

Meeting	PLANNING COMMITTEE
Time/Day/Date	4.30 pm on Tuesday, 13 February 2018
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
1.	APOLOGIES FOR ABSENCE	
2.	DECLARATION OF INTERESTS	
	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.	
3.	MINUTES	
	To confirm and sign the minutes of the meeting held on 9 January 2018	3 - 14
4.	PLANNING APPLICATIONS AND OTHER MATTERS	
	Report of the Head of Planning and Infrastructure.	15 - 18



Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
A1	17/01326/REMM: Erection of 166 dwellings with associated public open space, infrastructure and National Forest planting (Reserved matters to outline planning permission reference number 17/00423/VCUM) Land Off Greenhill Road Coalville Leicestershire	PERMIT subject to S106 Agreement	19 - 32
A2	17/00320/REMM: Erection of 213 dwellings with associated parking and landscaping (Reserved matters to outline planning permission 16/01187/VCIM) Land At Grange Road Hugglescote Leicestershire	PERMIT	33 - 44
A3	17/01174/FULM: Demolition of the existing building and the erection of 24 affordable residential units Police Station Ashby Road Coalville Leicestershire LE67 3QG	PERMIT subject to S106 Agreement	45 - 54
A4	17/00921/FUL: Erection of two first floor and single storey rear extensions, external staircase, new shop front to allow for the change of use to restaurant with hot food takeaway sales and an A2 (financial and professional services) use and four residential units along with new gates and railings to rear boundary 74 High Street Coalville Leicestershire LE67 3EE	PERMIT	55 - 66
A5	17/01098/FUL: Change of use from A1 (retail) use to MOT test centre (sui generis use) including formation of new roller shutter door opening to front elevation 2A North Avenue Coalville Leicestershire LE67 3QX	PERMIT	67 - 72

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 9 JANUARY 2018

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 Houlst, R Johnson, G Jones, J Legrys, P Purver, V Richichi, M Specht and M B Wyatt

In Attendance: Councillors J Geary, T J Pendleton and N Smith

Officers: Mr R Duckworth, Mr C Elston, Mrs H Exley, Mrs C Hammond, Mr J Knightley, Mr A Mellor, Mr J Newton and Miss S Odedra

53. APOLOGIES FOR ABSENCE

There were no apologies for absence.

54. DECLARATION OF INTERESTS

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

Councillor R Adams declared a non-pecuniary interest in item A3, application number 17/01326/REMM, as he had campaigned in the past over development on the site but had come to the meeting with an open mind.

Councillor J Cotterill declared a non-pecuniary interest in items A5, application number 17/01511/FUL, A6, application number 17/01622/FUL and A9, application number 17/01496/FUL, as Deputy Chairman of Coleorton Parish Council.

Councillor P Purver declared a non-pecuniary interest in item A3, application number 17/01326/REMM, as her mother lived in the vicinity of the development.

Councillor M Specht declared a non-pecuniary interest in items A5, application number 17/01511/FUL, A6, application number 17/01622/FUL and A9, application number 17/01496/FUL, as Chairman of Coleorton Parish Council.

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

Item A1, application number 17/01237/OUT
Councillors J Legrys and M Specht

Item A3, application number 17/01575/OUT
Councillors R Adams, R Canny, D Everitt, R Johnson, J Legrys, P Purver, M Specht and M Wyatt

Item A4, application number 17/01379/FUL
Councillors J Legrys and M Specht

Item A5, application number 17/01511/FUL
Councillors R Adams, R Boam, D Everitt, R Johnson and J Legrys

Item A6, application number 17/01622/FUL
Councillors R Boam and M Wyatt

Item A7, application number 17/01606/FUL
Councillor M Specht

Item A9, application number 17/01469/FUL
Councillor R Boam

55. MINUTES

Consideration was given to the minutes of the meeting held on 7 November 2017.

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

RESOLVED THAT:

The minutes of the meeting held on 7 November 2017 be approved and signed by the Chairman as a correct record.

56. 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.

The Chairman advised the Committee that item A2, application number 17/01575/OUT, had been withdrawn from the agenda.

57. A1 17/01237/OUT: PROPOSED AGRICULTURAL WORKERS DWELLING (OUTLINE - MEANS OF ACCESS FOR APPROVAL)

Barn Farm Babelake Street Packington Ashby De La Zouch Leicestershire LE65 1WD

Officer's Recommendation: REFUSE

The Senior Planning Officer presented the report to Members.

Councillor N Smith, Ward Member, addressed the Committee. He advised that he had been asked by the applicant to speak at Committee to put forward the facts. He reminded Members that the original application was refused as it was not financially viable, however the applicant had now acquired in excess of 50 acres of extra land. He stated that the applicant could not expand the livestock unless he lived on site to look after the animals and therefore could not live there unless he had a house to live in. He went on to inform the Committee that the applicant currently lived in Donisthorpe, worked in Coalville and was making three trips a day to the farm to assist his parents on the farm. He highlighted to Members that, as far as he was aware, the application in front of them was the only application that Packington Parish Council had not objected to that was outside the Limits to Development and that Babelake Street was a one way street with only four properties on, and that the new dwelling would not look out of place in the vicinity. He urged Members to support to help sustain small farms.

Mr M Wathes, supporter, addressed the Committee. He advised Members that five generations of the family had been farming the land for a hundred years and his parents were at retirement age and he wished to work at the farm full time. He stated that he lived five miles from the site with his young family and due to personal reasons, temporary accommodation was not suitable for them. He stated that he was recommended for start-up businesses which the farm was not, as within the next year they were on target to look after 820 sheep and rearing 120 calves. He explained that as result of the new TB isolation unit, there was a need for him to be resident on the farm full time. He informed Members that the farm had invested in new machinery, increased the sheep flock by 40% and acquired additional land which showed clear commitment to the farm which had been a key consideration by Members. He highlighted that the situation of the dwelling would

have minimal impact on the countryside and that small working farms in villages were dying out and urged the Committee to support the application.

Mr A Large, agent, addressed the Committee. He advised Members that since the deferral of the application he was pleased to see that officers accepted that there was a functional need for the dwelling and he thanked the officers for working practically to overcome the concerns. He highlighted that planning policy statement 7 (PP 7) was mentioned continuously throughout the report but stressed that the policy no longer existed and had been replaced by one sentence in the NPPF which promoted the development and diversification of agricultural and other land-based rural businesses. He stated that case law had shown that PPS 7 was now guidance and that it was not required to be adhered to rigorously; instead a pragmatic view on the actual circumstances at the holding was to be taken. He informed Members that the proposal at Barn Farm showed that the next generation wants to work full time, proposals to grow the business, acquiring more land, a new TB isolation unit, capital reserves available and the low costs of a self-build dwelling. He advised Members that monies derived from the farming business can be used to fund the cost of a new dwelling, adding that the business had been profitable for the past three years and the son would have sufficient funds also. He urged the Committee to support the application.

Councillor M B Wyatt stated that all Members were aware that farming was not an easy occupation and it was a passion. He moved that the application be permitted.

The motion was seconded by Councillor V Richichi.

Councillor J Legrys asked that, if the Committee was minded to permit the application as an agricultural workers dwelling could a condition be added that the dwelling be demolished if it was no longer a farm.

The Head of Planning and Regeneration advised the Committee that an agricultural tie could be put on it to cover occupation of the house, so that it could not be occupied unless the household was working in agriculture, but that would not require the demolition of the house. .

Councillor M Specht stated that he was happy to support Councillor M B Wyatt's motion to permit.

Councillor V Richichi asked the Senior Planning Officer whether he had ever been involved in looking after livestock. The Senior Planning Officer said that he had.

Councillor V Richichi stated that it would not be a market house, that there was a functional need for the development, that the dwelling could be tied by an agricultural need and that animals required care from workers that needed to be onsite. He expressed concerns about the statement from the Independent Agricultural Planning Advisor that there was no need for the worker to be on site as back in 2014 when acting as a consultant for an applicant from a neighbouring authority he had stated that for the welfare and care of livestock, workers need to be onsite. He stated that PP 7 was no longer relevant but it had been used throughout the report, but it had been superseded by paragraph 55 and that it was essential for the worker to be on site as part of good husbandry. He asked if the officer had taken into consideration the single farm payment as well as the income that was generated as the money available would be quite a bit more.

In response to the question from Councillor V Richichi, the Senior Planning Officer advised the Committee that it had not been a consideration by the consultant.

Councillor G Jones reiterated the concerns expressed by Councillor V Richichi over the advice of the consultant and that despite revised Government guidelines, local councils were still not convinced of the value in building residential homes like the proposal in front of them to help solve the rural housing crisis.

Councillor J Hoult supported the motion to permit as the farmer was over the retirement age but should be able to remain on the farm which was a good reason for the building.

Councillor D Stevenson commented that, based on what he had heard, he had himself missed out on a video link, over the years.

RESOLVED THAT:

The application be permitted on the grounds that the proposed house was needed to enable the applicant's son to look after the farm, and that the house would be tied to the agricultural unit, and subject to the imposition of conditions be delegated to the Head of Planning and Regeneration.

58.

A3

17/01326/REMM: ERECTION OF 166 DWELLINGS WITH ASSOCIATED PUBLIC OPEN SPACE, INFRASTRUCTURE AND NATIONAL FOREST PLANTING (RESERVED MATTERS TO OUTLINE PLANNING PERMISSION REFERENCE NUMBER 17/00423/VCUM)

Land Off Greenhill Road Coalville Leicestershire

Officer's Recommendation: PERMIT

The Principal Planning Officer presented the report to Members.

Miss J Tebbatt, objector on behalf of residents, addressed the Committee. She stated that she was addressing Members to ask them to seek amendments to the application that was in front of them. She asked that the attenuation bank on the land adjacent to 8 Jacquemart Close be as per the original approved plans, that the elevated viewing area be removed and the 1.8m height of boundary fences remain without imposing on or casting a shadow over the neighbouring properties. She asked that the previously untested 1.3 change in level is reviewed to ensure in keeping with the 1.17 gradient of Greenhill Road as a significant difference in height between the proposed dwellings and existing homes would have an impact on privacy. She raised concerns over the play area stating that it would lead to unsupervised nuisance and security concerns for the existing residents, that the lower level fencing would protect new resident's privacy, but not that of the current, and the possibility of anti-social behaviour and damage to dwellings due to the trees proposed around the boundary.

Ms A Gilliver, agent, addressed the Committee. She advised that the applicant had been working closely with the officers and before Members was a well-designed, sustainable, accessible and deliverable development and if approved the applicant looked to be releasing the first houses in the second half of the year. She highlighted that the principle of development had been granted in January 2016 and had established the parameters, flood risk, highway impact and ecological constraints. She advised that the application was compliant with the Council's Good Design SPD enabling the public areas to be well surveyed and connected, character areas highlighted, the design of the dwellings would be in keeping with the area and there would be a 20% provision of affordable homes. She informed the Committee that following statutory consultation the plans had been amended to address concerns and that all conditions would be adhered to before commencement of the development. She stated that National Forest Planting and play areas would be included and that the management of the estate would be done privately. She urged the Committee to grant permission.

Councillor R Adams asked if officers had the responses to the questions that he had raised in the briefing.

The Principal Planning Officer provided the following responses to the questions:-

- That the outline planning permission included provision of a retail unit, with conditions attached to the outline permission to ensure that the shop was not brought forward on its own without the housing. There was no obligation to provide the shop as it was not identified as a need to have element of the development.
- That the original outline permission included a condition to require the reserved matters application to demonstrate that if necessary a bus could operate around the site, so if required in future a bus route could be provided for the estate and as such a tracking layout was included in the plans.
- Yes, the site was in the Charnwood Forest character area and that at the public appeal the Inspector stated that the area fell within the Bardon landscape character area.
- That the developer was not agreeable to amending the scheme to tally fully with the mix of affordable dwellings as sought by the Council's Housing team, but officers could not reasonably push this matter further given that the scheme matched the findings of the HEDNA pretty well.
- That the mix of housing types has been considered by Inspectors who have determined that housing mix does not fall within the definition of layout and scale. A condition should therefore be included allowing the council to agree the housing mix either at Reserved Matters stage or a later agreed date.
- That the neighbouring properties adjacent to the site on the western and northern sides were consulted along with site and press notices. He advised that the requirement for development of the size before them was site and press notices which the Council had done and in addition had written to the adjacent properties.

Councillor M B Wyatt advised that he had not taken part in any campaigning in relation to the application before the Committee and had come to the meeting with an open mind. He stated that on listening to the objectors he asked that a number of additional conditions be attached and that he was minded to defer the application due to the number of concerns raised.

The Legal Advisor informed Members that should they be minded to defer the application then any debate would need to be held at the next meeting.

Councillor M B Wyatt sought clarification on the procedure to defer.

Members were advised that if the application was deferred before any debate took place then a full debate could be had when the application was brought back to Committee.

Councillor M B Wyatt moved that the application be deferred to allow further consideration of the issues that had been raised in the objectors email. The motion was seconded by Councillor R Adams.

RESOLVED THAT:

The application be deferred to allow the applicant to further consider the four points that had been raised by the objector.

**59. A4
17/01379/FUL: CHANGE OF USE OF DWELLING HOUSE TO A HOUSE IN MULTI
OCCUPATION (HMO) USE (SUI GENERIS USE) AND TWO STOREY REAR
EXTENSION**

95 Sideley Kegworth Derby Leicestershire DE74 2ER

Officer's Recommendation: PERMIT

The Principal Planning Officer presented the report to Members.

Councillor M Hawsworth, on behalf of Kegworth Parish Council, addressed the Committee. He informed the Members that the report in front of them reached the conclusion that the effect of the proposed development on Kegworth was acceptable but the Parish Council felt that the development was not acceptable in the local context. He asked that the application be refused as it was an over-intensive residential use of the site, it caused significant loss of amenity to neighbours and that there were not enough parking spaces provided for a 7 bedroom house in multi occupation. He stated that there was a precedent for refusal as in September 2017 a similar application for an 8 bedroom HMO on Broadhill in Kegworth had been refused by the authority.

He highlighted that the planning report considered that it was unlikely that all occupants of the HMO would have a car, however Kegworth Parish Council did not accept the assessment as adequate parking provision for large HMO's in Kegworth. He stated that 10% of the housing stock in Kegworth was occupied by students of the University of Nottingham, who were often veterinary students, who had cars to enable them to take placements with Veterinary Practices as part of their training, and that other HMO's in Kegworth were occupied by staff at East Midlands Airport and construction workers working on major infrastructure projects in the area, who all seemed to have cars. He expressed concerns that the 3 parking spaces shown on the plan would have a new dropped kerb access across the grass verges along Sideley and such removal of the grass verges would be detrimental to the street scene and amenity of existing homes, and the pavement crossover would remove space for street parking, adding that there was already concerns about parking on Citrus Grove, almost opposite the site, that a consultation on the implementation of a road traffic order in that part of Kegworth closed on the 5th January 2018 and that the provision of cycle storage would not compensate for the limited car parking available.

Mr M Hawsworth stated that 7 lettable rooms were proposed by extending a 3 bedroom semi-detached house and the use of an HMO would not be similar to that of a large single family dwelling as there was not the same continuity of occupancy or self-imposed constraints as a family house, and more people come and go so that the impact from noise and disturbance to neighbours is far greater. He advised Members that the attached semi at 93 Sideley had been lived in by the owners since it was built in the 1960's and that the 3m two storey extension to the rear of number 95 would block some sun from reaching 93, particularly in the winter. He urged Members to refuse the application.

Councillor R Adams moved that the application be refused due to over intensification of the site, and the impact on the neighbouring properties. The motion was seconded by Councillor R Canny.

Councillor J Legrys stated that the application was not acceptable for the area and the application should be refused to over intensification of the site, unacceptable behaviour that would be imparted on the neighbours.

Councillor J G Coxon stated that there had been a total lack of thought in the application and the development would not fit in with the area. He stated that the Ward Member was right to call-in the application and he supported the Parish Council.

Councillor D Everitt expressed concerns over the amount of parking that was proposed as he felt that two spaces were not enough and could not support the application.

In response to a question from Councillor V Richichi, the Principal Planning Officer advised Members that the property was facing north.

Councillor G Jones stated that he fully supported the motion to refuse the application and that the site looked untidy. The bins were already overflowing and it was already an amenity issue.

RESOLVED THAT:

The application be refused due to over intensification of the site, and impact on the neighbouring properties.

60.

A5

17/01511/FUL: ERECTION OF ONE DETACHED TWO STOREY DWELLING

Land At Pitt Lane Coleorton Coalville Leicestershire LE67 8FS

Officer's Recommendation: REFUSE

The Senior Planning Officer presented the report to Members.

Mr A Large, agent, addressed the meeting. He advised the Committee that the application was for intermediate housing for the applicant who was severely disabled and he could not afford to buy a bungalow in the area. He stated that the land was to be purchased from the applicant's brother once the sale of his house had gone through and that no profit would be made from the scheme. He informed Members that the applicant was not on the housing register as he had been advised that there were no bungalows for rent in the Coleorton area. He highlighted that the main policy that governed the application was H5 as the dwelling would be an affordable home. He drew Members attention to the wording of the said policy in that need could be established in a number of ways and that the application has strong support. He stated that there was a shortfall of affordable housing in the district that was driving young couples and elderly residents out of the district, and the application before the Committee would go a small way to addressing the need.

The Affordable Housing Enabling Officer advised Members that there is a specific legal definition of intermediate housing, which is a discounted form of housing that needs to be available to an eligible household. As through the application before them, the applicant can prove that he can find a solution to his housing need, in accordance with the NPPF the family is not classed as an eligible household. Therefore the proposal is not in fact for intermediate housing, or affordable housing.

Councillor J Legrys moved that the application be permitted as he had heard all the arguments and believed that there was a genuine local need based on the information provided and that older residents should be able to remain in the area, and the application was an excellent solution.

Councillor M B Wyatt seconded the motion to permit as he agreed that there was a localised need and it would be wrong to refuse.

Councillor M Specht stated that he was speaking against the motion to permit. He highlighted that the applicants were elderly and that one of the most stressful things in life was waiting for a new home to be built. He drew Members attention to the fact that the applicant had the finances available to fund the build, but he felt that if the applicant remained in their current property he could fund an extension to make the house suitable for his needs. He also advised Members that the Parish Council would be seeking an

easement fee as would the County Council for the grass verges which would cost the applicant a significant amount of money.

Councillor R Boam stated that he supported the motion to permit as the applicant had been in the area for over 20 year, it was an opportunity for him to spend the rest of his life in the village and that it was a non-profit scheme.

In response to a question from Councillor J Bridges, the Affordable Housing Officer confirmed that there were no other suitable retirement houses in the area that were available.

Councillor G Jones stated that there were no bungalows available in the area yet the Committee had recently refused 3 retirement bungalows in the village.

In response to a question from Councillor V Richichi, the Head of Planning and Regeneration stated that the issue of access over the grass verge was not a planning consideration.

RESOLVED THAT:

The application be permitted on the grounds that it would meet local need and the imposition of conditions delegated to the Head of Planning and Regeneration.

61.

A6

17/01622/FUL: ERECTION OF DETACHED DWELLING

Church View 59 The Moor Coleorton Coalville Leicestershire LE67 8GB

Officer's Recommendation: REFUSE

The Planning Officer presented the report to Members.

Ms C Collier, applicant, addressed the Committee. She advised Members that the dwelling would be self-build to allow her to stop in the village that she had had lived in for 25 years. She informed Members that during a pre-application meeting at the beginning of October 2017 she had been informed that the application would be within the Limits to Development and an architect was employed, and the plans were submitted at the beginning of November. She stated that after the submission she received notification that the Local Plan was to be adopted on the 21st November and as such her development would fall outside the Limits of Development. She highlighted that the NPPF encourages the take up of pre-application advice so that time and money were not wasted and that the application had been submitted before the Local Plan adoption date. She informed the Committee that the village had many services that would allow the development to remain sustainable and that the dwelling would be built in the garden of an existing private residential property. She urged the Committee to support the application.

Councillor M B Wyatt moved that the application be permitted as it met a local need. The motion was seconded by Councillor R Boam.

In response to a question from Councillor J Bridges, the Planning Officer advised the Committee that a pre-application meeting had been held at the start of October and as it stood development on the site would be sustainable, however he had made it clear that because the Local Plan was due to be adopted later in the year, at the time the application was acceptable, and that the application needed to be submitted very quickly. He stated that the application was received on the 10th November and that the 21 day consultation period pushed the earliest determination of the application past 21st November.

Councillor J Bridges stated that even though he did not doubt the officer's advice, on that basis alone and subject to a condition in relation to a mining survey he would be voting against the officer's recommendation as he felt that a refusal would not stand up at appeal.

The Head of Planning and Regeneration confirmed to Members that the application had been submitted before the Local Plan had been adopted however determination of the application by the Planning Officer was to be in line with the adopted Plan.

Councillor D Harrison expressed concerns over how initial contact happened with prospective applicants on the application in front of the Committee and all applications in general. He felt that there had been no malice or deliberately misleading advice given but if officers were aware that policies and framework were going to change then every effort should have been made to ensure that any dates that would affect the application are made clear to the applicants. He stated that he could see no issue with the site or the development and supported the motion to permit.

The Head of Planning and Regeneration stated that pre-application advice is carefully caveated that it was not always guaranteed that applications would be permitted, and stated that it is open to applicants to take a second view. He accepted that officers could be clearer on any changes that were looming. In relation to the application he advised Members that in line with the adopted Local Plan the site was Greenfield and therefore should be refused.

Councillor V Richichi stated that he was aware of members of the public who had submitted applications and felt strongly that officers were advising that applications appeared to be acceptable, only for them to be subsequently refused. He stated that officers were aware of the lack of services in the village when the application was submitted.

Councillor J Legrys expressed concerns that since the adoption of the Local Plan the authority had moved away from the recommendation particularly surrounding affordable housing and his main concern was the mining survey which by a condition could be addressed. He stated that he would be supporting approval of the application.

Councillor M Specht stated that no comments had been made from the Parish Council as when consulted the application was inside the Limits to Development. He questioned how an area could be sustainable one day and then not the next. He stated that he would be supporting the motion to permit, and expressed his opinion that the Local Plan needed to be reviewed to allow for proposals such as this.

RESOLVED THAT:

The application be permitted on the grounds that it would meet local need and the imposition of conditions delegated to the Head of Planning and Regeneration.

- 62. A7**
17/01606/FUL: ERECTION OF DETACHED DWELLING WITH ALTERATIONS TO EXISTING ACCESS
 30 Ashby Road Newbold Coalville Leicestershire LE67 8PB

Officer's Recommendation: REFUSE

The Planning Officer presented the report to Members.

Ms M Holmes, applicant, addressed the Committee. She raised three main points. She firstly advised Members that the application was for a two bedroom property that she

would reside in so that she would be able to help and support family members on a daily basis, and remain close to her work. She stated that there were no modest sized properties being built in the area and if there was they would not be in her price range. Her second point was that the report stated that the site was Greenfield, however the property was to be built on land that once housed a garage, the footings of which were still in place. She informed Members that the dwelling would be surrounded by other properties. She advised Members that when the application was submitted the site fell in the Limits to Development and during the process falling the adoption of the Local Plan the site fell outside the Limits and became unsustainable. She reminded Members that the Committee had permitted a similar development back in 2017 in the village and the Committee report had stated that the range of services available in the areas were good for a modest sized property and a such development of modest size would help to keep the village sustainable. She highlighted that nothing had changed since 2017 as the village was still sustainable and urged Members to permit the application.

Councillor J G Coxon stated that the application was similar to A6 and that again the Committee needed to have discretion and common sense. He moved that the application be permitted as it was a local need.

Councillor J Legrys seconded the motion to permit as he agreed it was local need in a vibrant community.

In response to a question from Councillor M Specht, Councillor D J Stevenson stated that he was at the Parish Council meeting and could confirm that all members of the Parish supported the application.

RESOLVED THAT:

The application be permitted on the grounds that it would meet local need and the imposition of conditions delegated to the Head of Planning and Regeneration.

63. A8
17/01661/FUL: ERECTION OF A DETACHED 3 BED DWELLING (RESUBMISSION)
 Land Adjacent To 51 The Green Long Whatton Leicestershire LE12 5DA

Officer's Recommendation: PERMIT

The officer's recommendation was moved by Councillor M Specht, seconded by Councillor R Adams and

RESOLVED THAT:

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

64. A9
17/01469/FUL: CONVERSION AND EXTENSION OF JOINER'S WORKSHOP TO FORM ONE RESIDENTIAL DWELLING
 Wayside Cottage Loughborough Road Coleorton Coalville Leicestershire LE67 8HH

Officer's Recommendation: PERMIT

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

The officer's recommendation was moved by Councillor J Legrys, seconded by Councillor V Richichi and

RESOLVED THAT:

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

Councillor N Smith left the meeting at 4.55pm
Councillor J Geary left the meeting at 5.40pm
Councillor M B Wyatt left the meeting at 6.15pm

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 6.18 pm

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APPENDIX B

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

13 February 2018

PLANNING & DEVELOPMENT REPORT



PLANNING COMMITTEE FRONT SHEET

1. Background Papers

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

2. Late Information: Updates

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

3. Expiry of Representation Periods

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

4. Reasons for Grant

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

5. Granting permission contrary to Officer Recommendation

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

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

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

6 Refusal contrary to officer recommendation

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

7 Amendments to Motion

An amendment must be relevant to the motion and may:

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

as long as the effect is not to negate the motion

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

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

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

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

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

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

8 Delegation of wording of Conditions

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

to the Head of Planning and Regeneration.

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

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

Erection of 166 dwellings with associated public open space, infrastructure and National Forest planting (Reserved matters to outline planning permission reference number 17/00423/VCUM)

Report Item No
A1

Land Off Greenhill Road Coalville Leicestershire

Application Reference
17/01326/REMM

Applicant:
Mrs Amy Gilliver

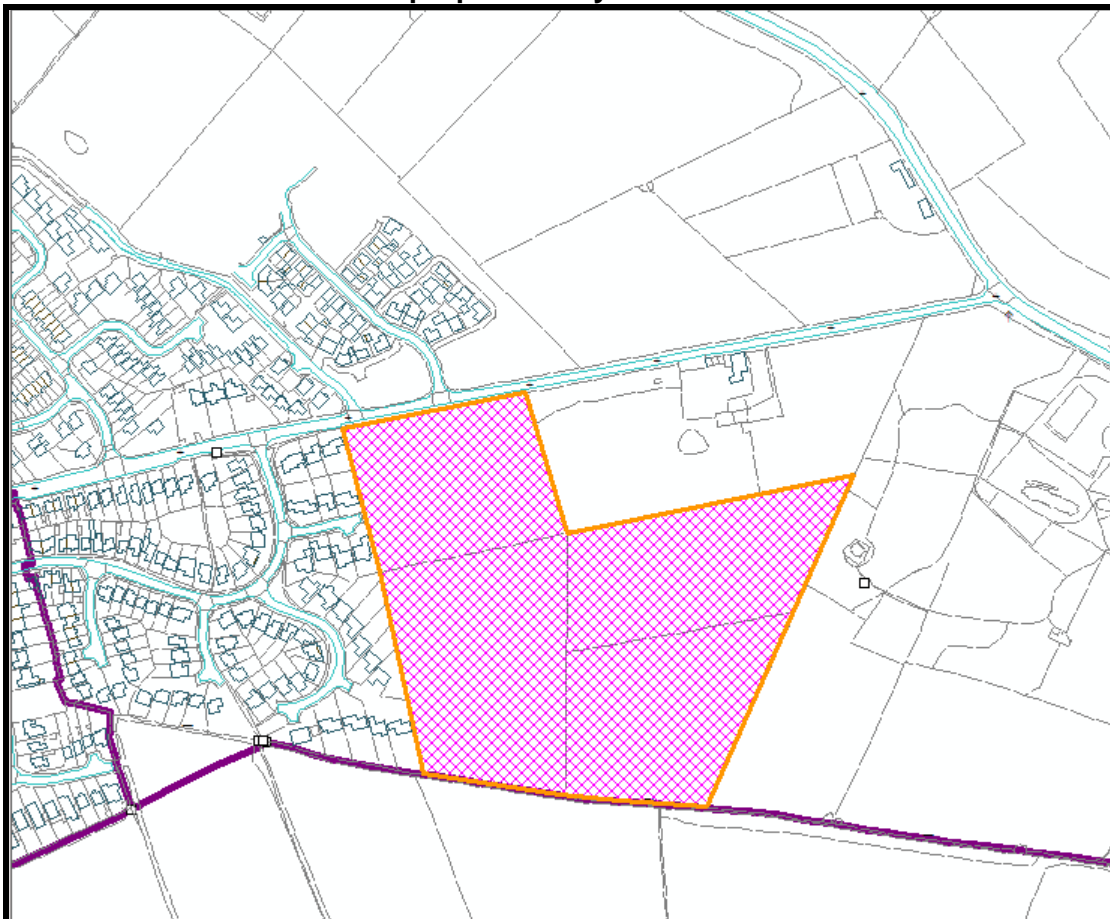
Date Registered:
21 September 2017
Consultation Expiry:
13 February 2018
8 Week Date:
21 December 2017

Case Officer:
James Knightley

Extension of Time:
16 February 2018

Recommendation:
PERMIT subject to S106 Agreement

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Call In

The application is called in to Planning Committee by Councillor Wyatt on the basis that the scheme would have a greater impact on the local community than that as approved under the outline planning permission.

Proposal

This is a reserved matters application for the erection of 166 dwellings submitted pursuant to an outline planning permission for up to 180 dwellings and associated development originally permitted on appeal.

Consultations

Objections have been received from a number of third parties in respect of the proposals, but no objections have been received from statutory consultees.

Planning Policy

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

Conclusion

The principle of residential development is already established and cannot be reconsidered by this application. The key issues are:

- Access matters not determined at the outline stage;
- Appearance;
- Landscaping;
- Layout; and
- Scale

The report looks at these in detail, and officers conclude that the details are satisfactory. The detailed scheme meets the requirements of relevant NWLDC policies, including the adopted Good Design for North West Leicestershire SPD.

RECOMMENDATION:-

PERMIT, SUBJECT TO CONDITIONS AND SUBJECT TO PLANNING OBLIGATIONS (OR SIMILAR)

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 January 2016, outline planning permission was granted on appeal for up to 180 dwellings, including a retail unit, access and associated infrastructure (appeal ref. APP/G2435/W/15/3005052; Local Planning Authority ref. 14/00614/OUTM). In August 2017, a Section 73 application to "vary" a condition attached to the original outline planning permission relating to the approved illustrative development framework plan was granted (ref. 17/00423/VCUM).

This is a reserved matters application submitted in respect of that Section 73 outline planning permission, proposing the erection of 166 dwellings and associated works on the site. The outline planning permissions included details of the site's proposed vehicular access from Greenhill Road; the current reserved matters application relates to all of the previously reserved matters, including those access matters not covered at the outline stage (i.e. including pedestrian access and the vehicular routes *through* the site), together with appearance, landscaping, layout and scale.

This application was considered at the Planning Committee meeting of 9 January 2018 when it was resolved to defer consideration of the application to enable investigation of the suggestions set out in a third party representation reported on the Update Sheet.

The suggestions made can be summarised as follows:

- Proposed western public open space to be used solely for water management purposes and planted for ecological enhancement;
- Additional green space with meadow planting provided to Plot 57 in lieu of the proposed access road;
- Increased tree and shrub planting to the western site boundary and clarification of proposals to neighbouring residents;
- Slope stability testing and reduced gradient to the proposed central public open space;
- More substantial rear garden boundary treatment to proposed dwellings in the north eastern section of the site; and
- Retention of drystone walls

The applicant's responses to these suggestions (and, where applicable, assessment of the changes made) are set out in more detail within the relevant parts of the Assessment section below.

2. Publicity

32 neighbours have been notified.

Site Notice displayed 27 September 2017.

Press Notice published Leicester Mercury 4 October 2017.

3. Summary of Consultations and Representations Received

Leicestershire and Rutland Wildlife Trust objects on the basis that a 10m buffer strip to the site boundary has not been included

Leicestershire County Council Ecologist has no objections

Leicestershire County Council Highway Authority has no objections subject to conditions, and subject to the applicant entering into a legal agreement ensuring the internal roads' maintenance in perpetuity by a management company and indemnifying the Local Highway Authority against future petitioning to adopt the roads

Leicestershire Police has no objections

National Forest Company requests additional information in respect of the proposed on-plot landscaping, requests that consideration be given to placing Tree Preservation Orders on retained trees and suggests that the proposed children's play area be of "natural" play approach / design.

Third Party Representations

25 representations have been received, objecting on the following grounds:

- Insufficient detail
- Loss of view
- Overlooking / loss of privacy / impact of levels differences
- Flooding / drainage issues
- Surface water attenuation area not sufficient
- Surface water attenuation area unsafe (risk of drowning etc.) and should be fenced off
- Adverse impact on setting of Abbot's Oak
- Traffic noise
- Unsafe vehicular access
- Traffic congestion
- Insufficient car parking
- Loss of wildlife / biodiversity
- Proposed pedestrian link to Jacquemart Close inappropriate and unnecessary
- Disturbance / anti-social behaviour / criminal activity associated with proposed use of proposed drainage attenuation area as public open space
- More robust boundary treatment / more substantial buffer planting between existing properties and the development is required
- Public open space needs to be maintained
- Proposed buffer planting will reduce surveillance
- Proposed houses could be sub-let / used for multiple occupancy
- Future extensions could overlook neighbours
- Future tree planting by occupiers should be limited to prevent loss of views
- Loss of a greenfield site
- Insufficient infrastructure (including education and medical facilities)
- Loss of dog walking facilities
- Removal of proposed shop unit from scheme would be inappropriate as nearest alternative is not within walking distance
- Intrusion from vehicle headlights
- Increased risk of crime
- Increased dog walkers / mess

- Litter
- Plans unclear
- Contrary to NPPF, Local Plan and SPD policies
- Security risk to neighbouring property
- Danger to residents if they enter adjacent land used by horses
- An arboretum should be provided within the public open space adjacent to the western boundary of the site
- Lack of bungalows
- Too many one bed dwellings
- Development contrary to HEDNA mix
- Application should be deferred to secure changes to the scheme
- Proposed estate road adjacent to the public open space adjacent to the western boundary of the site should not connect through and have an additional planting area with footpath included
- Proposed landscaping adjacent to the western boundary should be planted with hedges / shrubs of minimum height 1.8m
- Fully engineered, technically tested, design for proposed slopes should be submitted
- Site gradients should be reduced
- Scheme does not comply with the development framework plan and Design and Access Statement
- Improved garden security required for proposed dwellings in the north eastern part of the site
- Drystone walls should be retained
- Design Code has not been the subject of public consultation
- A swale should be provided to central area of public open space
- Proposed road adjacent to Jacquemart Close should be removed
- Landscape buffer will take time to mature
- Police consultation response does not take site contours into account
- Proposed buffer planting trees too close to one another and will destabilise soil
- Scots pine not suitable for proposed buffer planting
- Urban Designer's objections were removed without explanation
- Number of storeys not clear

4. Relevant Planning Policy

National Policies

National Planning Policy Framework

The following sections of the National Planning Policy Framework (NPPF) are considered relevant to the determination of this application:

- Paragraph 14 (Presumption in favour of sustainable development)
- Paragraph 17 (Core planning principles)
- Paragraph 50 (Delivering a wide choice of high quality homes)
- Paragraph 57 (Requiring good design)
- Paragraph 61 (Requiring good design)
- Paragraph 203 (Planning conditions and obligations)

Adopted North West Leicestershire Local Plan (2017)

The application site lies within Limits to Development as defined in the adopted Local Plan. The following adopted Local Plan policies are considered relevant to the determination of this reserved matters application:

- Policy D1 - Design of new development
- Policy D2 - Amenity
- Policy H6 - House types and mix
- Policy IF3 - Open Space, Sport and Recreation Facilities
- Policy IF4 - Transport infrastructure and new development
- Policy IF7 - Parking provision and new development
- Policy En4 - Charnwood Forest Regional Park

Other Policies

Good design for North West Leicestershire SPD

6Cs Design Guide (Leicestershire County Council)

5. Assessment

Principle of Development

The principle of development on this site for residential purposes was established by the grant of the original outline planning permission in January 2016 and, as a submission for reserved matters approval, therefore, the present application essentially seeks agreement of details in respect of the access (save in respect of the proposed vehicular access from Greenhill Road), appearance, landscaping, layout and scale. Assessment of this application should therefore relate to the implications of the particular scheme proposed under this reserved matters application; issues relating to the principle of the development and associated issues (e.g. the suitability of the site generally for residential development, and the impacts of the development on the wider highway network) are not relevant to this application.

Urban Form, Design and Site Layout

The need for good design in new residential development is outlined in the national and local policies as set out above. The application has been the subject of extensive discussions and amendment both prior to submission of the application and during its determination, with concerns having been raised in respect of a range of issues, including site layout and elevational appearance.

The scheme as amended is essentially landscape-led in terms of its design rationale; the revised layouts show tree-lined roads to the principal routes through the site, with greatest intensity of tree planting along the primary routes so as to assist in terms of legibility (i.e. by indicating what the main routes through the site are). It is considered that use of a landscape-led design approach would be an appropriate means of introducing character into the scheme (and particularly so in this National Forest location). Provision of strong frontage boundary treatment (including hedgerows to be maintained by the site's management company and rebuilt stone walls) would also, it is considered, serve to reinforce the development's character. One of the issues raised when the application was deferred at the 9 January 2018 Planning Committee meeting was the loss of existing drystone walls of which there are a number within and on the periphery of the site (and in varying states of repair). Whilst it is acknowledged that,

by virtue of the required alterations to levels necessary to develop this sloping site, the applicant advises that it is proposed to incorporate the walls as much as possible within the development. The applicant confirms that the existing walls around the perimeter of the development are proposed to be retained and protected during the build process, but the internal walls would need to be (carefully) dismantled, so as to avoid damage during construction. It is also proposed to rebuild peripheral sections to the north where these have fallen into disrepair. The applicant advises that it has contacted a local stonemason who considers that the site's internal walls can be re-instated with the *appearance* of being drystone (albeit constructed with a cement / concrete core to ensure the durability and stability of the wall). In view of the form of the layout proposed (and the alterations to levels as referred to above), it is noted that rebuilt walls within the site itself would not necessarily be in their original lines. However, it is nevertheless considered that these measures would serve to enhance the design quality of the scheme by reinforcing local character.

The outline planning permission was subject to a condition requiring the approval of a Design Code (essentially establishing a set of design "rules" with which subsequent reserved matters applications must comply); a Design Code was subsequently submitted and approved under that condition which, it was considered, met the design requirements of the District Council in terms of compliance with Building for Life 12 and the District Council's Good design for North West Leicestershire SPD. The District Council's Urban Designer notes that, as the proposed scheme complies with the Design Code (which itself was written to be consistent with Building for Life 12), subject to the attachment of conditions relating to details, materials, boundary treatments (including any retaining structures) and open space design, the design of the scheme would perform positively against Building for Life 12 and would be acceptable.

In terms of housing mix issues, Policy H6 of the adopted Local Plan requires a mix of housing types, size and tenure to meet the identified needs of the community. Whilst tenure is in effect addressed by the existing Section 106 obligations to secure 20% affordable housing, Policy H6 refers to the need to have regard to the most recent Housing and Economic Development Needs Assessment (HEDNA), and sets out the range of dwelling size (in terms of numbers of bedrooms) identified as appropriate in the HEDNA as follows:

<i>Tenure</i>	<i>No. of Bedrooms (% of each tenure type)</i>			
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4+</i>
Market	0-10	30-40	45-55	10-20
Affordable	30-35	35-40	25-30	5-10

The submitted scheme proposes the following (%):

<i>Tenure</i>	<i>No. of Bedrooms</i>			
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>
Market	-	3	42	54
Affordable	42	39	18	-

On this basis, it is considered that, whilst the proposed affordable housing would appear to tally fairly well with the HEDNA's suggested mix, the market housing would be weighted more towards larger units than as suggested in the HEDNA (although it is acknowledged that Policy H6 indicates that the HEDNA mix is one of a number of criteria to be considered when applying the policy). Policy H6 also requires a proportion of dwellings suitable for occupation by the elderly (including bungalows) which are not provided in this instance. Overall in terms of

housing mix, therefore, the scheme as proposed would not appear to perform particularly well against the criteria in Policy H6. However, it is noted that recent Inspectors' decisions elsewhere in respect of housing mix have indicated that reserved matters applications cannot normally be used to secure a specific mix of house types (i.e. as housing mix is not, in itself, a reserved matter). It is also considered that, in this case, given that the approved outline scheme allows for up to 180 dwellings to be erected (and given that developers tend to work in terms of total floorspace rather than numbers of dwellings), any reconfiguration of the mix to include for a greater number of smaller dwellings would be likely to result in an increase in the overall number of units proposed.

Insofar as the proposed affordable housing mix is concerned, this is a matter over which greater control is available at this stage as the provisions of the Section 106 obligation require a scheme to be agreed (and including any relevant details submitted as part of any reserved matters application); whilst details such as when the affordable units would be delivered and the arrangements for the transfer to a Registered Provider would still need to be agreed separately under the provisions of the Section 106 obligation, the reserved matters includes the details of the location of the units and their design etc. The District Council's Affordable Housing Enabler had requested amendments to the proposed affordable housing mix, raising concern in particular over the provision of too many one bed units. However, the applicant is not willing to amend the scheme in this regard and, whilst the mix proposed does not fully reflect the identified needs in this part of the District, the Affordable Housing Enabler accepts (as noted above) that the proposed affordable mix is reasonably well matched to the more generalised HEDNA needs, and raises no objections.

Highway Safety and Access Issues

As set out above, the proposed means of vehicular access to the site was secured under the outline planning permission. The internal layout proposed includes a principal tree-lined estate road serving a number of smaller lanes and culs-de-sac. A number of concerns were raised by the County Highway Authority in respect of the originally submitted scheme, principally in respect of compliance with the County Council's standards for adoption.

Whilst the applicant subsequently amended the scheme in order to seek to overcome the County Highway Authority's concerns, the County Council advises that the amended plans still do not meet its requirements for adoption as set out in the 6Cs Design Guide (including in respect of geometry, carriageway width, service margins, junction and forward visibility, speed control, remote parking, turning space, carriageway drainage and landscaping).

However, the applicant has confirmed that it would be its intention to maintain the estate roads under a management company if the County Council did not wish to adopt the roads as currently proposed. On this basis, the County Highway Authority accepts that there would be no impact on highway safety, and raises no objections subject to conditions, and subject to the applicant entering into a legal agreement to ensure the internal roads' maintenance in perpetuity by a management company and to indemnify the County Council against future requests under Section 37 of the Highways Act 1980 to adopt the private roads; a draft agreement has been provided by the applicant to this effect. Whilst the County Highway Authority's concern over future petitioning would not, in itself, be a planning matter, it is nevertheless considered that some form of measures will be necessary to ensure that the roads were to function in a similar manner as adopted highway (including, for example, appropriate maintenance measures and the securing of unfettered public vehicular and pedestrian access along the roads). Similar issues are also considered to arise in terms of waste collection. Whilst, from the planning point of view, the submitted details appear to indicate that, physically, a waste collection vehicle could

access the site, collection from non-adopted roads can cause issues in terms of liability for damage etc., but this would also seem capable of being addressed by way of an agreement with the applicant relating to the operation of the management company; the District Council's Waste Services team confirms that this would be an acceptable approach from its point of view. In response to a suggestion made by the ward member, the applicant confirms that it would intend to make use of LED street lighting within the development.

In terms of the proposed pedestrian access to Jacquemart Close, the applicant confirms that it would intend to install staggered barriers or bollards (in accordance with the preference of the Local Planning Authority) in order to prevent unauthorised use (e.g. by motorcycles etc.).

Insofar as car parking is concerned, the proposed dwellings would meet the parking requirements set out in the District Council's Good design for North West Leicestershire SPD, including having a minimum of two off-street surface car parking spaces for two and three bed dwellings, and a minimum of three spaces in total in the case of four bed dwellings (i.e. including garage spaces meeting the minimum dimensions necessary to "qualify" as a parking space as set out in Leicestershire County Council's 6Cs Design Guide). One bed dwellings would be provided with a single space; this also has the potential to comply with the Good design for North West Leicestershire SPD's requirements in respect of single occupancy dwellings (the level of occupancy of which can be enforced in the case of dwellings to be managed by a Registered Provider).

The outline planning permission is subject to a condition (Condition 24) which requires that the first reserved matters application be accompanied by details to demonstrate that the proposed development would be suitable for bus services to be routed through it, and details of bus tracking showing a potential route into and back out of the site have been provided. Whether a bus service operator would wish to run a service through the estate (and whether, as per waste collection above, any issues over liability would arise) is a different matter, but the submitted details would appear to indicate that it would be physically possible.

Therefore, subject to the various requirements set out above being secured, the proposed development is considered acceptable in terms of highway safety and access issues.

Residential Amenity

Insofar as this reserved matters application is concerned, it is considered that the principal residential amenity issues would be in respect of the impacts on the future living conditions of residents of both the proposed development and existing nearby properties. In this regard, it is considered that the relationship between the various dwellings (including in terms of scale, siting and positioning of windows etc.) is of particular relevance.

In terms of the impacts on neighbouring occupiers, it is noted that there are existing properties adjacent to the western boundaries of the site, with proposed dwellings in the north western part of the site being closest to existing dwellings. Having regard to the existing topography of the site / area, and the need to provide vehicular access through the site, there would be a levels difference between proposed and existing dwellings (in terms of finished floor levels (FFLs)), with the proposed dwellings at a higher level than the existing ones to the west. However, when taking the extent of proposed separation between existing and proposed dwellings into account (approximately 9m at the closest point (a side-to-side relationship)), it is accepted that, even when having regard to the likely differences in FFLs between existing and proposed dwellings, an unduly adverse impact on neighbours' amenities by way of overdominance, oppressiveness or loss of light would be unlikely to result. Whilst there are side

doors / windows to existing properties to the west facing onto the site, by virtue of the respective levels, the absence of side windows on proposed dwellings nearest to the site boundary and the proposed buffer planting, undue mutual overlooking between existing and proposed dwellings would be considered unlikely.

Whilst adjacent properties towards the south eastern part of the site would not be in close proximity to proposed houses, they would be in the vicinity of public open space; concern has been raised regarding the potential impacts of the siting of this area (including in respect of noise / impacts on residential amenity and potential anti-social behaviour). In terms of the existing situation on site, adjacent properties' gardens are sited generally at a lower level than the application site, with the common boundary marked by a stone wall and, prior to the previous amendment of the scheme along this boundary, the applicant sought to engage with neighbours with a view to identifying a suitable boundary treatment following the development, given the need to protect existing residents' amenities whilst providing a suitable form of treatment (visually) from the proposed open space. To this end, and following the receipt of feedback from neighbours, the applicant proposed to retain the existing stone wall as the principal boundary treatment, but also provide a landscaped buffer of between approximately 3 to 5 metres in width on the application site side. Following the deferral of the application at the Planning Committee meeting of 9 January 2018, further amendments have been proposed (and communicated to adjacent neighbours). This updated scheme includes the addition of a 2.2m high green screen (in effect a pre-planted lattice structure with ivy climbing up it) between the existing boundary wall and the proposed buffer planting (which, in terms of density of planting, has been increased). Green screens have been successfully used within new housing developments elsewhere in the District as a means of providing screening between public realm and rear gardens where, for example, a brick wall would not be appropriate, and offer an effective visual barrier within a short space of time. When coupled with the effects of the proposed buffer planting, it is considered that the proposals would provide an acceptable degree of screening so as to ensure that adjacent residents' amenities would be protected whilst avoiding the potential adverse visual impact of, say, a 1.8 to 2 metre high close boarded fence sited on the application site side of the existing stone wall. The potential for noise or other disturbance generated by users of the open space cannot be discounted, but there is no reason to suggest that this open space would lead to unusually excessive disturbance. Further to the application's deferral at the Planning Committee meeting of 9 January 2018, the applicant has also investigated whether it would be possible to increase the width of the planting buffer, but advises that this would be unlikely to be possible as the resulting impacts on the open space would impact upon the effectiveness of its intended drainage function.

In response to concerns over the routeing of a proposed footpath adjacent to this area of public open space, the applicant has confirmed that it would be a mown path and would follow the eastern side of the area (and, therefore, not adjacent to the neighbouring properties to the west). Further assessment of other impacts of the proposed open space is set out in more detail under Trees, Landscaping, Children's Play and Public Open Space below.

One of the issues raised in the reasons for deferring the application at Planning Committee on 9 January 2018 was the potential for harm to nearby trees to the north east of the application site arising from any boundary treatment that may be provided to proposed rear gardens in this area. The applicant confirms that it would be content to provide a post and rail fence along the boundary with woodland to the east; no material harm to trees would be considered likely to arise from such a boundary treatment subject to appropriate siting of posts etc.

Trees, Landscaping, Children's Play and Public Open Space

The original outline application was accompanied by a full arboricultural survey, and all tree implications in respect of the proposed vehicular access from Greenhill Road were considered at that stage (i.e. as that element of access was included for consideration at the outline stage). Insofar as the remainder of the site is concerned, all trees identified as worthy of retention along the site boundaries are proposed to be retained as part of the development. In terms of the trees within the body of the site, these are fewer in number but, save for two category B trees, any other trees of merit would be retained. Subject to appropriate tree protection being provided to retained trees, therefore, the proposals are considered acceptable in terms of impacts on existing trees.

A significant proportion of the site is proposed to be provided as public open space, including National Forest planting to the Greenhill Road frontage, and to the southern, south eastern and western boundaries of the site, together with two further areas which would accommodate the children's play area and are intended to form part of the site's surface water drainage / SUDS facilities (and as referred to under Residential Amenity above). The detailed scheme for the children's play area itself, together with details of the future management and maintenance of areas of public open space would need to be agreed with the Local Planning Authority separately under the provisions of the Section 106 obligations in due course. Separate obligations in terms of off-site National Forest planting contributions also apply, with a financial contribution required to be made. In terms of the on-site National Forest planting, the National Forest Company is content that the proposals meet the requirement for 0.57ha (as set out within the Section 106 obligation). Concern has been raised by the Leicestershire and Rutland Wildlife Trust over the reduction in the width of the buffer planting to (in some places) less than 10m (albeit generally in accordance with the revised illustrative development framework plan approved under the Section 73 outline planning permission). Whilst the width of these National Forest planting strips is less than 10m in some locations, they are located adjacent to other existing vegetated areas thus meaning that the overall width of planting between new development and other non-planted areas would exceed 10m in any event. As such, it is not considered that this is an issue of particular significance, and a refusal on this matter would not be sustainable on appeal. For her part, the County Ecologist refers to concerns she raised at the time of the original outline application regarding the lack of a buffer adjacent to the properties in the north eastern part of the site, but this section is unchanged from the original scheme approved in principle on appeal, and no objections are raised by the County Ecologist to this application. Whilst a number of objections have been received on ecological grounds, it is noted that the original conditions imposed in order to protect ecological matters remain intact (including provision of further details in respect of mitigation, undertaking of further updated surveys, provision of a biodiversity management plan, and implementation of a construction management plan to prevent damage to the nearby Holly Rock Fields SSSI), and are unaffected by this reserved matters application.

The submitted scheme also includes an area proposed to remain undeveloped towards the north western boundary (where a drainage easement effectively precludes built development). The applicant now confirms that it would be agreeable to this area being planted (so far as possible given the limitations on planting within such easements) but with no public access and the area being maintained by the management company as an additional wildlife corridor.

It is noted that the areas of public open space include areas also intended to operate as SuDS measures (and including an attenuation area within the south western part of the site). Drainage design is in effect a matter covered under the outline planning permission (and the details of the site's SuDS are subject of a condition requiring a scheme to be approved prior to commencement of development). Whilst concerns have been raised over the suitability or

otherwise of this area to accommodate the amount of surface water necessary, this is not a matter for this reserved matters application, and it will be necessary for the applicant to demonstrate at the appropriate time (i.e. when submitting details under the conditions attached to the outline planning permission) that a suitable scheme of drainage is proposed. Insofar as this reserved matters application is concerned, therefore, the key issue is whether or not the provision of open space (albeit also forming part of the SuDS scheme) in this area of the site is appropriate, and whether it represents a suitable contribution to the scheme's open space and landscaping. In terms of its usability as open space, the central part of the majority of the attenuation area is shown as a relatively shallow gradient grassed area and would normally be a dry, flat space available for public use (but with a steeper basin shown to the south in an area likely to be "generally damp" and designed to flood occasionally).

Further to the deferral of the application at the Planning Committee on 9 January 2018, the applicant has advised that there would be scope for some additional planting within the SuDS area (albeit limited given the need to operate effectively as part of the drainage strategy, even though this part of the SuDS would not be permanently wet) and has submitted additional illustrative details showing the likely nature of such planting (including species etc.). As set out above, however, the detailed planting to be provided to public open space would be dealt with under the relevant submissions required under the Section 106 obligations.

In terms of the children's play area (located within the central public open space), it is noted that this would be located within a more steeply sloping section of the site. As such, the National Forest Company recommends that the play area scheme be based on a "natural play" approach, taking advantage of the contours to provide grassed banks for climbing / rolling down, tunnels and other changes in level to allow play within the landscape, using timber equipment set amongst imaginative areas of tree planting. Whilst (as set out above), the detailed scheme would need to be agreed separately under the Section 106 obligation, it is considered that the National Forest Company's recommendations would be appropriate in this instance. Nevertheless, further to the deferral of the application at the Planning Committee meeting of 9 January 2018, the applicant has provided additional illustrative material demonstrating the likely gradients of the proposed central public open space and the type of play equipment that would be expected to be provided; this includes various pieces of equipment which are designed for use on sloping ground. The National Forest Company confirms that the additional material submitted accords with the type of play area it is recommending in this instance.

Insofar as concerns over anti-social or criminal activity (see Residential Amenity above) is concerned, whilst it is acknowledged that any public space has the potential to be misused, it is not considered that there is any feature in particular regarding this development that would indicate that the proposed areas of open space on the site would be more likely to be misused than any other such area. The two principal open spaces would (in accordance with advice in the District Council's Good design for North West Leicestershire SPD) be overlooked by a significant number of dwellings within the scheme, thus reducing the likelihood of misuse. Leicestershire Police has been consulted in respect of the application and raises no objections, with its comments on the proposals primarily being limited to Secured by Design advice.

Conclusions

As set out above, the principle of the development has already been established by way of the outline planning permission, and assessment of this application is therefore limited to the reserved matters.

In terms of those reserved matters issues, it is considered that, subject to the imposition of

appropriate conditions to secure the design quality of the scheme and to ensure the protection of neighbours' amenities, the scheme is acceptable, and it is therefore recommended that reserved matters approval be granted.

In view of the issues raised above relating to the retention of the proposed roads within private ownership, it is considered that some form of undertaking may be required to secure this. It is recommended that, in conjunction with the District Council's Legal Services team, officers be delegated to determine whether this would take the form of a Section 106 agreement, or whether any alternative mechanism would be more appropriate in view of the associated non-planning issues that also arise (and as referred to above).

RECOMMENDATION- PERMIT, subject to Section 106 Obligations (or any alternative form of legal agreement as advised as appropriate by the District Council's Head of Legal and Support Services), and subject to the following condition(s):

- 1 Compliance with outline planning permission
- 2 Approved plans
- 3 Landscaping (including future maintenance and management)
- 4 Details of hard surfacing
- 5 Materials
- 6 Boundary treatment (including means of construction of any stone walls)
- 7 Tree Protection
- 8 Levels
- 9 Pedestrian connection to Jacquemart Close
- 10 Car parking
- 11 External lighting
- 12 Windows, doors, rainwater goods, utility boxes, eaves and verges
- 13 Bin / recycling storage and collection points
- 14 Street name plates
- 15 Retaining walls / structures
- 16 Substations / pumping stations etc.
- 17 Treatment of drainage easement
- 18 Highways (including management, public access and maintenance regime specification if required)

- 19 Affordable housing specification clarification
- 20 Confirmation of house types

Erection of 213 dwellings with associated parking and landscaping (Reserved matters to outline planning permission 16/01187/VCIM)

Report Item No
A2

Land At Grange Road Hugglescote Leicestershire

Application Reference
17/00320/REMM

Applicant:
Mr Iain Pickering

Date Registered:
11 April 2017

Case Officer:
James Knightley

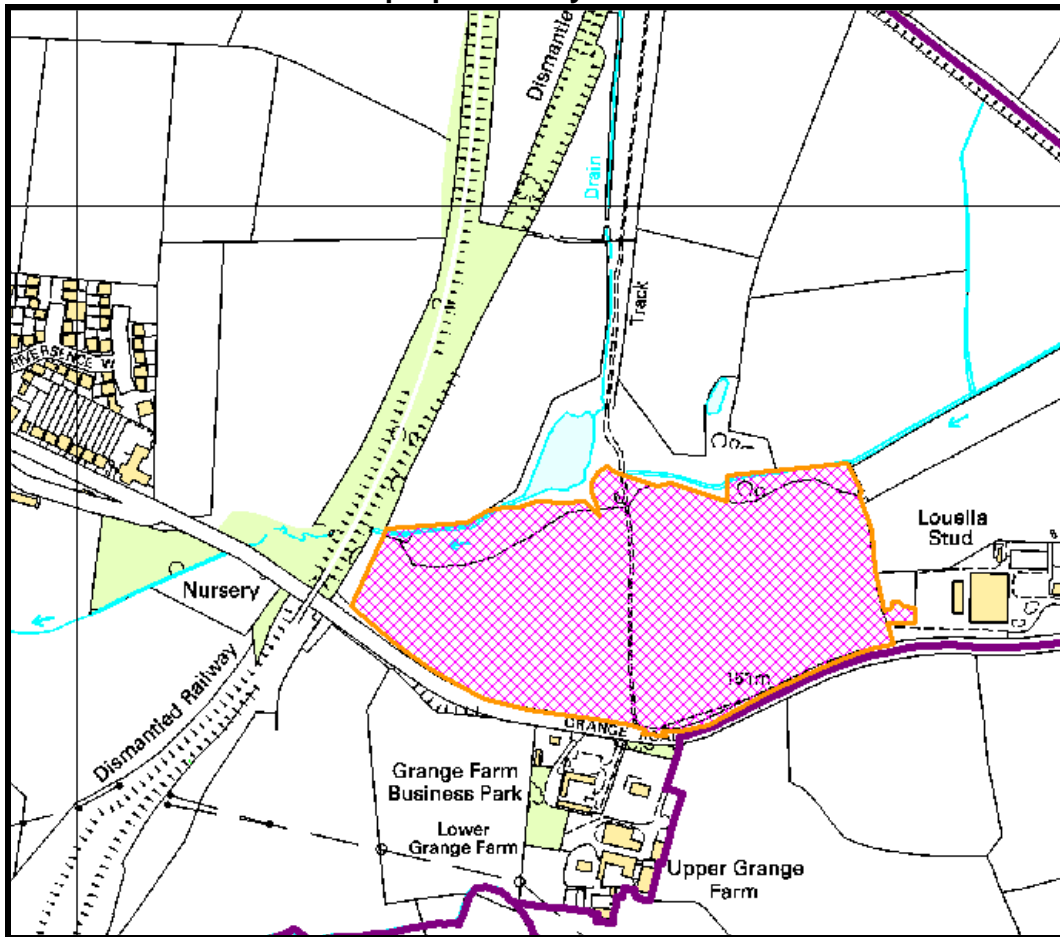
Consultation Expiry:
1 February 2018

Recommendation:
PERMIT

8 Week Date:
11 July 2017

Extension of Time:
29 December 2017

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Call In

The application is called in to Planning Committee by Councillor Johnson on the basis of the variation of the proposed access and highway safety.

Proposal

This is a reserved matters application for the erection of 213 dwellings submitted on the first residential phase of a site with outline planning permission for up to 800 dwellings and associated development.

Consultations

Objections have been received from Hugglescote and Donington le Heath Parish Council, but no objections have been received from other statutory consultees.

Planning Policy

The application site is inside the Limits to Development in the adopted North West Leicestershire Local Plan, and is also identified as a site with planning permission for housing.

Conclusion

The principle of residential development is already established and cannot be reconsidered by this application. The key issues are:

- Access matters not determined at the outline stage;
- Appearance;
- Landscaping;
- Layout; and
- Scale

The report looks at these in detail, and officers conclude that the details are satisfactory. The detailed scheme meets the requirements of relevant NWLDC policies, including the adopted Good Design for North West Leicestershire SPD.

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 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 and January 2018, Section 73 applications to "vary" conditions attached to the outline planning permissions were granted (refs. 13/00415/VCUM and 16/01187/VCIM respectively).

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. An earlier reserved matters application for 205 dwellings on this section of the wider site was approved in February 2014, but not implemented (ref. 13/00732/REMM).

This is a reserved matters application which, following amendment, is submitted in respect of the most recent Section 73 outline planning permission, proposing the erection of 213 dwellings and associated works on the south western portion of the wider site. The outline planning permissions included details of the site's proposed vehicular accesses from Grange Road; the current reserved matters application relates to all of the previously reserved matters for the affected part of the site as a whole, in effect including those access matters not covered at the outline stage (i.e. including pedestrian access and the vehicular routes *through* the site), together with appearance, landscaping, layout and scale for this parcel.

2. Publicity

11 neighbours have been notified.

Site Notice displayed 11 January 2018.

Press Notice published Leicester Mercury 17 January 2018.

Press Notice published Leicester Mercury 26 April 2017.

3. Summary of Consultations and Representations Received

Hugglescote and Donington le Heath Parish Council objects on the following grounds:

- Poor layout / design
- Insufficient affordable housing compared to the requirements of the Local Plan
- No children's play area proposed
- Conflict with NPPF
- No bungalows proposed
- Unsafe vehicular access onto Grange Road
- Unsustainable location due to poor pedestrian facilities
- Cycle routes should be provided

Leicestershire County Council Highway Authority has no objections subject to conditions

Leicestershire County Council Rights of Way has no objections subject to conditions

Leicestershire Footpath Association objects on the basis that the scheme does not show diverted routes for Footpaths N58 and N59

National Forest Company requests additional information in respect of the proposed tree species

North West Leicestershire District Council Cultural Services Team advises that an application to divert Footpaths N58 and N59 will be required

Third Party Representations

Representations from one third party have been received, objecting on the following grounds:

- Reserved matters scheme different to the original outline scheme
- Scheme too dense
- Insufficient green space
- Proposed gardens too small
- Removal of the "punch through" renders the scheme unsustainable and increasing reliance on the private car
- No safe pedestrian access to Hugglescote / services
- No public transport
- Insufficient affordable housing
- Lack of public open space
- Contrary to NPPF
- Not sustainable
- Does not meet rules on quality housing and high quality living accommodation

4. Relevant Planning Policy

National Policies

National Planning Policy Framework

The following sections of the National Planning Policy Framework (NPPF) are considered relevant to the determination of this application:

Paragraph 14 (Presumption in favour of sustainable development)

Paragraph 17 (Core planning principles)

Paragraph 50 (Delivering a wide choice of high quality homes)

Paragraphs 57 and 61 (Requiring good design)

Paragraph 203 (Planning conditions and obligations)

Adopted North West Leicestershire Local Plan (2017)

The application site lies within Limits to Development as defined in the adopted Local Plan and is also identified as a site with planning permission for housing under Policy H1. The following adopted Local Plan policies are considered relevant to the determination of this reserved matters application:

Policy D1 - Design of new development

Policy D2 - Amenity

Policy H6 - House types and mix

Policy IF4 - Transport infrastructure and new development

Policy IF7 - Parking provision and new development

Other Policies

Good design for North West Leicestershire SPD

6Cs Design Guide (Leicestershire County Council)

5. Assessment**Principle of Development**

The principle of development on this site for residential purposes was established by the grant of the outline planning permission and, as a submission for reserved matters approval, therefore, the present application essentially seeks agreement of details in respect of the access (save in respect of the proposed vehicular accesses from Grange Road), appearance, landscaping, layout and scale. Assessment of this application should therefore relate to the implications of the particular scheme proposed under this reserved matters application; issues relating to the principle of the development and associated issues (e.g. the suitability of the site generally for residential development, and the impacts of the development on the wider highway network) are not relevant to this application.

Other Matters Relating to the Outline Planning Permission

In addition to a range of conditions requiring submission and approval of details in respect of various matters prior to trigger points such as commencement / occupation etc., the outline planning permission also requires certain matters to be included as part of the reserved matters application(s), and the appropriateness of these submissions as part of the reserved matters application therefore needs to be considered in the context of the proposed scheme. These conditions include requirements in respect of provision of a site-wide masterplan and biodiversity enhancement.

Insofar as the required masterplan is concerned, under the terms of the outline planning permission, each reserved matters application is required to include a masterplan for the site as a whole, (and including details such as layout, public open space, housing mix and phasing). The application is accordingly supported by this information, with the latest suite of masterplan drawings showing the development of this parcel of the wider site in the context of other development within the site as a whole, including the siting of the proposed commercial uses and primary school towards the south east of the site and the largest area of public open space immediately to the north of the parcel the subject of the current reserved matters application. The general disposition of uses within the wider site is considered appropriate and, when having regard to the additional conclusions set out below in respect of public open space, the submitted supporting documents are considered acceptable in this regard.

Insofar as phasing is concerned, in broad terms the submitted details indicate the following sequence of development (and with each phase including areas of associated landscaping / public open space both within and on the periphery of those phases):

Phase No:

- 1 Construction / emergency access from Grange Road (and upon which work commenced in 2016 as set out in the introduction above)
- 1A Erection of dwellings in the south western part of the site (i.e. the area the subject of this reserved matters application)
- 1B Construction of the principal route through the site (through to the edge of the outline planning permission site)

- 2 Erection of dwellings in the south eastern part of the site
- 3 Erection of dwellings in the north eastern part of the site
- 4 Erection of dwellings in the central part of the site (and with the principal area of public open space forming part of this phase)
- 5 Erection of dwellings in the north western part of the site

Insofar as the proposed local centre and primary school are concerned, these are indicated as being delivered prior to occupation of the 400th dwelling (albeit the school delivery is controlled separately in any event under the provisions of the Section 106 obligation).

The phasing proposed would be considered to represent a logical sequence for the satisfactory development of the site.

Urban Form, Design and Site Layout

The scheme has been amended a number of times during its consideration and, as now proposed, would provide for a mix of two, three, four and five bed market and affordable dwellings.

The detailed scheme has been designed as a landscape-led development, and the outline planning permission is subject to a condition requiring the submission and approval of a Design Code. The draft code proposes a set of street types which can then be applied to the development as a whole. Insofar as this section of the wider site is concerned, the highest order road included would take the form of an avenue lined with trees set within a verge to one side. The applicant's intention of using landscape as a means of introducing and reinforcing character (and, in effect, ensuring that there is something which makes the scheme distinctive or memorable) would be in accordance with the approach proposed elsewhere in South East Coalville and is considered appropriate.

When assessed against the District Council's Good design for North West Leicestershire SPD, the scheme is considered to perform relatively well. Whilst, for some criteria within the SPD would not be met in full (including, for example, exceeding 50% of frontage with car parking in certain locations within the site), the scheme, overall, is considered to comply fairly well with the adopted policy and would represent a good form of development.

This part of the site is undulating and, therefore, the development would need to incorporate measures to address these levels changes. Whilst full details of proposed ground and finished floor levels have not been submitted with the application (and could be addressed by way of a suitably worded condition), the submitted material indicates that a series of retaining structures would be used. Whilst these details would need to be conditioned, the submitted plans indicate that these would, for the most part, be accommodated within development perimeter blocks and, as such, any impacts on the public realm would seem likely to be limited.

In terms of housing mix issues, Policy H6 of the adopted Local Plan requires a mix of housing types, size and tenure to meet the identified needs of the community. Whilst tenure is in effect addressed by the existing Section 106 obligations to secure 7.5% affordable housing, Policy H6 refers to the need to have regard to the most recent Housing and Economic Development Needs Assessment (HEDNA), and sets out the range of dwelling size (in terms of numbers of bedrooms) identified as appropriate in the HEDNA as follows:

<i>Tenure</i>	<i>No. of Bedrooms (% of each tenure type)</i>			
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4+</i>
Market	0-10	30-40	45-55	10-20
Affordable	30-35	35-40	25-30	5-10

The submitted scheme proposes the following (%):

<i>Tenure</i>	<i>No. of Bedrooms</i>				
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
Market	-	4	41	49	7
Affordable	-	50	50	-	-

On the basis of the above, it is noted that the proposed market housing would be weighted more heavily towards larger units than as suggested in the HEDNA (although it is acknowledged that Policy H6 indicates that the HEDNA mix is one of a number of criteria to be considered when applying the policy). Policy H6 also requires a proportion of dwellings suitable for occupation by the elderly (including bungalows); further to the adoption of the new Local Plan policy the scheme has been amended so as to include two bungalows. Overall in terms of the market housing mix, therefore, the scheme as proposed would not appear to perform particularly well against the criteria in Policy H6. Whilst recent Inspectors' decisions elsewhere in respect of housing mix have indicated that reserved matters applications cannot normally be used to secure a specific mix of house types (i.e. as housing mix is not, in itself, a reserved matter), it is noted that, in this instance, housing mix is, in effect, able to be considered at this stage in that the condition attached to the outline planning permission relating to the site-wide masterplan allows for this.

In this case, the applicant advises that, were a higher proportion of smaller units included within this phase of the development, the scheme would be unviable; a viability assessment has been submitted in order to demonstrate this, and its findings have been verified by independent consultants on behalf of the Local Planning Authority. An added factor in this case is that, whilst the outline planning permission allows for up to 800 units, the applicant is not sure at this stage how many units it intends to apply for within later phases; whilst, on the basis of the assumptions used in the viability assessment whereby around 650 units would be erected (and whilst the conclusions on the viability of this scenario are agreed by the District Council's consultants), the Council's consultants take the view that, were the total number of dwellings to increase towards the maximum 800, a greater proportion of smaller units could be accommodated from a viability point of view. Having regard to the provisions of the outline planning permission, it is possible to consider the viability of any reserved matters scheme submitted on the site that did not provide for a mix (whether on that phase or the site as a whole) which sat comfortably with Policy H6. Therefore, whilst the provision of an H6-compliant mix cannot be secured for this phase due to viability constraints, the Local Planning Authority has some comfort that, should later phases provide sufficient numbers of dwellings to support a higher proportion of smaller units, it may still be possible at that stage to seek to off-set some of the shortfall within this first residential phase.

Insofar as the proposed affordable housing mix is concerned, whilst the proposed units are all two or three bed dwellings, it is considered that, in principle the deviation from the mix suggested in the HEDNA is not unacceptable. Furthermore, the mix proposed in this instance (comprising 8 no. 2 bed dwellings and 8 no. 3 bed dwellings) is in accordance with a request to amend the originally submitted mix from the District Council's Affordable Housing Enabler. As

such, the proposed affordable housing mix is considered acceptable, and the Council's Affordable Housing Enabler raises no objections to the application.

Trees, Landscaping and Public Open Space

As set out above, reserved matters applications submitted pursuant to the outline planning permission for the development of this site are required to include a masterplan for the site as a whole, (and including details of public open space and phasing); this reserved matters application is therefore accompanied by such detail. The principal areas of public open space indicated on the submitted masterplan include a central area of public open space (identified as "Hugglescote Park") and which would, in effect, divide the site up into three distinct residential areas. The masterplan also indicates open space sections *through / within* the residential parcels (and including through the section the subject of this reserved matters application which would provide a green link between the western site entrance from Grange Road and the central principal open space. Additional sports facilities would also be provided towards the north eastern part of the wider site and within the proposed primary school complex.

Whilst the actual timing of the provision of the open space (together with its detailed design) is controlled separately under the provisions of the Section 106 obligation, as referred to under the preceding paragraphs relating to phasing, the submitted scheme indicates that the principal open space would be provided during Phase 4. If this phasing were to be agreed as part of the approval of details under the Section 106 obligation, it would seem likely (depending on how quickly the development progressed) that there would be a period of time between when the first housing within the phase the subject of this reserved matters application was occupied, and when the more substantial areas of public open space were delivered, with associated green space being limited to the smaller areas of open space contained within the residential parcel. Whilst this would not be an ideal situation, it is not uncommon for new developments to deliver associated public open space towards the end of the build period so, in that sense, a lag between first occupation and delivery of the substantial areas of public open space would be similar to the position that would often apply on major housing schemes. In this instance, however, the development is part of an overall scheme of up to 800 dwellings and, whilst the submitted phasing scheme would ensure that the open space were not delayed until the end of the build programme, a lag of some years could potentially occur (depending on build-out rates). Nevertheless, it is accepted that, whilst some lag would seem likely, this would be expected to be a temporary situation and, in the longer term, the comprehensive scheme for the site as a whole would deliver a significant contribution towards green infrastructure.

The original outline application was accompanied by a full arboricultural survey. Insofar as the trees affected by the development of this phase of the wider site are concerned, all trees identified as desirable to be retained within the arboricultural survey are proposed to remain as part of the development. On the basis of the submitted scheme, one tree would be lost to the development. However, this ash is identified as being within retention category C (i.e. low quality and value) and, therefore, the proposals are considered acceptable in terms of impacts on existing trees. In order to be able to provide a proposed enhanced footway to Grange Road (and as referred to under Highway Safety and Access Issues below), existing vegetation (including sections of hedgerow) adjacent to Grange Road would be likely to be needed to be reduced, removed or replaced. However, it is noted that this was, to a significant degree, previously anticipated within the ecological submissions approved pursuant to the outline planning permission and, from a visual impact point of view, would not be considered to be inappropriate, particularly when considered in the context of proposed new frontage planting designed to complement the frontage development to Grange Road.

Highway Safety and Access Issues

As set out above, the proposed means of vehicular access to the site was secured under the outline planning permission. The internal layout for this phase proposes a principal tree-lined estate road serving a number of smaller lanes and culs-de-sac and in accordance with the draft Design Code for the site as a whole.

Insofar as the layout itself is concerned, the County Highway Authority has no objections and confirms that there are no fundamental points that would make the development unsuitable for adoption at this stage that could not be addressed during the Section 38 technical approval process. A number of minor technical issues are flagged up by the County Council as likely to need amendment in order to secure adoption (including, for example, precise positioning of some raised tables etc), but any resulting amendments required to the planning layout could, it is considered, be appropriately dealt with by way of condition.

In terms of public transportation, Leicestershire County Council advises that the layout proposed in respect of this phase of the wider site is considered to be acceptable in principle for adoption on the basis that no bus access will be required through this parcel. This, the County Council notes, is consistent with the approach taken at the outline stage with the scheme proposing that the bus route through the development would be along the primary route (i.e. the north-south link connecting Grange Road with Bardon Road). This route (and which would be the highest order street type set out within the draft Design Code) would also be proposed to accommodate a joint footway / cycleway to one side but, as set out above, would not affect this particular parcel of the wider site.

Insofar as car parking is concerned, the proposed dwellings would meet the parking requirements set out in the District Council's Good design for North West Leicestershire SPD, including having a minimum of two off-street surface car parking spaces for two and three bed dwellings, and a minimum of three spaces in total in the case of four bed dwellings (i.e. including garage spaces meeting the minimum dimensions necessary to "qualify" as a parking space as set out in Leicestershire County Council's 6Cs Design Guide).

In terms of other highway issues, whilst the development the subject of this phase shows access via the western Grange Road access, the submitted scheme indicates a second point of access (given that it is in excess of 150 dwellings), in effect allowing a second (emergency) point of access either via the eastern Grange Road access or the approved construction access if required.

As referred to above, a footway (of width 2m) is proposed to be provided along Grange Road in lieu of the existing narrower footway on Grange Road. The existing facility is not surfaced in a hardbound material, and the County Highway Authority advises that the full extent of the proposed new footway should be hard surfaced.

This part of the wider site is crossed by two public rights of way (footpaths N58 and N59). Footpath N58 crosses the site from Grange Road (close to the location of the proposed vehicular access) towards the north eastern corner; footpath N59 enters the site from Grange Road at the western end, crossing the site and converging with N58 in the north eastern corner. Both footpaths would need to be diverted to accommodate the development. Users of N58 would be able to re-route via the proposed street layout or via the green link referred to under Trees, Landscaping and Public Open Space above; N59 would be diverted via a new surfaced path following the northern edge of the residential development within this parcel (i.e. within the southern part of the central area of public open space).

Insofar as the amenity impacts of the proposed development on the rights of way are concerned (i.e. the impacts on the amenity value of the rights of way as leisure / recreational routes), it is considered that some adverse impacts on the value of N58 in particular would result given that it would no longer pass through a section of undeveloped countryside. By contrast, however, it is considered that the proposed revised route for N59 would allow for pedestrian connections to the proposed central open space (and thus retaining its amenity value by connecting users to green space) and, given its enhanced surfacing, would be likely to represent a significant improvement for users overall. When considered against these benefits, it is considered that, notwithstanding the effects on N58, the overall impacts on public rights of way would be acceptable. Leicestershire County Council's Rights of Way team considers that the proposals would not affect the public's use and enjoyment of the rights of way, and has no objection subject to the imposition of conditions securing the realigned link's detailed scheme.

Therefore, subject to the various requirements set out above being secured, the proposed development is considered acceptable in terms of highway safety and access issues (insofar as they relate to matters relevant at this reserved matters stage).

Residential Amenity

Insofar as this reserved matters application is concerned, it is considered that the principal residential amenity issues would be in respect of the impacts on the future living conditions of residents of the proposed development; there are considered to be no existing residential properties materially affected by the development of this parcel. In terms of the relationships between new dwellings, whilst the relative finished floor levels of individual dwellings would have some implications in terms of increasing / reducing mutual impacts, it is considered that the relationship between the various dwellings (including in terms of scale, siting and positioning of windows etc.) is generally appropriate, with the minimum separation distances suggested in the Good design for North West Leicestershire SPD (12m for rear to flank relationships and 20m for back to back) being met.

Conclusions

As set out above, the principle of the development has already been established by way of the outline planning permission, and assessment of this application is therefore limited to the reserved matters.

In terms of those reserved matters issues, it is considered that, subject to the imposition of appropriate conditions as summarised below, the scheme is acceptable, and it is therefore recommended that reserved matters approval be granted.

RECOMMENDATION- PERMIT, subject to the following condition(s):

- 1 Compliance with outline planning permission
- 2 Approved plans (including reference to submitted masterplan and phasing if applicable)
- 3 Landscaping (including future maintenance and management)
- 4 Details of hard surfacing

- 5 Materials
- 6 Boundary treatment
- 7 Tree protection
- 8 Levels
- 9 Rights of Way
- 10 Car parking
- 11 External lighting
- 12 Windows, doors, rainwater goods, utility boxes, eaves and verges
- 13 Bin / recycling storage and collection points
- 14 Street name plates
- 15 Retaining walls / structures
- 16 Substations / pumping stations etc.
- 17 Highways (including provision of footway to Grange Road frontage)
- 18 Biodiversity enhancement
- 19 Details of bespoke / combined house types (e.g. where two standard house types are proposed to be attached to one other)

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Demolition of the existing building and the erection of 24 affordable residential units

Report Item No
A3

Police Station Ashby Road Coalville Leicestershire LE67 3QG

Application Reference
17/01174/FULM

Applicant:
Mr Joe Menna

Date Registered:
17 August 2017

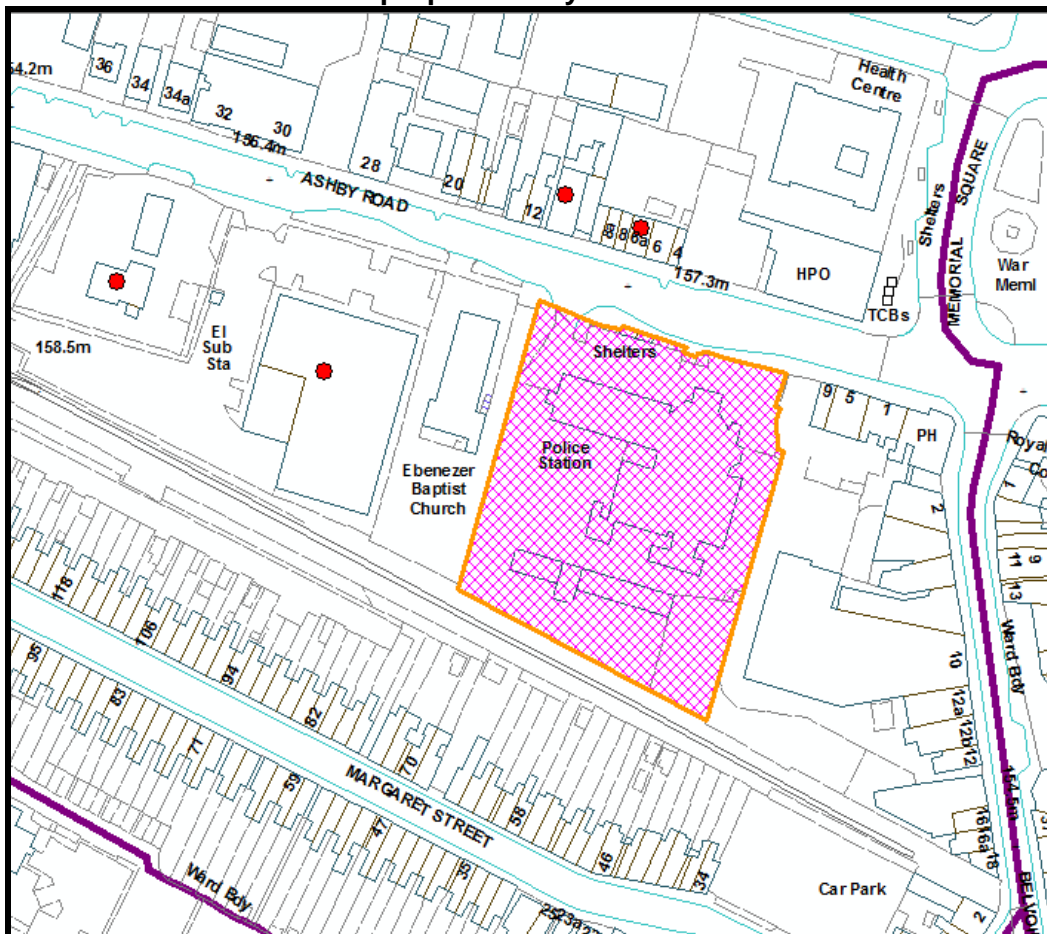
Case Officer:
James Mattley

Consultation Expiry:
5 January 2018

Recommendation:
PERMIT subject to S106 Agreement

8 Week Date:
16 November 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 is reported to the Planning Committee, at the request of Councillor Purver on the basis of additional traffic movements around Memorial Square and to ensure that a suitable design comes forward given the prominent location of the site.

Proposal

Full planning permission is sought for the demolition of the existing building and the erection of 24 affordable residential units at the existing police station site off Ashby Road, Coalville.

Consultations

Nobody has objected to the scheme, either members of the public or any statutory consultees. A final response from the Lead Local Flood Authority is awaited at the time of writing this report.

Planning Policy

The application site is located inside Limits to Development as defined by the adopted Local Plan. The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

- The site is brownfield (previously developed) land located within the Limits to Development and in a sustainable location within Coalville
- The re-development of the site for affordable housing is acceptable in principle. Officers suggest using conditions to make sure that, when built, the proposal would not have an unacceptable negative affect on residential amenity in the area, have any significant detrimental design impacts, impact upon heritage assets, result in significant drainage or flooding concerns or conflict with highway safety.
- There are no other material planning considerations to indicate that planning permission should not be granted.

The proposal complies with the relevant policies in the adopted Local Plan, the NPPF and all other relevant guidance. It is therefore recommended that the application be permitted subject to conditions and a legal agreement.

RECOMMENDATION - PERMIT, subject to no objections being raised by the LLFA, subject to conditions and a legal agreement.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies 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 demolition of the existing building and the erection of 24 affordable residential units at the existing police station site off Ashby Road, Coalville. The application site is located to the south of Ashby Road and is outside of the Coalville Conservation Area. The site is located within the Limits to Development and in the Town Centre (but not the primary shopping area) as defined in the adopted Local Plan.

The scheme proposes 6 x 1 bed dwellings, 10 x 2 bed dwellings and 8 x 3 bed dwellings. It is proposed that the completed properties will be acquired by the district council and provided as affordable rented properties.

Amended plans and information have been received during the course of the application to address officer concerns over the design of the scheme and to address consultee comments in relation to drainage and highway safety.

The application is accompanied by a design and access statement, building for life assessment, affordable housing statement, drainage strategy and phase 1 ground investigation report.

Relevant planning history:

15/00118/FUL - Demolition of existing police station and construction of a new police station along with associated car parking - permitted.

2. Publicity

39 Neighbours have been notified
 Site Notice displayed 4 September 2017.
 Press Notice published Leicester Mercury 6 September 2017.

3. Summary of Consultations and Representations Received

No letters of representation have been received from surrounding members of the public.

Leicestershire County Council Archaeologist has no objections.

Leicestershire County Council Civic Amenity Team requests a developer contribution of £1569.

Leicestershire County Council Ecologist has no objections.

Leicestershire County Council Education Department requests a developer contribution of £14,500.33.

Leicestershire County Council Lead Local Flood Authority (LLFA) is currently reviewing additional information and the final comments will be reported on the update sheet.

Leicestershire County Council Highway Authority has no objections subject to conditions.

National Forest Company has requested a financial contribution of £2200 towards off-site planting.

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

North West Leicestershire Environmental Protection Section has no objections.

Severn Trent Water has not responded at the time of writing this report.

The full contents of all consultee replies are available for members to inspect on the case file.

4. Relevant Planning Policy

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

National Planning Policy Framework

The policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF. The following paragraphs of the NPPF are considered relevant to the determination of this application:

Paragraph 9 and 10 (Achieving sustainable development);
Paragraph 14 (Presumption in favour of sustainable development);
Paragraphs 18-19 (Building a strong, competitive economy);
Paragraph 32, 34, 35 and 39 (Promoting sustainable transport);
Paragraph 47, 49, 50 and 54 (Delivering a wide choice of high quality homes);
Paragraph 56-61 and 64 (Requiring good design);
Paragraph 69 and 74 (Promoting healthy communities);
Paragraph 100, 101 and 103 (Meeting the challenge of climate change, flooding and coastal change);
Paragraphs 129, 131-134, 137-139 and 141 (Conserving and enhancing the historic environment)
Paragraph 203-206 (Planning conditions and obligations).

Adopted North West Leicestershire Local Plan (2017)

The following policies are relevant to this application:

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 He1 - Conservation and enhancement of North West Leicestershire's historic environment
Policy Cc3 - Sustainable Drainage System

Other Policies / Guidance

National Planning Practice Guidance - March 2014.

The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations').

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

6Cs Design Guide (Leicestershire County Council).

Good Design for North West Leicestershire SPD - April 2017.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. Assessment

Principle

The site is located within the Limits to Development and in the Town Centre (but not the primary shopping area) as defined in the adopted Local Plan. Whilst there are policies in the adopted Local Plan which seek to resist residential development in primary shopping areas there are not such policies in relation to land such as this that is outside of the primary shopping area.

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF and Policy S2 of the adopted Local Plan sets out a settlement hierarchy. The application site is located within Coalville which benefits from an extensive range of local services/facilities and is accessible via public transport.

The provision of 24 affordable dwellings on previously developed land would represent a significant benefit of the scheme and overall the scheme is considered to represent sustainable development when balancing the environmental, social and economic elements of the application. Taking all of these issues into account, the proposal is considered acceptable in principle.

Design and Heritage

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

The site immediately abuts the Coalville Conservation Area and Policy He1 of the adopted Local Plan and the advice in the NPPF require heritage assets to be preserved and enhanced. Where development results in harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

The proposed development must also be considered against section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which states that special regard shall be had to the desirability of preserving or enhancing the character or appearance of a conservation area.

The application which has been submitted has been the subject of discussions and negotiations with the District Council's Urban Designer and Conservation Officer during the course of the application, and has been amended in order to address previously expressed concerns regarding the design quality of the scheme. The concerns principally related to connections, the fragmentation of perimeter blocks and the relationship with the adjacent church and Ashby Road. Amended plans have been submitted which represent an improvement over the originally submitted plans and have sought to address the previously raised concerns, especially in relation to the design and appearance of the terraced units that front onto Ashby Road. The amended plans also show how connections would be possible in the future with the

greenway to the rear of the site and has moved development away from the adjacent church.

It is considered that the scheme now addresses the previous concerns which have been raised although it would be necessary to attach relevant planning conditions in respect of materials, surfacing, landscaping and boundary treatments to ensure appropriate details given the design advice in the Council's Good Design SPD and the prominent nature of the site adjacent to the conservation area.

Overall, subject to conditions, the design, appearance and scale of this proposal is acceptable and would not look out of keeping with the character and appearance of the adjacent conservation area. In view of the above this development would be compliant with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies He1 and D1 of the adopted Local Plan, the Council's Good Design SPD and the advice contained in the NPPF.

Affordable Housing

The development seeks to provide 100% affordable housing on this development. The affordable proposal relates directly to consultations with the Strategic Housing Team and the proposed scheme relates directly to the affordable housing needs identified in terms of house types and tenures.

The completed properties would be acquired by NWLDC Housing Department who would own and manage the homes. The homes would be allocated through the Leicestershire Sub Regional Choice Based Lettings Scheme which would ensure that those households with a District Connection are given priority.

It is also noted that the proposed development is close to all the main facilities in the town. Taking all of these issues into account the Strategic Housing Team strongly supports this development and is considered to comply with Policy H4 of the adopted Local Plan.

Highway Safety

An amended access is proposed off Ashby Road in a similar location to the existing access. The County Highway Authority (CHA) originally requested more information in relation to calming speeds of vehicles at the junction, details of vehicle tracking and the removal of the yellow box markings within the carriageway of Ashby Road. Following the submission of amended plans the CHA have now confirmed that the proposed development is acceptable subject to conditions.

The applicants have confirmed that it is their intention for the development to be served by an adoptable internal road and the CHA have stated that the road is suitable for adoption.

With regard to car parking numbers, the 6Cs document and the Good Design SPD generally require two spaces for three bedroom properties and below. The scheme accords with this guidance and proposes a total of 48 car parking spaces. The County Highway Authority raises no objections to the level of car parking and the Council's Urban Designer raises no objection to the design of the car parking spaces across the scheme subject to suitable conditions. Overall, it is considered that the level of car parking is acceptable for this site and it is noted that the site is within easy walking distance of the Town Centre.

Overall, therefore, the highway safety aspects of the scheme are considered acceptable subject to appropriate conditions. The proposal is considered acceptable in relation to IF4 and IF7 of

the adopted Local Plan, the advice contained in the County Council's 6Cs document and the Good Design SPD.

Residential Amenity

Consideration has been given to the impact of the development on surrounding residential properties and other uses. The site is located in the Town Centre and directly adjacent to non-residential uses such as shops over the road and the Baptist Church immediately adjacent to the site.

It is not considered that the proposed residential dwellings would result in overlooking, overbearing or overshadowing to any surrounding uses. The dwellings would not result in significant levels of noise and disturbance to surrounding uses given that the site is located within the Town Centre which is subjected to a level of noise at present.

In terms of the impacts arising to the potential new occupiers, the dwellings are set back from Ashby Road and the Environmental Health Officer has no objections to the proposed development. Therefore it is not considered that noise and disturbance to the potential new occupiers would represent a significant constraint to development on the site.

Overall the development is deemed to be acceptable in relation to Policy D2 of the adopted Local Plan and the advice in the NPPF.

Flood Risk and Drainage

The Environment Agency flood zone maps indicate that the site lies within Flood Zone 1, and on this basis the site would appear suitable for development in principle (and in flood risk sequential terms, would meet the requirements of the NPPF).

It is noted within the proposals that betterment, in the form of a reduction in impermeable area, would be provided. The Lead Local Flood Authority (LLFA) consider that the submitted drainage and flood risk details appear generally suitable but originally requested additional information in terms of levels, proposed drainage storage and exceedance events.

This information has now been submitted and is currently being assessed by the LLFA. It is likely that conditions would need to be attached to any planning permission to ensure that detailed and satisfactory surface water and foul drainage schemes are provided on the site. However, it is noted that the final comments from the LLFA are awaited and they will be provided on the update sheet.

Developer Contributions

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

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

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

In summary, the developer contributions required in respect of this application having regard to the requirements of the District Council's guidance and other service providers' requests are as follows:

- Contribution of £2200 towards off-site National Forest planting;
- Payment of £14,500.33 to Leicestershire County Council in respect of primary and high school education;
- Payment of £1569 to Leicestershire County Council in respect of civic amenity; and
- Payment of £7500 to introduce a traffic regulation order for waiting restrictions on the internal road layout.

The legal agreement would ensure that the proposed residential units are provided as affordable dwellings in perpetuity.

Insofar as the various developer contributions are concerned, the view is taken that the proposed obligations would comply with the relevant policy and legislative tests as set out in Circular 05/2005, the CIL Regulations and the NPPF.

Conclusion

The site is previously developed land located within the Limits to Development and in a sustainable location within Coalville. The re-development of the site for affordable housing is considered to be acceptable in principle.

Subject to relevant conditions, the proposal is not considered to affect residential amenity in the area, have any significant detrimental design impacts, impact upon heritage assets, result in significant drainage or flooding concerns or conflict with highway safety. There are no other material planning considerations that indicated planning permission should not be granted.

The proposal is deemed to comply with the relevant policies in the adopted Local Plan, the NPPF and all other relevant guidance. It is therefore recommended that the application be permitted subject to conditions and a legal agreement.

RECOMMENDATION - PERMIT, subject to no objections being raised by the LLFA, subject to the following conditions and subject to a legal agreement;

1. Time limit
2. Approved plans
3. External materials and external details
4. Foul and surface water drainage
5. Levels
6. Construction traffic management plan

7. Access, parking, surfacing and turning
8. Off-site highway works (removal of yellow box marking)
9. Cycle parking
10. Pedestrian visibility splays
11. Landscaping
12. Landscaping – replanting
13. Boundary treatments
14. Land contamination

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Erection of two first floor and single storey rear extensions, external staircase, new shop front to allow for the change of use to restaurant with hot food takeaway sales and an A2 (financial and professional services) use and four residential units along with new gates and railings to rear boundary

Report Item No
A4

74 High Street Coalville Leicestershire LE67 3EE

Application Reference
17/00921/FUL

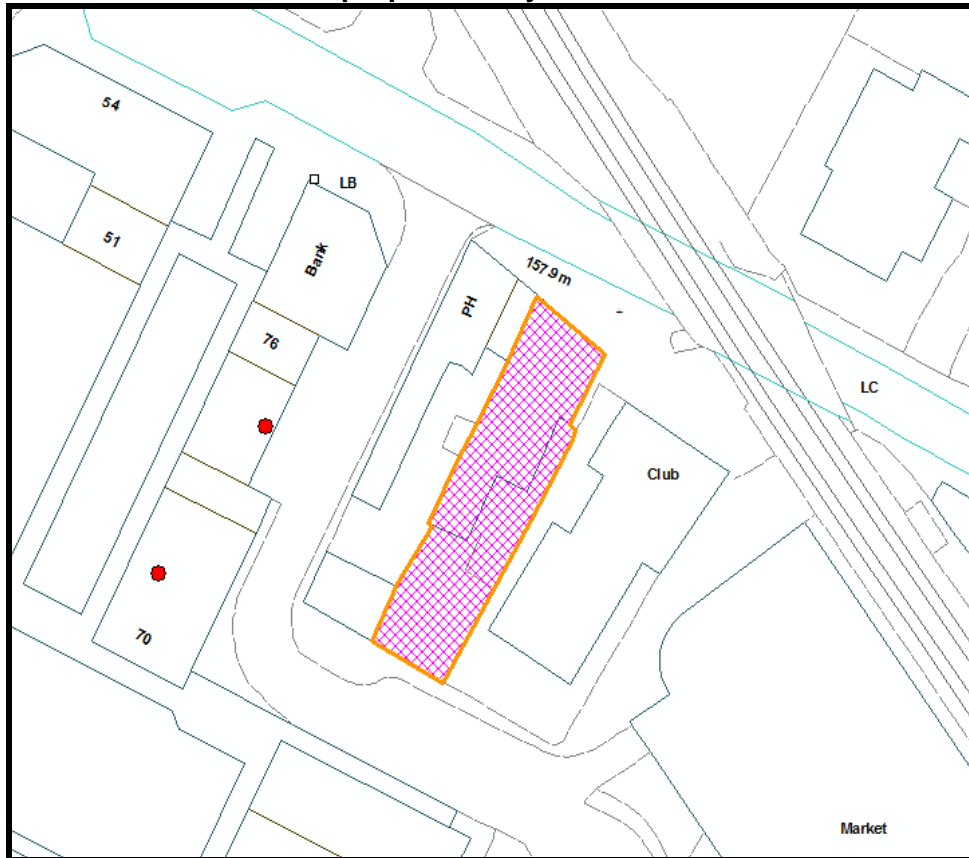
Applicant:
Mr Neil Anand

Date Registered:
18 August 2017
Consultation Expiry:
4 January 2018
8 Week Date:
13 October 2017
Extension of Time:
16 February 2018

Case Officer:
Hannah Exley

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Call In

The application is brought to the Planning Committee at the request of Councillor Legrys due to concerns about casual parking to the front of the premises on High Street where waiting restrictions apply.

Proposal

Full planning permission is sought for alterations to the existing building including:

A new shop front, and

Two-storey and first floor rear extensions above existing single storey development, including a new flue to allow for the change of use to a restaurant with hot food takeaway sales and a A2 (financial and professional) use at ground floor.

Four flats are also proposed above and to the rear.

New gates and railings are also proposed to the rear boundary of the site.

Consultations

Three letters have been received, objecting to the proposals. One of the letters is supported by 16 signatures. No statutory consultee has raised any objection.

Planning Policy

It is located inside the Limits to Development and is in Coalville 'Town Centre' in the adopted Local Plan. The site also lies within the Coalville Conservation Area. The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

- The site lies inside the Limits to Development, and in fact is in the town centre of Coalville, where the proposed uses are acceptable in principle.
- The scheme does not give rise to any significant impacts regarding residential amenity, design or highway safety.
- It would not undermine the attractiveness, vitality or viability of the existing town centre.
- The development would not adversely impact on the setting of the nearby listed building, and would maintain the character and appearance of the Coalville Conservation Area.
- There are no other relevant material planning considerations that indicate planning permission should not be granted.

Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

RECOMMENDATION:- PERMIT, SUBJECT TO THE IMPOSITION OF CONDITIONS

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies 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 alterations to the existing building including a new shop front, two-storey and first floor rear extensions including new flue to allow for the change of use to a restaurant with hot food takeaway sales and an A2 (financial and professional) use at ground floor level with four residential units above and to the rear. New gates and railings are also proposed to the rear boundary of the site.

Amended plans have been secured during the course of the application following officer concerns about the design of the rear extension and the proposal to raise the height of the roof and introduce three dormer windows on the front roof slope. The scheme has also been amended to include an A2 use following incorrect references to a proposed A1 use within the original application submission.

The subject property has two storeys and was last occupied by a retail unit at ground floor level with residential accommodation above. It is located within the Limits to Development and is located within the Coalville 'Town Centre' in the adopted Local Plan.

The site lies within the Coalville Conservation Area and forms part of a group of two-storey former houses, later converted on the ground floor to commercial uses. The building is attached to the Stamford and Warrington pub which has a classical facade and is a standout building in the street. To the other side is the Coalville Constitutional Club which is a detached, imposing focal building in the streetscene and within the Conservation Area.

Relevant Planning History:

12/00235/FUL - Change of use from A1 (shop) to A3 (restaurant) and A5 (hot food takeaway) use together with the installation of new shop front and extraction flues (Permitted but since expired).

2. Publicity

4 neighbours have been notified
 Site Notice displayed 30 August 2017.
 Press Notice published Leicester Mercury 6 September 2017.

3. Summary of Consultations and Representations Received

The following summary of representations is provided.

NWLDC Environmental Protection has no environmental observations subject to conditions concerning extraction equipment and noise insulation.

Leicestershire County Council - Highways advises that subject to conditions, the impacts of the development can be mitigated and are not severe.

Third Party Representations

Two letters of representation have been received:

One of the letters provides support for the occupation and refurbishment of the property but raises concerns about the proposal for the following reasons:

- concern about parking, particularly as the new business intends to trade from 10am, as this is a main road and next to a railway crossing with limited access to the front;
- parking on the front of the property would also obstruct access for deliveries to the Coalville Constitutional Club which has occurred for 100 years;
- the parking proposed would be for staff and residents but there would be no customer car parking which will result in vehicles pulling onto the pavement in front of the premises which would obstruct the footway and access to the neighbouring premises;
- the applicant should be required to encourage customers to park in the public car park to the rear as is the case with the other restaurants on High Street.

One letter has 16 signatures supports the retail and residential element but raises objection to the proposed A3 and A5 use on the following grounds:

- the footpath from the front of the premises around the Stamford and Warrington is narrow in parts and would be dangerous for pedestrians using the premises;
- the road to the rear of No.74 High Street is very narrow and already congested with vehicles turning onto High Street and others approaching the market car park, along with delivery vehicles parked to the rear of the HSBC bank and the proposal would make the situation worse;
- the car park to the rear of the Belvoir Centre is always full and the proposal will create additional pressures on the car park which will discourage customers from using the Belvoir Shopping Centre;
- an A3/A5 use will contribute to existing problems of young car drivers loitering in the locality;
- the distance to the nearest car park will result in vehicles parking outside the front of the premises which would be dangerous to other road users;
- the A3/A5 use will jeopardise nearby restaurants and takeaways to the detriment of existing small businesses;
- there are already numerous food establishments and the proposals should include more accommodation;
- pollution from extraction fumes and increased traffic; and
- additional noise.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework

The policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF. The following paragraphs of the NPPF are considered relevant to the determination of this application:

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

Section 1 - Building a strong, competitive economy

Section 2 - Ensuring the vitality of town centres

Section 3 - Supporting a prosperous rural economy

Section 4 - Promoting sustainable transport

Section 10 - Meeting the challenge of climate change, flooding and coastal change

Section 12 - Conserving and enhancing the historic environment

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

Adopted North West Leicestershire Local Plan (2017)

The following Local Plan policies are relevant to this application:

Policy S1 - Future Housing and Economic Development Needs

Policy S2 - Settlement Hierarchy

Policy D2 - Amenity

Policy EC8 - Town and Local Centres: Hierarchy and Management of Development

Policy IF7 - Parking Provision and New Development

Policy HE1 - Conservation and Enhancement of North West Leicestershire's Historic Environment

Planning (Listed Buildings and Conservation Areas) Act 1990

Sections 66 and 72

Other Guidance

National Planning Practice Guidance - March 2014.

Coalville Conservation Area Character Appraisal and Management Plan

5. Assessment

Principle of Development

The site is located within the Limits to Development of Coalville which is considered to be a sustainable settlement where the principle of development (which includes residential development and changes of use) is considered acceptable in principle subject to impacts upon design, amenity, highway safety and any other material considerations. The proposals would be compliant with Policy S2 of the Local Plan.

Policy Ec8 of the Local Plan provides guidance on assessing main town centre uses to ensure that the vitality and viability of the Primary Shopping Area is not undermined by the erosion of the retail element within town and local centres. The proposed A2 and A3/A5 uses fall within the definition of a main town centre uses which the policy seeks to support. The use would be of a scale that is appropriate to the role, function and character of the settlement and would not undermine the character of the local centre. It is considered that the proposal would accord with the provisions of Policy Ec8 of the adopted Local Plan.

The proposal would not result in an over-concentration of A3/A5 uses or undermine the shopping element within the town centre but would contribute to the diversity of uses within the centre and would not adversely affect the vitality and viability of the retail centre. Whilst the unit is currently vacant and no details have been provided about marketing that has been undertaken for the premises as a retail unit, it is not considered that approval of the proposal would fail to maintain an appropriate balance of uses within this part of the Coalville town centre.

The premises are not located adjacent to a takeaway use and would not result in a cluster of this use. With regard to the further considerations, Coalville provides a good range of shops and services that cater for people's day to day needs and the proposal would introduce a new A3/A5 use and an A2 use into the town centre. It is considered that the proposal would maintain the existing vitality and viability of the local centre and would not be harmful to the attractiveness of the local centre. Matters relating to highways safety and amenities are given further consideration in the relevant section below. With regard to the provision of a litter bin, the application proposal is a restaurant with takeaway sales and there is already a litter bin located outside the premises within the public highway. The building abuts the highway boundary such that there would be no scope for the provision of a bin outside the premises. A restaurant with takeaway sales should not result in a level of littering that could be attributed to a pure takeaway use, and in these circumstances, particularly having regard to the presence of litter bins within the vicinity (in front of the site), it is not considered that a requirement for a contribution towards an off-site litter bin could be justified in this case.

The proposed use of the property as part financial and professional use (Use Class A2) and part restaurant/hot food takeaway (Use Class A3/A5) would, therefore, be in accordance with the relevant Local Plan policies in principle. It is therefore necessary to consider impacts upon heritage and design, amenity, highway safety and any other material considerations.

Impact on Heritage Assets and Design

The need for good design in new development is outlined in Policy D1 of the adopted Local Plan Paragraphs 57, 60 and 61 of the NPPF.

The proposed development must be considered against sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that when considering a planning application for development that affects a listed building or its setting the decision maker, "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 possess" and that "special regard shall be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area", respectively.

Paragraph 131 of the NPPF states that planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. It further indicates (at paragraph 132) that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It is a statutory requirement that any new development should at least preserve the character of the Conservation Area and significant weight has been given to preserving the setting of the Listed Buildings.

The site is located within the Coalville Conservation Area and with the Grade II Railway Hotel opposite the site. The building is attached to the Stamford and Warrington pub which has a classical facade and is a standout building in the street. To the other side is the Coalville Constitutional club which is a detached, imposing focal building on the street scene and within the designation. The application building is two-stories high with a rendered facade and with modern single storey extensions to the rear. The building is highlighted in the Conservation Area Appraisal as forming part of the group of two storey former houses, later converted on the ground floor to commercial uses.

Amended plans have been secured during the course of the application following concerns about the original proposals to raise the height of the roof and introduce dormers, which was considered to challenge/over-dominate the neighbouring buildings which historically are the

more prominent buildings in the streetscape. The design of the originally proposed rear extension was also considered to be out of keeping with the existing building due to its width, non-traditional roof pitch and flat roof element. The revised proposals retain the roof profile and height of the frontage building as existing and the rear extension has been redesigned to incorporate a double pitched roof with a monopitch single storey element and a brick staircase has been added. A rear dormer has also been removed and conservation style roof lights have been introduced to the rear roof slope. A new window has been added to the east facing side elevation at first floor level. The application includes a new flue which would be positioned on the east facing elevation of the proposed rear projecting extension and it is also proposed to replace existing top opening windows with new timber sash windows to the front elevation.

The amended scheme would retain the building as existing and would introduce timber sash windows and a traditional shop front to the front elevation which would be in keeping with and improve the appearance of the building. Concerns about the width and roof pitch of the rear extension have been addressed through the amended plans which now provides a more sympathetic development that would not be out of keeping with the scale and character of the original building. The proposed flue is discreetly sited along the side of the rear elevation and would not appear unduly prominent. The Council's Conservation Officer has been consulted on the amended proposals and has confirmed that subject to conditions to ensure suitable details are secured, the amendments are welcomed. The proposal would improve the appearance of the building from the front elevation where it is viewed in the context of the more prominent buildings either side.

Overall, subject to conditions, it is considered that the proposals would maintain the character and appearance of the Coalville Conservation Area and would not be harmful to the setting of the nearby listed building. It is not considered that the proposed change of use would have an impact on the heritage assets in the locality. Taking the above into account, it considered that the scheme is appropriate and would comply with the NPPF and Policy He1 of the adopted Local Plan.

The proposal represents a sympathetic extension and alteration of an existing building and is informed by existing development in the locality and therefore, would respect the character and appearance of surrounding development and the design approach is considered acceptable. The application is considered to be compliant with Policy D1 of the adopted Local Plan, the provisions of the Good Design SPD and overarching intentions of the NPPF.

Residential Amenities

The premises either side of the site are in commercial use but the Council records show there to be one residential unit above the Coalville Constitutional Club (CCC). There is first floor accommodation towards the front of the building but the rear projecting element appears to serve a large hall. The internal floor levels of the CCC building are greater than those of the application property. The proposed extension to the rear would be set in from the side elevation of the existing building and at a distance from the boundary and would contain windows facing the hall to the CCC, such that no significant overbearing, overshadowing or overlooking would arise. The new window proposed to the side elevation of the original building would serve a shower room and would be unlikely to result in any significant overlooking of the CCC building.

The application property is located in a predominantly commercial area although it is noted that there are some residential units located at first floor level above some commercial units in the vicinity. Nonetheless, given the location of the site within the town centre, there would already be comings and goings, along with noise and disturbance associated with the use of other commercial uses within the vicinity of the site, and it is within this context that the application

must be assessed.

The application specifies the opening hours as between 8am and 6pm Monday to Saturday for the A2 use and between 10am to 11pm Monday to Sunday for the A3/A5 use. The site is located within a mixed use area and the proposed hours of operation are not considered unreasonable in this context. No objections have been raised to the proposed opening times by the Environmental Health Officer, and it is, therefore, recommended that these opening times should be attached to the grant of any planning permission.

Takeaway uses have the potential to bring about odour issues and the application proposals include some details of the external appearance of the extraction/ventilation flue. Subject to precise details of the ventilation and extraction apparatus being agreed, together with restricted hours of use, it is not considered that the development would have a significant impact on the amenities of local residents in terms of noise or disturbance or as a result of smells. The Council's Environmental Protection Officers have considered the merits of the application and have raised no environmental objections, subject to precise details of the flue and noise insulation being agreed. With regard to the latter, this is subject to separate legislation and therefore, should form part of a note to applicant.

It is not considered that the proposal would result in any overlooking, overbearing or overshadowing issues to surrounding occupiers, or any significant noise and disturbance given the location of the site within the town centre, and as such it is deemed that the proposal would not be harmful to neighbouring residential amenities and would comply with the provisions of Policy D2 of the adopted Local Plan.

Highway Safety

The application proposals originally included details of parking for six vehicles within a gated courtyard to the rear of the premises, with access through an existing vehicular access. Two of the spaces did not have appropriate dimensions and none of the spaces benefited from appropriate space for manoeuvring into and out of them and so the County Highways Authority advised that they are unlikely to be used. Furthermore, no details of cycle parking facilities had been provided. The applicant has provided amended car and cycle parking details which show four parking spaces which are appropriately angled to enable their use, and parking provisions for four bicycles within the site. The applicant has advised that the parking spaces to the rear of the site would be allocated to the A2/A3 uses proposed for staff and suppliers. No car parking is proposed for the residential units but cycle parking facilities are to be provided. The applicant notes that there are car parking facilities nearby which are free after 3pm and that public transport options would also be available for occupants of the proposed residential units.

The parking requirements for the proposed uses would be greater than that which can be provided within the site. However, when having regard to the existing uses on the site, the town centre location, the accessibility of the site by means other than the private car and the close proximity of public car parks to the site, which could be utilised by users of the site, it is not considered that an objection on the grounds of a lack of on-site parking could be sustained. The County Highways Authority have advised that the cycle parking and car parking scheme is acceptable for the development proposed.

The County Highways Authority also advise that there have been five personal injury collisions on High Street within 50 metres of the site within the last five full years and the current year to date but none in connection with the development site or immediately neighbouring properties and thus they are not indicative of an existing situation that would be exacerbated by the proposal.

Concerns have been raised regarding parking by vehicles close to the front door of the restaurant and takeaway on High Street and the associated vehicle movements. There is an area of hard surfaced highway land at the frontage of the premises which benefits from an existing dropped crossing which facilitates access by vehicles. However, at the site frontage, Station Road has waiting restrictions on the north-westbound side of the carriageway which prevents lawful parking on this land. It is reasonable to suggest that the proposal will not lead to a significant increase in traffic generation at the site above the existing level as a result of the current uses. The County Highways Authority note that there are types of shop where customers will park in undesirable locations whilst making a brief visit.

There are traffic intensive existing uses at neighbouring premises on both sides of the development site which have similar areas of highway at their frontages but as described above there is no current associated accident record. Acceptable visibility is also available at the existing dropped crossing access at the site frontage.

In light of the 2012 permission for a change of use to restaurant and hot food takeaway, with no significant changes to the highway since and in the absence of any personal injury collisions at the site, the County Highways Authority advises that a refusal on highway safety grounds could not be sustained and that subject to conditions concerning parking and cycling, the proposals are acceptable.

As for concerns about increased traffic, when having regard to the context of the site within a town centre, it is not considered that the proposal would give rise to vehicular movements that would be inconsistent with the locality. Accordingly, it is considered that the proposal would be acceptable for the purposes of Policy IF7 of the adopted Local Plan.

Other Matters

With regard to concerns about vehicles loitering, this would need to be addressed through the mechanism of the appropriate legislation, should an issue arise, and is therefore, not a planning matter.

Conclusions

In conclusion, the site lies within Limits to Development within the town centre of Coalville where the proposed uses are considered to be acceptable in principle. The scheme does not give rise to any significant impacts regarding residential amenity, design or highway safety and would not undermine the attractiveness, vitality or viability of the existing town centre. The development would not adversely impact on the setting of the nearby listed building and would maintain the character and appearance of the Coalville Conservation Area in accordance with paragraph 131 and 132 of the NPPF and sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. There are no other relevant material planning considerations that indicate planning permission should not be granted. Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

RECOMMENDATION - PERMIT, subject to the following condition(s):

1. Standard time limit
2. Approved plans
3. Hours of operation of A2 and A3/A5 uses

4. Provision of extraction/ventilation measures
5. Provision of car parking spaces
6. Details of external materials and finishes
7. Details of shopfront, window and doors

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Change of use from A1 (retail) use to MOT test centre (sui generis use) including formation of new roller shutter door opening to front elevation.

Report Item No
A5

2A North Avenue Coalville Leicestershire LE67 3QX

Application Reference
17/01098/FUL

Applicant:
Mr John ODwyer

Date Registered:
7 August 2017

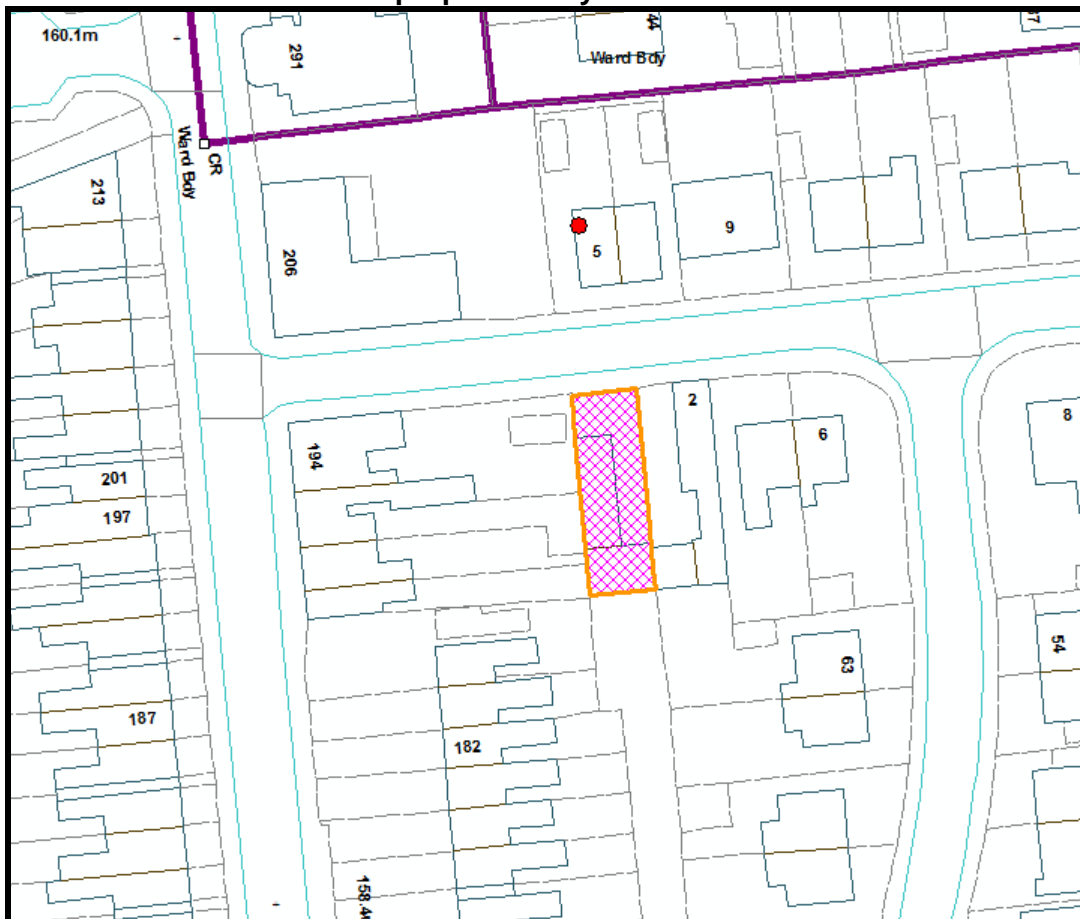
Case Officer:
Hannah Exley

Consultation Expiry:
31 January 2018

Recommendation:
PERMIT

8 Week Date:
2 October 2017
Extension of Time:
3 February 2018

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Call In

The application is brought to the Planning Committee at the request of Councillor Eynon due to concerns about the impact of the proposals on neighbouring residential amenities.

Proposal

Full planning permission is sought for the change of use of an existing retail unit (A1 use) to an MOT test centre (sui generis use), including the installation of a new roller shutter door opening to the front elevation.

Consultations

Three letters have been received, objecting to the proposals. No statutory consultee has raised any objection.

Planning Policy

The site lies inside the Limits to Development in the adopted North West Leicestershire Local Plan. The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The site lies inside the Limits to Development, where the principle of development is acceptable. The main issues with the proposed development are concerns about:

- Overlooking;
- Parking; and
- Noise and disturbance from comings and goings.

Officers consider these impacts would not be so bad as to justify refusal of planning permission as:

- The proposed development would not have any significant detrimental impact on the amenities of neighbours in terms of overlooking impacts or noise and disturbance from comings and goings.
- The proposed alterations to the building would not be out of keeping within the area, and adequate parking would be available within the site so the proposal is acceptable from a highway safety perspective.
- There are no other relevant material planning considerations that indicate planning permission should not be granted.

Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

RECOMMENDATION:- PERMIT SUBJECT TO THE IMPOSITION OF CONDITIONS

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

Approval is sought for the change of use of an existing retail unit (A1 use) to an MOT test centre (sui generis use), including the installation of a new roller shutter door opening to the front elevation.

Amended plans have been secured during the course of the application as the original proposals showed the demolition of the existing building and erection of a new larger steel framed building. The original proposal was considered to have an overbearing impact on the neighbouring property to the east and therefore, amended plans were sought.

The site lies within the Limits to Development on the Policy Map to the adopted North West Leicestershire Local Plan.

The application submission was accompanied by no supporting information but additional information has been secured during the course of the application about the activities that are proposed to be undertaken within the building, at the request of the Environmental Protection team.

Planning History:

No relevant history found.

2. Publicity

11 neighbours have been notified.

Site Notice displayed 15 August 2017.

3. Summary of Consultations and Representations Received

The following summary of responses is provided.

NWLDC Environmental Protection recommends conditions to make the development acceptable.

Leicestershire County Council - Highways refers the Authority to Standing Advice.

Third Party Representations

3 letters of neighbour representation have been received in response to the original plans, raising objection on the following grounds:

- the appearance of the building would be out of keeping within a residential area;
- the building would appear overbearing;
- loss of light;
- noise and disturbance from the proposed use in addition to the car repair facility opposite;
- concern about vehicles parking on the road and blocking neighbouring driveways; and
- loss of property value;

No additional letters have been received to the amended proposal.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework

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

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

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

Paragraph 14 (Presumption in favour of sustainable development);
 Paragraph 17 (Core planning principles);
 Paragraphs 57, 59, 60, 61 and 64 (Requiring good design);

Adopted North West Leicestershire Local Plan (2017)

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

Policy S2 - Settlement Hierarchy;
 Policy D1 - Design of New Development;
 Policy D2 - Amenity;
 Policy IF4 - Transport Infrastructure and New Development; and
 Policy IF7 - Parking Provision and New Development;

Other Policies

- National Planning Practice Guidance
 - 6Cs Design Guide (Leicestershire County Council)

5. Assessment

Principle

In accordance with the provision of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, includes the adopted Local Plan.

The application site is within the defined Limits to Development within the sustainable settlement of Coalville and the proposed change of use and associated development would accord with Policy S2 of the adopted Local Plan.

Design Considerations

The need for good design is outlined in Policy D1 of the adopted Local Plan and Paragraphs 57, 60 and 61 of the NPPF.

The amended application proposals relate to the conversion of the existing building for use as an MOT test centre. The only alteration required to the exterior of the building would be the insertion of a roller shutter door opening in the front elevation of the building. Although located

within a predominantly residential area, there is a takeaway adjacent to the site and a vehicle workshop opposite with a roller shutter opening. Within this context, it is not considered that the proposed new opening would appear out of keeping within the streetscene and the proposal would accord with the provisions of Policy D1 of the adopted Local Plan and the provisions of the NPPF.

Impact on Residential Amenities

The amended proposal relates to the conversion of the existing single storey building on the site, with alterations only being made to the front elevation in the form of a new roller shutter door opening. Therefore, there would be no greater overbearing, overshadowing or overlooking impacts as a result of the proposal. The main impact of the proposal would be in relation to any noise and disturbance generated as a result of the proposed use and comings and goings. In terms of comings and goings, it is not considered that visitors to the site would be any greater than the existing retail use of the premises and therefore, the main consideration would be in respect of noise and disturbance associated with the proposed use.

Additional information has been provided during the course of the application to confirm that the intended use of the premises would be for MOT testing only and that there would be no vehicle repairs being undertaken at the premises. The applicant advises that of the tests required to be undertaken on the vehicle, only the horn test would exceed 70db in an enclosed environment. The applicant expects 5 MOT's to be undertaken in a day with low level noise occurring for less than 10 mins in each hour. The applicant has provided details of noise insulation which could be introduced to control noise.

The property that would be most immediately affected by the proposed development would be No.4 North Ave to the east of the site. The rear gardens of residential and commercial properties fronting Central Road also back onto the site. The site lies within a part of North Avenue where there are other commercial uses and it is within this context that the proposal must be assessed. When having regard to the noise information provided by the applicant and the nature of the proposed use and the scope for sound insulation within the building, it is not considered that the proposal would result in any significant noise and disturbance that would be detrimental to the amenities of the occupiers of the neighbouring properties. The Council's Environmental Protection team has been consulted and subject to conditions finds the proposal acceptable from an environmental perspective.

Overall, it is considered that the proposal would accord with the provisions of Policy D2 of the adopted Local Plan.

Highway Safety

The application falls to be considered under highways Standing Advice and this has been undertaken in consultation with the County Council in order to correctly consider the parking provision available for the proposed use.

The front of the site has a depth of 5.5m with a width of 7.8m, and bound by a fence on one side is of sufficient size to provide 3 spaces. The existing building has a floor area of 42m² and the parking requirement for the existing retail use would be 2 spaces. The parking requirement for the proposed MOT use would be 2 (based on a B1 use) and 1 (based on a B2 use). On this basis, it is considered that the provision of three spaces to the front of the site would be sufficient to accommodate the proposed use.

The concerns of the local residents are noted about indiscriminate parking in the highway but it is not considered that the proposal would result in any greater on-street parking than the

existing use of the premises. As for concerns about vehicles blocking private driveways, this would be a matter for the police to enforce.

Overall, taking the above matters into consideration, it is considered that this application would not result in any significant impact on highway safety when assessed against current highway standards. The application is deemed to accord with Policies IF4 and IF7 of adopted Local Plan and the 6Cs Design Guide.

Other

With regard to concerns about loss of property value, this is not a planning matter for consideration in the determination of the application.

Conclusion

The site lies within Limits to Development where the principle of development is acceptable. The proposed development would not have any significant detrimental impact on the amenities of neighbours in terms of overlooking impacts or noise and disturbance from comings and goings. The proposed alterations to the building would not be out of keeping within the locality and notwithstanding local concerns about indiscriminate parking, adequate parking would be available within the site and the proposal is acceptable from a highway safety perspective. There are no other relevant material planning considerations that indicate planning permission should not be granted. Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

RECOMMENDATION - PERMIT, subject to the following conditions:

1. Standard time limit
2. Approved plans
3. Restriction of use to MOT test centre
4. Installation of sound insulation measures
5. Provision of two off street parking spaces
6. Hours of operation