sum is proposed. The Council's SPG regarding children's play areas specifies that the Council will not seek any additional provision where existing play areas, within 400 metres walking distance, satisfy the needs of the area, including the proposed development.

There would be a distance of less than 400 metres between any part of the proposed site and the existing children's play area located to the north of Clutson Road and, therefore, this would be considered a reasonable walking distance in accordance with the Council's SPG. The existing children's play area is considered to be of a sufficient size and accommodates a sufficient level of equipment. Therefore, an off-site commuted sum will not be required in this instance.

#### *National Forest Planting*

The application site extends to 0.56ha and the National Forest Company's (NFC) Planting Guidelines, as set out in the Guide for Developers and Planners, expects 20% of the site area to be for woodland planting and landscaping. However, in this instance they would be willing to accept off-site planting and the applicant is agreeable to such an approach. In the event that planning permission were to be granted, this would need to be secured by a legal agreement.

#### **Other**

The existing public footpath to the north of the site is located outside of the application site and, therefore, it seems unlikely that the scheme would have a significant impact upon it. Therefore, it would be unreasonable to require the developer to upgrade the existing public footpath to a cycle path or to provide increased width and new surfacing. However, the scheme is likely to result in the removal of the palisade fence that forms the boundary between the site and the public right of way. The precise details of such boundary treatments would be an issue which is considered at the reserved matters stage.

#### **Conclusions**

The site is located within the Limits to Development where the principle of residential development is considered acceptable. The site is a sustainable location for new residential development. The loss of employment land in this instance is considered to be acceptable when having regard to the nature of the existing units, the surrounding residential location and because alternative employment provision would be provided elsewhere in Coalville. The proposed retail convenience store would not result in significant adverse impacts upon the vitality and viability of Coalville Town Centre. Having regard to all of these issues, the proposal is considered to represent sustainable development and would be acceptable in principle.

At the reserved matters stage it would be possible to site up to 18 dwellings and a retail convenience store within the site that would be acceptable in terms of the residential amenities of existing and future occupiers and that could provide for an appropriate form of design that would be in keeping with the locality. The proposal would be acceptable in relation to highway safety subject to appropriate planning conditions. There are no other relevant material planning considerations that indicate planning permission should not be granted.

Therefore, it is recommended that the application be permitted subject to conditions and subject to a Section 106 agreement.

**RECOMMENDATION - PERMIT, subject to conditions and subject to a Section 106 legal agreement;**

1 Application for approval of the reserved matters shall be made to the Local Planning

Authority before the expiration of three years from the date of this permission and the development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

- 2 Approval of the details of the appearance, layout, access (save for the details of vehicular access into the site from Highfield Street), landscaping and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

*Reason - This permission is in outline only.*

- 3 The proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by another condition of this planning permission:

- Site Location Plan (0310) deposited with the Local Planning Authority on 27 June 2016.

*Reason - To determine the scope of this permission.*

- 4 A total of no more than 18 dwellings shall be erected and the A1 unit shall not have an internal floorspace in excess of 370 square metres.

*Reason - To define the scope of this permission.*

- 5 No development shall commence on site until a Remedial Scheme and a Verification Plan have been 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, published by The Environment Agency 2004; and  
- BS 8485:2015 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings

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, published by the Environment Agency 2010;  
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004;  
- BS 8485:2015 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings;  
- CIRIA C735, "Good practice on the testing and verification of protection systems for buildings against hazardous ground gases" CIRIA, 2014.

If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required

amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority.

The Risk Based Land Contamination Assessment shall be carried out in accordance with:

- BS10175:2011+A1:2013 Investigation Of Potentially Contaminated Sites Code of Practice;
- BS 8576:2013 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOCs); and
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

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 of paragraph 120 of the NPPF.*

6 Prior to occupation of the completed development, or part thereof, A Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme and a report showing the findings of the Verification Investigation relevant to the whole development, or part thereof, shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation 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 for 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 Remedial Scheme have been completed.

*Reason - To ensure that the land is fit for purpose and to accord with the aims and objectives of paragraph 120 of the NPPF.*

7 No development shall take place until 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 include the utilisation of holding sustainable drainage techniques with the incorporation of two treatment trains to improve water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the

responsibility for the future maintenance of drainage features.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements embodied within the scheme.

Full details for the drainage proposal should be supplied including (but not limited to); flow control details, pipe protection details, long sections, cross sections, construction details, adoption and maintenance schedules and full model scenario's for the 1 in 1, 1 in 30 and 1 in 100 year plus climate change. Where discharging to a sewer, this should be modelled as surcharged for all events above the 1 in 30 year, to account for the design standards of the public sewers.

*Reason - To prevent the increased risk of flooding, both on and off site.*

- 8 No development approved by this planning permission shall take place until such time as a detailed construction phasing plan has been submitted to, and approved in writing by, the Local Planning Authority.

Details within the phasing plan should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

*Reason - To prevent an increase in flood risk and maintain the existing surface water runoff quality through the entire development construction phase, and to prevent damage to the final surface water management systems.*

- 9 No development shall take place until a scheme for foul drainage has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.

*Reason - To protect the water environment by ensuring that there is no risk of pollution due to the increase in foul flows, particularly with regards to any potential adverse impact on the performance of any combined sewer overflows downstream.*

- 10 No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out 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/site traffic associated with the development does not lead to on-street parking problems in the area.*

- 11 No site works of any description shall take place on the site until such time as the existing trees to be retained have been securely fenced off in accordance with a scheme that has first been submitted to and agreed in writing with the Local Planning Authority. Within the fenced off areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug

and back-filled by hand, unless any alteration is first agreed in writing by the Local Planning Authority.

*Reason - To ensure that existing trees are adequately protected during construction in the interests of the visual amenities of the area.*

- 12 The first reserved matters application shall be accompanied by a further Building for Life 12 assessment.

*Reason - To provide evidence that demonstrates detailed compliance with Building for Life 12.*

- 13 Unless first agreed in writing by the Local Planning Authority, no site clearance operations that involve the destruction or removal of vegetation on the site shall be undertaken during the months of March to August (inclusive).

Reason - To ensure that breeding birds are not adversely affected, in the interests of nature conservation.

### Notes to applicant

- 1 At the reserved matter stage, consideration should be given to the following:
- providing connectivity to the public right of way to the north of the site;
  - dual aspect buildings on corner plots;
  - well integrated car parking;
  - good quality hard and soft landscaping;
  - visible boundaries should be constructed in brick walls;
  - adequate lighting on any unadopted roads;
  - permeable surfacing;
  - surveillance of the adjacent public right of way.
- 2 Your attention is drawn to the notes to applicant provided by the LLFA in their response dated 18 August 2016.
- 3 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant at the pre-application stage and during the 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 2015.
- 4 A Section 106 legal agreement would be required and would need to include the following matters:  
Affordable Housing;  
Off Site National Forest Planting;  
Education contribution of £26,099.21  
Library contribution of £540;  
Construction traffic routeing;  
Ensuring alternative employment provision is provided elsewhere within Coalville.
- 5 At the reserved matters stage the Local Planning Authority would expect swift nest boxes to be installed as per the recommendations contained within the submitted ecology report.
- 6 Your attention is drawn to the comments from the Council's Recycling Team (dated 15 August 2016 11:50).

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Erection of business units (B1b, B1c and B2 use class)  
(outline - all matters reserved except part access)

Report Item No  
A6

Land At Vulcan Way Coalville Leicestershire

Application Reference  
16/00416/OUTM

Applicant:  
Leicestershire County Council

Date Registered  
13 May 2016

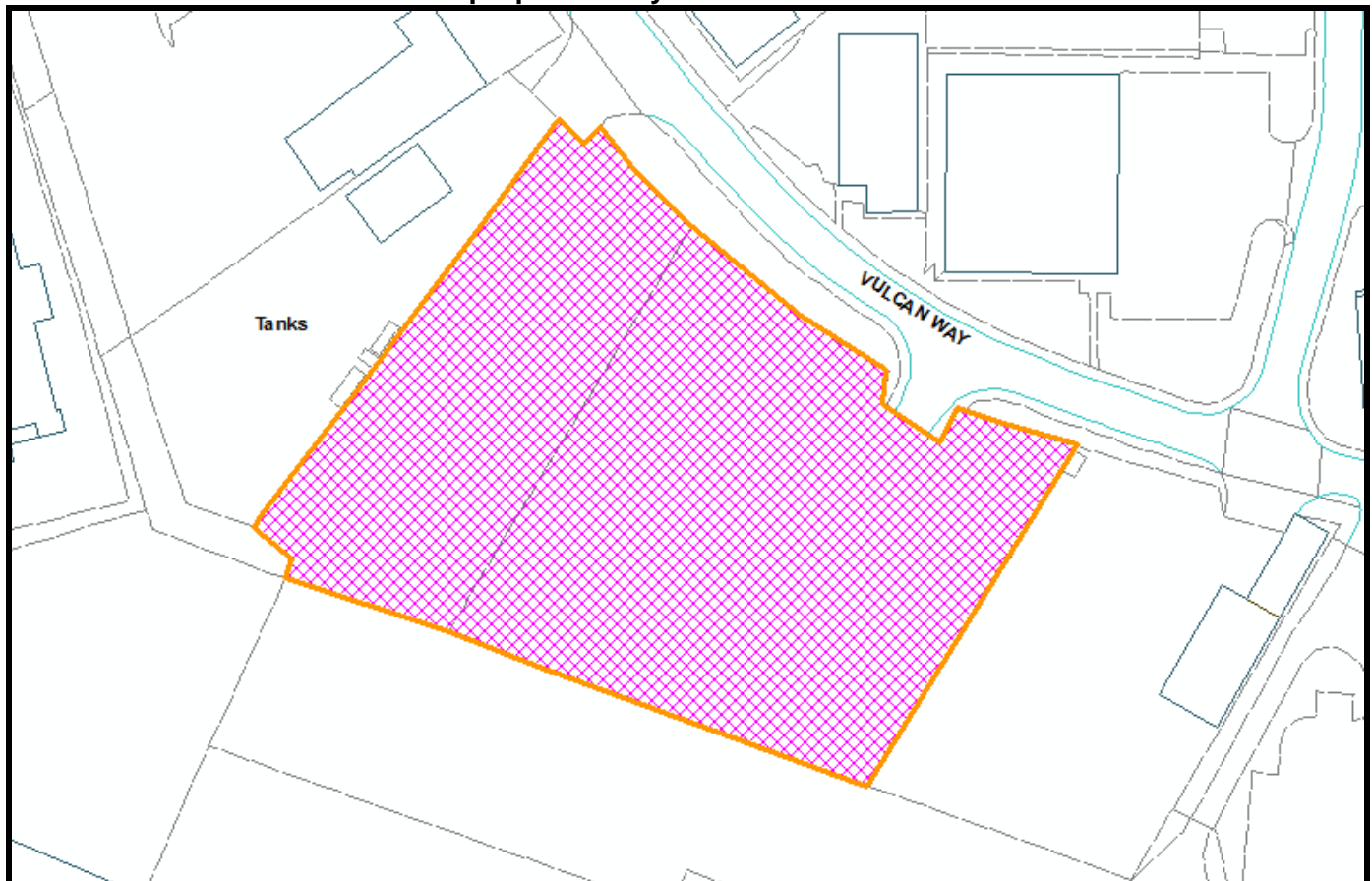
Case Officer:  
Robert McKillop

Target Decision Date  
12 August 2016

Recommendation:  
PERMIT Subject to a Section 106 Agreement

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**Site Location - Plan for indicative purposes only**



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## **Executive Summary of Proposals**

### **Reason for Call In**

The application has been called to the Planning Committee by Councillor Legrys due to it being linked to applications 16/00414/OUTM and 16/00415/OUTM at Workspace 17, Highfield Street, Coalville which would result in the loss of employment units.

### **Proposal**

Outline planning permission is sought for the erection of business units (B1b, B1c and B2 use class) at Vulcan Way, Coalville.

### **Consultations**

Members will see from the main report below that one objection to the scheme has been received from a member of the public. No objections have been raised to the development by statutory consultees.

### **Planning Policy**

The application site is within Limits to Development as defined in the adopted North West Leicestershire Local Plan. Also relevant are the employment policies of the National Planning Policy Framework and adopted and publication version of the North West Leicestershire Local Plan.

### **Conclusion**

The proposed employment units would be located within an industrial estate and within the limits to development in a sustainable settlement and the scheme is considered to accord with national and local policies. Subject to suitable conditions, the proposal would have no adverse impacts upon residential amenities, highway safety, design, ecology, flooding or trees. Overall the development would accord with Policies S2, E3, E4, E7, J1, T3 and T8 of the adopted Local Plan and Policies D1, D2, Ec3 and IF7 of the publication version Local Plan and advice in the NPPF. The application is, therefore, recommended for approval.

### **RECOMMENDATION - PERMIT, 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 conditions, and Members are advised that this summary should be read in conjunction with the detailed report.**

## MAIN REPORT

### 1. Proposals and Background

Outline planning permission is sought for the erection of business units (B1b, B1c and B2 use class) at land at Vulcan Way, Coalville. Details of part access are included with other matters reserved for subsequent approval. The site is within an industrial area adjacent to other businesses and is located within the defined limits to development as identified in the North West Leicestershire Local Plan.

The site measures an area 1.02 of hectares and the application form states that 4830.95 square metres of new floor space would be created for business and general industrial use under classes B1b, B1c and B2. The indicative plans indicate that three new buildings would be provided which would be sub-divided into a number of incubator and starter units of varying sizes. On-site parking, turning and landscaping is also indicated.

The application is accompanied by a Design and Access Statement, Transport Assessment, Habitat Survey, Flood Risk Assessment and Geo-Environmental Investigation Report.

Applications 16/00414/OUTM and 16/00415/OUTM at Workspace 17, Highfield Street, Coalville have been submitted by the same applicant and are currently being considered by the Local Planning Authority. These other applications propose the demolition of existing employment units and erection of new residential units at a different site in Coalville. This application is submitted to provide replacement employment units to mitigate against the potential loss should the other applications be approved. Application 16/00409/OUT for the erection of two industrial units at Samson Road, Coalville is also under consideration which would further offset any loss of employment units in Coalville. All of these applications are reported in this Planning Committee agenda.

The applicant's supporting statement indicates that the units will be start up and grow on units which is part of a wider strategy to support the economic development of the area. The type and scale of units proposed are not generally provided by the investment market in this area as they are not economically viable, though there is a gap in this type of employment space provision to support the economic development of the District.

No recent planning history found for this application.

### 2. Publicity

3 neighbours have been notified (Date of last notification 16 May 2016)

Site Notice displayed 16 May 2016

Press Notice published 25 May 2016

### 3. Consultations

County Highway Authority  
 Severn Trent Water Limited  
 Head of Environmental Protection  
 LCC ecology  
 LCC Flood Management  
 Kay Greenbank

#### 4. Summary of Representations Received

##### Third Party Representations

One letter of objection has been received raising the following points:

- On-site parking is insufficient for the scale of the development and will lead to on-street parking issues in the vicinity;
- The location of cycle parking is unworkable;
- The architect has struggled to present a workable scheme for lorries and vehicular access with the proposed access being too narrow;
- Parking spaces are unworkable due to loading areas;
- LLC recommends refusal due to lack of a sustainable urban drainage system;
- There is an undesirable mix of planning uses with the proposed B1 and B2 uses likely to conflict;
- The development is poorly conceived and an overdevelopment of the site which raises viability issues from lack of market occupier interest.

##### Statutory Consultees

**Leicestershire County Council - Ecologist** has no objections.

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

**Leicestershire County Council - Highways** has no objections subject to conditions.

**National Forest Company** has no objections subject to a section 106 agreement.

**NWLDC Environmental Protection Team** has no environmental observations.

**Severn Trent Water Ltd** has no objections subject to conditions.

#### 5. Relevant Planning Policy

##### National Policies

###### *National Planning Policy Framework*

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

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

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

- Paragraph 14 (Presumption in favour of sustainable development)
- Paragraph 19 (Building a strong, competitive economy)
- Paragraph 20 (Building a strong, competitive economy)
- Paragraph 57 (Requiring good design)
- Paragraph 59 (Requiring good design)

Paragraph 61 (Requiring good design)  
Paragraph 112 (Conserving and enhancing the natural environment)  
Paragraph 118 (Conserving and enhancing the natural environment)  
Paragraph 123 (Impacts of development)

### **Adopted North West Leicestershire Local Plan (2002)**

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

Policy S2 - Limits to Development  
Policy E3 - Residential Amenities  
Policy E4 - Design  
Policy E7 - Landscaping  
Policy J1 - Employment Development  
Policy T3 - Highway Standards  
Policy T8 - Parking

### **Other Policies**

### **6Cs Design Guide (Leicestershire County Council)**

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

### **Publication Version North West Leicestershire Local Plan**

On 15 September 2015 the District Council's Full Council approved a draft Local Plan for consultation. That consultation has now ended and the publication version of the Local Plan was agreed by Council on 28th June 2016 with a view to its submission for examination in September 2016. Given the more advanced stage that has now been reached with agreement of a publication version of the Local Plan it is considered that more weight can be attached to the following policies:

Policy S1 - Presumption in Favour of Sustainable Development  
Policy D1 - Design of New Development  
Policy D2 - Amenity  
Policy Ec3 - Employment Development  
Policy IF7 - Parking Provision and New Development

### **National Planning Practice Guidance - March 2014.**

## **6. Assessment**

### **Principle and Sustainability**

The site is within an existing employment area and lies within the defined limits to development of Coalville which is considered a sustainable location for new development. The NPPF promotes sustainable growth and expansion of all types of business and enterprise through the conversion of existing buildings and well designed new buildings and extensions. In these circumstances the principle of the development would accord with Policy S2 and J1 of the adopted Local Plan and Policy Ec3 of the publication version Local Plan. The proposal for starter and grow on units is welcomed and the development is acceptable in principle, subject to accordance with relevant national and local policies and other material considerations.

### **Residential Amenity**

The site is located within an existing industrial estate and there are no residential properties

within the immediate vicinity of the site that would be affected by the proposed building. The Council's Environmental Protection Section does not object to this application and overall the scheme would accord with the aims of Paragraph 123 of the NPPF, Policy E3 of the adopted Local Plan and Policy D2 of the publication version Local Plan.

### **Design**

The need for good design in new development is outlined not only in Local Plan Policy E4 but also Paragraphs 57, 60 and 61 of the NPPF with Paragraph 61 outlining 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, decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

The application site is on the southern side of Vulcan Way and is surrounded by existing industrial units. In response to comments stating that the development would be an overdevelopment, the layout would be similar to the layout and density of development elsewhere on this Industrial Estate. It is considered that the site is sufficiently large to accommodate three new buildings and associated space for vehicle parking, turning and landscaping. The layout, scale, appearance and landscaping are reserved matters to be agreed through a subsequent application although the indicative site layout and elevation drawings as submitted in the Design and Access Statement indicate that the site is capable of accommodating the proposed development in a manner that would have an acceptable visual impact within the surrounding area. It is noted that most of the site is presently used for open storage and it is considered that the proposed units would likely improve the visual appearance of the area. On this basis, the application would accord with guidance in the NPPF, Policy E4 of the adopted Local Plan and Policy D1 of the publication version Local Plan.

### **Highway Safety**

The letter of objection raises concerns about potential on-street parking issues, poor cycle parking provision and an unworkable proposed layout. It is noted that this is an outline application and the County Highway Authority (CHA) has not fully considered the parking provision or layout at this stage. The illustrative layout plan shows 110 car parking spaces and fourteen cycle parking spaces. The precise number of spaces required at this stage is unknown given the outline nature of the application however there appears to be ample space within the site to accommodate an appropriate level of parking in accordance with current highway standards.

In their response, the CHA is satisfied that the required visibility and turning can be provided at the site access positions and has advised that the capacity assessments of the proposed two accesses are satisfactory. Although there is some record of accidents along Whitwick Road, this has decreased following junction improvements opposite Whitwick Business Park and the CHA is satisfied that no mitigation measures would be required as part of the proposed development. No other objections have been raised. Overall the CHA has advised that the residual cumulative impacts of development are not considered severe in accordance with Paragraph 32 of the NPPF, subject to conditions.

The site is within walking distance from the centre of Coalville which benefits from good access to public transport. Taking the above into account it is considered that the proposal would not lead to any significant detrimental impact on highway safety. As such, the scheme would accord with Policies T3 and T8 of the adopted Local Plan and Policy IF7 of the publication version Local Plan.

### **Ecology**

The County Council Ecologist has no objection to the proposed development and it is deemed that the application would not have any detrimental impact on ecology or protected species.

### **Trees**

The application site extends to 1.02ha and the National Forest Company's (NFC) Planting Guidelines, as set out in the Guide for Developers and Planners, expects 20% of the site area to be for woodland planting and landscaping. However, it is noted that they would be willing to accept off-site planting and on the basis that applicant is agreeable to this approach, should planning permission be granted, this would need to be secured by a legal agreement.

In terms of the impact on trees, following an officer site visit it was noted that there are several trees and shrubs within the site. Although the retention of trees and shrubs would be preferable, there are no Tree Preservation Orders within the site and given their relatively low amenity value, it is considered the removal of existing trees and shrubs would not have any significant detrimental impact on trees and the character of the area. Screening is provided to the front of the site along Vulcan Way by a row of existing mature trees and shrubs which would not be affected. Overall it is deemed that the application would accord with Policy E7 of the adopted Local Plan and advice within the NPPF.

### **Other**

The application is linked to applications for residential development elsewhere in Coalville which would result in the loss of employment provision. It is noted that part of the application site at Vulcan Way is currently used for open storage, leased by a neighbouring company. The applicant has confirmed that the current occupiers have been informed they will need to relocate at the end of their current tenancy period. However, Class B1 and Class B2 uses generally provide for a higher number of employees per square metre than Class B8 uses and on this basis the proposed development is likely to provide for an increased number of employees compared to the existing B8 use at the site. Overall, whilst it is noted that the site is currently in an employment use, the application would increase the provision of employment space at this site and the provision of more modern buildings would ensure provision of modern employment space that is suitable for starter and grow on businesses.

### **Conclusion**

The principle of the development is acceptable and the proposal is considered not to have any significant detrimental impacts on residential amenity, design, highway safety, ecology or trees. 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 adopted Local Plan, in this case S2, E3, E4, E7, J1, T3 and T8 and also the relevant policies of the publication version North West Leicestershire Local Plan, namely Policies D1, D2, Ec3 and IF7. It is therefore recommended that the application be permitted.

### **RECOMMENDATION - PERMIT, subject to the following conditions:**

- 1 An application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

- 2 Approval of the details of the appearance, landscaping, layout, access (save for the details of vehicular access into the site from Vulcan Way) and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

*Reason- this permission is in outline only.*

- 3 This application has been determined on the basis of the application site outlined in red on "Location Plan 1:2500" and "OS Plan/Aerial/Survey/Block Plan 1:1250 and 1:500" and "Drg No.35399-5501-004", received by the local planning authority on 11th April 2016, and development shall be carried out strictly in accordance with this plan unless otherwise required by a condition of this permission or subsequent reserved matters application.

*Reason- to determine the scope of this permission.*

- 4 Prior to first use of the development hereby permitted, access shall be provided in accordance with Drawing 35399-5501-004, received by the local planning authority on 11th April 2016 and shall thereafter be permanently so maintained.

*Reason- To ensure a satisfactory form of development and in the interests of highway safety.*

- 5 No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out 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 for road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.*

- 6 No development shall take place until 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 include the utilisation of holding sustainable drainage techniques with the incorporation of two treatment trains to improve water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements embodied within the scheme.

Full details for the drainage proposal should be supplied including (but not limited to); flow control details, pipe protection details, long sections, cross sections, construction details, adoption and maintenance schedules and full model scenario's for the 1 in 1, 1 in



30 and 1 in 100 year plus climate change. Where discharging to a sewer, this should be modelled as surcharged for all events above the 1 in 30 year, to account for the design standards of the public sewers.

*Reason - To prevent the increased risk of flooding, both on and off site.*

- 7 No development approved by this planning permission shall take place until such time as a detailed construction phasing plan has been submitted to, and approved in writing by, the Local Planning Authority.

Details within the phasing plan should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

*Reason - To prevent an increase in flood risk and maintain the existing surface water runoff quality though the entire development construction phase, and to prevent damage to the final surface water management systems.*

- 8 No development shall take place until a scheme for foul drainage has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.

*Reason - To protect the water environment by ensuring that there is no risk of pollution due to the increase in foul flows, particularly with regards to any potential adverse impact on the performance of any combined sewer overflows downstream.*

### **Notes to applicant**

- 1 Outline 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 2015.
- 2 Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building. Should you require any further information please contact us on tel: 0116 234 3834 or email: net.dev.east@severntrent.co.uk.

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Erection of two industrial units (Outline application - all matters reserved except part access)

Report Item No  
A7

Land At Samson Road Coalville Leicestershire LE67 3FP

Application Reference  
16/00409/OUT

Applicant:  
Leicestershire County Council

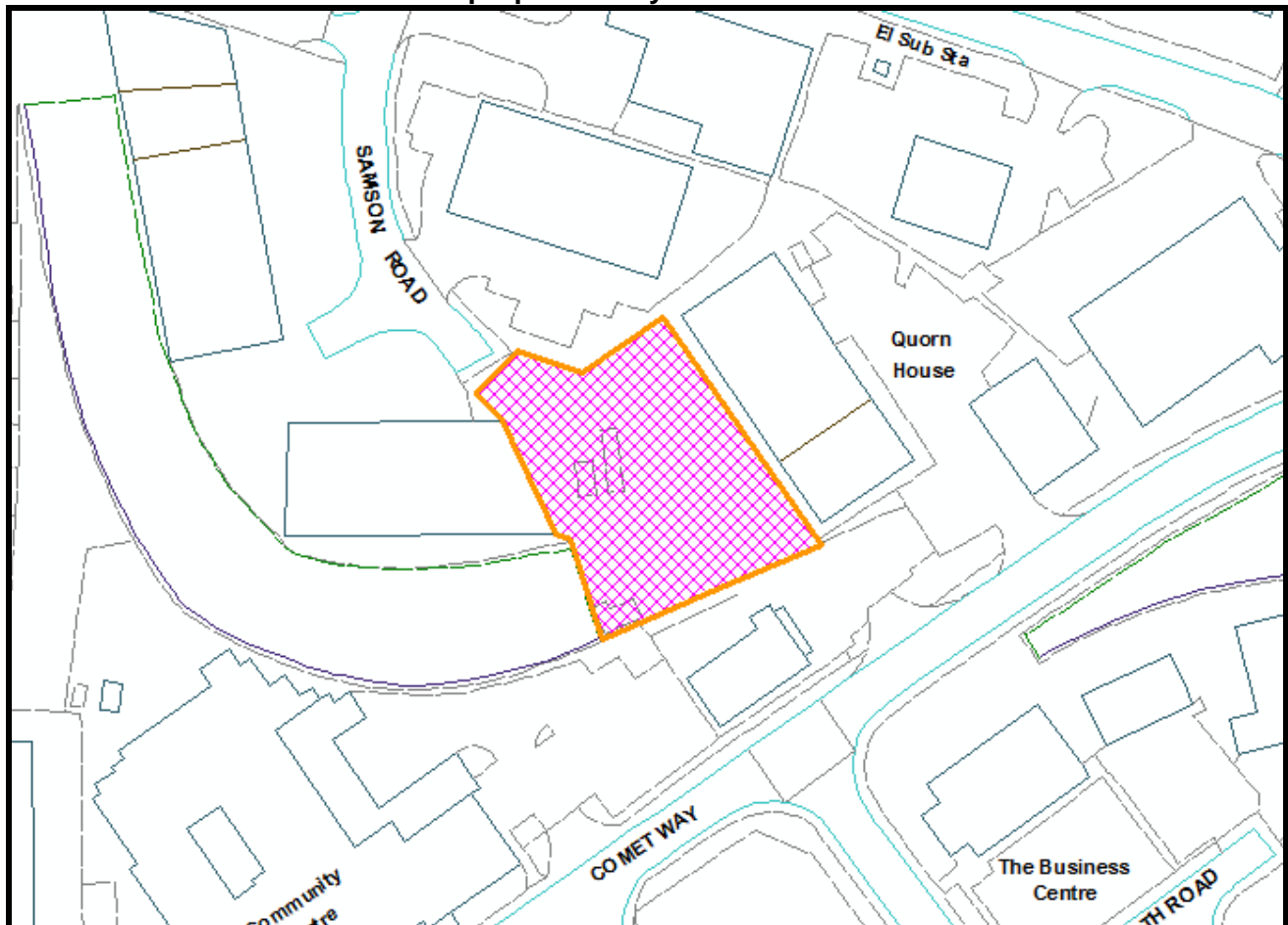
Date Registered  
14 April 2016

Case Officer:  
Robert McKillop

Target Decision Date  
9 June 2016

Recommendation:  
PERMIT

Site Location - Plan for indicative purposes only



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## **Executive Summary of Proposals**

### **Reason for Call In**

The application has been called to the Planning Committee by Councillor Legrys due to it being linked to applications 16/00414/OUTM and 16/00415/OUTM at Workspace 17, Highfield Street, Coalville which would result in the loss of employment units.

### **Proposal**

Outline planning permission is sought for the erection of two industrial units on land at Samson Road, Coalville.

### **Consultations**

Members will see from the main report below that no public objections to the scheme have been received and there are no other objections raised by statutory consultees.

### **Planning Policy**

The application site is within Limits to Development as defined in the adopted North West Leicestershire Local Plan. Also relevant are the employment policies of the National Planning Policy Framework.

### **Conclusion**

The proposed employment units would be located in an existing industrial estate within the limits to development in Coalville, which is a sustainable settlement and the scheme is considered to accord with national and local policies. Subject to suitable conditions, the proposal would have no adverse impacts upon residential amenities, highway safety, design, ecology or trees. Overall the development would accord with Policies S2, E3, E4, E7, J1, T3 and T8 of the adopted Local Plan and Policies D1, D2, Ec3 and IF7 of the publication version Local Plan and advice in the NPPF. The application is, therefore, recommended for approval.

### **RECOMMENDATION - PERMIT, 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 conditions, and Members are advised that this summary should be read in conjunction with the detailed report.**

## MAIN REPORT

### 1. Proposals and Background

Outline planning permission is sought for the erection of two industrial units at land at Samson Road, Coalville. Details of access onto Samson Road are included for determination at this stage with other matters reserved for subsequent approval. The site is within an industrial area adjacent to other businesses and is located within the defined limits to development as identified in the North West Leicestershire Local Plan.

The site measures an area 0.19 hectares and the application form states that 743.2 square metres of new floor space would be created for general industrial purposes under Use Class B2. The site is currently unoccupied except for some small storage buildings and greenhouses.

The illustrative plans indicate that two new units would be proposed in one building with on-site parking, turning and landscaping also indicated. The application is accompanied by a Design and Access Statement, Transport Assessment, Habitat Survey and Geo-Environmental Investigation Report.

Applications 16/00414/OUTM and 16/00415/OUTM at Workspace 17, Highfield Street, Coalville have been submitted by the same applicant and are currently being considered by the local planning authority. These other applications propose the demolition of existing employment units and erection of new residential units at a different site in Coalville. This application is submitted to provide replacement employment units to mitigate against the potential loss should the other applications be approved. Application 16/00416/OUTM for the erection of business/industrial units at Vulcan Way, Coalville is also under consideration which would further offset any loss of employment units in Coalville. All of these applications are reported in this Planning Committee Agenda.

No recent planning history found for this application.

### 2. Publicity

16 neighbours have been notified (Date of last notification 15 April 2016)

Site Notice displayed 15 April 2016

### 3. Consultations

County Highway Authority  
 Severn Trent Water Limited  
 Head of Environmental Protection  
 NWLDC Tree Officer  
 LCC ecology  
 Kay Greenbank

### 4. Summary of Representations Received

#### Third Party Representations

No letters of representation have been received.

#### Statutory Consultees

**Leicestershire County Council - Ecologist** has no objections subject to conditions.

**Leicestershire County Council - Highways** has no objections subject to conditions.

**NWLDC Environmental Protection Team** has no environmental observations.

**Severn Trent Water Ltd** has not responded.

## **5. Relevant Planning Policy**

### **National Policies**

#### *National Planning Policy Framework*

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

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

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

- Paragraph 14 (Presumption in favour of sustainable development)
- Paragraph 19 (Building a strong, competitive economy)
- Paragraph 20 (Building a strong, competitive economy)
- Paragraph 57 (Requiring good design)
- Paragraph 59 (Requiring good design)
- Paragraph 61 (Requiring good design)
- Paragraph 112 (Conserving and enhancing the natural environment)
- Paragraph 118 (Conserving and enhancing the natural environment)
- Paragraph 123 (Impacts of development)

### **Adopted North West Leicestershire Local Plan (2002)**

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

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

### **Other Policies**

#### **6Cs Design Guide (Leicestershire County Council)**

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

#### **Publication Version North West Leicestershire Local Plan**

On 15 September 2015 the District Council's Full Council approved a draft Local Plan for consultation. That consultation has now ended and the publication version of the Local Plan was agreed by Council on 28th June 2016 with a view to its submission for examination in

September 2016. Given the more advanced stage that has now been reached with agreement of a publication version of the Local Plan it is considered that more weight can be attached to the following policies:

Policy S1 - Presumption in Favour of Sustainable Development

Policy D1 - Design of New Development

Policy D2 - Amenity

Policy IF7 - Parking Provision and New Development

### **National Planning Practice Guidance - March 2014.**

## **6. Assessment**

### **Principle and Sustainability**

The site is within an existing employment area and lies within the defined limits to development of Coalville which is considered a sustainable location for new development. The NPPF promotes sustainable growth and expansion of all types of business and enterprise through the conversion of existing buildings and well designed new buildings and extensions. In these circumstances the principle of the development would be accepted subject to compliance with other relevant policies of the Local Plan and other material considerations.

### **Residential Amenity**

The site is located within an existing industrial estate and there are no residential properties within the immediate vicinity of the site that would be affected by the proposed building. The Council's Environmental Protection Section does not object to this application and overall the scheme would accord with the aims of Paragraph 123 of the NPPF, Policy E3 of the adopted Local Plan and Policy D2 of the publication version Local Plan.

### **Design**

The need for good design in new development is outlined not only in Local Plan Policy E4 but also Paragraphs 57, 60 and 61 of the NPPF with Paragraph 61 outlining 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, decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

The application site lies at the end of Samson Way between two existing industrial units. There are some existing greenhouses, storage buildings and containers present at the site. It is considered that the site is sufficiently large to accommodate two new units and associated space for vehicle parking, turning and landscaping. The layout, scale, appearance and landscaping are reserved matters to be agreed through a subsequent application although the indicative site layout and elevation drawings as submitted in the Design and Access Statement indicate that the site is capable of accommodating the proposed development in a manner that would have an acceptable visual impact within the surrounding area. On this basis, the application would accord with guidance in the NPPF, Policy E4 of the adopted Local Plan and Policy D1 of the publication version Local Plan.

### **Highway Safety**

This is an outline application and only the point of access onto Samson Road has been considered under this application. Precise details of parking, layout and servicing would be agreed by way of a subsequent reserved matters application. The County Highway Authority has not raised any objections to the proposed access to serve the development subject to conditions being attached to any permission granted. The illustrative layout indicates that 11

parking spaces could be accommodated within the site boundary along with turning and servicing areas. This illustrative layout also includes two cycle parking spaces and it is noted that the site is within walking distance from the centre of Coalville which benefits from good access to public transport. The precise number of spaces required at this stage is unknown given the outline nature of the application however there appears to be ample space within the site to accommodate an appropriate level of parking in accordance with current highway standards. Taking the above into account it is considered that the proposal would not be detrimental from a highway safety point of view. As such, the scheme would accord with Policies T3 and T8 of the adopted Local Plan and Policy IF7 of the publication version Local Plan.

### **Ecology**

The County Council Ecologist has been consulted and has confirmed that the submitted ecology report is satisfactory and would not have any objections to the application, subject to a condition requiring site clearance outside bird-nesting season. On this basis, and subject to a suitable worded condition, it is deemed that the application would not have any detrimental impact on ecology or protected species.

### **Trees**

In terms of the impact on trees, following an officer visit to the site it is noted that there are several conifers to the north of the site, with several trees and shrubs elsewhere within the site. The submitted information states that the conifers would be retained to provide screening, with the other trees and shrubs to be removed to allow for the proposed development. Although the retention of trees and shrubs would be preferable, there are no Tree Preservation Orders within the site and given their relatively low amenity value, it is considered the removal of existing trees and shrubs would not have any significant detrimental impact on trees and the character of the area. Overall it is deemed that the application would accord with Policy E7 of the adopted Local Plan and advice within the NPPF.

### **Conclusion**

The principle of the development is acceptable and the proposal is considered not to have any significant detrimental impacts on residential amenity, design, highway safety, ecology or trees. 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 adopted Local Plan, in this case S2, E3, E4, E7, J1, T3 and T8 and also the relevant policies of the publication version North West Leicestershire Local Plan, namely Policies D1, D2, Ec3, and IF7. It is therefore recommended that the application be permitted.

### **RECOMMENDATION - PERMIT, subject to the following conditions:**

- 1 An application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

- 2 Approval of the details of the appearance, landscaping, layout, access (save for the details of vehicular access into the site from Samson Road) and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing



before any development is commenced.

*Reason- this permission is in outline only.*

- 3 This application has been determined on the basis of the application site outlined in red on "Location Plan 1:2500" and "OS Plan/Aerial/Survey/Block Plan 1:1250 and 1:500", received by the local planning authority on 11th April 2016, and development shall be carried out strictly in accordance with this plan unless otherwise required by a condition of this permission or subsequent reserved matters application.

*Reason- to determine the scope of this permission.*

- 4 No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out 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 to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.*

- 5 Operations that involve the destruction and removal of vegetation, buildings or parts of buildings shall not be undertaken during the months of March to August inclusive unless otherwise agreed in writing by the Local Planning Authority that breeding birds will not be adversely affected by any works.

*Reason- to reduce the impact of the proposal on nesting birds, which are a protected species.*

### **Notes to applicant**

- 1 Outline 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 2015.
- 2 This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from the Infrastructure Planning team. For further information, including contact details, you are advised to visit the County Council website: - see Part 6 of the '6Cs Design Guide' at [www.leics.gov.uk/6csdg](http://www.leics.gov.uk/6csdg).
- 3 The highway boundary is the wall/hedge/fence etc. fronting the premises and not the edge of the carriageway/road.
- 4 The point of access to the site from Samson Road, shown on the approved plans, is considered to be acceptable. Precise details of the access arrangements will be considered under a subsequent reserved matters application.

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