

Meeting	PLANNING COMMITTEE
Time/Day/Date	6.30 pm on Tuesday, 7 August 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 3 July 2018	3 - 8
4. PLANNING APPLICATIONS AND OTHER MATTERS	
Report of the Planning and Development Team Manager.	9 - 12

Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
A1	18/00427/FULM : Erection of 10 dwellings with associated access, turning areas and car parking. Land Off Forest Road Coalville Leicestershire LE67 3SH	PERMIT SUBJECT TO SECTION 106	13 - 30
A2	18/01053/FUL : Change of use to serviced apartments, external alterations and erection of wall 57 High Street Kegworth Derby DE74 2DA	PERMIT	31 - 40

MINUTES of a meeting of the PLANNING Committee held in the Council Chamber, Council Offices, Coalville on TUESDAY, 3 July 2018

Present: Councillor N Smith (Chairman)

Councillors R Adams, R Ashman, R Boam, D Harrison, J Hoult (Substitute for Councillor G Jones), J Legrys and M Specht

In Attendance: Councillors R Johnson and T J Pendleton

Officers: Mr C Elston, Mr J Knightley, Mr J Mattley, Mr A Mellor, Mrs M Meredith and Mr B Standing

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R Canny, J G Coxon and G Jones.

2. DECLARATION OF INTERESTS

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

Councillor R Adams declared that although he had campaigned against the original application relating to item A1, application number 18/00705/VCUM but had an open mind.

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

Item A1, application number 18/00705/VCUM
Councillors R Ashman, R Boam, D Harrison, J Legrys, M Specht

Item A2, application number 18/00567/FUL
Councillors J Legrys, M Specht

Item A3, application number 18/00627/FUL
Councillors R Adams, J Legrys

3. MINUTES

Consideration was given to the minutes of the meeting held on 9 May 2018.

It was moved by Councillor M Specht, seconded by Councillor D Harrison and

RESOLVED THAT:

The minutes of the meeting held on 9 May 2018 be approved and signed by the Chairman as a correct record.

4. PLANNING APPLICATIONS AND OTHER MATTERS

Consideration was given to the report of the Strategic Director of Place, as amended by the update sheet circulated at the meeting.

**5. A1
18/00705/VCUM: ERECTION OF 166 DWELLINGS WITH ASSOCIATED PUBLIC OPEN SPACE, INFRASTRUCTURE AND NATIONAL FOREST PLANTING APPROVED UNDER RESERVED MATTERS APPROVAL 17/01326/REMM (OUTLINE PLANNING PERMISSION 17/00433/VCUM) WITHOUT COMPLYING WITH CONDITION NOS. 2, 3 AND 8 SO AS TO ALLOW FOR A REVISED SCHEME OF LANDSCAPING AND RETAINED TREES**

Land Off Greenhill Road Coalville Leicestershire
Officer's Recommendation: Permit subject to S106 agreement

The Principal Planning Officer presented the report to members.

Councillor M B Wyatt, ward member, addressed the meeting, expressing concerns on behalf of residents regarding the breach of conditions and the lack of respect shown for residents by the developer.

Ms J Tebbatt, objector, addressed the meeting. She expressed concerns regarding the cutting down of the trees causing a loss of amenity to residents and overlooking. She also expressed concerns regarding amendments to the proposals which were not referenced in the variation application. She sought a commitment from the developer to retain the 4m wide buffer of feathered tree planting.

Ms A Gilliver, applicant, addressed the meeting. She explained that the application for a variation arose from the removal of the trees which was necessary to facilitate the drainage treatment. She acknowledged that this had not been undertaken in the correct manner and she apologised for this. She outlined the additional tree planting that would be undertaken across the site.

In determining the application, members had regard to the enforcement action that could be taken if conditions were not adhered to.

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

RESOLVED THAT:

- a) Subject to a condition relating to the implementation of the proposed tree planting buffer to the western boundary, the application be permitted in accordance with the recommendation of the Strategic Director of Place.
- b) The wording of the condition be delegated to the Strategic Director of Place.

**6. A2
18/00567/FUL: ERECTION OF TWO SINGLE STOREY DWELLINGS**

Land To The South Of Peters Close Tonge Derby
Officer's Recommendation: Refuse

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

Ms R Mulvany, applicant, addressed the meeting. She highlighted the Council's obligation to provide plots for self-builders, the innovative nature of the design and the original advice received from the highways authority regarding the access.

In determining the application, members had regard to the number of objections from residents to the proposals, the uniqueness of the proposals, the fact that the site was outside the limits to development, the objection from the Highways Authority and the proposed design. They also had regard to the advice of the Legal Advisor regarding the

significant weight that should be afforded to the local plan and the current 5 year housing land supply.

A recorded vote was requested by Councillor M Specht, and the voting was as follows:

Motion to refuse the application in accordance with the officer's recommendation (Motion)	
Councillor Ron Adams	For
Councillor Robert Ashman	For
Councillor Russell Boam	For
Councillor Dan Harrison	For
Councillor Jim Hout	For
Councillor John Legrys	For
Councillor Nigel Smith	For
Councillor Michael Specht	Against
Carried	

The motion was declared CARRIED and it was therefore

RESOLVED THAT:

The application be refused in accordance with the recommendation of the Strategic Director of Place.

The meeting was adjourned at 7.30pm and reconvened at 7.40pm.

**7. A3
18/00627/FUL: CHANGE OF USE OF TWO GARAGES WITHIN THE BLOCK OF THREE GARAGES TO CREATE AN ADMINISTRATIVE OFFICE IN SUPPORT OF THE OCCUPANCY OF NOS. 7-11 PRIVATE ROAD (ODD NUMBERS INCLUSIVE) ALONG WITH EXTERNAL ALTERATIONS**

Private Road Standard Hill Coalville Leicestershire
Officer's Recommendation: Permit

The Planning Officer presented the report to members.

Councillor J Geary, ward member, addressed the meeting. He expressed concerns regarding the lack of a turning head, the vehicle activated sign which had not yet been provided, and previous conditions which had not been met relating to parking spaces. He referred to a recent care home application which was refused due to lack of parking provision.

Mr J Church, applicant's agent, addressed the meeting. He outlined the current use of the facility by staff and residents and explained that it was considered adequate parking provision would be available as the service users did not drive and a significant proportion of staff lived locally and did not use a motor vehicle. He added that he was unaware of any failure to comply with previously imposed conditions and if this could be substantiated he would draw it to the applicant's attention for immediate action.

In determining the application, members had regard to advice from the Planning Officer regarding the possible conditions which could be imposed, and the fact that the current use of the dwellings adjoining the garage did not require any form of planning permission.

It was moved by Councillor R Ashman that the application be permitted subject to an additional condition relating to parking provision. The motion was seconded by Councillor R Boam.

A recorded vote was requested by Councillor R Adams and the voting was as follows:

Motion to permit the application in accordance with the officer's recommendation (Motion)	
Councillor Ron Adams	Against
Councillor Robert Ashman	For
Councillor Russell Boam	For
Councillor Dan Harrison	For
Councillor Jim Hault	For
Councillor John Legrys	Against
Councillor Nigel Smith	For
Councillor Michael Specht	For
Carried	

The motion was declared CARRIED and it was therefore

RESOLVED THAT:

- a) Subject to a condition relating to car parking, the application be permitted in accordance with the recommendation of the Strategic Director of Place.
- b) The wording of the condition be delegated to the Strategic Director of Place.

8.

A4

17/01342/FUL: NEW AGRICULTURAL ACCESS

Land At Worthington Lane Breedon On The Hill

Officer's Recommendation: Permit

The Senior Planning Officer presented the report to members.

Mr R Morris, Parish Councillor, addressed the meeting, expressing concerns regarding the unsuitability of the location for a field access, the intended future use of the site, the letters of support from residents outside of the parish and the non-conformity with planning policy.

Mr A Large, applicant, addressed the meeting, highlighting the issues with the existing access and a recently approved application immediately opposite the site which was permitted by officers under delegated powers. He clarified that the letters of support were from village residents.

In determining the application, members had regard to the advice of the Planning and Development Team Manager regarding the possibility of future residential development and the lack of objections from the Highways Authority.

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

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Strategic Director of Place.

**9. A5
18/00054/FUL: CONVERSION OF BLOCK OF GARAGES TO FORM ONE TWO
BEDROOM DWELLING.**

7 Elder Lane Griffydam Coalville Leicestershire LE67 8HD

Officer's Recommendation: Permit

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

Mr A Large, agent, addressed the meeting highlighting the work which had been undertaken with the case officer to improve the access situation.

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

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Strategic Director of Place.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 8.25 pm

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APPENDIX B

**Report of the Planning and Development Team Manager
to Planning Committee**

7 August 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 Planning and Development Team Manager are material planning considerations and relate to matters not previously raised.

4. Reasons for Grant

Where the Planning and Development Team Manager 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 Planning and Development Team Manager.

5. Granting permission contrary to Officer Recommendation

Where the Planning and Development Team Manager 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 Planning and Development Team Manager.

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 Planning and Development Team Manager.

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 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 Planning and Development Team Manager.

9. Decisions on Items of the Planning and Development Team Manager

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 10 dwellings with associated access, turning areas
and car parking.

Report Item No
A1

Land Off Forest Road Coalville Leicestershire LE67 3SH

Application Reference
18/00427/FULM

Grid Reference (E) 442699
Grid Reference (N) 313046

Date Registered:
6 April 2018

Consultation Expiry:
20 May 2018

Applicant:
Mr Louis Massarella

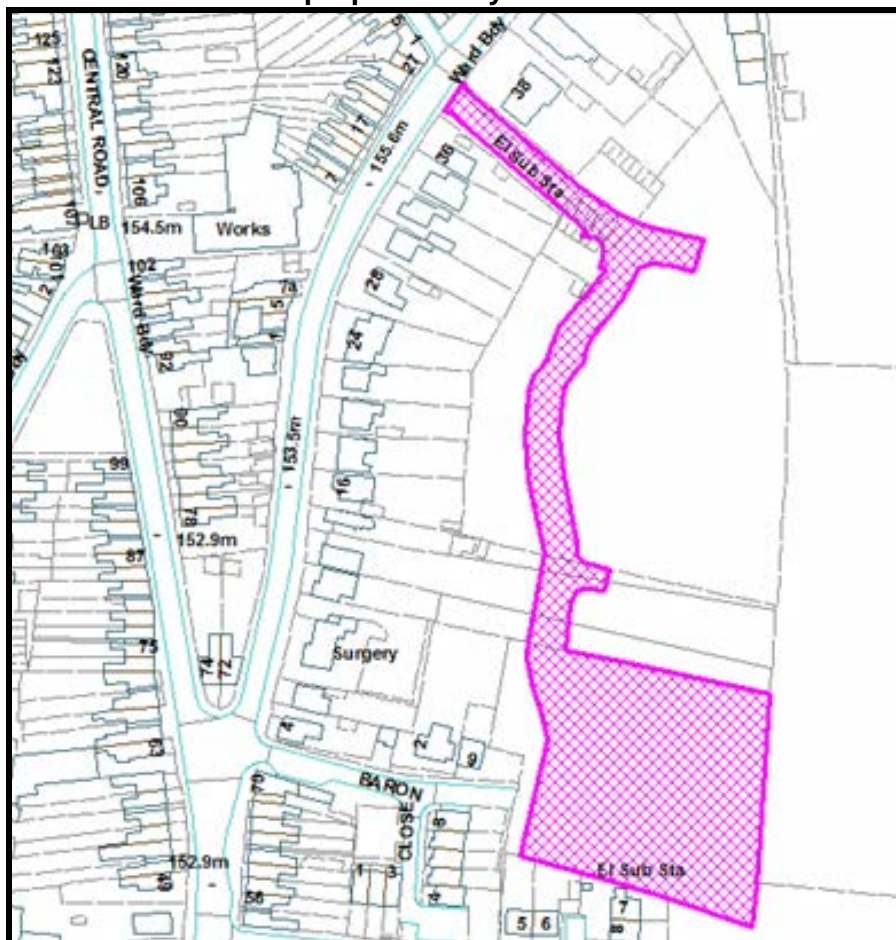
8 Week Date:
6 July 2018

Case Officer:
Adam Mellor

Extension of Time:
None Agreed

Recommendation:
PERMIT SUBJECT TO SECTION 106

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application is called in to Planning Committee by Councillor Johnson on the basis that the scheme will provide no affordable housing, residential properties on Peggs Grange will be overlooked and that land levels will be raised.

Proposal

It is proposed that 10 dwellings with associated access, turning areas and car parking will be erected on land off Forest Road, Hugglescote.

Consultations

Objections have been received from third parties as well as Hugglescote and Donington Le Heath Parish Council. A revised consultation response is awaited from the County Council Ecologist and Lead Local Flood Authority with all other statutory consultees raising no objections.

Planning Policy

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

Conclusion

As the site is within the Limits to Development the principle of the development is acceptable. The key issues are:

- Design, housing mix and impact on the character and appearance of the streetscape;
- Residential amenity;
- Highway safety;
- Ecology;
- Landscaping;
- Drainage and flood risk;
- Archaeology; and
- Development viability.

The report below looks at these details, and Officers conclude that the details are satisfactory. The proposals meets the requirements of relevant NWLDC policies, including the Good Design for North West Leicestershire SPD, and the NPPF.

RECOMMENDATION - PERMIT, SUBJECT TO CONDITIONS AND COMPLETION OF A SECTION 106 AGREEMENT.

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

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the erection of 10 dwellings with associated access, turning areas and car parking at land off Forest Road, Hugglescote. The 0.66 hectare site is situated on the eastern side of Forest Road where it is within the Limits to Development. Public footpath N85 runs along the eastern boundary of the application site and the surrounding area comprises predominately residential development with properties varying in their type and design.

Planning permission has been granted, and subsequently implemented by the applicant, on land to the north of the application site under application references 15/00032/FULM (30 dwellings) and 16/00798/FUL (8 dwellings) and the proposal under this application would be a continuation of this development with a further ten dwellings being created. It is proposed that the dwellings would comprise eight x 4 bed and two x 3 bed two-storey detached types.

Vehicular access to the site would be gained from the private drive (Choyce Close) created as part of 15/00032/FULM and 16/00798/FUL, whose main access is off Forest Road. Off-street parking for the dwellings would be provided both externally and within integral garages.

A design and access statement, incorporating a Building for Life 12 (BfL12) assessment, affordable housing statement and statement of public consultation, has been submitted in support of the application along with a viability appraisal. The viability appraisal has been independently reviewed by the District Valuer (DV).

The planning history of the site is as follows:

- 15/00032/FULM - Construction of 30 dwellings with associated access and open space - Approved 14th January 2016.
- 16/00797/VCUM - Variation of conditions 2, 3, 9, 11 and 12 of planning permission 15/00032/FULM in order to allow for the erection of 30 dwellings with a revised site layout - Approved 8th March 2017.
- 16/00798/FUL - Construction of 8 dwellings with associated access and turning (extension to site granted planning permission under 15/00032/FULM - Approved 8th March 2017.

2. Publicity

22 Neighbours have been notified.

Site Notice displayed 30 April 2018.

Press Notice published Leicester Mercury 2 May 2018.

3. Summary of Consultations and Representations Received

The following summary of representations is provided.

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

- The proposed levels and design for the dwellings work against the contours of the land and as such the finished floor levels will be raised so that they are level with the street.
- Adverse impacts to the amenities of residents on Peggs Grange will arise due to changes in the levels.
- Surface water flooding impacts will arise due to topography of the site.
- The applicant is avoiding the payment of affordable housing contributions by submitting applications in stages.

Leicestershire County Council - Archaeology has no objections.

Leicestershire County Council - Developer Contributions have sought a financial contribution towards education.

Leicestershire County Council - Ecology currently object to the application as a wildlife corridor was not shown on the plans but a revised consultation response is now awaited following receipt of amended plans and this will be reported to Members on the update sheet.

Leicestershire County Council - Footpaths Officer has no objections subject to conditions.

Leicestershire County Council - Highways Authority have no objections subject to conditions and financial contributions towards travel packs and bus passes.

Leicestershire County Council - Lead Local Flood Authority revised consultation response awaited and this will be reported to Members on the update sheet.

National Forest Company require a financial contribution towards off-site National Forest planting.

NWLDC - Affordable Housing Officer has outlined that three affordable units would be required as part of the development.

NWLDC - Environmental Protection has no objections.

NWLDC - Footpaths Officer has no objections.

NWLDC - Waste Services have outlined where bin collection points should be located in the circumstances that the highway is either adopted or unadopted.

Severn Trent Water no representation received at the time of this report. Any response received will be reported to Members on the update sheet.

Third Party Representations

Five letters of representation have been received objecting to the application with the comments raised summarised as follows:

- The proposed dwellings will impact on residential amenities given that the land on which they are situated will be is at a higher level so overlooking and overbearing impacts will arise.
- Additional traffic on Forest Road will result in detriment to highway safety.
- It will be important to ensure that land levels are not raised and that appropriate landscaping is provided.
- Recommendations in relation to ecology need to be followed.
- Consideration should be given to limiting the hours of construction.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2018)

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

Paragraphs 8 and 10 (Achieving sustainable development);
 Paragraphs 11 and 12 (Presumption in favour of sustainable development);
 Paragraph 34 (Development contributions);
 Paragraphs 38, 39, 40, 41, 42, 44 and 47 (Decision-making);
 Paragraphs 54, 55, 56 and 57 (Planning conditions and obligations);
 Paragraphs 59, 60, 61, 62, 64, 68, 73, 74 and 76 (Delivering a sufficient supply of homes);
 Paragraph 98 (Promoting healthy and safe communities);
 Paragraphs 105, 106, 108, 109, 110 and 111 (Promoting sustainable transport);
 Paragraphs 126, 127, 130 and 131 (Achieving well-designed places);
 Paragraph 163 (Meeting the challenge of climate change, flooding and coastal change);
 Paragraph 175, 178, 179 and 180 (Conserving and enhancing the natural environment); and
 Paragraph 199 (Conserving and enhancing the historic environment).

Adopted North West Leicestershire Local Plan (2017)

The following policies of the adopted local plan are consistent with the policies of the NPPF and should be afforded full weight in the determination of 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 IF1 - Development and Infrastructure;
 Policy IF3 - Open Space, Sport and Recreation Facilities;
 Policy IF4 - Transport Infrastructure and New Development;
 Policy IF7 - Parking Provision and New Development;
 Policy En1 - Nature Conservation;
 Policy En3 - The National Forest;
 Policy En6 - Land and Air Quality;
 Policy Cc2 - Water - Flood Risk; and
 Policy Cc3 - Water - Sustainable Drainage Systems.

Other Policies

National Planning Practice Guidance.

Good Design for North West Leicestershire Supplementary Planning Document - April 2017.

Leicestershire Highways Design Guide (Leicestershire County Council).

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

5. Assessment

Principle of Development and Sustainability

The site is located within the Limits to Development where the principle of residential development is considered acceptable subject to compliance with relevant policies of the adopted Local Plan and other material considerations. Within the NPPF (2018) there is a presumption in favour of sustainable development and proposals which accord with the development plan should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies as a whole or if specific policies in the NPPF indicate development should be restricted.

The sustainability credentials of the scheme would need to be assessed against the NPPF and in this respect Policy S2 of the adopted Local Plan highlights that the Coalville Urban Area, of which Hugglescote is part, is the primary settlement in the District where the largest amount of new development will take place.

On the basis of the above, the application site would be considered a sustainable location for new development due to it benefitting from a range of local services and being readily accessible via public transport, as such future residents would not be heavily reliant on the private car to access the most basic of services.

The provision of the housing would result in development on a greenfield site which is not allocated in the adopted Local Plan for such a form of development. Whilst the site is not allocated, and greenfield land is not the most sequentially preferable land on which to provide new development, it is noted that both developments to the north of the site have been undertaken on greenfield land and land to the east of the site (also greenfield) is allocated under Policy H1h of the adopted Local Plan for a residential development of up to 3,500 dwellings (Land North and South of Grange Road, Hugglescote) with a resolution being in place to permit a scheme of 79 dwellings under this allocation (ref: 13/00802/FULM) on land adjacent to the eastern boundary of the site. In this context, as well as taking into account that existing residential properties lie to the south and west of the site and the provision of a wildlife buffer that would protect the ecological significance of the site, it is considered that the loss of the greenfield site would not result in significant conflict with the environmental strand of sustainability enshrined within the NPPF.

Overall there would be no substantial harm to the built and natural environment with any harm being outweighed by the economic benefits associated with the construction of the dwellings and the positive social sustainability aspects of the scheme which would support the move towards a low carbon economy as required by the environmental strand. As a result the proposal would be considered sustainable in accordance with Policy S2 of the adopted Local Plan and the principles of the NPPF.

Design, Housing Mix and Impact on the Character and Appearance of the Streetscape

The need for good design in new residential development is outlined not only in adopted Local Plan Policy D1, as well as the Council's adopted Good Design for North West Leicestershire SPD, but also Paragraphs 124, 127 and 131 of the NPPF.

At present the application site comprises an area of scrubland which is set to the east of residential properties on Forest Road and Baron Close, north of dwellings on Peggs Grange and south of dwellings on Choyce Close with permission also existing for the creation of a housing development to the immediate east of the site. Within the surrounding area there is a significant variation in the types, heights and scales of residential properties. From a topographical perspective land levels fall from west to east, by around 5 metres, and from north to south, by around 1 metre.

It is noted that the same applicant has received permission for two housing developments (totalling 38 dwellings) on land to the north of the site and these schemes are currently in the process of being built out. During the consideration of these previous applications extensive discussions and negotiations were held with the Council's Urban Designer so as to ensure a good standard of design was achieved.

The Council's Urban Designer has been consulted as part of this application and initially concerns were raised in relation to how the scheme would address the proposed residential development to the east (permitted under application reference 13/00802/FULM) as well as the ability for pedestrians and cyclists to permeate through the scheme so as to access Forest Road.

Following a site visit it was determined that the topography of the application site in relation to Baron Close and the land to the east would reduce the possibility to provide appropriate pedestrian and cycling links. It is also the case that a 5 metre ecological buffer strip would be provided between the eastern (side) elevations of plots 5 and 6 and the site boundary, at the request of the County Ecologist, which would further prevent the movement of people in this particular area. Whilst the lack of routes between sites would be a negative, from a design perspective, it is considered that future residents of the proposed development would still benefit from a convenient route to Forest Road via Choyce Close, with occupants of the proposed dwellings to the east being able to utilise public footpath N85 to pedestrian and cyclist links onto Choyce Close which are to be provided in accordance with the permission granted under application reference 15/00032/FULM.

In terms of addressing the proposed residential development to east the eastern (side) elevations of plots 5 and 6 have been amended so that habitable room windows and bay windows are installed which ensures that there is visual interest to these elevations whilst also enabling additional surveillance of public footpath N85 to be undertaken. The western (side) elevation of plot 10 has also been amended to provide a window and chimney breast which ensures that views established from Forest Road and Baron Close towards this dwelling do not terminate at a blank elevation, albeit it is accepted that the difference in land levels between the application site and Baron Close limit the extent of the elevation which would be visible. Amendments undertaken to plot 1 and the northern (front) elevation of plot 10 also ensure that these elevations address views established from Choyce Close and enable surveillance of the route into the application site.

With regards to more general compliance with the Council's adopted Good Design SPD amendments have also been made to ensure that habitable room windows enable surveillance of parking provision to the side of dwellings, that private amenity areas are the equivalent of the foot print of the properties and that a 50/50 balance exists between soft landscaping and off-street parking provision.

The design of the dwellings, and their external materials, are to be consistent with the house types that have been permitted on the schemes to the north of the site and consequently are considered to be appropriate in the context of the environment in which they are set.

Overall the layout, appearance and scale of the development would be acceptable and would ensure compliance with Policy D1 of the adopted Local Plan, the Council's adopted Good Design SPD and Paragraphs 124, 127 and 131 of the NPPF.

With regards to housing mix, Paragraph 60 of the NPPF outlines that Local Planning Authorities should *"determine the minimum number of homes needed"* and that *"strategic policies should be informed by a local housing need assessment."* Paragraph 61 of the NPPF goes on to further state that *"within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)."* Policy H6 of the adopted Local Plan requires a mix of housing types, size and tenure to meet the identified needs of the community. 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 market dwelling size (in terms of number of bedrooms) identified as appropriate in the HEDNA as follows:

- 1 bed - 0-10%
- 2 bed - 39-40%
- 3 bed - 45-55%
- 4 bed - 10-20%

The submitted scheme proposes the following (%):

- 1 bed - 0%
- 2 bed - 0%
- 3 bed - 20%
- 4 bed+ - 80%

It is noted, however, that the above is based on the scheme of 10 dwellings but in the context that the application site is an extension to the development built to the north it would be important to factor into account the range of house types which have already been permitted. In this context the housing mix across the developments, when combined with the proposal, would be as follows:

- 1 bed - 0%
- 2 bed - 17%
- 3 bed - 27%
- 4 bed+ - 56%

When factoring into account the housing mix across the overall development it remains the case that the market housing would be weighted more towards larger units than as suggested by 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 and consideration should also be given to other factors such as "*development viability and deliverability*" (*criterion (g) of Part 2*). Within the '*Viability of the Development*' section of this report below consideration has been given to a viability assessment that has been submitted in support of the application which has been verified by independent consultants on behalf of the Local Planning Authority and which has concluded that the scheme is unviable.

Whilst, as submitted, the scheme is unviable the Local Planning Authority have suggested a housing mix to the applicant which would comply with the HEDNA and which would represent the maximum amount of development that could be provided on the site when taking into account other factors (i.e. compliance with the Council's adopted Good Design SPD and off-street parking requirements). An amended viability assessment has been submitted by the applicant to outline that such a housing mix would compromise the viability of the scheme further and at this stage further verification to the conclusions of the revised viability assessment are awaited from the Council's independent consultant. Such conclusions will be reported to Members via the Committee update sheet.

In the circumstances that it is demonstrated that the viability of the scheme would be compromised further as a result of the provision of a housing mix that would be compliant with the HEDNA, in the context of criterion (g) of Policy H6 it is considered that the lack of compliance with the housing mix suggested by the HEDNA would not warrant a refusal of the application in this instance.

Residential Amenity

In respect of the impacts on the amenities of neighbouring residents it is considered that the properties most immediately affected would be nos. 5, 6 and 7 Peggs Grange to the south, nos. 20, 21, 22, 23, 24 and 25 Choyce Close to the north and nos. 7, 8 and 9 Baron Close, to the west.

Plots 8, 9 and 10 are set to the north of nos. 5, 6 and 7 Peggs Grange and on the basis of the submitted plans separation distances of 17.5 metres would be provided between the northern (side) elevation of no. 7 Peggs Grange and the southern (rear) elevation of plot 8 as well as 27 metres between the northern (rear) elevations of nos. 5 and 6 Peggs Green and the southern (rear) elevation of plot 10. Plot 9 would not sit directly behind the rear elevations of nos. 5 and 6 or the side elevation of no. 7.

The Council's adopted Good Design SPD outlines that a separation distance of at least 20 metres should be provided between rear elevations (Figure 14 on Page 64 of the adopted Good Design SPD) with a distance of at least 12 metres where the principal window of a habitable room is directed to face the blank wall of a neighbouring dwelling (Figure 13 on Page 64 of the adopted Good Design SPD). Given the above separation distances, as well as the fact that the development is orientated to the north of dwellings on Peggs Grange, it is considered that no adverse overbearing or overshadowing impacts would arise particularly when the development intends to follow the topography of the site. It is also considered that no adverse overlooking impacts would arise given the separation distances between elevations as well as the fact that at least 13 metres would exist between the rear elevations of plots 8, 9 and 10 and what would become shared boundaries with nos. 5, 6 and 7.

The western (side) elevation of plot 10 would be set 23 metres from the eastern (rear) elevation of no. 8 Baron Close and 12 metres from its boundary with a distance of 22.5 metres to the eastern (side) elevation of no. 9 Baron Close and 9.5 metres to its boundary. Taking into

account the separation distances advised by the Council's adopted Good Design SPD, outlined above, as well as the fact that properties on Baron Close are situated on higher land it is considered that no adverse overbearing or overshadowing impacts would arise. The only window proposed at first floor level in the western (side) elevation of plot 10 would serve an ensuite and views from the windows in the northern (front) and southern (rear) elevations would only provide oblique views towards nos. 8 and 9 Baron Close, as such no adverse overlooking impacts would arise to the occupants amenities.

Plots 1, 2, 3, 4 and 5 would be situated to the south of nos. 20, 21, 22, 23, 24 and 25 Choyce Close with it being observed on the site that nos. 20 - 25 Choyce Close are set at a higher land level to that of the application site. A minimum separation distance of 20 metres would exist between elevations (plot 1 with no. 20 Choyce Close) with a minimum distance of 11 metres to what would become shared boundaries (plots 3 and 4 with nos. 23 and 24 Choyce Close). As is the case above such separation distances would ensure that no adverse overbearing, overshadowing or overlooking impacts would arise to the amenities of the occupants of these dwellings.

With regards to the new development to the east of the site the submitted layout plan associated with application reference 13/00802/FULM outlines that plots 61, 62 and 63 would be set in close proximity to the application site boundary with plots 61 and 62 being orientated so that their principal elevations face towards the proposed development and plot 63 being orientated so as to present its side elevation to the application site. Plots 5 and 6 on the application site would be set 5 metres from the boundary of the application site associated with application reference 13/00082/FULM. The smallest separation distance between dwellings would be 13.23 metres (the western (front) elevation of plot 63 and the eastern (side) elevation of plot 6) and this is considered acceptable in ensuring that no adverse overbearing or overshadowing impacts would arise when accounting for the topography of the land and the orientation of dwellings.

Windows are proposed to serve habitable room windows at first floor level in the side elevation of plot 6 as well as the principal elevation of plot 63. Given that views from these windows would be across public footpath N85, as well as a front amenity area to plot 63, it is considered that any overlooking implications would not be of sufficient detriment as to warrant a refusal of the application given that such a relationship is not too dissimilar to that established between the front elevations of dwellings which are separated by areas that are accessible to the public.

On the basis of the above it is also considered that the relationship between the proposed dwellings and existing built forms, as well as between themselves, would be acceptable. The size of the gardens associated with plots 1 - 5 would also ensure that the provision of retaining walls and boundary treatments to nos. 20 - 25 Choyce Close would not result in any sufficiently detrimental overbearing impacts to the amenities of any future occupants of these plots particularly given that they would be aware of such relationships prior to their purchase.

With regards to the suggestion that the construction hours should be limited it is considered that it would be difficult to impose such a condition given that the permissions granted for the development to the north of the site have not been subjected to such a condition and the Council's Environmental Protection Team have not advised that such a condition would be necessary. Should a statutory noise nuisance arise as a result of construction works than the Council's Environmental Protection team could investigate and take action against such a matter under separate Environmental Health Legislation.

Overall the proposal would be considered compliant with Policy D2 of the adopted Local Plan as well as Paragraph 180 of the NPPF.

Whilst third party representations and the Parish Council have raised objections in relation to the levels on the site being raised so as to become level with the adjacent development on Choyce Close the submitted information outlines that this would not be the case with it being possible to condition that the finished floor levels of the dwellings are provided in accordance with the information as submitted.

Highway Safety

The County Highways Authority have been consulted on the application and have raised no objections subject to the imposition of conditions on any permission granted.

Vehicular access into the site would be achieved from Forest Road via the access point which was created in accordance with the planning permission granted under application reference 15/00032/FULM. This access has been designed to provide adequate levels of visibility in both directions, so as to enable vehicles to enter the highway in a slow and controlled manner, and which is of a width that allows vehicles to pass clear of the highway. Given the design of the access it is considered that it would be capable of accommodating the vehicular movements associated with a further 10 dwellings without resulting in severe implications to pedestrian and highway safety. Internally the highway is not to be adopted, and thereby it remains a private drive, but this highway being of a width of seven metres would be sufficient in allowing vehicles to travel safely past each other. Within the site itself vehicles would be able to manoeuvre in a safe and appropriate manner so as to exit the site in a forward direction. On the above basis the proposal would be compliant with Policy IF4 of the adopted Local Plan and Paragraph 109 and 110 of the NPPF.

Following amendments to the plans the dimensions of the external off-street parking spaces and internal dimensions of the integral/detached garages now accord with guidance contained with the County Highways Design Guide and Council's adopted Good Design SPD with the number of spaces per plot also being in accordance with the aforementioned guidance. On this basis, and subject to the imposition of a relevant condition, a sufficient level of off-street parking would be provided in accordance with Policy IF7 of the adopted Local Plan and Paragraphs 105 and 106 of the NPPF.

Public footpath N85 runs adjacent to the eastern boundary of the site and would not be impacted on as a result of this development given the retention of the boundary hedge and provision of the 5 metre ecological buffer strip on the development side of the eastern boundary. On this basis compliance with Paragraph 75 of the NPPF would be ensured.

Ecology

The County Council Ecologist has been consulted on the application and has commented that the loss of the grassland on the site would be acceptable to facilitate the development given that it is only of local significance. It is, however, the case that evidence from previous ecological appraisals, as well as the submitted ecological appraisal, have indicated that badgers are present in the area albeit the location of their sett has not been established. On this basis the County Council Ecologist considers it imperative that the hedgerow to the eastern boundary of the site is retained and that a buffer of natural vegetation is provided to a total distance of 5 metres from this hedgerow to the residential boundaries of the dwellings so as to establish a wildlife corridor and to ensure badgers do not become trapped on the site. It is noted that such an approach was taken on the schemes to the immediate north of the site and consequently a similar condition would be imposed to secure the provision of the wildlife corridor. Revised plans

have been submitted to indicate how the wildlife corridor would be established and a revised consultation response from the County Council Ecologist is awaited to confirm that this would be acceptable. Any response will be reported to Members via the Committee update sheet.

Subject to the County Council Ecologist being satisfied with the extent of the wildlife corridor, and thereby removing their objection, it is considered that the scheme would accord with Policies D1 and En1 of the adopted Local Plan as well as Paragraph 175 of the NPPF and Circular 06/05.

Landscaping

The majority of trees and hedgerows on the site are located on the site boundaries and consequently could be retained as part of the development although some management of this vegetation may be undertaken given its current condition. For the avoidance of doubt it is noted that no trees on the site are subject to Tree Preservation Orders (TPOs) nor would they be deemed worthy of protection via a TPO.

The National Forest Company have identified that the previous applications to the north of the site have addressed the need for National Forest woodland planting and landscaping by making a financial contribution via a Section 106 agreement and this would be their preferred method of securing the 0.13 hectares of woodland planting and landscaping required as part of this development.

Notwithstanding the comments of The National Forest Company it is generally encouraged that existing soft landscaping is retained as part of development proposals, particularly those within the National Forest area, and consequently a condition would be imposed on any permission granted for a suitable scheme to be secured given that no precise information in this respect has been provided.

It is also considered that details of the hard landscaping to be provided on the site would be secured via a condition.

Overall, and subject to the imposition of the identified conditions, the scheme would be compliant with Policies D1 and En3 of the adopted Local Plan.

Drainage and Flood Risk

The site lies within Flood Zone 1 (which has the lowest risk of flooding) and is also within an area which is largely not impacted on by surface water flooding although there is a low to medium potential for surface water flooding to occur within parts of the site where plots 6 - 10 would be located. The above is based on the Environment Agency's Surface Water Flood Map.

As part of the consideration of the application the Lead Local Flood Authority (LLFA) have been consulted and at this stage an objection has been raised due to the submitted information not demonstrating that the risk of surface water flooding would not increase as a result of the proposal. It is proposed that surface water run-off would discharge to the surface water sewers owned by Severn Trent Water, whose consent to connect into the system will be required under separate legislation and who will determine the appropriate flow which should discharge into the sewer from the site, and at this stage further information has been submitted by the applicant to address the concerns raised and a revised consultation response is awaited from the LLFA. Should the objection of the LLFA be removed then it is likely that conditions would be imposed on any permission granted to ensure that the surface water drainage solution is implemented. Any revised representation to the application from the LLFA will be reported to Members via the Committee update sheet.

On the basis that the current objection from the LLFA is removed, and relevant conditions are imposed on any permission granted, it is considered that the proposal would comply with Policies Cc2 and Cc3 of the adopted Local Plan, as well as Paragraph 163 of the NPPF, and would ensure the development would not exacerbate any localised flooding impact.

Insofar as foul drainage is concerned, it is indicated on the application form that this would be discharged to the mains sewer with such discharge being agreed with Severn Trent Water under separate legislation. In the circumstances that Severn Trent Water have raised no representation to foul drainage discharges being managed in this manner it is considered that the additional demands for foul drainage could be met by the existing sewerage system in place and therefore the proposed development would accord with Paragraph 180 of the NPPF.

Archaeology

The County Council Archaeologist has advised that no archaeological mitigation would be required as a result of the development and on this basis the proposal would be considered compliant with Policy He1 of the adopted Local Plan and Paragraph 199 of the NPPF.

Viability of the Development

A request has been made for Section 106 contributions towards education, National Forest planting, transportation and affordable housing. These requests have been assessed against the equivalent legislative tests contained within the Community Infrastructure Levy (CIL) Regulations 2010 (CIL Regulations) as well as Paragraphs 34, 54 and 56 of the NPPF.

For the avoidance of doubt the Local Planning Authority is not dealing with this development as a stand-alone application for 10 dwellings but instead is treating it as an extension to the existing site and consequently a combined development of 48 dwellings, should permission be granted for the development as proposed.

The requested development contributions are listed below.

Affordable Housing

Policy H4 of the adopted Local Plan outlines that the affordable housing contribution on a scheme of 11 or more dwellings proposed on a greenfield site within the Coalville Urban Area, of which Hugglescote is part, would be 20%. Whilst it is noted that ordinarily a scheme of 10 dwellings would not 'trigger' an affordable housing contribution in light of this proposal being an extension to the existing development to the north Policy H4 would be applicable, this is as outlined above. It is, however, the case that any contribution would be based on 10 dwellings given that off-site contributions have already been secured within Section 106 agreements associated with the permissions granted to the north.

The Council's Affordable Housing Enabler has been consulted on the application and has advised that a scheme of 10 dwellings should provide 3 affordable units on the site. It is, however, the case that Paragraph 7.34 of the supporting text to Policy H4 outlines that in exceptional circumstances (such as site specific constraints or demonstrable viability issues) the Local Authority may accept a sum of money (referred to as a commuted sum) to make provision for affordable housing on another site(s). Should a commuted sum be paid on this site it would be in the region of £150,000 (£50,000 per unit).

Education

Leicestershire County Council (Education) request a high school sector contribution of £17,876.17 for Newbridge High School. No requests are made for the primary, upper or special school sectors. The reasoning for the request outlines that no more than five obligations (including those proposed) have been sought for the scheme project and as such no issues arise in respect of pooling (insofar as the limitations on pooled contributions as set out within the CIL Regulations are concerned).

A total contribution of £17,876.17 is therefore sought for education.

Transportation Contributions

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

- Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).
- Two six month bus passes per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services as an alternative to the private car and to establish changes in travel behaviour from first occupation.

National Forest Planting

The National Forest Company request a financial contribution of £4550 given that no woodland planting or landscaping is proposed on site.

Conclusions in respect of Developer Contributions

The following requests have been made:

- National Forest Company - £4550.00;
- County Highway Authority - £2688.50 based on 25% uptake of bus passes;
- County Council Education Authority - £17,876.17;
- Affordable Housing - £150,000.00;

Total - £175,114.67

It has been identified by the applicant that there are viability constraints associated with the development due to the topography of the site which would require the provision of abnormal foundations, retaining walls and a pumping station. The costs associated with carrying out these works would result in the development not providing a competitive return to any landowner or developer.

Policy IF1 of the adopted Local Plan outlines that in negotiating the provision of infrastructure the Council will have due regard to viability issues which will require the applicant to provide viability information to the Council which will then be subject to independent verification. Paragraph 57 of the NPPF outlines that *"the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force."* Paragraph 008 of the 'Viability and Plan Making' section of the NPPG outlines that *"where a viability assessment is submitted to accompany a planning application this should be based upon and refer back to the viability assessment that informed the plan; and the applicant should provide evidence of what has*

changed since then."

A viability appraisal was submitted in support of the application and this assessment was independently reviewed by the District Valuer (DV) who has concluded, following the receipt of further information associated with sales on Phases 1 and 2 to the north of the site as an accurate evidence base to the viability appraisal, that the scheme would be unable to support any Section 106 contributions (a deficit of £151,494 has been demonstrated to a 17.5% profit margin).

While Paragraph 008 of the NPPG now states that any viability assessment which is submitted should be *"based upon and refer back to the viability assessment that informed the plan; and the applicant should provide evidence of what has changed since"* it is considered that as the scheme has already been assessed by the DV, it would be unreasonable to require the developer to undertake further viability appraisals at this late stage of the application process.

As the DV is satisfied regarding the viability assessment that has been submitted on the site the Local Planning Authority accepts these arguments. However, and notwithstanding the aims of Policy IF1 of the adopted Local Plan and Paragraph 57 of the NPPF, it is still considered necessary to determine whether a scheme offering no contributions would represent sustainable development. Paragraph 8 of the NPPF provides support for the economic and social roles of planning and states that with regards to the economic role development should *"include the provision of infrastructure"* and from a social perspective development should support the community's *"health, social and cultural well-being."*

Subsequent discussions have been undertaken with the applicant and it has been agreed that a total contribution of £25,114.67 (representative of 14% of the total contribution) would be paid to meet the requests of the County Council Education Authority, County Council Highways Authority and National Forest Company (these service areas would therefore receive the full contribution sought). The payment of these contributions would assist in off-setting some of the conflict with the economic and social strands of sustainability referred to above.

It would remain, however, that no contribution towards affordable housing would be made albeit consideration could be given to dividing the contribution up on a pro rata basis which would result in the following contributions being provided:

National Forest Company - £753.44;
 County Highways Authority - £502.29;
 County Education Authority - £2511.47;
 Affordable Housing - £21,347.47;

If Members are minded to grant planning permission than they can give consideration as to whether the pro-rata contributions should be sought, which would ensure that at least some contribution is provided to each of the relevant requests, or that full contributions are made to the County Council Highways, National Forest Company and County Council Education Authority (i.e. no affordable housing contribution is paid).

Overall in the context of Policy H4 of the adopted Local Plan Part (2) of this Policy does outline that in agreeing the provision of affordable housing due regard will be given to *"site constraints"* as well as *"financial viability, having regard to the individual circumstances of the site."* As concluded above it has been demonstrated that the scheme is not viable to afford any Section 106 contributions with it also being the case that the schemes permitted to the north of the application site have been granted without the provision of on-site affordable housing (indeed

only a significantly reduced off-site contribution was sought). Taking such matters into account it is considered that, on balance, the securing of relevant contributions to other service areas would assist in mitigating the implications of the development to local infrastructure, and thereby ensure it is sustainable, with the degree of conflict with Policy H4 of the adopted Local Plan not justifying a refusal of the application when taken in balance with the compliance with Policy IF1 of the adopted Local Plan.

It should also be the case that the Section 106 agreement is subjected to periodic reviews of the economic viability of the scheme, during the course of the development, with a view to increasing the level of contributions in the event that the profitability of the scheme improves.

Play Area/Open Space

Policy IF3 of the adopted Local Plan outlines that on-site play provision and open space, or any off-site contribution, would only be applicable on development proposals of 50 dwellings or more and as such none would be required as part of this proposal which only equates to 48 dwellings, when taking into account those permitted to the north of the site.

Summary Reasons for Granting Planning Permission

The application site is located within the Limits to Development where the principle of this form of development would be acceptable with the development also being within a socially sustainable location and not impacting adversely on the environment due to the neighbouring land being allocated for housing development. It is also considered that the site could be developed in a manner which would not appear out of keeping with the character and appearance of the surrounding locality and which would not impact adversely on the amenities of neighbouring residents, highway safety, ecology, archaeology or soft landscaping nor would the proposal exacerbate any localised surface water flooding impact. The development would also provide an appropriate housing mix and an acceptable level of developer contributions given the viability constraints. There are no other material planning considerations that indicate that planning permission should not be granted and accordingly the proposal, subject to relevant conditions and completion of a Section 106 agreement, is acceptable for the purposes of the above mentioned policies.

It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to the LLFA and County Council Ecologist confirming that they have no objections, subject to conditions and subject to the completion of a Section 106 agreement;

1. Time limit.
2. Approved plans.
3. External materials.
4. Hard and soft landscaping.
5. Replacement landscaping.
6. Boundary treatments.
7. Finished floor and ground levels.
8. Surface water drainage.
9. Off-street parking.
10. Vehicle manoeuvring facilities.
11. Proposed pumping station.
12. Bin collection area.
13. Tree and hedge protection.
14. Ecological buffer strip.

15. Curtilage restriction plots 5 and 6.

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Change of use to serviced apartments, external alterations
and erection of wall

Report Item No
A2

57 High Street Kegworth Derby DE74 2DA

Application Reference
18/01053/FUL

Grid Reference (E) 448357
Grid Reference (N) 326705

Date Registered:
7 June 2018

Consultation Expiry:
12 July 2018

Applicant:
C/o Agent - -

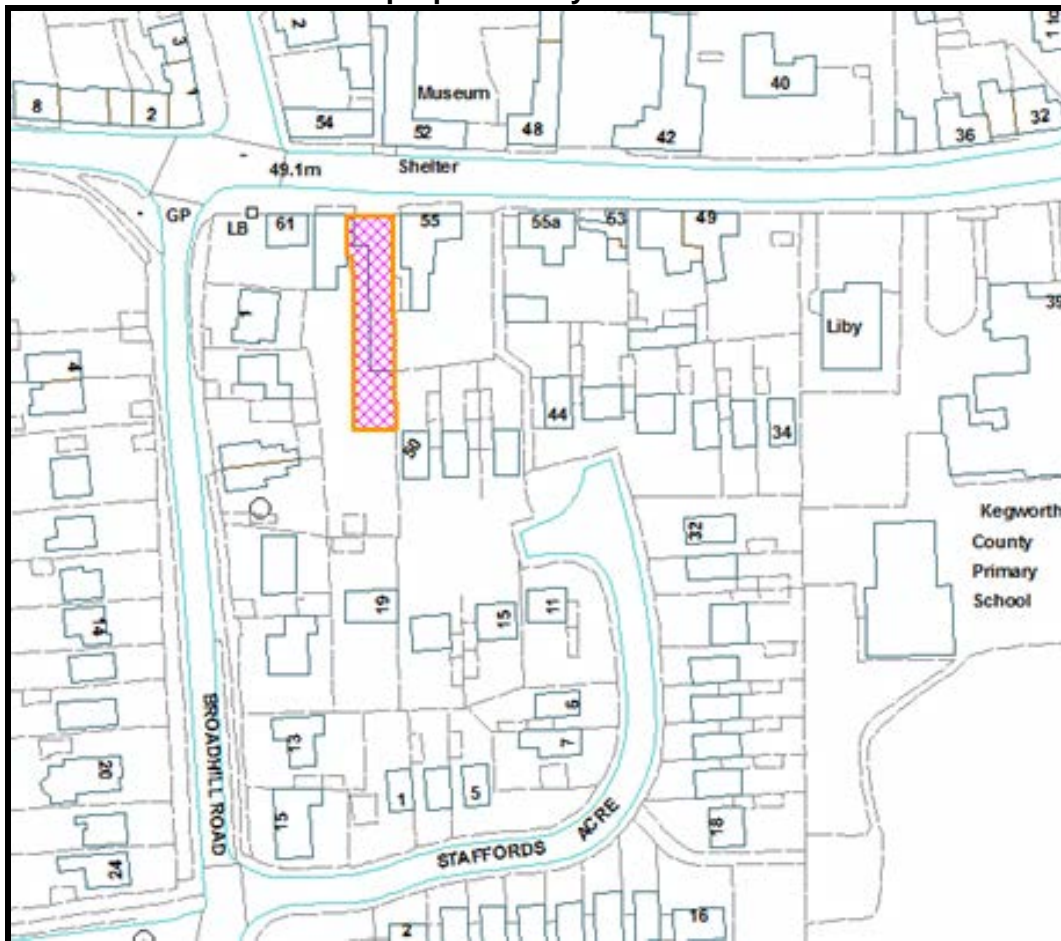
8 Week Date:
2 August 2018

Case Officer:
Ebony Mattley

Extension of Time:
8 August 2018

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Reasons for Approval

Reason for Call In

The application is called in to Planning Committee as the Ward Member (Councillor Pendleton) has requested it to be considered by Planning Committee with the reasons stated as a more intensive use would have a detrimental effect on the amenity of adjacent neighbours, the Conservation Area, the fabric of the Listed Building and issues with parking.

Proposal

Planning permission is sought for the change of use to serviced apartments, external alterations and erection of a brick wall at Nos 57 High Street, Kegworth.

Consultations

Members will see from the main report below that there are objections raised from Kegworth Parish Council and two neighbours.

There are no other objections raised from statutory consultees.

Planning Policy

The site is located within 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 key issues arising from the application details are:

- Principle of Development
- Design and Impact upon Heritage Assets
- Impact upon Residential Amenity
- Highway Considerations

The report below looks at these details, and Officers conclude that the details are satisfactory. The proposals meets the requirements of relevant NWLDC policies, including the Good Design for North West Leicestershire SPD, and the NPPF.

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

Planning permission is sought for the change of use to serviced apartments, external alterations and erection of a brick wall at No's 57 and 59 High Street, Kegworth.

The application property would comprise of 4 x 1 bedroomed apartments and 2 x 2 bedroomed apartments.

The scheme proposes some external alterations to facilitate the conversion including the removal of the garage door in the front elevation and replacement with a window at ground floor and blocking up an existing door and replacement with a window at ground floor in the side elevation. A brick wall is also proposed along the common boundary between No's 57 and 59 High Street.

The site is located within Limits to Development, as defined by the adopted Local Plan.

Recent Planning History:-

18/00167/LBC - Internal alterations - Approved - 06.04.2018

17/01436/FUL - Change of use to dwelling (C3) (in part of building known as No. 57) - Approved - 07.12.2017

2. Publicity

10 neighbours notified.

Site Notice displayed 21 June 2018.

Press Notice published Derby Evening Telegraph 27 June 2018.

3. Summary of Consultations and Representations Received

Kegworth Parish Council objects to the application on the following grounds:-

"Both dwellings are in the conservation area of Kegworth. Number 59 is a Grade II listed building. Only one parking space is available for use by occupants to both buildings, with a garage in number 57.

These proposals follow planning approval 17/01436/FUL for the change in use (to residential C3) of the attached building at 57 High Street, which was approved in December 2017.

The proposed use as 6 serviced apartments would remove the existing garage in number 57, leaving the occupants' cars to find street parking in an area already known locally as difficult for existing residents to park in. Kegworth Parish Council considers that the parking provision for HMO's, including serviced apartments should be treated as for bedsit, ie, with a minimum of one per unit provided.

KPC considers that the two buildings, if more intensively used as serviced apartments, would have a detrimental effect on the Conservation area in the village.

KPC considers that the intensive use of the dwelling would have a very noticeable detrimental

effect on the amenity of adjacent houses in the established residential area, and within the listed building at number 59, have a marked detrimental effect on the building's fabric.

Kegworth Parish Council strongly objects to the use of the dwellings as 6 serviced apartments on the grounds of inadequate parking provision, over intensive use of the listed building, detrimental effect on the Conservation area and the loss of amenity to occupants of adjacent properties. In addition KPC are concerned that the overall numbers of HMO's in Kegworth are altering the character of the village."

Kegworth Parish Council also raises objection that the earlier application for change of use to C3 residential may have been made with the objective of use as an HMO and Kegworth Parish Council is concerned that pressure from the rising number of HMO's is changing the character of the village and jeopardises community cohesion, with the seasonal nature in use of the HMO's affecting the sustainability of local businesses. Kegworth Parish Council proposes that the parking provision for HMO's, including serviced apartments should be treated as for bedsit, i.e. with a minimum of one per unit provided.

No objection from:-

Leicestershire County Council - Highways
NWLDC Environmental Protection

No objection, subject to condition(s) from:-

The Council's Conservation Officer

Third Party Representations

Two letters of neighbour representation have been received, raising objections on the following grounds:

- The property has only been trading on an ad-hoc basis as a Bed and Breakfast with 3 rooms and the B & B 59 High Street, stopped trading over 12 months ago;
- Works have already started on the scheme;
- All future occupants are unlikely to all use the bus;
- This application should require a HMO application due to the high number of residents as concerns for personal safety is also of paramount; and
- Taking No. 59 as a 4 bedroomed property and potential for 8 occupants, allowing this development creates a potential 16 people, which combined makes a potential of 24 people which has no provision for any parking and does not have its own driveway, with the garage to be removed;
- Highway safety and parking concerns; property is very close to a busy junction, a day nursery and close to the primary school.

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

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2018)

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:

Paragraphs 7, 8, 9, 10, 11, 12 (Achieving sustainable development)
Paragraph 56 (Planning conditions and obligations)
Paragraph 109 (Promoting sustainable transport)
Paragraph 127 (Achieving well-designed places)
Paragraphs 192, 193 (Conserving and enhancing the historic environment)

Adopted North West Leicestershire Local Plan (2017)

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

S2 - Settlement Hierarchy
D1 - Design of New Development
D2 - Amenity
H6 - House Types and Mix
IF4 - Transport Infrastructure and New Development
IF7 - Parking Provision and New Development
HE1 - Conservation and Enhancement of North West Leicestershire's Historic Environment
Ec5 - East Midlands Airport: Safeguarding

Other Policies/Guidance

National Planning Practice Guidance - March 2014
Leicestershire Highways Design Guide
Good Design for North West Leicestershire SPD - April 2017
The Planning (Listed Buildings and Conservation Area) Act 1990

5. Assessment

Background

The property is a two storey house adjoining the adjacent No.59 between which there is a shared alleyway at ground floor and a door linking a bedroom of each property at first floor. No.59 is a Grade II listed building of three storey height and the rear yard is shared with the application property.

The applicant has confirmed that the existing use is a bed and breakfast guesthouse, which has been operated by the owners/occupiers of No. 59 High Street, with some food preparation

taking place in No. 59 High Street and being taken into No. 57 High Street. To the rear the buildings have been used for jewellery workshops for educational purposes.

Planning permission has recently been granted (ref: 17/01436/FUL) for the change of use from a bed and breakfast guesthouse and workshop to the rear, to a dwelling, although the applicant has confirmed that this consent has not been implemented.

Listed Building Consent (ref: 18/00167/LBC) was granted in April 2018 for internal alterations to No. 59, which are currently being undertaken.

The applicant has confirmed that bed and breakfast guesthouse facilities have become increasingly in need of modernisation and following a recent change in ownership, the guesthouse is not currently taking guests, although the facilities remain in place and the use has not been abandoned.

The applicant has stated that the "serviced apartments" will operate on a short-term occupancy basis, and will not be the permanent residential base for the occupiers. The applicant anticipates that the persons associated with East Midlands Airport will form a large proportion of the clientele.

The apartments are to be primarily serviced by the applicant (residing in No. 59 High Street) with the applicant stating that one or more persons are likely to be employed to assist in the servicing of the apartment, and servicing tasks will primarily focus on cleaning and laundry services. The applicant has stated that dependent upon the customers' needs and market demand, it is possible that other services, such as food delivery and local transport may be provided by, or arranged through the applicants.

The apartments, will have a shared amenity space to the rear courtyard.

Principle of Development

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan 2017.

The site is located within Limits to Development as defined by the adopted Local Plan.

There are no specific policies precluding the loss of tourism accommodation but Policy Ec13 of the adopted Local Plan states that support will be given for the retention and enhancement of tourist accommodation. This policy, however, does not address the loss of such features and as such there is no policy objection to the proposal. Further, the principle of the loss of the bed and breakfast, has already been established by the granting of planning permission ref: 17/01436/FUL.

Policy S2 of the adopted Local Plan categorises Kegworth as a 'Local Service Centre' which are settlements which provide some services and facilities primarily of a local nature meeting day-to-day needs and where a reasonable amount of new development will take place.

As the application site is within the defined Limits to Development and relates to the conversion of existing building to residential development, it would accord with Policy S2 of the adopted Local Plan. Accordingly, there is no objection in principle to the proposal, subject to all other

matters being properly addressed.

Design and Impact upon Heritage Assets

The need for good design in new residential development is outlined not only in adopted Local Plan Policy D1 and the Council's Good Design SPD but also paragraphs 127 and 130 of the NPPF 2018.

For the avoidance of doubt No. 57 is not a Listed Building and No. 59 is a Listed Building. On the east of the application site, is No.55 High Street, another Grade II Listed Building and the site is located within the Kegworth Conservation Area.

The proposed development must be considered against section 66(1) 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".

Paragraph 192 of the NPPF 2018 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 193) 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 scheme proposes some external alterations to facilitate the conversion including the removal of the garage door in the front elevation and replacement with a window at ground floor in the front elevation and blocking up an existing door and replacement with a window at ground floor in the side elevation.

Following concerns raised by the Council's Conservation Officer amended plans have been submitted replacing the originally proposed bow window in lieu of the garage doors, which is now of a design that matches the existing first floor window.

Furthermore, following the submission of amended plans the proposed boundary wall between 57 and 59 High Street is a solid brick wall with coping (and not a dwarf wall with slatted fence above as previously proposed).

For the avoidance of doubt, the amended plans also shows the existing chimney stack on eastern end of No. 57 as retained, as the existing chimney stack was omitted from the submitted plans in error.

The external alterations to insert two new windows, into existing openings is considered to be minor in scale. The proposed wall is considered modest in scale and proposes appropriate design and materials. Planning conditions are recommended to be imposed requiring brick work to be made good in respect of the windows and requiring a sample brick and details of the brick bond for the wall.

The scheme proposes minimal external changes and those proposed are considered to have an acceptable design that would be in keeping with the character and appearance of the existing building. Therefore, the proposal is considered to be in accordance with Policy D1 of the adopted Local Plan, the Council's Good Design SPD and the advice contained in the NPPF.

Overall it is considered that the proposals would not harm the setting of the adjoining Listed Buildings and would preserve the character and appearance of the Conservation Area. Taking the above into account, it is considered that the scheme is appropriate and would comply with the NPPF 2018 and Policy HE1 of the adopted Local Plan.

Impact upon Residential Amenity

The site has been operating as a bed and breakfast with four guestrooms and to the rear the buildings have been used for jewellery workshops for educational purposes. The scheme now proposes six serviced apartments, four of 1 bed configuration and two of 2 bed configuration.

There is a physical separation between the application and neighbouring dwelling, with a distance of approximately 1 metre between the side wall of No.57 and the side wall of No. 55 which is set to be retained. As the scheme relates to a conversion, there would be no additional extensions or alterations that would lead to any loss of light, overshadowing, or overbearing impacts, over and above that of the existing arrangement. There are windows at ground floor level, as are existing and the scheme has been orientated (as it already exists) to face towards No. 59 with openings towards it, and therefore away from No. 55 and therefore the comings and goings and any associated noise and disturbance would be contained within and directed towards No. 59.

The applicant has indicated that the intensity of the use, will almost entirely fall upon the applicant's themselves, as occupiers of No. 59, through increased levels of general activity and that all primary openings will face inward across the garden and yard area facing No. 59.

Taking into consideration the previous use, and that now proposed, it is acknowledged that there could be an increase in the level of comings and goings to and from the site, however given the existing interconnecting relationship that exists between No.57 and No. 59, and given that the applicant is the occupier of No. 59 and it is themselves who are proposing such an arrangement, it is not considered that a reason for refusal based upon the impact upon the occupiers of No. 59 could be sustained in this case.

Given the design of the scheme and given the siting of the other neighbouring dwellings it is not considered that any other neighbouring dwellings would be directly impacted upon as a result of the proposed conversion.

Overall, the proposal is not considered to result in significant impacts upon surrounding residential amenity. Therefore, the proposed development is considered to be in accordance with Policy D2 of the adopted Local Plan and the Council's Good Design SPD.

Highway Considerations

Kegworth Parish Council proposes that the parking provision for HMO's, including serviced apartments should be treated as for bedsit, i.e. with a minimum of one per unit provided.

The County Highway Authority (CHA) originally considered the scheme under the 'Standing Advice' procedure, however following concerns raised by Kegworth Parish Council, officers requested a detailed response from the CHA.

The CHA in response to the concerns raised by Kegworth Parish Council in respect of parking, have considered the scheme and has acknowledged that there is no inclusion of on-site parking provision for this application and they would normally seek to resist a proposal that would fail to provide appropriate off-street car parking. The CHA, however raised no objections to this application, given that there is access to a frequent bus service opposite the property and taking into consideration the existing permitted use and the current shortfall in on-site parking, it is unlikely that it would be possible to sustain a reason for refusal on highway grounds in the event of an appeal.

Accordingly, in response to the Parish Council, whilst the parking provision would usually be requested, in this case, given the existing under provision, the sites proximity and connection with a SkyLink bus stop immediately outside the premises, and given that the site is in walking distance to the town centre, and the fact that the CHA are raising no objections on these grounds, the lack of parking provision is not considered to warrant a reason for refusal, in this case.

Overall, the CHA is of the view, the residual cumulative impacts of development are not considered severe in accordance with Paragraph 109 of the NPPF 2018. Accordingly the highway safety aspects of the scheme are considered acceptable and the proposal is considered acceptable in relation to adopted Policies IF4 and IF7 of the adopted Local Plan.

Airport Safeguarding

The site is within the safeguarded area of East Midlands Airport. As the proposal is for a conversion it would not therefore exceed the height of the existing building. Accordingly there would be no safeguarding issues and the scheme would be compliant with Policy Ec5 of the adopted Local Plan.

Other Matters

In response to a letter of objection from a neighbour, the applicant has confirmed that works have not already started, in relation to this proposal. Any works currently in hand at the property relate to the refurbishment of the dwelling (59 High Street), for which Listed Building Consent has been secured, and not any works in relation to these apartments.

Use Class and Conditions

In response to the objections raised from the Parish Council - for the avoidance of doubt this application is not for a House in Multiple Occupation (HMO). A HMO is a property that is shared by three or more tenants (not exceeding 6) who are not living together as a family, and who share basic amenities such as a kitchen, bathroom or toilet facilities but have separate bedrooms and in order to be an HMO, the property must also be used as the tenants' main residence. This applications provides six apartments, which have their own facilities.

Consideration has been given to whether it is appropriate to impose a condition restricting the

occupiers of the properties to a stay up to 28 days, to ensure a "short term occupancy", however as it is considered that the serviced apartments in this case can be argued as either C3 use, like a residential apartment, or a C1 use, such as a holiday let, bed and breakfast. For the reasons discussed below the Council is comfortable with no such restriction being imposed.

The assessments made in respect of this application remain the same irrespective of whether the serviced apartments are deemed C3 use or C1 use, and would not result in a different outcome being reached by the Council. The CHA have also confirmed that their comments, would equally apply to six residential apartments, as a C3 use, or a C1 use. Therefore six apartments, (whether "serviced" or not) in this case, is considered to be acceptable. Accordingly it is not considered that imposing such a condition, restricting occupancy would be in accordance with Paragraph 56 of the NPPF 2018.

Conclusion

The principle of the development is acceptable. The proposal is not considered to have any significant detrimental design, residential amenity or highway impacts. It is considered that the proposals would not harm the setting of the Listed Buildings and would preserve the character and appearance of the Conservation Area. The proposal is deemed to comply with the relevant policies in the adopted Local Plan, the advice in the NPPF and the Council's Good Design SPD. 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) Time
- 2) In accordance with amended plans
- 3) Materials - including brick bond for the proposed wall
- 4) Full window details for 2 no. new windows
- 5) Making good of brickwork to insert windows in existing openings
- 6) Undertake erection of wall, prior to first occupation
- 7) Removal of permitted development rights