

Meeting	<b>PLANNING COMMITTEE</b>
Time/Day/Date	4.30 pm on Tuesday, 3 October 2017
Location	Council Chamber, Council Offices, Coalville
Officer to contact	Democratic Services (01530 454512)

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

The Council is aware that planning applications may be controversial and emotive for those affected by the decisions made by this Committee. However all persons present are reminded that the Council will not tolerate abusive or aggressive behaviour towards staff or other visitors attending this meeting and anyone behaving inappropriately will be required to leave the meeting and the building.

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

## AGENDA

Item		Pages
<b>1.</b>	<b>APOLOGIES FOR ABSENCE</b>	
<b>2.</b>	<b>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.</b>	<b>MINUTES</b>	
	To confirm and sign the minutes of the meeting held on 5 September 2017.	<b>3 - 10</b>
<b>4.</b>	<b>PLANNING APPLICATIONS AND OTHER MATTERS</b>	
	Report of the Head of Planning and Regeneration.	<b>11 - 16</b>



## Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
<b>A1</b>	<p><b>16/01187/VCIM: Carrying out of residential development of up to 800 dwellings with associated highway works, including demolition of existing buildings, drainage infrastructure, formation of two new accesses onto Grange Road, a local centre (comprising uses within classes A1-A5, B1, C2, C3 and D1 of the Use Classes Order), new primary school, public open space, play areas and landscaping (outline - all matters (other than part access) reserved) approved under planning permission ref. 13/00415/VCUM without complying with Condition nos. 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 15, 16, 19, 20, 27, 28, 30, 31, 32, 33, 34, 35, 36 and 38</b></p> <p>Land At Lower Bardon Grange Road Hugglescote Coalville LE67 2BT</p>	<b>PERMIT subject to S106 Agreement</b>	<b>17 - 30</b>
<b>A2</b>	<p><b>17/00459/FUL: Change of use of land as an extension to the residential curtilage</b></p> <p>Land Adjacent To 25 Buckingham Road Coalville Leicestershire LE67 4PB</p>	<b>PERMIT subject to S106 Agreement</b>	<b>31 - 36</b>
<b>A3</b>	<p><b>17/01083/FUL: Erection of one dwelling</b></p> <p>The Farm Manor Road Donington Le Heath Coalville Leicestershire LE67 2FW</p>	<b>PERMIT</b>	<b>37 - 50</b>

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 5 SEPTEMBER 2017

Present: Councillor D J Stevenson (Chairman)

Councillors R Adams, R Boam, J Bridges, R Canny, J Cotterill, J G Coxon, D Everitt, D Harrison, J Hault, G Jones, J Legrys, P Purver, V Richichi, S Sheahan (Substitute for Councillor R Johnson), M Specht and M B Wyatt

In Attendance: Councillor T J Pendleton

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

### **28. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor R Johnson.

### **29. DECLARATION OF INTERESTS**

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

Councillor V Richichi declared a pecuniary interest in item A3, application number 15/01064/OUT, as the owner of an adjacent property.

Councillor R Boam declared that he had been lobbied without influence in respect of item A5, application number 17/00395/FUL.

Councillors J G Coxon, J Hault and G Jones declared a non-pecuniary interest in items A1, A6 and A7, application numbers 17/00635/3FD, 17/00885/FUL and 17/00830/FUL as members of Ashby Town Council.

Councillor J Legrys declared that he had been lobbied without influence in respect of items A2 and A3, application numbers 16/00718/OUT and 15/01064/OUT.

### **30. MINUTES**

Consideration was given to the minutes of the meeting held on 1 August 2017.

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

RESOLVED THAT:

The minutes of the meeting held on 1 August 2017 be approved and signed by the Chairman as a correct record.

### **31. 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.

- 32. A1**  
**17/00635/3FD: CHANGE OF USE OF FLAT 4 TO A NWLDC HOUSING DEPARTMENT 'HUB OFFICE' FOR USE BY STAFF ONLY**  
 4 Hood Court North Street Ashby De La Zouch Leicestershire LE65 1HY

Officer's Recommendation: PERMIT

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

Mr C Lambert, applicant, addressed the meeting. He stated that the issue in respect of car parking, which was the main area of concern highlighted in the consultation exercise, had now been addressed to the satisfaction of residents. He added that there was some work to do in respect of the detail of the transitional arrangements, however this was in hand and he trusted that members were now in a position to reach a decision.

It was moved by Councillor R Adams, seconded by Councillor G Jones and

RESOLVED THAT:

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

- 33. A2**  
**16/00718/OUT: ERECTION OF UP TO SEVEN DETACHED SINGLE STOREY DWELLINGS (OUTLINE - WITH ACCESS INCLUDED FOR DETERMINATION)**  
 Land Adjacent To 30 Ashby Road Packington Ashby De La Zouch Leicestershire LE65 1TD

Officer's Recommendation: REFUSE

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

Mr C Miles, Parish Councillor, addressed the meeting. He stated that the Parish Council supported the officer's recommendation and would want this application to be refused. He added that that this was also the case for subsequent item.

Mr S Clarke, agent, addressed the meeting. He stated that there were no sustainable objections from statutory consultees or third parties and no issues of material substance had been raised in the letter of objection and the negative response from the Parish Council. He added that there were no objections in respect of protected species ecology, the River Mease, drainage and flood risk, highway safety, residential amenity, archaeology, design or layout. He made reference to the balance to be struck between the National Planning Policy Framework, the adopted local plan and the submitted local plan. He commented that significant weight had been given to the submitted local plan, whereas little weight had been given to national policy. He added that at present, the only approved and published local planning policy document was the adopted local plan and that its policies must be deemed out of date by any reasonable measure. He added that the submitted local plan had been submitted for examination but was not yet approved, and he made reference to the inspector's statement at the Roscon appeal where the inspector at the time stated that little if any weight should be given to the submitted local given the early stage that it had reached. Mr Clarke felt that the application was fully deserving of an approval and the presumption in favour of approval applied.

Councillor D Harrison referred to the robust defence for the application made by the agent and asked officers to respond to the comments made. He added that he was not aware whether there was a need for bungalows in Packington as it was a very well established

area. He expressed support for the recommendation in light of the importance of the submitted local plan and due to the application being outside Limits to Development.

The Head of Planning and Regeneration explained that the development plan was the starting point, and if a proposal was contrary to the development plan, the presumption was that the application would be refused unless there was a material consideration that suggested otherwise. He added that the National Planning Policy Framework was a material consideration. He made reference to the significant number of recent appeals where the site was outside the Limits to Development, and therefore contrary to the development plan, and advised that all of these appeals had been dismissed with the exception of the Roscon appeal. He added that all of these appeals had taken account of the National Planning Policy Framework. He stated that it was a matter of fact that this site was outside the Limits to Development in the adopted and submitted local plan and officers, in their professional opinion, did not consider that the scheme merited contravening the development plan as the application did not outweigh the demonstrable harm. He added that the submitted local plan was at a very advanced stage and, as such, it did carry some weight. He concluded that both local plans should be taken into account when making a decision.

It was moved by Councillor J Legrys, seconded by Councillor J Houtt and

RESOLVED THAT:

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

**34.**

**A3**

**15/01064/OUT: ERECTION OF THREE DWELLINGS AND ASSOCIATED WORKS (OUTLINE - ACCESS AND LAYOUT INCLUDED)**

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

Officer's Recommendation: REFUSE

Having declared a pecuniary interest, Councillor V Richichi left the meeting during consideration of this item and took no part in the discussion or voting thereon.

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

Mrs M Mugglestone, applicant, addressed the meeting. She felt that the site would provide the sort of small development being encouraged by the government to help villages like Packington thrive. She made reference to previous indications given by officers that they would support the application, however issues with the River Mease meant that all planning applications had been further delayed. She referred to subsequent applications which had been heard out of order once the issues had been resolved and added that the outcome of the Normanton Road appeal on land opposite her site was being used as a precedent against her own application. She stated that the development would represent a continuation of the built form and would have no impact upon the open countryside. She commented that refusal of the application would leave this site as the only undeveloped pocket of land between the properties on Spring Lane. She requested members to look favourably on the application.

Councillor R Canny acknowledged the points raised by the applicant. She emphasised the importance of preserving the development plan and stated that she could not support the application as the site was outside the Limits to Development.

Councillor G Jones expressed support for the application and raised detailed questions about a paragraph in the officer's report. He fully supported the statement made by Mrs Mugglestone.

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

RESOLVED THAT:

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

Councillor V Richichi returned to the meeting.

**35. A4  
17/00629/FUL: CHANGE OF USE FROM HOUSE (C3) TO HOUSE IN MULTIPLE  
OCCUPATION (SUI GENERIS) INCLUDING TWO STOREY SIDE AND REAR  
EXTENSIONS**

5 Broadhill Road Kegworth Derby DE74 2DQ

Officer's Recommendation: PERMIT

The Planning Officer presented the report to members.

Councillor H Tansley, Parish Councillor, addressed the meeting. She emphasised that the development was not acceptable in the local context. She expressed concern in respect of parking and traffic and highlighted that only 3 of the 5 parking spaces provided would be accessible from the road. She added that Kegworth was unusual in that there was a high level of occupation by students from Nottingham who were not recognised in the HEDNA, as well as staff at the airport who worked unsocial hours and construction workers of the nearby major development. She added that the students in Kegworth also relied upon cars to enable them to carry out their veterinary training. She stated therefore that the Parish Council did not accept the assessment that not all occupants would have a car. In respect of the concerns relating to traffic and parking on Broadhill Road, she reported that there had been two minor incidents in the last three years and traffic had worsened since the closure of Ashby Road. She stated that the Parish Council therefore considered the traffic movements on this road to be a real concern and any further street parking would exacerbate the problem.

Councillor D J Stevenson confirmed that members had visited the site.

It was moved by Councillor J G Coxon and seconded by Councillor J Bridges that the application be permitted in accordance with the officer's recommendation.

Councillor D Harrison stated that he would support the application but he expressed concern in respect of the additional vehicles on the road. He felt that more ought to be done to ensure developers were providing adequate parking.

The Head of Planning and Regeneration advised that the Highways Authority had been specifically consulted on the parking provision and had responded that they were content. He reassured members that officers were considering long term solutions and methods of working with partner agencies to prevent a problem.

Councillor J Legrys expressed concerns in respect of the design, the increase in the number of houses in multiple occupation in Kegworth and the community discord created by parking on residential streets. He felt that he could not support the proposals on the principle that this issue needed to be resolved, through purpose-built student accommodation.

Councillor J Bridges shared the views raised by Councillor Harrison and Councillor Tansley and expressed criticism for the manner in which the Highways Authority had interpreted the 6Cs Design Guide, although appreciated that the Council's officers had considered this application in detail. He formally withdrew his support for the motion.

Councillor D Harrison then seconded the motion to permit the application in accordance with the officer's recommendation.

Councillor R Canny expressed concerns that Kegworth was losing its identity. She felt that the proposals represented overintensification of the site and there was insufficient parking provision.

The Head of Planning and Regeneration clarified that for the purposes of the application this dwelling was a shared house, not specifically for occupation by students.

The Chairman then put the motion to the vote and it was declared LOST.

Following advice from the Head of Planning and Regeneration, it was moved by Councillor J Legrys, seconded by Councillor R Canny and

RESOLVED THAT:

The application be refused on the grounds that the proposals represented overintensification of the site.

**36. A5  
17/00395/FUL: CONVERSION OF AGRICULTURAL OUTBUILDING TO A DWELLING HOUSE**

87 Loughborough Road Coleorton Coalville Leicestershire LE67 8HH

Officer's Recommendation: PERMIT

The Planning Officer presented the report to members.

The Chairman made reference to the complaints received in respect of burning on the site which had been reported to the Environmental Health team. He commented that it would be in the applicant's interests to clear this up.

In response to a question from Councillor M Specht, the Planning Officer explained that the indicative plan was inaccurate and clarified the positioning of the point of access.

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

RESOLVED THAT:

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

**37. A6  
17/00885/FUL: ERECTION OF A TWO STOREY REAR EXTENSION AND SINGLE STOREY REAR EXTENSION**

16 Nottingham Road Ashby De La Zouch Leicestershire LE65 1DQ

Officer's Recommendation: PERMIT

The Senior Planning Officer presented the report to members.

It was moved by Councillor J Bridges, seconded by Councillor J Legrys and

RESOLVED THAT:

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

38.

**A7**

**17/00830/FUL: PROPOSED REDEVELOPMENT OF THE FORMER HEALTH CENTRE SITE TO FORM AN EXTENSION TO THE NORTH STREET CAR PARK**

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

Officer's Recommendation: PERMIT

The Senior Planning Officer presented the report to members.

Mr P Boddington, objector, addressed the meeting. He made reference to the lack of a dedicated drop off point, as a consequence of which, delivery vehicles were forced to stop in the road, blocking the traffic flow. He felt that the proposals made access to the main entrance even more difficult and he urged officers to reconsider. He added that cars often entered the car park through the exit and crossing the road to the leisure centre would be easier if a central island were installed. He made reference to the elderly people using the junction and the Council's duty of care to its elderly residents.

Mr C Wood, agent, addressed the meeting. He stated that there had been a lot of professional input into the design of the car park using up to date legislation and design guidance which would deal with the concerns raised by Mr Boddington. He highlighted the dedicated ambulance pick up point right outside the door of the centre which was a huge improvement on the current design. He added that improvements to the signage and design of the exit were being carried out to prevent vehicles entering through the exit. He highlighted that the residents of Hood Court themselves had been involved and numerous meetings with residents had taken place and would continue to ensure the concerns raised by residents were addressed. He added that all stakeholders had been involved in the process.

Councillor J Hoult moved that the application be permitted in accordance with the officer's recommendation. This was seconded by Councillor G Jones.

Councillor J Legrys stated that he would be supporting the proposition, however he commented that the site would require a considerable amount of demolition work which would require a number of large vehicles. He expressed concerns in respect of the parking arrangements and proposed that there should be a condition requiring the contractor to work in conjunction with officers, the Town Council and residents to discuss how deliveries and the demolition would take place. He highlighted his previous experience with poor contractors parking inconsiderately, blocking main roads and deterring residents from parking near their own homes. He requested a similar arrangement to the Pick and Shovel development.

The Head of Planning and Regeneration agreed that it was in everyone's interests to ensure that the construction and demolition process was carried out in a considerate way. He recommended that the motion be amended to include an additional planning condition to require a demolition and construction management plan.

This was agreed by the proposer and seconder of the motion.



Councillor P Purver supported the proposals, however she expressed concern that the layout of the parking spaces encouraged reversing out of parking spaces. She asked if the layout had been decided.

The Head of Planning and Regeneration advised that the layout had been considered with expert input. He added that reversing was inevitable at some point and therefore he did not feel the proposed layout created an unacceptable risk in what would be a low-speed environment.

In response to a question from Councillor R Canny, the Senior Planning Officer advised that the conditions listed in the report were standard matters, and the only outstanding matter which needed to be addressed was the implications of the development on the highway at weekends.

The Chairman stated that this matter should be delegated to officers.

It was moved by Councillor J Hault, seconded by Councillor G Jones and

RESOLVED THAT:

- a) Subject to an additional condition in respect of a demolition and construction management plan, the application be permitted in accordance with the recommendation of the Head of Planning and Regeneration.
- b) The wording of the condition be delegated to the Head of Planning and Regeneration.

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 5.39 pm

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**APPENDIX B**

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

**3 October 2017**

**PLANNING & DEVELOPMENT REPORT**



## **PLANNING COMMITTEE FRONT SHEET**

### **1. Background Papers**

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

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

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

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

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

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

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

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

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

If The Planning Officer is unable to advise 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.

## CONTENTS

### Section A – Planning Applications

- A1            16/01187/VCIM            Carrying out of residential development of up to 800 dwellings with associated highway works, including demolition of existing buildings, drainage infrastructure, formation of two new accesses onto Grange Road, a local centre (comprising uses within classes A1-A5, B1, C2, C3 and D1 of the Use Classes Order), new primary school, public open space, play areas and landscaping (outline - all matters (other than part access) reserved) approved under planning permission ref. 13/00415/VCUM without complying with Condition nos. 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 15, 16, 19, 20, 27, 28, 30, 31, 32, 33, 34, 35, 36 and 38**  
Land At Lower Bardon Grange Road Hugglescote LE67 2BT
- A2            17/00459/FUL            Change of use of land as an extension to the residential curtilage**  
Land Adjacent To 25 Buckingham Road Coalville  
Leicestershire LE67 4PB
- A3            17/01083/FUL            Erection of one dwelling**  
The Farm Manor Road Donington Le Heath LE67 2FW

### Section B – Other Matters

## SECTION A- PLANNING APPLICATIONS



Carrying out of residential development of up to 800 dwellings with associated highway works, including demolition of existing buildings, drainage infrastructure, formation of two new accesses onto Grange Road, a local centre (comprising uses within classes A1-A5, B1, C2, C3 and D1 of the Use Classes Order), new primary school, public open space, play areas and landscaping (outline - all matters (other than part access) reserved) approved under planning permission ref. 13/00415/VCUM without complying with Condition nos. 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 15, 16, 19, 20, 27, 28, 30, 31, 32, 33, 34, 35, 36 and 38

Report Item No  
A1

Land At Lower Bardon Grange Road Hugglescote Coalville  
LE67 2BT

Application Reference  
16/01187/VCIM

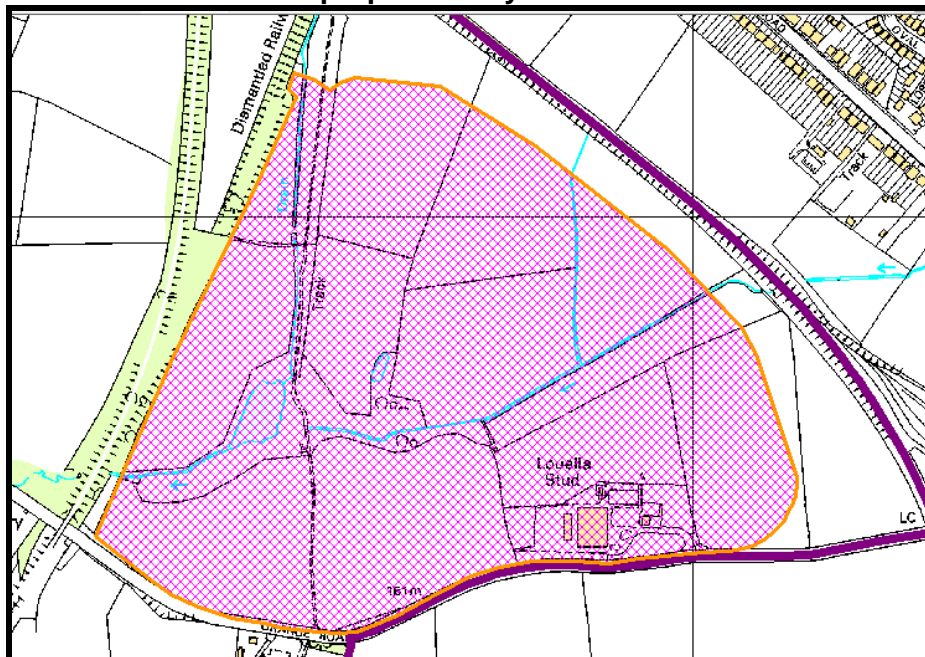
Applicant:  
Wilson Enterprises Limited

Date Registered:  
12 October 2016  
Consultation Expiry:  
26 September 2017  
8 Week Date:  
11 January 2017  
Extension of Time:  
None Agreed

Case Officer:  
James Knightley

Recommendation:  
PERMIT subject to S106 Agreement

Site Location - Plan for indicative purposes only



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## **Executive Summary of Proposals and Recommendation**

### **Proposal**

This application is made under Section 73 of the Town and Country Planning Act 1990, in effect seeking permission for an amended scheme in respect of an existing outline planning permission for a mixed use development including up to 800 dwellings.

### **Consultations**

Members will see from the main report below that objections have been received from Hugglescote and Donington le Heath Parish Council; no objections have been received from other statutory consultees in respect of the proposals.

### **Planning Policy**

The application site is allocated for residential development and associated works within the adopted North West Leicestershire Local Plan and is identified as a site with planning permission within the submitted North West Leicestershire Local Plan.

### **Conclusion**

The report below accepts that, in the event that a full 20% affordable housing contribution is provided, the currently permitted scheme is unviable and, whilst to become viable, reduced contributions would need to be made in respect of both affordable housing and transportation infrastructure, the view taken is that, when having regard to the need for developments to remain deliverable in viability terms, the development would remain sustainable overall and would be acceptable. It is also considered that the revised vehicular accesses proposed to serve the development would be acceptable in highway safety terms.

## **RECOMMENDATION:-**

### **PERMIT, SUBJECT TO SECTION 106 OBLIGATIONS, AND SUBJECT TO CONDITIONS**

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

## MAIN REPORT

### 1. Proposals and Background

In July 2012, outline planning permission 12/00376/OUTM was granted on this site for up to 800 dwellings; in August 2013 a Section 73 permission was granted relating to the originally imposed conditions in respect of off-site highways works at M1 Junction 22 and A42 Junction 13 (ref. 13/00415/VCUM).

In February 2016, a reserved matters scheme in respect of the site's construction access was approved (ref. 16/00039/REMM); the development was commenced shortly afterwards in accordance with this reserved matters approval, thus implementing the planning permission.

Further to the previously issued Section 73 permission (13/00415/VCUM), a second Section 73 application is now submitted in respect of permission ref. 13/00415/VCUM, proposing a number of additional amendments to conditions, the principal changes to which are as follows:

*Condition No:*

- 4 List of approved outline planning permission drawings - Amendments to include amended proposed site access plans
- 5 Compliance with a site-wide masterplan - Amendments to include reference to a revised masterplan
- 7 Compliance with a site-wide Design Code - Amendments to include reference to a revised Design Code
- 8 Surface water infiltration removal strategy - To be deleted (as no longer required by Severn Trent Water)
- 19 Requirement for a minimum of 10% of the energy supply of the development to be secured from decentralised and renewable or low-carbon energy sources - To be deleted
- 20 Requirement for reserved matters applications to include details of the proposed dwellings' performance under the (former) Code for Sustainable Homes - To be deleted
- 28 Implementation of off-site highway works at M1 Junction 22 and A42 Junction 13 - To be deleted (as works at those junctions have now been implemented)
- 32 Restriction on occupation beyond 600 dwellings until such time as a vehicular link between the site and Bardon Road has been provided - To be deleted
- 34 Provision of a new bus service between Coalville and Leicester city centre - To be deleted

In addition, a number of other conditions are proposed but for principally administrative / technical reasons rather than in terms of their substance. These are as follows:

*Condition No:*

- 1 Time limit condition relating to commencement of development - To be deleted (as the planning permission has been implemented)
- 2 Approval of reserved matters - Minor amendments to reflect commencement of development
- 3 Timescale for submission of reserved matters - Minor amendments to wording to reflect previous submission of the initial reserved matters proposals
- 9 Scheme of foul and surface water drainage - Minor amendments to wording to reflect commencement of development
- 10 Scheme of surface water drainage in accordance with the approved Flood Risk Assessment - Minor amendments to wording to reflect commencement of development
- 11 Approval of watercourse crossings - Minor amendments to wording to reflect commencement of development
- 15 Approval of a landscape and biodiversity management plan - Minor amendments to wording to reflect commencement of development
- 16 Undertaking of updated ecological surveys - Minor amendments to wording to reflect commencement of development
- 27 Approvals of precise details of Environmental Statement mitigation measures - Minor amendments to wording to reflect commencement of development
- 30 Timescale for provision of proposed western vehicular access - To be amended to relate to the proposed revised access plans referred to under 4 above
- 31 Timescale for provision of proposed eastern vehicular access - To be amended to relate to the proposed revised access plans referred to under 4 above
- 33 Scheme of pedestrian and cycle improvements - Minor amendments to wording to reflect commencement of development
- 35 Implementation of a site vehicle construction management plan - Minor amendments to wording to reflect commencement of development
- 36 Scheme of works to the Bardon Hill level crossing - Minor amendments to wording to reflect scheme previously approved under this condition
- 38 Details of watercourse crossings - Minor amendments to wording to reflect commencement of development

In addition, amendments to the previously agreed Section 106 obligations are also proposed, as follows:

Affordable Housing:	Reduced from 20% to 7.5%
Civic Amenity:	Reduced from £56,785 to £52,304
Primary School contribution:	Increased from £3,147,000 to £3,284,739
Bus Passes / Travel Packs:	£700.18 per dwelling in lieu of previously agreed provision of passes and packs to occupiers of new dwellings (potentially secured via a Section 278 agreement if necessary)
Highways Improvement Contribution:	£2,960 per dwelling in lieu of previously agreed £790,619 off-site highway contribution (potentially secured via a Section 278 agreement if necessary)

Other previously agreed obligations (including in respect of libraries, recreation / formal open space / National Forest planting, reservation of land for a future link road, a TRO contribution, healthcare, air quality and provision of the proposed on-site primary school) would remain unchanged.

The original proposals constituted EIA development and, accordingly, this Section 73 application is accompanied by an Environmental Statement Addendum assessing any changes in anticipated environmental impacts likely to arise as a result of the proposed changes. The findings of the Environmental Statement Addendum are taken into account in reaching the conclusions set out within the application assessment below.

## 2. Publicity

No neighbours notified.

Site Notice displayed 11 November 2016.

Press Notice published Leicester Mercury 16 November 2016.

## 3. Summary of Consultations and Representations Received

**Environment Agency** has no objections subject to conditions

**Highways England** has no objections

**Hugglescote and Donington le Heath Parish Council** comments as follows:

- "Punch-through" to Bardon Road should be provided
- Amended access proposals would result in three junctions in close proximity to one another
- Grange Road speed limit disregarded
- Vehicular access hazards caused by HGVs would be increased if the Bardon Road vehicular link was provided
- A significant proportion of traffic along Grange Road is through traffic and should be made less attractive to traffic to reduce use of Hugglescote Crossroads (e.g. by using a roundabout to the western access)
- Speed limits should be amended
- Site too far from local amenities to be sustainable
- Proposed pedestrian and cycle links should be retained
- Insufficient school capacity

- Insufficient sport / recreation facilities proposed
- No evidence of affordable housing being created on the site
- Roundabout access appears to have been removed as a cost-cutting exercise
- Roundabout access assists in terms of highway safety

**Leicestershire County Council Education Authority** requests the provision of a site for a new primary school together with a financial contribution of £3,284,739

**Leicestershire County Council Highway Transportation & Waste Management Authority** requests a civic amenity contribution of £52,304

**Leicestershire County Council Library Services Development Manager** requests a developer contribution of £43,000

**Leicestershire County Council Highway Authority** has no objections

**Leicestershire County Council Lead Local Flood Authority** has no comments

**Leicestershire Footpath Association** objects on the following grounds:

- Condition 33 (relating to provision of pedestrian and cycle improvements) should be retained
- Failure to provide various road and public transport improvements would adversely impact on pedestrians crossing roads and would increase air pollution
- Failure to provide the level crossing improvements would adversely impact on safety (and including pedestrians)
- Proposals should still be required to provide environmental improvements

**Network Rail** has no objections

**North West Leicestershire District Council Environmental Protection** has no objections

**Ramblers' Association** objects on the following grounds:

- Condition 33 (relating to provision of pedestrian and cycle improvements) should be retained
- Condition 36 (relating to the level crossing improvements) should be retained for safety reasons
- A new application should be made given the number of conditions proposed to be amended

### **Third Party representations**

Representations have been received from one third party, raising the following objections:

- Unsafe vehicular access
- Development unsustainable in the absence of the Bardon Road vehicular link
- Pedestrian and cycling use of the former mineral railway line should be provided for
- Grange Road speed limit disregarded
- Vehicular access hazards caused by HGVs would be increased if the Bardon Road vehicular link was provided
- Grange Road should be made less attractive to traffic to reduce use of Hugglescote Crossroads (e.g. by using a roundabout to the western access)

## 4. Relevant Planning Policy

### National Policies

#### *National Planning Policy Framework*

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

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

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

Paragraph 7 (Achieving sustainable development)  
 Paragraphs 12 and 14 (Presumption in favour of sustainable development)  
 Paragraph 17 (Core planning principles)  
 Paragraphs 32 and 34 (Promoting sustainable transport)  
 Paragraphs 50 (Delivering a wide choice of high quality homes)  
 Paragraphs 56, 57, 59, 61 and 64 (Requiring good design)  
 Paragraph 173 (Using a proportionate evidence base)  
 Paragraphs 203 and 204 (Planning conditions and obligations)

Further advice is provided within the DCLG's Planning Practice Guidance.

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

The application site is part of a larger area of land north of Grange Road allocated for housing development under Policy H4 of the adopted Local Plan (Proposal H4g). The following Local Plan policies are relevant to this application:

Policy E4 - Design  
 Policy T3 - Highway Standards  
 Policy H8 - Affordable Housing

### 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 (which, for the purposes of the SPD, includes the settlements of Coalville, Whitwick, Thringstone, Greenhill, Ellistown and Battleflat, Bardon and Hugglescote).

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

### Priorities for Developer Financial Contributions for infrastructure provision relating to

### **Major Residential Development Proposals in and around Coalville**

On 11 June 2013, and following the completion of consultation on the draft policy, the District Council's Cabinet approved the revised policy document. The adopted policy states that *"Where the Council is satisfied that a major residential development proposal in or around the Coalville area is proven to be unviable as a result of required developer financial contributions (e.g. off site highway works; education provision and affordable housing requirements), the Council will consider relaxing its normal affordable housing requirements proportionately so as to:*

- (a) Give highway infrastructure investment the highest priority for funding*
- (b) Ensure all other essential infrastructure is provided*
- (c) Continue to contribute to affordable housing provision as far as possible whilst ensuring that the development scheme is viable.*

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

In addition to agreeing the policy, Cabinet agreed that, for major developments in Coalville, the Planning Committee be asked to consider the policy through Section 106 agreements and recommended that Planning Committee, where appropriate, prioritises the requirement for highways infrastructure contributions in Coalville above affordable housing contributions where such contributions are necessary, in accordance with the policy.

### **Submitted North West Leicestershire Local Plan**

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

The application site is part of a larger area of land with planning permission identified under Policy H1 (site H1h) of the submitted North West Leicestershire Local Plan.

The following draft Local Plan policies are considered relevant:

- Policy D1 - Design of new development
- Policy H4 - Affordable housing
- Policy IF1 - Development and infrastructure
- Policy IF4 - Transport infrastructure and new development



## 5. Assessment

### Key Issues and Approach to Determination

As set out above, outline planning permission was originally granted in July 2012 and, since that time, the District and County Councils have been taking an alternative approach to determining proposals for major residential development in the Coalville area (and, in particular, the approach taken to securing the transportation infrastructure necessary to support this wider growth). The applicant's current proposals seek, in effect, to bring the development of this site in line with the approach subsequently taken in respect of the remainder of the South East Coalville area.

Whilst a significant number of conditions are proposed to be amended / deleted, it is considered that the key issues relate to the changes regarding site access, impacts on the wider highway network and affordable housing, and whether the proposals (given the viability constraints set out below) would remain as sustainable development in NPPF terms.

Insofar as the principle of development is concerned, it is noted that the site has the benefit of an existing outline planning permission (and which has been implemented within the requisite timescales). The site also has the benefit of an allocation for these purposes within the adopted North West Leicestershire Local Plan and, under Paragraph 14 of the NPPF, development which accords with the development plan should be approved without delay. Whilst (as accepted by the Local Planning Authority when permitting the original application) the proposals would not meet all of the criteria set out within adopted Local Plan Proposal H4g, the use itself would accord with Policy H4 / Proposal H4g, and would continue to do so. However, regard also needs to be had to other development plan policies, and to other material considerations (including National policy as set out in the NPPF / Planning Practice Guidance, and the policies of the submitted Local Plan).

### Site Viability

Paragraph 173 of the NPPF provides that *"Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."*

The applicant is of the view that, having regard to (amongst others) the range of obligations secured under the existing Section 106 agreements, the development of the site would be unviable, and an assessment to demonstrate the extent of the site's viability has been submitted. This has been reviewed by an independent assessor on behalf of the Local Planning Authority, and the findings are accepted.

Having regard to the approach taken elsewhere in South East Coalville and to the District Council's adopted *Priorities for Developer Financial Contributions for infrastructure provision relating to Major Residential Development Proposals in and around Coalville* policy, the applicant proposes addressing the shortfall in viability by reducing the affordable housing contribution. A contribution of 7.5% (which mirrors that secured for the larger South East Coalville consortium site (planning permission ref. 13/00956/OUTM)), has been tested and,

when provided alongside the other contributions set out under Proposals and Background above, would be viable.

### **Affordable Housing**

As set out above, in order to render the development viable, the amended proposals would result in a reduction in the affordable housing contribution from a policy-compliant 20% to 7.5% which, in the event that the site was developed out to its full extent (800 dwellings), would equate to a reduction from 160 to 60 affordable dwellings. A significant housing need already exists within the District, with the recently undertaken Housing and Economic Development Needs Assessment (HEDNA) identified that the level of affordable housing needed would equate to approximately 41% of the overall housing needs of the District. A lack of affordable housing in the District would be likely to impact upon some of the most vulnerable people within the District and has the potential to increase the number of homelessness cases. However, this needs to be balanced against the Government's support for Local Planning Authorities taking a proportionate approach to developer contributions and viability (and as indicated in Paragraph 173 of the NPPF) so as to enable sustainable development to come forward, and the need to consider the potentially harmful impact on other service areas were the shortfall in viability to be addressed by way of reductions in contributions to other areas of infrastructure rather than affordable housing. It is also accepted that, whilst the proposals would represent a considerable reduction vis-à-vis the currently approved requirement, 60 affordable units would not, in itself, be insignificant, and (in terms of its affordable housing contribution) compares favourably to other housing developments in the Coalville area where, in accordance with the District Council's *Priorities for Developer Financial Contributions for infrastructure provision relating to Major Residential Development Proposals in and around Coalville* policy, more significantly reduced contributions have been made in favour of contributions made towards transportation infrastructure.

### **Transportation Contributions and Off-Site Highways Impact**

From an off-site / transportation impact point of view, the principal effects of the variation of the conditions proposed would be to "replace" the currently imposed planning conditions (Conditions 32 and 34) which respectively (i) preclude development beyond 600 dwellings until such time as a vehicular link between the site and Bardon Road (also known as the "punch through") has been provided; and (ii) require the provision of a new bus service between Coalville and Leicester city centre with financial contributions in respect of transportation infrastructure. It is also proposed to replace the previously-secured bus pass and travel pack obligations with a commuted sum which the County Council could then apply to public transportation (or other highways infrastructure works).

Given its role in respect of various service areas affected by the proposed development, Leicestershire County Council has sought to take a corporate, cross-service approach to commenting on the application, recognising the finite resources available to the developer in view of the viability constraints. In this case, the County Council has taken the view that it would wish to continue to secure a full education-related contribution and, as a result, is prepared to accept lower transportation contributions than have otherwise been secured elsewhere in the Coalville area.

In terms of the proposed deletion of Condition 32 (the limitation on occupation beyond 600 dwellings until such time as a vehicular link between the site and Bardon Road has been provided), the County Highway Authority notes that the existing planning permission and Section 106 agreement include £790,619 (index linked) of off-site highway mitigation and the

condition, but acknowledges that compliance with the condition is hindered by third party land ownership constraints. It also states that it considers that the provision of the link road is a key piece of infrastructure in terms of both mitigating the impact of this development in directing traffic generated from it into Coalville without a severe impact on the existing highway network, and delivering wider highway network benefits within the Coalville area. The County Council therefore considers that the road is an important component of the strategy for highway improvements in the area, and that commitment to its delivery and the management of highway impacts around Coalville is demonstrated through its partnership working with the District Council on the Coalville Transport Infrastructure package.

Therefore, in order to facilitate planned and managed growth in Coalville in a manner consistent with more recent planning permissions, the County Highway Authority confirms that it has no objection to the removal of Condition 32, subject to (i) the provision of the amended strategic highway contribution of £2,960 per dwelling; (ii) the provision of a continuous road from Grange Road to the north western boundary of the site, constructed to link road standard for future connection to the Bardon link road; and (iii) the reservation of land to connect the link road constructed within the site to Bardon Road, transferred to the County Council for a nominal sum. It is considered that these three requirements of the County Highway Authority could be met by the proposed amended Section 106 / 278 obligations, and by way of an appropriate amendment to the wording of Condition 5 relating to the site-wide masterplan.

Insofar as the proposed deletion of Condition 34 (Coalville to Leicester bus service) is concerned, the County Highway Authority notes that enhancements to both the Coalville to Ibstock and the Coalville to Leicester bus services are included as part of the Coalville Transport Infrastructure package. In order to facilitate a co-ordinated approach to public transport and in a manner consistent with more recent planning permissions, the County Highway Authority confirms that it has no objection to the removal of Condition 34, subject to the proposed sustainable travel contribution of £700.18 per dwelling being secured, which the County Council itself would intend to use towards the provision of the new bus service, as well as for the provision of travel packs and buses passes, and for its STARS Travel Plan monitoring system. It also clarifies that any infrastructure associated with the provision of bus stops within the new development roads would still need to be provided by the developer.

In terms of the off-site impacts on the strategic highway network, the application also proposes deletion of Condition 28 which limits occupation on the site until such time as various works at M1 Junction 22 and A42 Junction 13 have been undertaken. Since the time of the previous permission, various measures have been implemented at these junctions, and the condition is therefore no longer considered necessary; Highways England raises no objections to its deletion.

### **Other Contributions Related to Leicestershire County Council Services**

#### *Civic Amenity:*

It is noted that, under the proposed revised suite of contributions, a slightly reduced civic amenity contribution would be provided. However, this is simply in line with the most recent contribution sought by the County Council in this regard, calculated in the context of current capacities and standardised costs of mitigation.

#### *Education:*

The Local Education Authority advises that, in order to accommodate the development, a new 210 place primary school (with four classrooms in the first instance) would be required, and the

proposed development should provide for a suitable site and a commuted sum equating to the costs of providing the school itself (£3,284,739) (and potentially including additional provision for any transitional arrangements depending on when exactly within the development process the school would be available). In accordance with the corporate approach taken by the County Council, the applicant is content to provide the full education contribution sought.

Insofar as the revised illustrative masterplan is concerned, this shows the proposed on-site school relocated further south within the site (so as to enable the school to be delivered earlier in the development process if possible). The Local Education Authority raises no objections to this revised location.

### **Overall Balance of Contributions**

As set out above, the developer has, through submission of viability evidence, demonstrated that the development would not be viable if accompanied by all relevant contributions. When assessed against an affordable housing contribution of 7.5%, there is, in effect, a limited "pot" from which other contributions can be achieved. Whilst it would be open to the Local Planning Authority to seek to redistribute financial contributions, the officer view is that, overall, the distribution proposed by the applicant is reasonable and there would be no shortfalls in contributions which, officers' consider, would render the development unsustainable. It is also noted that the distribution suggested has the support of Leicestershire County Council which is the key consultee in respect of a number of the service areas to which contributions would be made (and including education and transportation).

### **Proposed Revised Vehicular Access**

The existing approved scheme shows two principal vehicular accesses to the site from Grange Road, one to eastern end of the site (approximately in the location of the existing Louella Stud complex), and one to the west (approximately mid-way between the former railway bridge and the access to the Grange Farm complex). Both accesses would be priority junctions with the new estate road taking priority over the section of Grange Road between them (i.e. such that drivers wishing to travel along Grange Road past the site would need to "turn off" the main road and then re-join). The revised proposals would result in the priority of Grange Road being retained and would be as follows:

*Eastern Access:* Provision of a priority access in a similar position as per the existing but with priority being given to traffic on the existing route of Grange Road. The application is also accompanied by an alternative (roundabout) access which is intended to demonstrate that such a junction could be provided in the event that the wider South East Coalville site (which includes land to the opposite side of Grange Road) comes forward, with the roundabout forming the junction with the principal eastern avenue passing through that development to the south.

*Western Access:* Provision of a priority access opposite the existing Grange Farm complex.

In terms of the proposed revised priority accesses, the County Highway Authority confirms that they have been subject to an independent Stage 1 Road Safety Audit, with no significant concerns being raised.

The County Highway Authority notes that it is proposed to implement a new 40mph speed limit in order to facilitate these works, and in recognition of the more urban / built up environment the development would create. It also confirms that, irrespective of the proposed reduction in speed limit, sufficient visibility splays can be achieved (as shown both on the horizontal and vertical

plane) in accordance with the existing 85th percentile measured speeds. The County Highway Authority confirms that the applicant has consulted with the Police (who are responsible for enforcing vehicle speeds), and that the Police have responded with no objection to the lowering of the speed limit. The County Council advises that a Section 106 contribution of £10,000 will be required in respect of the administrative, legal and signage costs in respect of each Traffic Regulation Order required to facilitate the development.

Insofar as the eastern access is concerned, the County Highway Authority is also satisfied that the details demonstrate that, should the proposed priority junction be implemented, this would not prejudice the future delivery of a roundabout at this location, allowing for a 6.75m wide road, tying in with the proposed Bardon link road, and connecting to the primary road within that part of the wider South East Coalville site to the south of Grange Road.

In conclusion, on the basis of the compliance with design standards, the lack of significant problems identified by the road safety audit, the consistency with the wider growth aspirations around South East Coalville and the support from the Police on the reduction of the speed limit, the County Highway Authority raises no objection to the proposed amendments to conditions relating to the site accesses.

### **Proposed Masterplan Layout**

In accordance with the provisions of the outline planning permission, the original reserved matters application was accompanied by a masterplan; the current application is accompanied by a revised masterplan for the development of the site, reflecting the proposed changes to the scheme including the location of the revised western site access.

The revised masterplan indicates that the proposed commercial development and (as set out under *Education* above) the school would be relocated further south within the site, to the opposite side of the public open space. The original scheme included a sports pitch and a multi-use games area (MUGA) within the school premises, with the intention that there would be managed public use of those facilities outside of school hours. In addition, a second sports pitch was proposed as part of a formal park. Whilst these facilities would still be provided under the revised scheme, the Local Education Authority advises that, given that it is now likely that the new school would be an academy, it may not be possible to secure the out of hours community use of the facilities located within the school if the new school's operator was not agreeable. Whilst this would be unfortunate, and would result in a less satisfactory scheme of publicly available sports and recreation provision, it is nevertheless concluded that, even if public use of the school facilities could not be secured, the overall contributions towards public open space would remain acceptable.

### *Other Issues*

In terms of the applicant's proposed amended Design Code under Condition 7, it is noted that, as of yet, a final version has not been agreed. It is therefore recommended that the requirement to submit a Code for approval be retained (unless, prior to the issuing of any permission in respect of this application, an updated version has been submitted to and agreed by the Local Planning Authority).

Condition 8 required the implementation of an infiltration removal strategy (in effect, a strategy to reduce infiltration of surface water into foul water drainage, thus freeing up foul capacity). However, having regard to progress Severn Trent Water has made on this issue since the original planning permission was granted in 2012, it has confirmed that the condition is no

longer relevant, and it is therefore recommended that it be deleted.

Insofar as Conditions 19 and 20 are concerned, it is noted that, at the time that the original planning permission was granted, the provisions of the former Regional Plan and the then emerging Core Strategy set out requirements for new housing development to source at least 10% of its energy supply from renewable or low carbon sources, and for it to comply with specified criteria within the Code for Sustainable Homes (CSH). These documents have all now been revoked or withdrawn, and it is accepted that the conditions can no longer be justified.

Whilst concerns have been raised on behalf of walkers' groups regarding the potential non-compliance with Condition 33 which requires the approval and implementation of a scheme of pedestrian and cycle improvements (and including provision of a footpath along the disused railway line to the west of the site), the current application does not seek any amendments to the substance of this condition.

Insofar as Condition 36 is concerned, Network Rail had initially raised objection to an earlier proposal to delete the condition relating to the Bardon Hill level crossing; the proposed changes have now, as a result, been amended and the applicant now proposes that the condition be reworded to relate to a scheme for the crossing already agreed by Network Rail in respect of planning permission ref. 13/00956/OUTM.

It is therefore considered that the changes to the conditions sought by the applicant are acceptable, and approval is recommended.

### **Conclusions**

Paragraph 14 of the NPPF sets out the presumption on favour of sustainable development which includes approving development which complies with the development plan. In this instance, whilst the principle of development accords generally with the development plan in terms of the identified use of the site, it is nevertheless acknowledged that the absence of a full range of developer contributions could have adverse impacts on some factors contributing to sustainable development and, in particular, in respect of the social and environmental roles in terms of the extent of mitigation available to the wider highway network (given the level of contribution proposed), and affordable housing. However, having regard to the above assessment, it is accepted that, on balance, the proposals would be sustainable overall. It is also accepted that the proposed revised accesses are acceptable in highway safety terms, and approval is recommended.

**RECOMMENDATION- PERMIT, subject to Section 106 Obligations, and subject to the conditions as attached to planning permission 13/00415/VCUM (save as modified as set out above and renumbered accordingly)**

Change of use of land as an extension to the residential  
curtilage

Report Item No  
A2

Land Adjacent To 25 Buckingham Road Coalville  
Leicestershire LE67 4PB

Application Reference  
17/00459/FUL

Applicant:  
Mr John Iliffe

Date Registered:  
10 April 2017

Case Officer:  
Robert McKillop

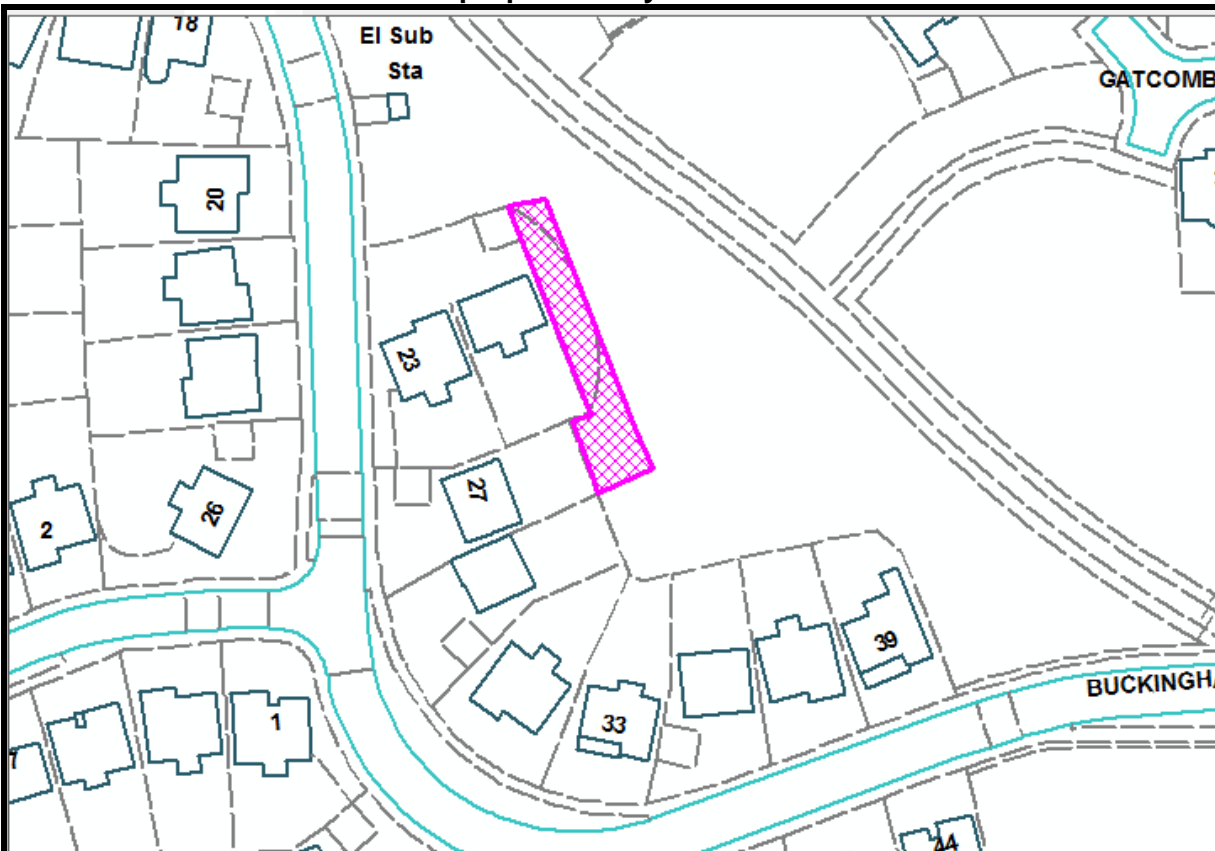
Consultation Expiry:  
1 September 2017

Recommendation:  
PERMIT subject to S106 Agreement

8 Week Date:  
5 June 2017

Extension of Time:  
None Agreed

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 has been called to the Planning Committee by Councillor Cotterill on the grounds of the loss of open space and significant public concern.

### **Proposal**

The site currently comprises an area of dense landscaping associated with the original development of this residential estate. This application seeks full planning permission for the change of use of land as an extension to the residential curtilage at No.25 Buckingham Road, Coalville.

### **Consultations**

Members will see from the main report below that 16 objection letters have been received from neighbours. There are no other objections raised by statutory consultees.

### **Planning Policy**

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

### **Conclusion**

The site is located within the Limits to Development where the principle of development is considered acceptable. The development would appear sufficiently in keeping with the character and appearance of the surrounding area, would not have any adverse impacts on residential amenities or highway safety and while some trees would be lost, this would not be significant and a dense area of trees would be retained. In addition, a contribution for off site National Forest planting would also be secured. There are no other material planning considerations that indicate planning permission should not be granted and accordingly the proposal, subject to relevant conditions and Section 106 contributions, is considered acceptable for the purposes of the policies referred to in the main report below.

### **RECOMMENDATION - PERMIT, subject to conditions and the completion of a Section 106 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 and the Officer's assessment, 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 change of use of land as an extension to the residential curtilage at land adjacent to No.25 Buckingham Road, Coalville. The land in question measures 44m in length and 6m in width running along the eastern side boundary of No.25 and the rear boundary of No.27 Buckingham Road. There is a public footpath running to the north east and the land in question, along with other surrounding land, represents part of a now mature landscape planting scheme associated with permission 99/00600/FUL, which was secured by a legal agreement.

The site is within the limits to development in both the adopted and submitted Local Plans. The application proposes that land would accommodate a lawn, vegetable plot with greenhouse and orchard/wild garden area.

#### Relevant Planning History

99/00600/FUL - Erection of 28 semi-detached dwellings and 91 detached dwellings and associated garages plots 105-228 (Land off Broom Leys Road, Coalville).

### 2. Publicity

4 neighbours notified.

Site Notice displayed 19 May 2017.

### 3. Summary of Consultations and Representations Received

16 public representations have been received raising the following points of objection:

- The land enhances the area and is used for public walks and children's play;
- The application would set a precedent for similar development resulting in a total loss of open space in the area;
- It would be disruptive to have building on this area and the application would reduce the value of neighbouring properties, particularly if the land was used for parking or further building;
- The applicant has extended their property and now wants this land to off-set the reduction in garden area;
- The loss of existing trees would affect the local character of the area which was designated as woodland though the original planning permission and should be retained as such;
- The land is a good habitat for birds and wildlife and the application would be detrimental to nature if approved;
- The applicant has submitted photos of a different area to support the application and has completed the application form incorrectly as the application would impact on trees. Some trees have already been removed;
- The change of use could lead to flooding issues in the area, particularly if trees are removed;
- The application would result in overlooking to the rear of No.27 Buckingham Road.

The National Forest Company has no objections subject to contributions towards off-site replacement planting.

NWLDC Environmental Protection has no observations on this application.

## 4. Relevant Planning Policy

### National Policies

#### *National Planning Policy Framework*

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

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

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

Paragraph 14 (Presumption in favour of sustainable development)  
 Paragraph 56 (Requiring good design)  
 Paragraph 64 (Requiring good design)  
 Paragraph 203 (Planning conditions and obligations)

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

The site lies within Limits to Development as defined in the adopted North West Leicestershire Local Plan. No other site-specific policies apply.

The following adopted Local Plan policies are considered relevant:

Policy E2 - Landscaped Amenity Open Space  
 Policy E3 - Residential Amenity  
 Policy E4 - Design  
 Policy E7 - Landscaping

### Other Policies

### Submitted North West Leicestershire Local Plan

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

Policy D1 - Design of New Development  
 Policy D2 - Amenity

### National Planning Practice Guidance - March 2014.

## 5. Assessment

### Principle

The subject strip of land is outside of the boundary of the residential curtilage belonging to the application dwelling. The site is located within the Limits to Development as set out on the Proposals Map to the adopted and submitted Local Plans where the principle of development is considered acceptable subject to impacts upon residential amenity, the character of the area, loss of trees and any other material considerations.

### Residential Amenity

No built development is proposed as part of this application and given the nature of the proposed development and presence of boundary fences to the rear boundaries of adjacent neighbours, there would not be any undue loss of privacy or overlooking conflicts, nor is the application likely to result in any significant disturbance to neighbours over and above that of the existing garden area at No. 25 Buckingham Road.

Although letters have been received objecting to the application on grounds of devaluation of surrounding properties, this is not a material planning consideration and would not represent a reason to refuse the application.

It is, therefore, deemed that the development would have an acceptable impact on residential amenities and would accord with Policy E3 of the adopted Local Plan and Policy D2 of the submitted Local Plan.

### Character of the area

Consideration has also been given to whether the development would have an acceptable impact upon the character of the surrounding area. The proposal would result in a limited loss of an area of dense trees which formed part of the landscaping scheme when this residential estate was built. The application site is extremely well screened from views within the public realm by an area of dense and mature tree planting and given that a large area of trees, shrubs and public open space would be retained to the east of the application site, on balance, there would be a limited detrimental impact on the character and appearance of the surrounding area. No structures are proposed in this application, however it is considered that given the potential for outbuildings to be constructed in the future, permitted development rights for outbuildings should be removed. Furthermore, a landscaping scheme could be secured by way of planning conditions to ensure that the proposal would have an acceptable visual impact. On this basis the application is considered to accord with Policy E4 of the adopted Local Plan and Policy D1 of the submitted Local Plan.

### Trees

It is noted that some of the trees in the area appear to have already been removed. These trees are not protected by a TPO and whilst it is noted that collectively they provide some amenity value in the area, this would only represent a relatively small loss when compared to the area of dense planting to be retained. With regard to the loss of this planting area secured under permission 99/00600/FUL, the National Forest Company has advised that whilst its loss is undesirable, they would not object to the application should an area of off-site planting be provided elsewhere in the district that is twice the size of the planting area to be lost. The applicant has confirmed that they will enter into a legal agreement to secure this off-site planting. In view of the minor impact of the loss of trees and the provision of off-site planting twice the size of that being lost, on balance, it is considered that the application would not have such a significantly detrimental impact on tree loss to warrant refusal of this application.

**Other Matters**

The application would be unlikely to exacerbate any flooding and the application site is not in Flood Zones 2 or 3 and is not in an area at risk of surface water flooding either.

The application site is likely to have some minor habitat value however it is noted that a significant area of dense planting would still be retained, and the application is considered not to result in any significant detrimental impact on wildlife or ecological features.

In relation to other matters raised in the public objection letters, any future applications would be judged on their individual merits and this application would not, therefore, set a precedent for similar development in the area.

**Conclusion**

The development would be acceptable in principle and is considered to have an acceptable impact on residential amenity, character of the area and trees. There are no other material planning considerations and the application is deemed to accord with the relevant policies in the adopted and submitted Local Plans and advice in the NPPF. It is therefore recommended that the application be permitted.

**RECOMMENDATION, PERMIT subject to a Section 106 Agreement and the following conditions:**

1. Time limit
2. Approved plans
3. Landscaping
4. Replacement planting
5. Boundary treatment
6. Restriction on removal of vegetation between March and August
7. Removal of permitted development rights
8. Use of the land as specified

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Erection of one dwelling

Report Item No  
A3

The Farm Manor Road Donington Le Heath Coalville  
Leicestershire LE67 2FW

Application Reference  
17/01083/FUL

Applicant:  
Esprit Land Limited

Date Registered:  
3 August 2017

Case Officer:  
Robert McKillop

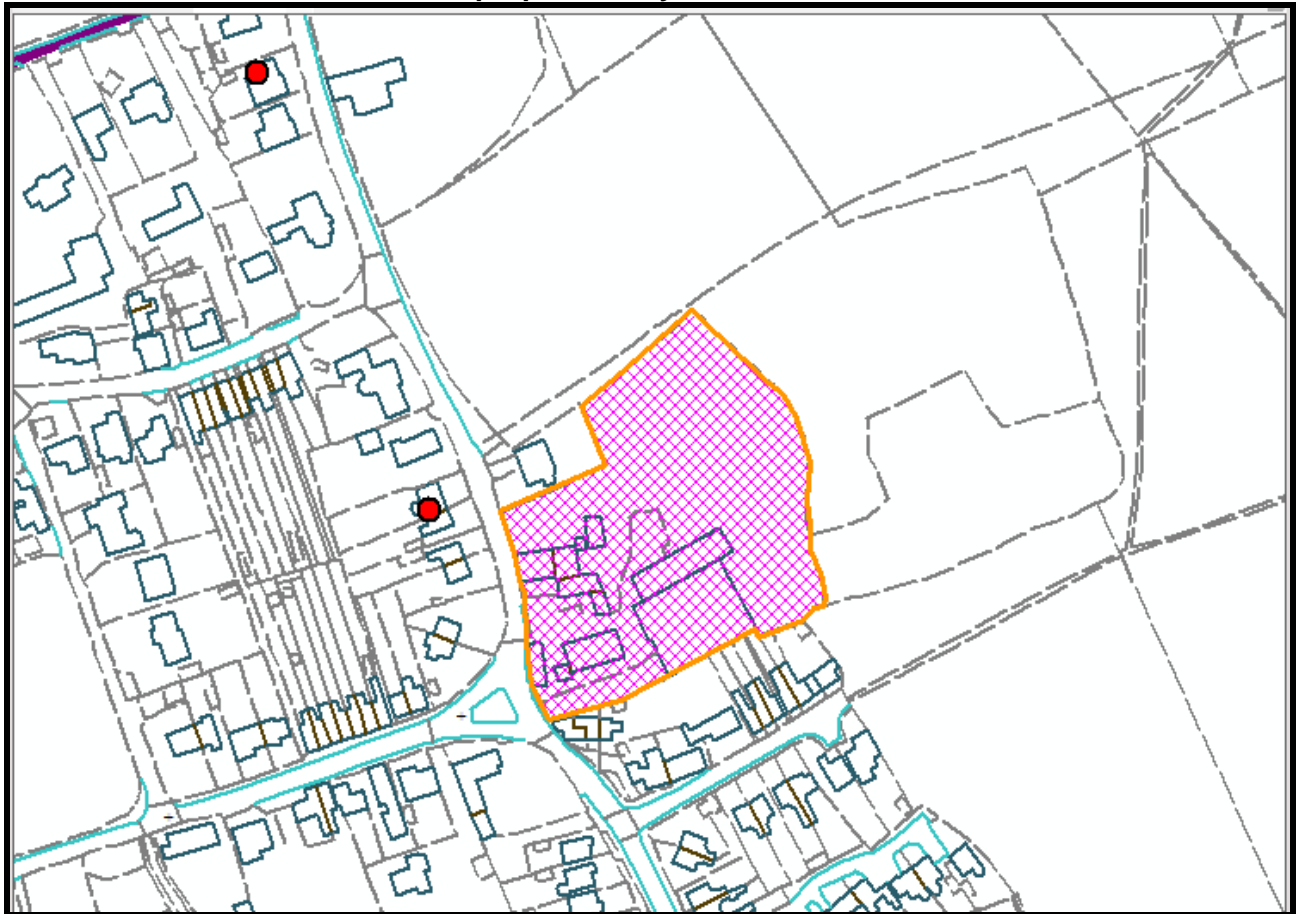
Consultation Expiry:  
30 August 2017

Recommendation:  
PERMIT

8 Week Date:  
28 September 2017  
Extension of Time:  
None Agreed

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Site Location - Plan for indicative purposes only



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## EXECUTIVE SUMMARY OF PROPOSALS

### Call In

The application has been brought to the Planning Committee at the request of Councillor Johnson on the basis that the development would;

- result in a loss of open space;
- have a harmful impact on the historic environment by way of overdevelopment in the Conservation Area;
- have a design that is out of character with surrounding properties;
- not propose any affordable housing; and
- alter the fence line of Plots 13 and 14 from the approved scheme (15/00459/FULM).

### Proposal

Planning permission is sought for the erection of one dwelling at The Farm, Manor Road, Donington Le Heath. The application site is situated on the north-eastern side of Manor Road and is within the defined Limits to Development as well as the Donington Le Heath Conservation Area. The dwelling is associated with a wider residential development of the site approved under application reference 15/00459/FULM.

### Consultations

Two third party representations have been received objecting to the application. Hugglescote and Donington Le Heath Parish Council have not commented on the proposal. All other statutory consultees have no objections subject to the imposition of conditions on any consent granted.

### Planning Policy

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

### Conclusion

The application site is within the Limits to Development where the principle of the proposed form of development is acceptable under Policy S2 of the adopted and submitted Local Plans with the site being in a sustainable location. It is also considered that the proposal would not result in any significant detriment to residential amenity, the character and appearance of the streetscape or wider area, the significance of heritage assets, highway safety, ecology or landscaping. It is considered possible to provide appropriate means of drainage and mitigate any contaminated land implications. It is also concluded that it would not be viable for the scheme to provide affordable housing or an affordable housing contribution. There are no other material planning considerations that indicate planning permission should not be granted and accordingly the proposal, subject to relevant conditions, is considered acceptable for the purposes of the policies referred to in the main report below.

**RECOMMENDATION - PERMIT, subject to conditions.**

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

## MAIN REPORT

### 1. Proposals and Background

Planning permission is sought for the erection of one dwelling at The Farm, Manor Road, Donington Le Heath. The site is situated within the defined Limits to Development with the surrounding area being predominately residential and consisting of properties which vary in design. The site is also within the Donington Le Heath Conservation Area.

Under application reference 15/00459/FULM, planning permission was granted for the demolition of existing farm buildings and erection of 14 dwellings, along with the retention of the farmhouse with associated off-street parking and new vehicular access onto Manor Road. This application now seeks to provide an additional detached dwelling which would be set to the east of the retained farmhouse (Plot 15). The proposed dwelling would have a pitched gable ended roof with a ridge height of 8.25 metres. Vehicular access to the property would be achieved via the access serving the remainder of the cul-de-sac as approved under application reference 15/00459/FULM.

A planning statement, incorporating a design and access statement and heritage statement, has been submitted in support of the application.

Members will recall that a similar application (reference 17/00020/FUL) was refused by Planning Committee in July 2017 on the grounds that the proposed development would result in significant detriment to the character and appearance of the streetscape and wider area, particularly given the prominence of the development from the site entrance, and would harm the significance of heritage assets.

The recent and relevant planning history of the site is as follows: -

- 98/1064/P - Erection of two dwellings and access road (outline). Refused.
- 12/01018/FULM - Retrospective application for the change of use of agricultural buildings to storage and distribution of building supplies and equipment and dismantled car parts. Withdrawn.
- 13/00671/OUTM - Residential development for 14 dwellings, retention of existing farmhouse, demolition of existing farm buildings, alterations to an existing vehicular access and closure of existing vehicular access (outline - details of access and layout). Approved.
- 16/01173/VCIM - Variation of condition 2 of 15/00459/FULM to revise the design details of the farmhouse (plot 15) and to amend the elevation details for plots 2, 4, 5, 6, 7, 8, 9, 10, 13 and 14 - currently pending consideration.
- 17/00020/FUL - Erection of one dwelling. Refused.

### 2. Publicity

45 Neighbours have been notified.  
 Site Notice displayed 9 August 2017.  
 Press Notice published Leicester Mercury 16 August 2017.

### 3. Summary of Consultations and Representations Received

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



**Hugglescote and Donington Le Heath Parish Council** object to the proposal on the following grounds:

- impact upon visual amenity;
- the site would be overdeveloped and cramped;
- impact upon adjacent residential properties;
- parking implications;
- application has been submitted to avoid paying affordable housing contributions;
- density is unacceptable and not in keeping with surrounding area;
- impact upon heritage assets.

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

**Leicestershire County Council - Highways Authority** has no objections subject to their standing advice being considered.

**NWLDC - Affordable Housing Enabler** no comments received.

**NWLDC - Conservation Officer** has no objections.

**NWLDC - Environmental Protection** has no objections.

**Severn Trent Water** no comments received.

### **Third Party Representations**

Two letters of representation have been received which object to the application with the comments raised summarised as follows: -

- The developer has tried to avoid an affordable housing contribution and the dwelling should be an affordable house if approved;
- The dwelling would not respect the character and appearance of the Conservation Area and would conflict with the NPPF;
- The application would not accord with the design policies in the NPPF;
- The development will affect the outlook from Plot 14;
- There will be a lack of off-street parking provided for the development as a whole and will lead to on-street parking problems in the area;
- The application will result in the loss of an area of open space;
- People who have committed to buy a dwelling have been misled due to the introduction of this additional dwelling.

## **4. Relevant Planning Policy**

### **National Policies**

#### *National Planning Policy Framework*

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

Save where stated otherwise, the policies of the adopted Local Plan as listed in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded due 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);  
 Paragraphs 18-20 (Building a strong, competitive economy);  
 Paragraphs 32 and 39 (Promoting sustainable transport);  
 Paragraphs 47, 49, 50 and 54 (Delivering a wide choice of high quality homes);  
 Paragraphs 57, 59, 60, 61 and 64 (Requiring good design);  
 Paragraphs 73 and 75 (Promoting healthy communities);  
 Paragraphs 100, 101 and 103 (Meeting the challenge of climate change, flooding and coastal change);  
 Paragraphs 109, 112, 120, 122 and 123 (Conserving and enhancing the natural environment);  
 Paragraphs 131, 132, 134, 137 and 141 (Conserving and enhancing the historic environment);  
 and  
 Paragraphs 203, 204 and 206 (Planning conditions and obligations).

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

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

Policy S1 - Overall Strategy which sets out 13 criteria which form the strategy for the adopted Local Plan;  
 Policy S2 - Limits to Development;  
 Policy E2 - Landscaped Amenity Open Space;  
 Policy E3 - Residential Amenities;  
 Policy E4 - Design;  
 Policy E7 - Landscaping;  
 Policy E8 - Crime Prevention;  
 Policy F1 - General Policy: National Forest;  
 Policy F2 - Tree Planting;  
 Policy F3 - 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; and  
 Policy L22 - Formal Recreation Provision.

**Submitted North West Leicestershire Local Plan**

The publication version of the Local Plan was agreed by Council on 28 June 2016 and submitted for examination on 4 October 2016. Examination hearing sessions were held in January and March 2017 and the Council undertook a six week consultation on its Main Modifications from 12 June 2017. The comments received have been considered. The Council's position is that no further changes are required. All of the comments received, together with the Council's response, have been forwarded to the Inspector who will, in due course, advise of the next steps. The weight to be attached by the decision maker to this submitted version (as proposed to be modified) should be in accordance with the approach set

out in Paragraph 216 of the NPPF, having regard to the stage now reached towards adoption, the extent to which there are unresolved objections to the policies relevant to the determination of this application, and the degree to which the emerging policies are consistent with the NPPF.

Policy S1 - Future Housing and Economic Development Needs;  
Policy S2 - Settlement Hierarchy;  
Policy D1 - Design of New Development;  
Policy D2 - Amenity;  
Policy H4 - Affordable Housing;  
Policy H6 - House Types and Mix;  
Policy IF4 - Transport Infrastructure and New Development;  
Policy IF7 - Parking Provision and New Development;  
Policy En1 - Nature Conservation;  
Policy En6 - Land and Air Quality;  
Policy He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment;  
Policy Cc2 - Water - Flood Risk; and  
Policy Cc3 - Water - Sustainable Drainage Systems.

### **Other Policies**

#### **National Planning Practice Guidance**

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

#### **Donington Le Heath Conservation Area Character Appraisal and Management Plan - September 2010.**

This document outlines that the special character of Donington le Heath is derived from the survival of mediaeval and post-mediaeval agricultural 'village-scape' with a matrix of lanes, sunken and enclosed by walls and hedges, within which survive a mediaeval manor house and two of the other three original farmsteads.

#### **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 (which includes Donington Le Heath).

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

#### **North West Leicestershire District Council Play Area Design Guidance SPG**

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

#### **North West Leicestershire District Council - Good Design Guide SPD**

The District Council's Good Design SPD sets out the relevant requirements in respect of design of new development.

#### **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.

**Leicestershire County Council Statement of Requirement for Developer Contributions in Leicestershire**

The County Council's Statement of Requirement for Developer Contributions in Leicestershire sets out the circumstances in which developer contributions will be required in respect of County and District service areas, as well as other public services, and the level of contributions required.

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

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

**Planning (Listed Buildings and Conservation Areas) Act 1990**

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

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

**5. Assessment**

**Principle and Sustainability**

The site is located within the Limits to Development where the principle of residential development is considered acceptable, under Policy S2 of the adopted and submitted Local Plans, subject to compliance with the relevant policies of the adopted and submitted Local Plans and other material considerations. Within the NPPF there is a presumption in favour of sustainable development and proposals which accord with the development plan should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies as a whole or if specific policies in the NPPF indicate development should be restricted.

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 test is outdated in the context of the NPPF, the sustainability credentials of the scheme would still need to be assessed against the NPPF. Policy S2 of the submitted Local Plan highlights that the Coalville Urban Area, to which Donington Le Heath is part, is the Principal Town and is the primary settlement in the District.

On the basis of the above Donington Le Heath would be considered a sustainable settlement for new development, as it forms part of the Coalville Urban Area, with the principle of residential development on the wider site being granted planning permission under application reference 15/00459/FULM.

As a result of this the proposal would be considered sustainable in accordance with the core principles of the NPPF as well as Policy H4/1 of the adopted Local Plan.

### **Residential Amenity**

It is considered that the properties most immediately impacted on as a result of the development would be Manor Lodge, to the north-west, the existing farmhouse (Plot 15), set to the west, and Plots 13 and 14, set to north-east and east.

The dwelling would be set 20 metres from the south-eastern (side) elevation of Manor Lodge, 13 metres from the south-western (rear) elevations of Plots 13 and 14 and 8 metres from the two storey eastern (side) elevation of the existing farmhouse (Plot 15) which now has a single storey attached double garage in the intervening area adjacent to the shared boundary. It is noted that a second floor window is proposed in the south-eastern (side) elevation of the existing farmhouse (plot 15) which would be the only window to a habitable room (bedroom). Whilst this is the case it is noted that the proposed dwelling would be on a slightly lower land level than the existing farmhouse (Plot 15) which, in combination with the intervening distance, would mean that the bedroom window would not be directly impacted on by the position of the proposed dwelling. On this basis it is considered that an acceptable relationship with the existing farmhouse (Plot 15) would be established. Although the proposal would result in the side elevation being adjacent to the rear boundary of Plots 13 and 14, the separation distances and orientation of the proposed dwelling to the other properties identified above are considered acceptable. As a result no significant adverse overbearing or overshadowing impacts would arise, and the separation distances would accord with those set out as a guide in the Council's Good Design Guide Supplementary Planning Document.

No windows are proposed in the side elevations of the proposed dwelling and an acceptable separation distance to the rear boundary with Manor Lodge is proposed. On this basis no adverse overlooking impacts would arise.

On the basis of the above assessment it is also considered that the amenities of any future occupant of the dwelling would also be adequately protected.

The right to, or loss of, a view is not a material planning consideration which could be taken into account in an assessment of the application.

Overall the proposal would accord with Policy E3 of the adopted Local Plan and Policy D2 of the submitted Local Plan.

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

The need for good design in new residential development is outlined not only in adopted Local Plan Policy E4, and Policy D1 of the submitted Local Plan, but also Paragraphs 57, 60 and 61 of the NPPF.

The application site is associated with the residential redevelopment of the former farm site approved under application reference 15/00459/FULM which provided 14 new dwellings and the retention and restoration of the farmhouse. The aesthetics of that scheme were deemed appropriate, subject to conditions, with there being no harm to the character and appearance of the streetscape or the historic significance of heritage assets.

The retained farmhouse (Plot 15) is recognised as an unlisted building of merit in the Donington Le Heath Conservation Area Character Appraisal and Management Plan of September 2010. In respect of the impacts on the historic environment from the provision of an additional dwelling, the scheme approved under permission 15/00459/FULM sought to provide the retained farmhouse with a large curtilage so as to protect its setting.

The Council's Conservation Officer has confirmed that the comments provided in relation to application 17/00020/FUL remain pertinent to this application given the similarities between both schemes. The previous comments are repeated below: -

*"The proposal comprises the erection of a further dwelling adjacent to the farmhouse. The site has a detailed history which includes the removal of the barns adjacent to the farmhouse and re-development of the site. I do not consider the proposal would have a negative impact on the setting of the listed buildings to the north or on the character and appearance of the Conservation Area. The proposed dwelling would be read as part of the overall re-development scheme and would not have a significant visual impact above that from the approved dwellings. As such no objection is raised on conservation grounds."*

Therefore, whilst the historic curtilage and setting of the farmhouse would be eroded to provide the additional dwelling it is considered, on balance, that the conclusions of the Council's Conservation Officer enable a conclusion to be reached that no harm would arise to the historic significance of heritage assets in this instance. In the circumstances that 'no harm' arises an assessment against Paragraph 134 of the NPPF is not required.

Amended plans have been submitted to address officer concerns in relation to the position of windows on the front and rear elevations of the proposed dwelling and the design now better reflects the appearance and proportions of the two storey barn structure, positioned to the east of the retained farmhouse building that was demolished as part of the wider redevelopment of the site under application reference 15/00459/FULM. As such, it is considered that the proposed development would not result in any significant implications to the character and appearance of the streetscape or wider area given the visual integration of the proposed dwelling with the wider site redevelopment. Its footprint and scale would also be consistent with that established on the site to further ensure its integration into the environment in which it is set.

With regards to the external materials it is anticipated that these would be a mix of red brick and render to the elevations and slate tiles to the roof. The use of such materials would be acceptable given their use on the wider site and would be conditioned accordingly on any permission granted.

Overall the design, scale and appearance of the dwelling would be acceptable and would ensure compliance with Paragraphs 57, 60, 61, 131, 132, 134 and 137 of the NPPF, Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy E4 and H7 of the adopted Local Plan and Policies D1 and He1 of the submitted Local Plan.

### **Highway Safety**

The County Highways Authority have raised no objections subject to their standing advice being considered in respect of access widths, visibility splays, surfacing and car parking dimensions and requirements.

It is proposed that the dwelling would be served via the vehicular access approved under application reference 15/00459/FULM which was designed with a sufficient width and visibility splays so as to cater for the vehicular movements associated with the development. The introduction of the additional dwelling would not lead to a substantial increase in the amount of vehicular movements associated with the vehicular access and it is considered that it would not have a severe impact on pedestrian or highway safety. On this basis the proposal would accord with Paragraph 32 of the NPPF, Policy T3 of the adopted Local Plan and Policy IF4 of the

submitted Local Plan.

In respect of off-street parking the proposed dwelling would have four bedrooms and therefore would require a minimum of three off-street parking spaces. Space would be provided in the front curtilage of the proposed dwelling for at least three parking spaces and as such, a sufficient level of off-street parking is provided. Whilst it is noted that the provision of the additional dwelling impacts on the land previously associated with the retained farmhouse (Plot 15), changes have been made to the layout of this plot. A total of five spaces would be available which is considered acceptable for a six bedroom property. The provision of the proposed dwelling does not impact on the visitor parking spaces adjacent to Plot 14 and overall, a sufficient level of off-street parking would be provided and the development would accord with Paragraph 39 of the NPPF, Policy T8 of the adopted Local Plan and Policy IF7 of the submitted Local Plan.

### **Ecology**

The County Council Ecologist has raised no objections and considers that no ecological surveys will be required as part of the application. On this basis ecology would not act as a constraint on the development and, as such, it would accord with Paragraph 118 of the NPPF, Circular 06/05 and Policy En1 of the submitted Local Plan.

### **Landscaping**

The site lies within the National Forest and, as such, a strong landscaping presence would generally be encouraged in new development. As the wider site is currently being developed the proposed soft landscaping strategy for the site has not yet been agreed under the conditions of 15/00459/FULM.

It is considered that the submitted site layout suggests that soft landscaping would be incorporated as part of the development including hedgerow planting to the frontage of the property. In the absence of any precise information it is considered reasonable, should permission be granted, to impose a condition for a soft landscaping scheme to be submitted to the Local Planning Authority for approval to ensure that the species of trees and hedges to be planted are appropriate. On the basis that relevant planting is provided, the development would accord with Policies E2, E7, F1, F2 and F3 of the adopted Local Plan and Policy En3 of the submitted Local Plan.

### **Viability of the Development**

Whilst the proposed development seeks to provide one open market dwelling it is considered that it is intrinsically linked with the 14 dwellings granted under application reference 15/00459/FULM, the proposed site being within the same red line boundary and requiring the use of the same access. The Council's Affordable Housing Supplementary Planning Document (SPD) states that the development threshold for affordable housing to be provided in this area is fifteen dwellings. A request was made for a Section 106 Contribution towards affordable housing as part of application 17/00020/FUL and a viability assessment was submitted by the applicant and independently reviewed by the District Valuer (DV) who concluded the scheme could be policy compliant. This was based on a scheme for 15 dwellings, a policy compliant affordable housing provision and Section 106 contributions of £43,932 (as secured under application reference 15/00459/FULM).

Following a review of this information a meeting took place between the applicant and the DV where the viability was discussed and additional information supplied to the DV for their further consideration. After reviewing the additional details a revised consultation response was been provided by the DV which states that the scheme would not be viable with the provision of

affordable housing.

It is understood that, in part, the viability constraints are associated with the higher standards associated with development in a conservation area, as well as other abnormal costs associated with site preparation, sewer diversion, abnormal ground levels, foundation depths, ecological costs and anthrax ground survey. These abnormal costs would result in the development not providing a competitive return to any landowner or developer.

Paragraph 173 of the NPPF outlines that careful attention to viability and costs in plan-making and decision-taking should be undertaken with it being necessary for plans to be deliverable. As a result of this the NPPF outlines that development "should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened," and that to ensure viability contributions should take account of normal costs for development and "provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."

Whilst it is regrettable that affordable housing cannot be provided, given the previous conclusions of the DV, Paragraph 173 is clear that careful attention should be paid to viability in the decision making process. As a consequence, the conflict which arises with Policy H8 of the adopted Local Plan and Policy H4 of the submitted Local Plan would not justify a refusal of the application.

For the avoidance of doubt the Section 106 contributions secured under application reference 15/00459/FULM (education, libraries, civic amenity and leisure) would still be payable.

#### **Other Matters**

Although the Council's Land Contamination Officer has not commented on this application, they had advised that the previous application (reference 17/00020/FUL) would be acceptable subject to the imposition of conditions in relation to land contamination due to the previous uses on the site. It is therefore considered necessary to attach such conditions should planning permission be granted. Subject to the imposition appropriate conditions it is considered that the scheme would be compliant with Paragraphs 120 and 121 of the NPPF.

Whilst the foul and surface water drainage scheme for the wider site has been agreed the specific drainage proposals for this particular development would not have been considered at that time. Therefore it is reasonable to impose a drainage condition on any consent granted, as requested by Severn Trent Water, to ensure that this matter is satisfactorily addressed so as to accord with Paragraphs 103 and 120 the NPPF and Policies Cc2 and Cc3 of the submitted Local Plan.

In terms of the matters raised that have not been considered above, the potential circumstances of people being misled when purchasing nearby properties on the development is not a planning matter and would be a separate legal matter between the buyer and the seller. In addition the proposed development would not result in the loss of open space with the plans approved under application reference 15/00458/FULM identifying that part of the land around Plot 15, which is in close proximity to the highway, was SLOP (Space Left Over after Planning) which may have been gravelled or likely sold to the occupant of plot 15 so as to provide additional garden space.

#### **Summary Reasons for Granting Planning Permission**

The application site is within the Limits to Development where the principle of the proposed form of development is acceptable under Policy S2 of the adopted and submitted Local Plans with the site being sustainable. It is also considered that the proposal would not result in detriment to



residential amenity, the character and appearance of the streetscape or wider area, the significance of heritage assets, highway safety, ecology or landscaping with it being possible to provide appropriate means of drainage and mitigate any contaminated land implications. It is also concluded that it would not be viable for the scheme to provide affordable housing or an affordable housing contribution. There are no other material planning considerations that indicate planning permission should not be granted and accordingly the proposal, subject to relevant conditions, is considered acceptable for the purposes of the policies referred to above.

It is therefore recommended that the application be permitted.

**RECOMMENDATION - PERMIT, subject to conditions;**

- 1. Time Limit**
- 2. Approved Plans**
- 3. External Materials**
- 4. Removal of Permitted Development Rights**
- 5. Soft and Hard Landscaping**
- 6. Replacement Trees**
- 7. Boundary Treatments**
- 8. Off-Street Car Parking**
- 9. Foul and Surface Water Drainage**
- 10. Contaminated Land Report**
- 11. Verification Assessment**

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