

Meeting	<b>PLANNING COMMITTEE</b>
Time/Day/Date	6.30 pm on Tuesday, 12 March 2019
Officer to contact	Democratic Services (01530 454512)

## AGENDA

Item		Pages
<b>1.</b>	<b>APOLOGIES FOR ABSENCE</b>	
<b>2.</b>	<b>DECLARATION OF INTERESTS</b>	
	Under the Code of Conduct members are reminded that in declaring disclosable interests you should make clear the nature of that interest and whether it is pecuniary or non-pecuniary.	
<b>3.</b>	<b>MINUTES</b>	
	To confirm and sign the minutes of the meeting held on 12 February 2019.	<b>3 - 4</b>
<b>4.</b>	<b>PLANNING APPLICATIONS AND OTHER MATTERS</b>	
	Report of the Head of Planning and Infrastructure.	<b>5 - 8</b>

## Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
A1	<b>18/00375/REMM: Erection of 360 dwellings, associated infrastructure and landscaping (reserved matters to outline planning permission ref. 13/00956/OUTM)</b>  Land North Of Grange Road Hugglescote Coalville Leicestershire LE67 2BQ	PERMIT	9 - 20
A2	<b>18/01466/FUL: Change of use from A4 to a mixed use of C1 (bed and breakfast) and A3 (restaurant), erection of two storey side and rear extension and alterations to car parking arrangements</b>  The Halfway House 128 Belvoir Road Coalville Leicestershire LE67 3PQ	PERMIT	21 - 28

MINUTES of a meeting of the PLANNING Committee held in the Council Chamber, Council Offices, Coalville on TUESDAY, 12 February 2019

Present: Councillor N Smith (Chairman)

Councillors R Ashman, R Adams, R Boam, J G Coxon, D Harrison, G Jones and J Legrys

In Attendance: Councillors M Specht, D Everitt, J Geary, M B Wyatt and R Johnson

Officers: Mr C Elston, Mrs S Grant, Mrs C Hammond and Mr J Mattley

#### **50. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors R Canny and M Specht.

#### **51. DECLARATION OF INTERESTS**

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

Councillor R Adams declared that he had been lobbied without influence in respect of item A1, application number 18/01764/FULM.

#### **52. MINUTES**

Consideration was given to the minutes of the meeting held on 8 January 2019.

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

RESOLVED THAT:

The minutes of the meeting held on 8 January 2019 be approved and signed by the Chairman as a correct record.

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

Consideration was given to the report of the Planning and Development Team Manager, as amended by the update sheet circulated at the meeting.

#### **54. A1 18/01764/FULM: EMPLOYMENT DEVELOPMENT INCLUDING THE ERECTION OF FOUR BUILDINGS FOR USE CLASS B1C/B2/B8 PURPOSES**

Land At Bardon Road Coalville Leicestershire

#### **Officer's Recommendation: PERMIT subject to S106 Agreement**

The Principal Planning Officer presented the report to Members.

Councillor M Wyatt, County Division Member, addressed the meeting. He expressed concerns that the application would have a detrimental effect on the area due to the increased traffic pollution along Bardon Road and that the site lay outside the limits to development, which was contrary to the Local Plan. He highlighted that there were several vacant industrial units in the area that could be used. He urged Members to refuse the application.

Mr J Hicks, agent, addressed the meeting. He highlighted that two of the proposed occupiers were current Coalville town based companies and that none of the employment sites within the Local Plan were considered suitable. He advised that no objections had

been received from the statutory consultees and that the proposal would contribute to the Coalville contribution strategy for highways.

Councillor M Specht, Ward Member, addressed the meeting. He highlighted that there were a number of identified employment land sites within the Local Plan that were available and suitable for the requirement. He expressed concerns over the increased number of vehicle movements and traffic pollution that the site would generate along Bardon Road, which was already heavily congested. He felt that the application should be refused on the grounds that it was contrary to policy S3, the detrimental effect the increased traffic would have on the environment and highways concerns.

In determining the application, some Members expressed concerns that the development would increase the volume of traffic on an already busy highway, that there were several vacant industrial units nearby that could be used and that the application went against the Local Plan. Following information from officers, Members considered that the application was in accordance with Policy S3 of the Local Plan as it complied with paragraph 2 of Policy Ec2 of the plan and that the current review of the plan had identified a shortfall of employment land. Members also noted that there were no comments from any statutory consultees.

The officer's recommendation was moved by Councillor R Ashman seconded by Councillor D Harrison.

The Chairman then put the motion to the vote. A recorded vote being required, the voting was as follows:

<b>Motion to Permit the application (Motion)</b>	
Councillor Nigel Smith	For
Councillor Robert Ashman	For
Councillor Ron Adams	Against
Councillor Russell Boam	For
Councillor John Coxon	For
Councillor Dan Harrison	For
Councillor Geraint Jones	For
Councillor John Legrys	Against
Councillor Virge Richichi	For
<b>Carried</b>	

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Planning and Development Team Manager.

Councillor M Specht left the meeting at 6.52pm.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 7.16 pm

**APPENDIX B**

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

**12 March 2019**

**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 Infrastructure are material planning considerations and relate to matters not previously raised.

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

Where the Head of Planning and Infrastructure 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 Infrastructure.

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

Where the Head of Planning and Infrastructure 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 Infrastructure.

## **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 Infrastructure.

## **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 Infrastructure/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 Infrastructure.

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

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 360 dwellings, associated infrastructure and landscaping (reserved matters to outline planning permission ref. 13/00956/OUTM)  
Land North Of Grange Road Hugglescote Coalville  
Leicestershire LE67 2BQ**

**Report Item No  
A1**

**Application Reference  
18/00375/REMM**

**Grid Reference (E) 443959  
Grid Reference (N) 313000**

**Date Registered:  
30 August 2018  
Consultation Expiry:  
30 January 2019  
8 Week Date:  
29 November 2018  
Extension of Time:  
13 February 2019**

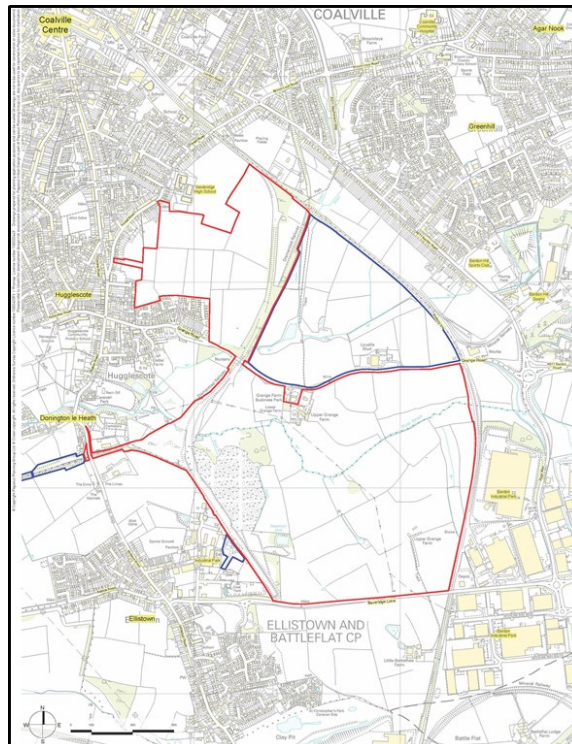
**Applicant:  
Miss Helen Bareford**

**Case Officer:  
James Knightley**

**Recommendation:  
PERMIT**

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



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## **1. Proposals and Background**

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

#### **Call In**

The application is referred to the Planning Committee for determination on the basis of the Planning Committee resolution of 2 December 2014 in respect of the outline planning permission.

#### **Proposal**

This is a reserved matters application for the erection of 360 dwellings and associated development, forming part of the wider South East Coalville development.

#### **Consultations**

Objections have been received from Hugglescote and Donington le Heath Parish Council and neighbouring residents in respect of the proposals. Previously-raised objections from the County Highway Authority are now understood to have been resolved; no objections are raised by any other statutory consultee.

#### **Planning Policy**

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.

#### **Conclusion**

The proposed development is considered to represent an appropriate form of development in accordance with the outline planning permission, and would provide for an acceptable standard of design to meet the Local Planning Authority's design objectives.

### **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

This is a reserved matters application for the erection of 360 dwellings on a site of approximately 18 hectares forming part of the wider South East Coalville development.

The original outline planning permission (ref. 13/00956/OUTM) was determined at the Planning Committee in December 2014, and issued in September 2016 following completion of a Section 106 obligation securing contributions including in respect of affordable housing, travel plans, travel packs, bus passes, children's play / public open space / recreation, biodiversity enhancement, education, civic amenity, libraries and healthcare. An associated Section 278 agreement between the applicants and Leicestershire County Council secured contributions towards off-site highways infrastructure.

All matters were reserved for subsequent approval, and all five reserved matters for the phase to which this application relates (i.e. access, appearance, landscaping, layout and scale) are included for consideration as part of this reserved matters submission. However, the outline planning permission was accompanied by an indicative development framework plan indicating the general location of built development, open space and highway infrastructure within the site, and has subsequently been subject to approved discharge of condition submissions in respect of a site-wide masterplan, Design Code and a vehicular access strategy.

As per the site-wide masterplan, the scheme would provide for areas of public open space, including balancing facilities adjacent to the Grange Road site entrance and to the western side of the site, two children's play areas, and various other areas of incidental public open space / green infrastructure.

As referred to later in this report, a piece of land has also been identified as a potential area for expansion of the Hugglescote Surgery close to the site access.

### 2. Publicity

13 neighbours notified.

Press Notice published Leicester Mercury 12 September 2018.

Site Notice published 12 September 2018.

### 3. Summary of Consultations and Representations Received

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

- Proposed children's play provision does not meet the requirements of the District Council's SPD or the Section 106 agreement
- Full landscaping details ought to be submitted
- Bus route is too direct and would encourage rat-running - traffic calming measures should be horizontal, not vertical
- Consideration should be given to providing an access to Newbridge Academy
- More use should be made of alternative road surfacing materials
- Insufficient bungalows or two bed market dwellings
- Pedestrian link should be provided to the safeguarded potential surgery extension site
- A footway should be provided between the site entrance and the existing footway on Grange Road
- Travel Plan should be updated to reflect subsequent changes in public transport services

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

**Leicestershire County Council Highway Authority** final comments awaited

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

**Leicestershire Police** makes a number of recommendations in respect of reducing the opportunities for crime

**National Forest Company** has no objections overall, but suggests some minor alterations to the proposed landscaping. The proposed intention to use timber equipment as part of the children's play contributions is welcomed.

**Network Rail** has no objections subject to conditions

**North West Leicestershire District Council Strategic Housing team** has no objections

**North West Leicestershire District Council Environmental Protection team** has no objections subject to conditions

**North West Leicestershire District Council Urban Designer** has no objections

**North West Leicestershire District Council Waste Services Team** advises that updated plans will be required to include all necessary bin collection points

**Severn Trent Water** advises that a sewer modelling study would be required to determine if foul flows could be accommodated within the public foul water sewer

### **Third Party Representations**

Representations have been received from occupiers of 5 properties, making the following comments:

- Not enough two bed dwellings
- Impact from side-on two and three storey dwellings directly to rear of existing dwellings on Hawley Close
- Overlooking
- Loss of property value
- Loss of view
- Insufficient green space / play areas / recreational areas proposed
- Proposed balancing facility would be stagnant water which would attract mosquitos / waterborne insects
- Insufficient infrastructure (including in respect of education, transportation, shops and medical facilities)
- Increased traffic
- Queries whether there would be provision to extend Hugglescote Surgery and its car park
- Neighbours' deeds preclude development to the rear of their property
- Three storey properties should be located adjacent to Newbridge School
- Work has already commenced
- Dust and noise from construction works
- Groundwater issues

## 4. Relevant Planning Policy

### National Policies

#### *National Planning Policy Framework (2019)*

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

- Paragraphs 8, 11 and 12 (Achieving sustainable development)
- Paragraphs 47, 54 and 55 (Decision-making)
- Paragraphs 106, 109 and 110 (Promoting sustainable transport)
- Paragraphs 122 and 123 (Making effective use of land)
- Paragraphs 124, 127, 128, 129 and 130 (Achieving well-designed places)
- Paragraph 165 (Meeting the challenge of climate change, flooding and coastal change)

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

### 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 (site H1h). The following adopted Local Plan policies are considered relevant to the determination of this application:

- Policy D1 - Design of new development
- Policy D2 - Amenity
- 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

### Other Policies

Good design for North West Leicestershire SPD

Leicestershire Highways Design Guide

## 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 September 2016 and, as a submission for reserved matters approval, the present application essentially seeks agreement of details in respect of the access, 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 matters 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) (either for the site as a whole or the relevant phase). These conditions include

requirements in respect of: provision of a masterplan (Condition 5); a Design Code (Condition 8); a statement setting out how the Design Code has been complied with (Condition 9); details of modelling and buffer works relating to the River Sence (Conditions 11 and 16); a vehicular access strategy (Condition 27); a site-specific Travel Plan for the relevant phase (Condition 31); and details of continuous routes suitable for buses (Conditions 32 and 33). However, whilst these conditions generally require these matters to be submitted with the first reserved matters application for the relevant phase, the consortium has already sought to address the majority of these on a site-wide basis under separate discharge of condition applications, and the submission requirements under Conditions 5, 8, 11, 16 and 27 have, in effect, already been complied with. In terms of the remaining conditions referred to above, the following conclusions are reached:

*Condition 9:* In accordance with the condition, the application is accompanied by a statement setting out how, in the applicant's view, the scheme meets the requirements of the approved Design Code, and the requirements of the condition are met. Officers' assessment of the scheme's performance against the Code is set out in more detail under Urban Form, Design and Site Layout below.

*Condition 31:* The application is accompanied by a Travel Plan; further assessment would be necessary under Highway Safety, Transportation and Access Issues below.

*Condition 32:* The application documents include a copy of the approved vehicular access strategy which contains details intended to demonstrate that the scheme would (when implemented in conjunction with the Wainwright Road Phase 2 scheme to the west, the subject of a resolution to permit subject to Section 106 obligations (ref. 15/00641/FULM)) provide a continuous route suitable for bus use through the respective sites connecting Forest Road with Grange Road. The submitted layout plans also show provision of a bus route connecting the site up to the line of the former mineral railway (and which would then enable connection through to the land to the east of the railway as and when development of the site to the east has progressed. Subject to the confirmation of the County Highway Authority that the road design / geometry would be suitable for use by buses (i.e. if the revised layout is found to be acceptable, as discussed in more detail under Highway Safety, Transportation and Access Issues below), the scheme is considered acceptable in this regard. [NB Condition 33 provides for equivalent requirements in respect of land south of Grange Road, and no submission is therefore required in connection with this parcel.]

### **Urban Form, Design and Site Layout**

The proposed development would provide for a total of 360 dwellings, equating to a gross site density of 19.9 dwellings per hectare (or a net density of 28.4 dwellings per hectare). Paragraph 122 of the NPPF requires development to make efficient use of land; the density of the proposed development would, when having regard to the location of the development and the implications of meeting the District Council's design policies, be considered reasonable in this location.

The scheme is essentially intended as a landscape led development in accordance with the principles set out in the agreed Design Code for the site as a whole. In particular, the principal routes through the site would be tree-lined in accordance with the agreed street typology.

During the course of the application, the scheme has been the subject of extensive discussions between officers (including the District Council's Urban Designer) and the applicant, intended to address a number of concerns raised by the Urban Designer in respect of the originally submitted scheme. In particular, the Urban Designer was concerned that, whilst the general

disposition of development proposed was broadly in accordance in accordance with the site-wide masterplan, other principles of good design (as set out in the Council's Good design for North West Leicestershire SPD) would still be needed to be followed, and including matters such as identifying and responding to the site's opportunities. The Urban Designer was also concerned that, whilst the masterplan (and its street structure) provide a sound basis for legibility, it is nevertheless still necessary for each individual development within the scheme as a whole to provide a scheme with "memorable" elements / features so as to aid legibility within each parcel, and to include appropriate levels of internal connectivity. This is necessary in order to avoid a situation whereby each parcel is, internally, still difficult to navigate (both physically and mentally (i.e. in terms of the role that having more distinctive / recognisable locations within the site help form a mental map of the place)).

Following the various amendments, the Urban Designer confirms that his concerns are now addressed, following the making of what he considers to be significant improvements. He furthermore considers that the scheme is consistent with the masterplan and is Design Code compliant and, as the masterplan and Code have been produced and approved with Building for Life 12 in mind, it can be concluded that the scheme would perform well against Building for Life 12, subject to the imposition of conditions to address more detailed issues (including, for example, treatment of boundaries, landscaping and materials). Whilst details of external materials have been submitted with the amended plans, the view is taken that further consideration of some of the materials proposed (and their disposition within the site having regard to plot prominence etc.) will need to be had so as to ensure that the design quality of the scheme is secured. The Urban Designer also recommends attachment of conditions relating to the treatment of the proposed open space at the northern end of the site, including the implementation of a piece of public art required to aid site legibility, and also conditions designed to ensure that pedestrian links and unadopted drives proposed to maintained by a management company are available (including provision of signage (in the form of blocks in the surface) to clarify those drives' status. Subject to the imposition of the conditions recommended by the Urban Designer, the scheme is therefore considered acceptable in terms of the design, and would comply with the relevant development plan and SPD policies.

In terms of housing mix issues, Local Plan Policy H6 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 securing affordable housing (7.5%) as part of the development, Policy H6 refers to the need to have regard to the most up-to-date 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	-	2	26	72
Affordable	15	48	37	-

On this basis, it is considered that, whilst the proposed affordable housing would appear to accord 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) and, in response to concerns raised by officers and the ward member, the scheme has been amended such that four bungalows are now proposed to be provided. Whilst, in terms of the proposed market housing mix (i.e. in terms of bedroom numbers etc.), the scheme as proposed would not appear to perform particularly well against the criteria in Policy H6, it is acknowledged 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).

In terms of affordable housing generally, the Section 106 agreement requires the provision of a minimum of 7.5% affordables; whilst the need to comply with the terms of the Section 106 agreement is not directly relevant to the determination of this reserved matters application (and the precise nature of the proposed affordable contribution within this phase would need to be agreed separately under the provisions of the Section 106 agreement prior to commencement on the phase), it is noted that the proposed total of 27 affordable units would meet this requirement; insofar as the mix of affordable units is concerned in terms of dwelling size and tenure type, this would also need to be resolved under the provisions of the Section 106 agreement. At this stage, however, the District Council's Strategic Housing team raises no significant concerns over the house types indicated as intending to be the affordable contribution shown on the submitted layout.

Under the provisions of the Section 106 obligation entered into at the outline stage, a significant contribution to green infrastructure (including public open space, children's play and National Forest planting) is required to be implemented (within the site as a whole). Insofar as this part of the wider site is concerned, the submitted layout broadly corresponds with the various areas of proposed green infrastructure on the indicative layout submitted at the outline stage and the subsequently approved masterplan, and would be considered to provide a suitable network of open space as part of the development's overall landscape-led approach.

Under the provisions of the Section 106 agreement, the developer for each phase of the wider development is required to agree the details of those areas of public open space etc. under that agreement prior to commencement on the relevant phase. As such, this is essentially a matter relating to discharge of planning obligations rather than the current reserved matters application.

It is noted that the proposed layout would result in the development of a section of one of the areas of public open space identified on the masterplan for housing (in effect, an additional two to three plots). However, the applicant draws attention to other areas of the scheme where additional open space or other green infrastructure is provided over and above that indicated on the masterplan and considers that, overall, the current reserved matters scheme would provide for a small increase in total open space compared with the masterplan. Whilst this calculation is difficult to be precise over given the scale at which an indicative masterplan is produced at, it is accepted that, overall, there would appear to be no material loss of overall green space and, as such, the scheme is acceptable in this regard. It is noted that one of the proposed play areas is in a slightly different position from that originally envisaged in the masterplan (in part due to slight realignment of the principal route proposed in response to neighbour concerns over the original submission); again, this is not considered significant, however, and the overall size of



the proposed play area exceeds that previously indicated on the masterplan.

### **Highway Safety, Transportation and Access Issues**

As set out above, whilst the site is subject to an agreed vehicular access strategy, the details of the proposed means of access are a reserved matter for determination as part of this application. The submitted scheme shows a principal route connecting the site from the Wainwright Road Phase 2 scheme in the west (itself connecting with Forest Road) and Grange Road to the south. A link eastwards (and crossing the former mineral railway) is shown providing a future connection to the site to the east (and which also has outline planning permission for residential development). The vehicular access strategy indicates that this link will be provided up to the wider South East Coalville outline planning permission site boundary (i.e. the eastern side of the former railway) prior to the occupation of 200 dwellings on the part of that wider site the subject of this reserved matters application. In addition, the submitted documents confirm that that part of the former railway to the north of Grange Road would be enhanced as a pedestrian and cycle route in association with this phase of the wider development.

The County Highway Authority had initially raised objections to the application as submitted (primarily in respect of internal layout issues, and compliance with the County Council's standards for adoption of new roads), but has since been engaging with the applicant in order to resolve the issues. At the time of preparing this report, the County Highway Authority's formal response to the amended submissions designed to address the concerns was awaited, and any further comments received will be reported on the Update Sheet. It is however understood from the County Council that the amended submissions are likely to address the remaining concerns.

Insofar as the proposed site access is concerned, a Stage 1 Road Safety Audit and designer's response was required; this is now understood to have been provided to the County Highway Authority under the associated Section 278 agreement procedure, and no further information is understood to be necessary on this issue.

A right of way (Footpath N86) crosses the site, but its route would not appear to be significantly affected (in terms of alignment) in that its existing definitive map line passes through land proposed to form publicly available open space. Whilst the County Council's Rights of Way Officer considers that the route could in fact be affected, no objections are nevertheless raised, subject to conditions. Insofar as the *amenity* value of the right of way is concerned, it is noted that this part of footpath N86 would no longer pass through undeveloped agricultural land, and there would be an element of an adverse impact in this regard. However, it is considered that, by virtue of the provision of a significant increase in the overall extent of car-free routes associated with the proposals, any impacts in terms of the amenity value of the existing footpath would be more than outweighed by these new pedestrian route benefits.

In terms of the submitted Travel Plan relating to this phase of the wider scheme, this sets out a range of measures designed to reduce reliance on single occupancy vehicle trips. This has been assessed by the County Highway Authority, and is considered acceptable. In response to the application, Hugglescote and Donington le Heath Parish Council notes that one of the bus services assessed (Roberts No. 159 service) is to be reviewed in 2019 and may cease operation. Whilst this concern is noted, it is accepted that, as matters currently stand, the service remains operational, and ought to be taken into account within the Travel Plan. Regardless, however, the site has outline planning permission, and the principle of housing on the site is in effect established, and it would not be appropriate to seek to revisit the principle of development even if the existing bus services serving the site were not to be continued. It is also noted that, under the provisions of the Section 278 agreement entered into at the outline

stage, the County has the option to direct contributions from the Coalville Transportation Infrastructure fund towards the Coalville to Leicester bus service.

### **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 (and the impacts of those neighbouring properties on the occupiers of the proposed new dwellings), it is noted that there are existing dwellings adjacent to the south western parts of the site (Hawley Close), and amended plans were sought during the course of the application in order to seek to address concerns raised by some of the residents of these adjacent properties. Insofar as these dwellings are concerned, it is noted that these are, for the most part, backing onto the development, and in an area of the site where the proposed new dwellings would be facing towards the existing development (with a proposed new lane and pedestrian connection serving the proposed dwellings situated between existing and proposed housing). Where this "front to rear" relationship would be provided, the minimum 20m separation prescribed for the more common back-to-back type relationship as set out in the Good Design for North West Leicestershire SPD would be complied with and would, it is considered, indicate that the relationship shown would be appropriate. One of the existing Hawley Close dwellings would be side-on to the new development (and where a 12m minimum separation distance would normally be required). However, this existing dwelling has a side conservatory extension which, it is considered, would indicate that a greater degree of separation ought to be provided. Whilst the 20m back-to-back distance would not be achieved, having regard to the separation indicated (16m approx.), the intervening lane, and the existing hedgerow along the boundary, the relationship proposed would be reasonable in this case, and no unacceptable loss of amenity would result to the existing property, nor would any unacceptable impacts on the nearest new dwellings arise. In view of the proposed finished floor levels for the units in this area of the site which are comparable to existing neighbours' properties to the west, no additional issues arising from relative levels would be likely.

In terms of other amenity issues, whilst (as set out above), the scheme would include for lanes adjacent to existing properties' curtilages, it is considered that these would be very lightly trafficked (only serving a few dwellings each) and, as such, no adverse impacts in terms of vehicular movements would be considered likely to arise.

### **Other Matters**

It is noted that Network Rail has requested attachment of a number of conditions; where these are matters relevant to a planning condition, however, they already covered by conditions attached to the outline planning permission. Other matters raised by Network Rail are, it is considered, more appropriately addressed by way of a note to applicant.

Whilst Severn Trent Water has advised that a sewer modelling study would be required to determine if foul flows can be accommodated within the public foul water sewer, under the conditions attached to the outline planning permission the applicant would need to demonstrate that an appropriate scheme of drainage were provided prior to commencement of development, and is not directly relevant to this reserved matters application.

A number of comments are made by third parties in respect of the extent of infrastructure

required to accommodate the proposed development; these issues were in effect addressed at the outline stage (and any required enhancements secured under the Section 106 and 278 agreements). Insofar as healthcare was concerned, the Section 106 agreement secures a financial contribution of up to £276,931.20 towards the improvement of healthcare facilities serving the wider South East Coalville site. At the time of the original outline application, NHS England indicated that this would be likely to be directed towards enhancement of existing GP surgeries, and the sum sought was on the basis of the costs associated with providing an additional 7 clinical rooms. Whether or not the contribution (or a portion of it) were to be directed towards the adjacent Hugglescote Surgery and / or other surgeries likely to serve the wider site would be a matter for the West Leicestershire CCG in due course. However, during the course of the current reserved matters application (and in order to address concerns raised by the local ward member and the Parish Council), the scheme has been amended so as to identify a potential area for expansion of the Hugglescote Surgery so as to enable this to take place in the event that such a scheme were proposed in the future. It is considered that an appropriate condition(s) would be necessary to control the safeguarded site's treatment (in effect as a landscaped area) until such time as it were developed (and beyond that, in the event that it were no longer required).

A number of concerns had been raised by the District Council's Waste Services team in respect of availability of access for waste vehicles and the location of bin collection points. In response, the applicant has made a number of amendments in order to seek to address these concerns and, at the time of preparing this report, the further comments of the Waste Services team were awaited. The applicant also confirms that it would be agreeable to indemnifying the Waste Services team in respect of any potential future damage to the unadopted (management company maintained) lanes. Any required indemnification could be secured using an appropriate form of legal agreement (and in accordance with any advice on this matter from the District Council's Legal Services team).

### **Conclusions**

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

The reserved matters scheme the subject of this application is considered to be acceptable, and previously raised design concerns are considered to have been addressed to an acceptable degree. Subject to the confirmation of the County Highway Authority that the matters it has raised in terms of the detailed site layout have been addressed, therefore, it is recommended that reserved matters approval be granted.

**RECOMMENDATION- PERMIT, subject to no contrary representations raising new issues being received by 15 March 2019, and subject to the following condition(s):**

- 1 Compliance with outline planning permission
- 2 Approved plans
- 3 Landscaping (including future maintenance and management)
- 4 Hard surfacing
- 5 Materials

- 6 Boundary treatment (including means of construction of any stone walls)
- 7 Tree Protection
- 8 Levels
- 9 Pedestrian and cycle connections (including any works to public rights of way and other routes (e.g. former mineral railway))
- 10 Car parking
- 11 External lighting
- 12 Windows, doors, rainwater goods, utility boxes, chimneys, eaves and verges
- 13 Windows to car parking areas
- 14 Bin / recycling storage and collection points
- 15 Street name plates
- 16 Retaining walls / structures
- 17 Substations / pumping stations etc.
- 18 Compliance with details approved pursuant to outline planning permission conditions (and forming part of the reserved matters submission)
- 19 Strategy for treatment of safeguarded land
- 20 Provision of vehicular connection to land to the east
- 21 Strategy for provision (and future stopping up) of turning head adjacent to the western site boundary
- 22 Provision of public art and semi-mature trees to northern public open space
- 23 Provision of signage in respect of unadopted roads / drives intended for public use

Plus any other conditions as recommended by the County Highway Authority

Change of use from A4 to a mixed use of C1 (bed and breakfast) and A3 (restaurant), erection of two storey side and rear extension and alterations to car parking arrangements  
The Halfway House 128 Belvoir Road Coalville Leicestershire  
LE67 3PQ

Report Item No  
A2

Application Reference  
18/01466/FUL

Grid Reference (E) 442483  
Grid Reference (N) 313647

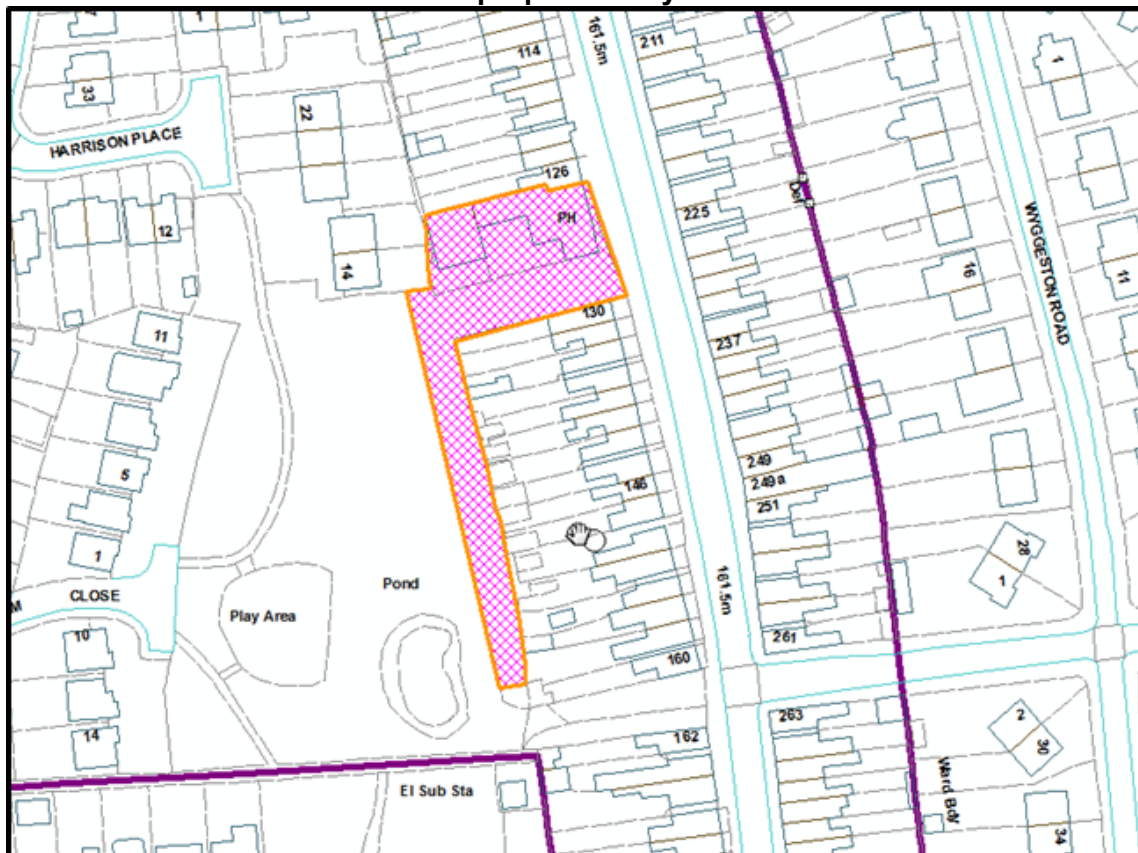
Date Registered:  
4 September 2018  
Consultation Expiry:  
21 February 2019  
8 Week Date:  
30 October 2018  
Extension of Time:  
13 March 2019

Applicant:  
Mr Mandeep Singh Bhella

Case Officer:  
James Mattley

Recommendation:  
PERMIT

Site Location - Plan for indicative purposes only



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## **1. Proposals and Background**

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

#### **Call In**

The application is brought to the Planning Committee as Councillor Geary has requested it be called in on highway safety grounds.

#### **Proposal**

Change of use from A4 to a mixed use of C1 (bed and breakfast) and A3 (restaurant), erection of two storey side and rear extension and alterations to car parking arrangements. The site is located to the west of Belvoir Road and was formerly a public house.

#### **Consultations**

A total of 30 letters of representation and a petition including 34 signatures have been received objecting to the proposal. All statutory consultees have raised no objections.

#### **Planning Policy**

The site is located within the Limits to Development on the Policy Map to 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 principle of the conversion of this vacant building to a bed and breakfast and restaurant establishment is considered to be acceptable. The proposal is not considered to affect residential amenity in the area, have any significant detrimental design impacts or conflict with highway safety. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the development plan and the NPPF. It is therefore recommended that the application be permitted subject to 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

In April 2016 planning permission 16/00080/FUL was granted for the change of use of a public house to a bed and breakfast (C1) including single storey and two storey extensions along with other external alterations on the site. That planning permission allowed for a total of 16 bedrooms which would be located on both ground floor and first floor levels. Two storey side and rear extensions are proposed in order to facilitate the change of use application.

Planning permission is now sought for the change of use from A4 (public house) to a mixed use of C1 (bed and breakfast) and A3 (restaurant), erection of two storey side and rear extension and alterations to car parking arrangements at The Halfway House, 128 Belvoir Road, Coalville. The main alterations between what has previously been granted and what is now proposed is the inclusion of an A3 (restaurant) use on the ground floor which would be open to members of the public and guests using the bed and breakfast facilities. This proposal also includes for additional car parking to be provided to the rear of the site.

Amended plans and additional parking justification information have been received during the course of the application to address concerns raised by the County Highway Authority.

The site visit revealed that some work has commenced on the building in relation to planning permission 16/00080/FUL.

### 2. Publicity

58 Neighbours have been notified.  
Site Notice published 11 September 2018.

### 3. Summary of Consultations and Representations Received

NWLDC Environmental Protection Section has no environmental observations.

County Highway Authority have no objections subject to conditions.

Severn Trent Water has no objections subject to conditions.

County Ecologist has no objection.

A number of petitions have been received totalling 34 signatures. A total of 30 individual representations have been received making the following objections:

Highway/parking:

- proposal would impact upon existing residential parking;
- access arrangements off Belvoir Road are unacceptable;
- would result in on-street car parking along Belvoir Road;
- level of car parking is unacceptable;
- car parking spaces are too small;
- proposed wall near access would be unsafe;
- no car parking layout plan has been provided;
- access is unsuitable for emergency vehicles;
- limited turning;
- applications have previously been refused on the grounds of unacceptable car parking;

- proposed path is unsafe;

Other:

- impact upon protected species;
- how will refuse be collected?;
- increased noise levels;
- noise and disturbance during construction;
- contamination issues;
- additional restaurant is not required in Coalville;
- concerns regarding drainage;
- revised plans show inaccurate measurements;
- render is yellow rather than white.

Non-material planning matters:

- impact upon surrounding property values;
- health and safety issues;
- a legal right of access exists to the rear for existing residential properties;
- current buildings do not meet Building Regulations;
- where are the fire assembly points?;

#### **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);  
Paragraphs 38, 39, 40, 41, 42, 44 and 47 (Decision-making);  
Paragraphs 54 and 55 (Planning conditions and obligations);  
Paragraphs 108 and 109 (Promoting sustainable transport);  
Paragraphs 124, 126, 127, 130 and 131 (Achieving well-designed places).

##### **Adopted North West Leicestershire Local Plan**

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;  
IF4 - Transport Infrastructure and new development;  
IF7 - Parking provision and new development.

##### **Other Policies and Guidance**

National Planning Practice Guidance - March 2014;  
Good Design SPD;  
Leicestershire Highway Design Guidance.

#### **5. Assessment**

##### **Principle**

The principle of using the site for bed and breakfast purposes and the loss of the public house



has already been established by the granting of planning permission 16/00080/FUL. It is therefore necessary to only consider whether it is now acceptable for the building to be converted to a mixed use consisting of a bed and breakfast and a restaurant.

The site is located within the limits to development where the principle of new development and change of use applications are normally considered acceptable subject to compliance with the relevant policies of the adopted North West Leicestershire Local Plan and other material considerations.

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF. The settlement of Coalville benefits from an extensive range of local services and is readily accessible via public transport. The proposal for the change of use to a bed and breakfast and restaurant establishment is, therefore, considered to score well against the sustainability advice in the NPPF.

The existing site is located outside of the defined main town centre area in the Local Plan. Advice in the NPPF advocates a sequential approach to ensure that town centre uses (such as bed and breakfast uses and restaurant) are established in town centre areas where possible. Whilst no sequential assessment has been provided by the applicant in relation to this, the site is located on the edge of the town centre area, it is brownfield land and the public house is currently vacant. Therefore, whilst outside of the main town centre area it is not considered that the scheme would cause any harm to the vitality of the main town centre.

Taking all of these issues into account, the proposal is considered acceptable in principle.

### **Highway Safety**

The previous application on the site which allowed for a 16 bedroom bed and breakfast use included for an access off Belvoir Road and the inclusion of 13 car parking spaces. The County Highway Authority (CHA) had no objections to that application subject to a number of planning conditions.

The application site for the current planning application includes additional land to the rear of 130-158 Belvoir Road to provide an increased level of car parking for the proposed uses. The scheme as originally submitted included for sliding gates and a 1 metre high boundary wall running centrally through the access to separate areas of car parking. A significant level of objection was received on the basis of highway safety, parking and turning from surrounding residents.

On the basis of the originally submitted plans the CHA objected to the proposal on a number of grounds including a lack of car parking (45 spaces were suggested), lack of turning, inadequate access width and car parking spaces which were too small. Officers also raised concerns over inaccurate measurements that were provided on the submitted plans.

Amended plans and additional justification have been put forward from the applicant following the concerns expressed by the CHA and officers. These show for the removal of the central boundary wall, removal of sliding gates, a single access point, amended location of car parking spaces and justification regarding the acceptability of providing a total of 21 car parking spaces on the site given that users of the bed and breakfast were also likely to use the restaurant services. Further amended plans have been received to address officers and residents concerns over the position of a pedestrian path in the rear car parking area and this has now been omitted from the scheme.

The CHA have considered the amended plans and information and confirm that the single point of access off Belvoir Road is now considered to be acceptable. In terms of car parking for the proposed restaurant and bed and breakfast use the CHA accept that users of the bed and breakfast are also likely to utilise the restaurant, and on this basis, calculate that 29 car parking spaces would normally be expected to be provided. The proposal seeks to provide a total of 21 car parking spaces which would be a shortfall of 8 car parking spaces. However, whilst acknowledging the shortfall, the CHA do not consider that such a shortfall would result in a severe impact on highway safety and note that the urban location of the site means it is reasonable to assume that users could access the site by foot/bus and taxi.

The current situation on the site is that residents along Belvoir Road are parking their vehicles on land which is owned by the applicant and which would no longer be available to them should planning permission be granted for this scheme (as those spaces would be being used in connection with the bed and breakfast and restaurant use). It is understood that residents have a right of access across the land to serve their rear car parking spaces and garages. It is acknowledged that the proposal could result in displaced parking but the CHA can only consider the impact of the development proposal itself. If additional vehicles are displaced due to an informal off-street car parking arrangement this could occur regardless of any planning permission on the site.

On the basis of the above, the CHA raise no objections in this instance subject to planning conditions. Overall, the proposal is considered to be acceptable in relation to Policies IF4 and IF7 of the adopted Local Plan as well as the Leicestershire Highways Design guidance.

### **Design**

The design of the previous extensions to the existing public house have already been deemed to be acceptable under planning application 16/00080/FUL. However, amended fenestration is now shown on the current application. Whilst there are minor changes to the size and position of windows and doors on the elevations, the design is still considered to be acceptable.

In respect of design issues, therefore, it is considered that the proposal would be appropriate in this area and would not detract from the character and appearance of the surrounding area, and the requirements of Local Plan Policies D1 and the advice contained in the NPPF are considered to be met by the scheme subject to the inclusion of relevant design conditions.

### **Impact on Residential Amenity**

The impact arising from the two storey extensions to the existing public house have already been deemed to be acceptable under planning application 16/00080/FUL. However, amended fenestration is now shown on the current application. Whilst there are minor changes to the size and position of windows and doors on the elevations, the impacts on surrounding residents are still considered to be acceptable.

On this basis, the proposal is considered to be acceptable in relation to Policy D2 of the Local Plan.

### **Other**

Concern has been raised regarding the impact of the proposal upon ecology. The County Ecologist has been consulted and raises no objections on the basis that the car parking would take place on existing hardstanding and they have no records of protected species in the surrounding area.

The Council's Waste and Recycling team have been consulted on the application and note that

there is no statutory provisions for North West Leicestershire District Council to collect commercial waste. The building is located in close proximity to Belvoir Road and the plans show for an area for bins to be stored.

A letter of representation has stated that previous applications have been refused on the site on highway grounds. No planning applications have been refused on the site although 11/00414/FUL and 15/00763/FUL were both withdrawn.

Issues relating to health and safety, fire regulations, impact upon property values, ownership matters and building regulations are not planning matters that can be taken into account in the determination of this application.

Some concerns have been expressed regarding land ownership. Whilst this is not normally a planning matter, the Council's Legal Team confirm that the applicant does own all the land and has submitted the correct certificate.

### **Conclusion**

The principle of the conversion of this vacant building to a bed and breakfast and restaurant establishment is considered to be acceptable. The proposal is not considered to affect residential amenity in the area, have any significant detrimental design impacts or conflict with highway safety. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the development plan and the NPPF. It is therefore recommended that the application be permitted subject to planning conditions.

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

1. Timeframe for commencement.
2. Approved plans.
3. Materials.
4. Access width.
5. Closure of existing access.
6. Parking and turning.
7. No gates unless set back.
8. Visibility splays.
9. Pedestrian visibility splays.
10. Noise insulation measures.
11. 16 bedroom only.
12. Use as specified.

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