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Meeting	<b>PLANNING COMMITTEE</b>
Time/Day/Date	6.30 pm on Wednesday, 17 April 2019
Location	Council Chamber, Council Offices, Coalville
Officer to contact	Democratic Services (01530 454512)

	<b>AGENDA</b>	
<b>Item</b>		<b>Pages</b>
<b>1. APOLOGIES FOR ABSENCE</b>		
<b>2. DECLARATION OF INTERESTS</b>		
	Under the Code of Conduct members are reminded that in declaring disclosable interests you should make clear the nature of that interest and whether it is pecuniary or non-pecuniary.	
<b>3. MINUTES</b>		
	To confirm and sign the minutes of the meeting held on 12 March 2019.	<b>3 - 6</b>
<b>4. PLANNING APPLICATIONS AND OTHER MATTERS</b>		
	Report of the Interim Head of Planning and Infrastructure.	<b>7 - 12</b>

## Index of Applications to be Considered

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<b>A1</b>	<b>18/00790/FUL: Proposed erection of a convenience store along with associated vehicular access, servicing yard, off street parking and Landscaping</b>  Oaktree Corner Ashburton Road Hugglescote Coalville Leicestershire LE67 2HE	<b>PERMIT</b>	<b>13 - 28</b>
<b>A2</b>	<b>19/00105/OUT: Erection of three dwellings with associated vehicular accesses and off street parking (outline - means of access and layout for approval)</b>  2 Newton Road Heather Coalville Leicestershire LE67 2RD	<b>PERMIT</b>	<b>29 - 40</b>
<b>A3</b>	<b>19/00104/OUT: Erection of two dwellings with associated vehicular access and off street parking (outline - means of access and layout for approval)</b>  2 Newton Road Heather Coalville Leicestershire LE67 2RD	<b>PERMIT</b>	<b>41 - 50</b>
<b>A4</b>	<b>18/01927/FULM: Demolition of existing barn and erection of a grain store, general purpose building and two cattle sheds and formation of access track</b>  Elms Farm Stordon Lane Osgathorpe Coalville Leicestershire LE67 8US	<b>PERMIT subject to S106 Agreement</b>	<b>51 - 58</b>

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

Present: Councillor N Smith (Chairman)

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

In Attendance: Councillors T J Pendleton J Geary and R Johnson

Officers: Mr C Elston, Mr J Knightley, Mrs M Meredith and Mrs S Grant

## **55. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors R Canny and D Harrison.

## **56. DECLARATION OF INTERESTS**

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

Councillors R Adams, J Legrys and M B Wyatt declared that they had been lobbied without influence in respect of items A1 and A2, application numbers 18/00375/REMM and 18/01466/FUL.

## **57. MINUTES**

Consideration was given to the minutes of the meeting held on 12 February 2019.

It was moved by Councillor N Smith, seconded by Councillor R Adams and

RESOLVED THAT:

The minutes of the meeting held on 12 February 2019 be approved and signed by the Chairman as a correct record.

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

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

## **59. A1 18/00375/REMM: 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

Officer's Recommendation: PERMIT

The Principal Planning Officer presented the report to members.

Ms H Bareford, applicant, addressed the meeting. She outlined the benefits of the proposals and the amendments to the layout which had been made in response to comments from residents and consultees. She highlighted that there were no technical objections to the proposals which she considered represented attractive, inclusive and sustainable development.

Councillor R Johnson, ward member, addressed the meeting. He expressed concerns regarding the view of the local community and the Local Plan being ignored, healthcare contributions, education provision, the lack of mitigation for highway safety, the lack of planned infrastructure improvements, construction management plan, air quality management and the housing mix, in particular the low number of bungalows and lack of starter homes. He welcomed the proposed piece of artwork and suggested it could be used to remember the victims of the Whitwick mine disaster at the site.

The Principal Planning Officer advised that new schools were proposed to both the south and north of Grange Road as part of the wider site and that of another scheme. He explained that there was a healthcare contribution as set out in the report which was available to the CCG to call upon to direct towards upgrading GP surgeries; however this was a matter for the CCG. He advised that the housing mix was one of a number of factors which needed to be taken into account; however it was not a reason to refuse an application at the reserved matters stage.

The Interim Head of Planning and Infrastructure added that the developer had been in contact to advise that a meeting had been set up with representatives of the health centre to agree potential terms for the transfer of a piece of land to the surgery.

In determining the application, members had regard to the housing mix, the intended conditions in respect of the safeguarded land, the healthcare and education contributions already secured and the fact that the outline permission had been granted prior to the adoption of the Local Plan. Some members expressed concerns regarding the lack of affordable housing and were advised that the level of affordable housing had been fixed at the outline permission stage and could not now be altered.

The officer's recommendation was moved by Councillor R Ashman and seconded by Councillor G Jones.

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

<b>Permit the application in accordance with the officer's recommendation (Motion)</b>	
Councillor Nigel Smith	For
Councillor Robert Ashman	For
Councillor Ron Adams	Abstain
Councillor Russell Boam	For
Councillor John Coxon	Abstain
Councillor Geraint Jones	For
Councillor John Legrys	Against
Councillor Michael Specht	For
Councillor Jim Hault	For
Councillor Michael Wyatt	Against
<b>Carried</b>	

RESOLVED THAT:

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

Councillor R Adams left the meeting at 7.17pm.

**60. 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**

The Interim Head of Planning and Infrastructure presented the report to members.

Councillor J Geary, ward member, addressed the meeting. He expressed concerns that the parking provision was not sufficient and questioned the number of parking spaces suggested by the Highway Authority. He also expressed concerns regarding the rights of access over the land, flooding, drainage and lighting issues.

It was clarified that the land to the rear had not previously been maintained and the legal owner of the land had only recently been determined.

The Interim Head of Planning and Infrastructure advised that it was recognised that there was a shortfall in parking provision at this site, however in urban areas the full amount set out in the design guide was not always required and the County Highway Authority had raised no objections.

In determining the application, members had regard to the issues regarding lighting, drainage and maintenance of the land, and the potential impact of displaced parking on the local community.

It was moved by Councillor G Jones that the application be permitted subject to additional conditions to ensure that the entire parking area, including the access road, be resurfaced and maintained by the land owner, that the site was adequately lit and that the site was properly drained. The motion was seconded by Councillor J Legrys.

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

<b>Permit the application subject to additional conditions (Motion)</b>	
Councillor Nigel Smith	For
Councillor Robert Ashman	For
Councillor Ron Adams	No vote recorded
Councillor Russell Boam	For
Councillor John Coxon	For
Councillor Geraint Jones	For
Councillor John Legrys	For
Councillor Michael Specht	For
Councillor Jim Hault	For
Councillor Michael Wyatt	Against
<b>Carried</b>	

RESOLVED THAT:

The application be permitted subject to conditions regarding surfacing, maintenance, drainage and lighting. The wording of the conditions to be delegated to the Interim Head of Planning and Infrastructure.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 7.37 pm

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**APPENDIX B**

**Report of the Head of Planning and Infrastructure  
to Planning Committee**

**17 April 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.

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<b>A2</b>	<b>19/00105/OUT</b>	<b>Erection of three dwellings with associated vehicular accesses and off street parking (outline - means of access and layout for approval)</b> 2 Newton Road Heather Coalville
<b>A3</b>	<b>19/00104/OUT</b>	<b>Erection of two dwellings with associated vehicular access and off street parking (outline - means of access and layout for approval)</b> 2 Newton Road Heather Coalville
<b>A4</b>	<b>18/01927/FULM</b>	<b>Demolition of existing barn and erection of a grain store, general purpose building and two cattle sheds and formation of access track</b> Elms Farm Stordon Lane Osgathorpe

### Section B – Other Matters

## SECTION A- PLANNING APPLICATIONS

**Proposed erection of a convenience store along with associated vehicular access, servicing yard, off street parking and Landscaping**  
**Oaktree Corner Ashburton Road Hugglescote Coalville Leicestershire LE67 2HE**

**Report Item No**  
**A1**

**Application Reference**  
**18/00790/FUL**

**Grid Reference (E) 442074**  
**Grid Reference (N) 312763**

**Date Registered:**  
**1 May 2018**

**Consultation Expiry:**  
**21 January 2019**

**Applicant:**  
**Central England Co-operative Limited**

**8 Week Date:**  
**26 June 2018**

**Case Officer:**  
**Adam Mellor**

**Extension of Time:**  
**None Agreed**

**Recommendation:**  
**PERMIT**

**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 Eynon the Ward Member on the basis that the design and appearance of the store is unsuitable in relation to its proximity to the Donington Le Heath Conservation Area as well as highway safety due to the proximity of the development to a blind bend and a primary school.

### Proposal

This is an application for the erection of a convenience store (use class A1) along with associated vehicular access, servicing yard, off-street parking and landscaping at Oaktree Corner, Ashburton Road, Hugglescote.

### Consultations

Objections have been received from third parties as well as Hugglescote and Donington Le Heath Parish Council, but no objections have been received from other statutory consultees who have responded during the consultation process.

### 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:

- The sequential approach to site selection;
- Loss of employment land;
- Design and the impact on the character and appearance of the streetscape and wider area;
- Impact on the historic environment;
- Residential amenity; and
- Highway safety.

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, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## 1. Proposals and Background

Planning permission is sought for the erection of a convenience store (use class A1) along with associated vehicular access, servicing yard, off-street parking and landscaping at Oaktree Corner, Ashburton Road, Hugglescote. The 0.11 hectare site is within the defined Limits to Development and is situated on the junction of Ashburton Road with Manor Road. The surrounding area predominately comprises residential properties of varying types and design with the Grade II\* listed The Manor House being situated to the south-west of the site.

A two-storey light industrial unit previously present on the site has been demolished in accordance with the consent granted under application reference 18/00714/DEM on the 4th June 2018.

The proposed convenience store would have a gross floor area of 325 square metres (which provides a net retail sales area of 243 square metres) and would be served by a new vehicular access formed onto Manor Road. A service yard would be provided to the south-east of the building and a total of 12 car parking spaces (including 3 accessible spaces) would be provided on the site. Precise details of the proposal are available to view on the public file.

A design and access statement has been submitted in support of the application.

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

- 99/00897/FUL - Change of use to light industrial (class B1) use - Approved 30th November 1999.

## 2. Publicity

11 neighbours notified.

Site Notice displayed 23 May 2018.

Press Notice published Leicester Mercury 30 May 2018.

## 3. Summary of Consultations and Representations Received

The following summary of representations is provided.

**Historic England** advise that consideration be given to the advice supplied by the Council's Conservation Officer and County Council Archaeologist.

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

- The visibility splays are not achievable at the site access given the parking of vehicles on Manor Road as such there would be detriment to highway safety.
- If highway safety impacts arise then the County Highways Authority may remove the right for residents of Manor Road to park on the highway which would not be acceptable.
- The speed of vehicles entering Manor Road from Ashburton Road is too high and will result in highway safety implications with the average speed used in the assessments being too low.
- The applicant should fund the provision of a crossing warden at the junction of Manor Road with Ashburton Road given the high levels of pedestrian activity in particular children. We would support a raised table across the junction of Manor Road with

- Ashburton Road and a larger pedestrian refuge.
- As a retail development the proposal should be located in the town centre so as to ensure the vitality and viability of this centre.
- The car park should be secured at night so as to prevent anti-social behaviour.

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

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

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

**NWLDC - Conservation Officer** has no observations on the application.

**NWLDC - Environmental Protection** has no objections subject to conditions.

**NWLDC - Contaminated Land** has no objections subject to conditions.

**NWLDC - Planning Policy** has no objections to the principle of the development.

**Severn Trent Water** no representation received at the time of this report.

### **Third Party Representations**

Seven representations have been received from third parties objecting to the application with the comments raised summarised as follows:

Highway safety:

- The position of the entrance to the store would be in close proximity to the junction of Manor Road with Ashburton Road and would result in highway safety implications as vehicles wait in the highway to enter the car park. Visibility out of the access would also be restricted by parked vehicles on Manor Road.
- Given the ongoing developments in the area the highway infrastructure cannot accommodate further vehicular movements associated with this development.
- Insufficient off-street parking will be created so vehicles will be encouraged to park on Manor Road as well as Ashburton Road which is not in the best interests of highway safety.
- Information in the transport plan in relation to buses is inaccurate and therefore they are not considered to be an acceptable alternative form of transport for employees.
- Restrictions should not be imposed on Manor Road to prevent the on-street parking of vehicles for residents at the terraced properties given that no other alternatives are available to such residents, unless something like a permit system is created. Double yellow lines on Ashburton Road would be a sensible suggestion though.
- The speed of vehicles at the junction needs to be reduced.
- The development will encourage an increase in heavy goods vehicle movements on the highways even though such movements are restricted by signage on Leicester Road and Grange Road. Unless these restrictions are enforced highway and pedestrian safety will be significantly compromised.
- A delivery vehicle would not be able to appropriately manoeuvre within the site so as to park within the designated delivery area and therefore this would result in highway safety impacts.



Residential amenity:

- Due consideration should be given to ensuring that appropriate external lighting is provided given the setting of the store in a residential area.
- Appropriate opening and delivery hours need to be imposed given the setting of the store in a residential area and number of deliveries a day needs to be restricted.
- The development will increase anti-social behaviour.
- Position of delivery, plant and bin areas will result in adverse noise impacts to neighbouring residential amenities.

Viability/vitality of the Coalville Town Centre:

- The development is contrary to adopted Local Plan Policies in relation to where retail developments should be located.

Non-material planning matters:

- Development will impact adversely on the local businesses in the area (business competition).

Three representations have been received from third parties supporting the application with the comments raised summarised as follows:

- Proposal will provide a useful facility to the settlement with the proposed store operator having a good track record of community responsibility.
- The County Council Highways Authority will ensure that appropriate parking solutions are found.
- Development will result in the removal of the existing building on the site which is an eyesore.
- Given the new residential development in the area the creation of the store will lead to less car movements as people can get their convenience goods from the store.

#### 4. Relevant Planning Policy

##### National Policies

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

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

Paragraphs 9 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, 55 and 56 (Planning conditions and obligations);  
Paragraphs 80 and 82 (Building a strong, competitive economy);  
Paragraphs 85, 86, 87, 89 and 90 (Ensuring the vitality of town centres);  
Paragraphs 105, 106, 108, 109, 110 and 111 (Promoting sustainable transport);  
Paragraphs 126, 127 and 130 (Achieving well-designed places);  
Paragraph 163 (Meeting the challenge of climate change, flooding and coastal change);  
Paragraphs 175, 178, 179 and 180 (Conserving and enhancing the natural environment); and  
Paragraphs 192, 193, 194, 196 and 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 Ec3 - Existing Employment Areas;
- Policy Ec8 - Town and Local Centres: Hierarchy and Management of Development;
- Policy Ec9 - Town and Local Centres: Thresholds for Impact Assessments;
- Policy IF2 - Community and Cultural 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 He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment;
- Policy Cc2 - Water - Flood Risk; and
- Policy Cc3 - Water - Sustainable Drainage Systems.

**Other Policies**

- National Planning Practice Guidance.
- Good Design for North West Leicestershire Supplementary Planning Document - April 2017.
- Leicestershire Highways Design Guide (Leicestershire County Council).
- Planning (Listed Buildings and Conservation Areas) Act 1990 - Sections 66 and 72.

**5. Assessment**

**Principle of Development**

The site is located within the Limits to Development where the principle of retail development is considered acceptable subject to compliance with the relevant policies of the adopted Local Plan (2017) and other material considerations. Within the NPPF (2019) 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 of if specific policies in the NPPF indicate development should be restricted.

Within the NPPF it is stated that significant weight should be placed on the need to support and help achieve economic growth through the planning system and that local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.

In terms of the principle of the development it is considered that there are three distinct elements which are required to be assessed and these would be as follows:

- The Sequential Approach to Site Selection;
- The Impact of the Development on Town and Local Centres; and
- Loss of Employment Land.

These elements are assessed in more detail as follows.

The Sequential Approach to Site Selection

Paragraph 85 of the NPPF discusses allocating a range of suitable sites to meet the scale and type of retail, leisure and commercial uses in town centres to promote competitive town centres. It is considered that the NPPF is supportive of retail uses but seeks that these are provided within main town centres before than considering edge of centre locations and lastly out of town centre locations. The application site falls outside the Primary Shopping Area and Town Centre boundary for Coalville, as defined on the Policies Map to the adopted Local Plan, and is more than 300 metres from this boundary (the maximum distance for a site to be considered edge of centre), as such it would be categorised as an out-of-centre site. On this basis Paragraph 86 of the NPPF would be engaged which requires a sequential appraisal of site locations to be provided.

Policy Ec8 of the adopted Local Plan also reflects the advice outlined in Paragraph 86 of the NPPF in that a sequential appraisal is required should retail development not be located within the town centre.

The NPPG, in Paragraph 010 of the 'Ensuring the Vitality of Town Centres' section, outlines a checklist for the considerations which should be taken into account when determining whether a proposal complies with the sequential test and this outlines the following: -

- *"With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.*
- *Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.*
- *If there are no suitable sequentially preferable locations, the sequential test is passed."*

It is important to establish that a sequentially preferable site would be one which accords with all criteria in that it is available, suitable and viable. This is as concluded within the Dundee Supreme Court decision [*Tesco Stores Limited v Dundee City Council 21st March 2012*] which states a site must be *"suitable for the development proposed by the applicant,"* and that the *"whole exercise is directed to what the developer is proposing, not some other proposal which the planning authority might seek to substitute for it which is for something less than sought by the developer,"* as well as *"whether an alternative site is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can fit an alternative site"* (this is outlined in Paragraphs 24, 28 and 29 of the above decision).

It is also the case that no sites have been specifically allocated for retail proposals within the adopted Local Plan and for the avoidance of doubt there is no requirement for the development to demonstrate need.

A sequential assessment, contained within the planning statement, has been submitted in support of the application which outlines that the proposed development comprises a 'neighbourhood convenience store' with it being recognised that such stores principally serve a

local walk-in catchment area as well as an element of passing trade. On this basis the sequential assessment outlines that the *"market that the proposed neighbourhood store is intended to serve comprises a walk-in catchment area defined on the basis of a nominal 600 - 800m distance from the proposed store"* (Paragraph 4.20 of the sequential assessment). *Manual for Streets (MfS) defines the 'walkable neighbourhood' as "typically characterised by having a range of facilities within 10 minutes (up to 800 metres) walking distance of residential areas which residents may access comfortably on foot"* (Paragraph 4.4.1 on page 45 of MfS).

Plan 1 contained within the sequential assessment identifies an 800 metre radius around the application site which encompasses a significant part of the residential areas of Hugglescote and Donington Le Heath as well as the southern part of the Coalville. It does not, however, extend as far as the boundary of the Coalville Town Centre.

On this basis it is accepted that the appropriate area to consider for the sequential appraisal is any site within 800 metres of the application site given that any site beyond this distance would be outside the catchment area which the store intends to serve and as such would not be 'suitable' in sequential approach terms.

As outlined above plan 1 within the sequential assessment has identified that the site is not within 800 metres of the Coalville Town Centre (this being set 1.3 kilometres away) and the settlements of Hugglescote and Donington Le Heath do not have defined 'local centres' or significant local shopping facilities (the nearest convenience stores being Standard Hill Stores on Standard Hill, set to the north-west, and McColls on Central Road, which is set to the east). As the area under consideration contains no defined town or local centre it therefore follows that there are no 'in-centre' or 'edge-of-centre' sites on which the development could be accommodated in preference to the application site.

The Council's Planning Policy Team have been consulted on the application and have concluded that the findings of the sequential assessment are reasonable and that there are no sequentially preferable sites on which to locate the proposed development on the basis of the catchment area it intends to serve. Furthermore the scale of the proposal, and the market it intends to serve, would also ensure the development would not undermine the balance of the town and local centre hierarchy.

In addition to the above the proposal would also accord with the principles of Policy IF2 which supports the *"development of new community and cultural services and facilities where deficiencies in provision would be addressed"* (Criterion (a)).

Overall, when having regard to the submitted information, it has been demonstrated that there are no sequentially preferable sites that are available, suitable or viable for the development given its separation distance from the nearest town centre (Coalville). On this basis the application site represents the most sequentially preferable location for the proposed development and therefore the scheme is considered compliant with Policy Ec8 of the adopted Local Plan, Paragraph 86 of the NPPF and the guidance with the NPPG.

### *The Impact of the Development on Town and Local Centres*

Policy Ec9 of the adopted Local Plan specifies that any development which proposes a town centre use which would not be within the town centre and which has a floorspace that exceeds 1000 square metres needs to be accompanied by an impact statement.

On the basis that the convenience store would only have a floorspace of 325 metres the terms

of Policy Ec9 would not be engaged in the determination of the application and as such there is no conflict with the aims of this Policy.

Loss of Employment Land

Whilst the application site is not within a Primary Employment Area, Part (3) of Policy Ec3 outlines that "in other employment areas proposals for non-employment development will be supported" subject to the satisfaction of one of three criterion. These criterion are as follows:

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

As outlined in the 'Proposals and Background' section of this report the two-storey light industrial unit previously present on the site has been demolished, in accordance with a relevant consent, and therefore it is not possible to comply with criterion (a) of Part (3) of Policy Ec3 of the adopted Local Plan given that there is no property to market.

In terms of criterion (b) it is considered that given the scale of the overall site it would not be capable of meeting the needs of modern businesses which would be proposed under use classes B1 (business), B2 (general industrial) or B8 (storage or distribution) (i.e. the employment uses as defined by Policy Ec3 of the adopted Local Plan) particularly when factoring into the account the need to accommodate an acceptable scale of built form, vehicular access arrangements, off-street parking requirements and manoeuvring requirements within the site boundaries.

With regards to criterion (c) it is considered that notwithstanding that the former building was associated with a B1 use the reintroduction of a new building for B1, B2 or B8 purposes would not be appropriate in terms of the relationship with residential properties and the visual amenities of the wider area.

Overall it is considered that criterion (b) and (c) of Part (2) of Policy Ec3 of the adopted Local Plan would be satisfied with it not being possible to comply with criterion (a).

In conclusion, in the context of the above, the principle of development would be supported due to its compliance with relevant Policies of the adopted Local Plan and Paragraphs of the NPPF.

**Design and Impact on the Character and Appearance of the Streetscape and Wider Area**

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

The former industrial premises on the site was of no considerable architectural merit and was beginning to fall into a state of disrepair with numerous windows and doors at ground floor level being boarded up. Its loss to facilitate a new development was therefore deemed acceptable in the consideration of application reference 18/00714/DEM.

In commenting on the application as originally submitted the Council's Urban Designer considered that the position of the store was counter to good urban design practice and the

design principles of the adopted Local Plan which refer to streets and spaces being shaped by buildings with the design of the store not offering a positive relationship to the street by virtue of the elevations and location of the servicing element creating 'dead' or blank elevations, particularly to Manor Road.

It was, however, stated by the Council's Urban Designer that if the position of the store was to be accepted then it would be necessary to provide a strong boundary along the frontage of the site with the design of the building needing to respond to the design principles of the adopted Local Plan in that it has either a National Forest or locally inspired identity.

In response to these comments the applicants' have outlined that should the position of the store be altered so that its building line was consistent with no. 121 Ashburton Road and no. 111 Manor Road then this would lead to the placement of the car park and delivery areas being set in close proximity to the private rear amenity areas of the neighbouring properties which would result in more significant residential amenity impacts from noise and disturbance. The applicant has also advised that the store would not be deliverable in highway safety or vehicular access terms should its position be revised to reflect the advice of the Council's Urban Designer, with it being noted that the Parish Council are supportive of the position of the store as proposed by the applicant.

Although, as a result of the position of the store, the frontage of the site would largely be taken up by hard surfacing it is considered that this provides an area which has full surveillance from the proposed building and the public realm whereas providing the parking on other parts of the site could create areas which would not be prominent from the public domain and potentially lead to anti-social behaviour which is a concern of the Parish Council. There would also be opportunities to secure appropriate surfacing, boundary treatments and landscaping as required by the Council's Urban Designer. Although it is considered that there has been a limited exploration of alternative positions for the store by the applicant its proposed position would not be significantly adverse to the visual amenities of the streetscape and wider area as to warrant a refusal of the application particularly in light that its position would be consistent with the former industrial premises which has been removed from the site.

The design of the proposed store has also been amended so as to increase the levels of glazing on the principal elevation, presented to Ashburton Road, and the south-eastern (side) elevation, presented to Manor Road, with increased areas of vertical timber effect cladding also being introduced to these elevations. Along with these changes timber rafters would also project out from the gable on the principal elevation. It is considered that such changes now ensure that active frontages are present within the elevations which are prominent when viewed from the public domain and that it has a National Forest identity which responds more positively to its setting. On this basis it no longer has the appearance of a generic retail unit with the design approach being consistent with Co-Op stores in Moira (permitted under application reference 15/00063/FUL) and Measham (permitted under application reference 16/00487/FUL).

Whilst a view is taken that further enhancements could have been undertaken to improve the design of the store, it is considered that given the appearance and condition of the industrial premises which formerly occupied the site, as well as the granting of consent for Co-Op stores following the same design ethos, the impact the proposal would have to the visual amenities of the streetscape and wider area would not be of such detriment that a reason to refuse the application could be substantiated.

On this basis the proposal would be compliant with Policy D1 of the adopted Local Plan, the Council's adopted Good Design SPD and Paragraphs 124 and 127 of the NPPF.

### **Impact on the Historic Environment**

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority, when considering whether or not to grant planning permission for development which affects a listed building or its setting, as well as a Conservation Area, to have special regard to the desirability of preserving the building, or its setting or any features of special architectural or historic interest that the building may possess and to the desirability of preserving or enhancing the character or appearance of that area. Such an approach is also supported by Paragraphs 192, 193, 194, 196 and 200 of the NPPF.

In terms of heritage assets the application sites lies on the opposite side of Manor Road to the boundary of the Donington Le Heath Conservation Area with the Grade II\* listed The Manor House being set 84 metres to the south-west. Therefore the impact of the development on the fabric and setting of these heritage assets should be given special regard by the 1990 Act.

Historic England have been consulted on the application and have no comments to make other than to specify that specialist advice should be sought from the Council's Conservation Officer. The Council's Conservation Officer has no observations to make on the application in respect of its impacts to heritage assets but considers that design advice should be sought from the Council's Urban Designer.

Design matters and the integration of the proposal into the streetscape are assessed in the *'Design and Impact on the Character and Appearance of the Streetscape and Wider Area'* section above where it is concluded that the proposal is compliant with relevant policies of the adopted Local Plan and NPPF.

In respect of the impacts to the settings of the identified heritage assets it is noted that the store to be provided on the site has a smaller footprint and scale than the industrial premises formerly on the site and would also be an improvement in overall design terms. On this basis there would be no greater impacts to the setting of the identified heritage assets over and above that which previously existed. Given that no harm would arise to the significance of heritage assets an assessment in the context of Paragraph 196 of the NPPF is not required.

Overall the proposal would be compliant with Policy He1 of the adopted Local Plan, Paragraphs 192, 193, 194, 196 and 200 of the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **Residential Amenity**

The application site sits within close proximity to multiple residential properties but in terms of the physical convenience store building it is considered that the properties most immediately affected would be nos. 111 Manor Road and no. 121 Ashburton Road.

No. 111 Manor Road is set to the south-west of the application site with the north-eastern (side) elevation of this property forming part of what would become the shared boundary with the application site. No. 121 Ashburton Road is set to the north-west of the application site with the south-eastern (side) elevation of this property being presented to the shared boundary with the application site.

It is proposed that the store would be set 2.5 metres from the shared boundary with no. 111 and 1.8 metres from the shared boundary with no. 121 and would have an eaves height of 3.7 metres and ridge height of 6.75 metres. The former industrial premises on the site was set in closer proximity to the shared boundaries with no. 111 and no. 121 and had a greater eaves

and ridge height then the proposed store to be created on the site. On this basis it is considered that any overbearing or overshadowing impacts as a result of the development would be no greater than those which formerly existed. No adverse overlooking impacts would arise as a result of the development given that windows are not proposed in elevations which would allow views to be established into the private rear amenity areas of no. 111 and no. 121.

Within the application forms it is outlined that the store would operate between the hours of 07:00 and 22:00 hours on all days of the week (including Sunday and Bank Holidays) in terms of the former industrial premises on the site the conditions associated with the planning permission granted under application reference 99/00897/FUL stipulated that it would operate between 07:30 to 18:00 Monday to Friday and 07:30 to 13:00 on Saturday with no workings on Sunday or public holidays. As part of the consideration of the application the Council's Environmental Protection Team have been consulted and have raised no objections to the application subject to the imposition of conditions, such conditions would relate to the external lighting to be provided on the site as well as the operating hours of the store and the times at which deliveries could be undertaken.

Although operating for longer hours than the B1 use formerly associated with the site it is considered that the noise associated with a retail convenience store is a differing form of noise to that of a B1 use with it not being uncommon to find such stores operating to similar hours within residential areas. On this basis the greatest level of noise is likely to be associated with deliveries and it is considered that a suitable condition would ensure that deliveries would be undertaken at an appropriate time. The applicant has also advised that they would accept a condition which requires the submission of a delivery management plan which would seek to cover matters such as engines not running during deliveries and the management of reversing warning alarms, such a condition would also ensure that noise implications associated with deliveries are mitigated further.

In addition to the above the plans also identify that a new 2 metre high acoustic barrier would be provided to the boundaries of the site with no. 111 Manor Road and no. 121 Ashburton Road which would further reduce noise outbreak from the site.

It is also the case that the Council's Environmental Protection Team have not raised any objections to the application in relation to smell implications associated with the position of waste receptacles associated with the development. Should any smell issues arise in the future which are deemed a statutory nuisance then it would be possible to take action under separate Environmental Health legislation.

Overall the proposal would accord with Policy D2 of the adopted Local Plan and Paragraph 180 of the NPPF.

### **Highway Safety**

The County Council Highways Authority (CHA) have been consulted on the application and have raised no objections, with their assessment being based on guidance within the Leicestershire Highways Design Guide (LHDG).

The concerns of the CHA were mainly associated with the position of the site access in relation to the junction of Manor Road and Ashburton Road and the speed of vehicles entering Manor Road from the east at the bend in Ashburton Road. In this respect the applicant originally proposed the provision of a raised table at the junction but this was not accepted by the CHA given that it was not supported by a Road Safety Audit (RSA). As such the scheme has now been amended so as to propose the realignment of the junction by reducing its width and



therefore slowing vehicles which wish to enter Manor Road from the east. The slowing of such vehicles at the junction would ensure that stationary vehicles on Manor Road waiting to turn right into the car park would not be impacted on and this approach is supported by the CHA.

Within the site itself the CHA are satisfied that vehicles would be able to manoeuvre so as to exit the site in a forward direction, including delivery vehicles, and that the level of visibility achieved at the site access is acceptable in relation to the guidance of the LHDG. In respect of the visibility it is noted that the splay in a south-western direction, on Manor Road, is wholly within the pavement and the CHA have advised that if vehicles are parked within the highway then any vehicle exiting the site would likely do so in a slow and cautious manner. Paragraph 7.8.5 of Manual for Streets (MfS) also states that *"parking in visibility splays in built-up areas is quite common, yet it does not appear to create significant problems in practice."*

Overall Paragraph 109 of the NPPF outlines that development should only be refused on highway safety grounds where there is significant detriment to highway safety or the cumulative impacts of development on the highway network is severe. Whilst noting the concerns of third parties and the Parish Council on highway safety grounds the CHA have raised no objections to the development subject to the imposition of conditions on any permission granted. In the absence of an objection from the CHA a reason to resist the development as contrary to the aims of Policy IF4 of the adopted Local Plan and Paragraphs 108 and 109 of the NPPF could not be substantiated provided that the suggested conditions of the CHA are imposed on any permission granted.

With regards to off-street parking associated with the store the amended layout plan identifies that a total of 12 parking spaces would be created with three of these spaces being disabled parking bays. This level of parking is considered satisfactory to the CHA and therefore the proposal is considered compliant with Policy IF7 of the adopted Local Plan and Paragraph 105 of the NPPF.

Whilst noting the concerns of third parties and the Parish Council to the parking of vehicles on Manor Road and Ashburton Road it is considered that it is not the responsibility of this development to address issues in respect of the current on-street parking of vehicles, including those which may restrict the levels of visibility achieved at the junction of Manor Road and Ashburton Road. If there is a highway safety issue in this respect then it would be the responsibility of the CHA to impose restrictions within the highway to prevent such parking (i.e. double yellow lines). The introduction of a parking permit system on Manor Road so as to enable existing residents to undertake on-street parking would also be something which the CHA would be required to implement if deemed necessary. On the basis of the comments of the CHA to this application such measures are not required at this time.

Heavy Goods Vehicles (HGVs) which breach the weight restriction imposed on a highway would be a matter to be enforced by the police albeit such vehicles are allowed to utilise such highways if they are delivering or collecting goods from any premises which lies within the restricted areas and which cannot be reached by highways that are not restricted.

Paragraph 56 of the NPPF outlines the tests which obligations would need to meet in order to be secured as part of any permission granted and in this respect it is considered that there is insufficient evidence to warrant the provision of an obligation which would require the applicant to fund the cost of employing a crossing warden at the junction of Manor Road with Ashburton Road. The CHA have not requested such an obligation.

### **Ecology**

The County Council Ecologist has been consulted on the application and has raised no objections. On the basis that no ecological mitigation is required in connection with the development it would accord with Policy En1 of the adopted Local Plan as well as Paragraph 175 of the NPPF and Circular 06/05.

### **Landscaping**

The former industrial premises, now demolished, covered the majority of the application site and as such no soft landscaping existed which would be required to be retained as part of the development.

As submitted the plans are not clear on the type of soft and hard landscaping which would be provided as part of the development but in the context of the National Forest location of the application site the provision of soft landscaping (be that in the form of trees or hedgerows) would be encouraged. Differing materials for the hard landscaping would also be encouraged to distinguish between vehicular and pedestrian areas and so as to prevent a large expanse of tarmac being created.

In the absence of any precise details it is considered reasonable to impose a condition on any consent granted which would enable a suitable landscaping scheme to be approved. Such a condition would ensure the development accords with Policies D1, En1 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 not within an area impacted by surface water flooding as defined on the Environment Agency's Surface Water Flood Maps. It is proposed that surface water run-off would be addressed by its direction to the mains sewer and given the location of the development this surface water solution would not result in drainage or flooding issues particularly on the basis that a connection to the mains would need to be agreed with Severn Trent Water under separate legislation. As a result of this the development is considered to be compliant with Policies Cc2 and Cc3 of the adopted Local Plan and Paragraph 103 of the NPPF.

Insofar as foul drainage is concerned, it is indicated that this would be discharged to the mains sewer and again a connection would need to be agreed with Severn Trent Water under separate legislation. Given the above conclusion it is considered that the foul drainage can be met by the existing sewerage system in place. On this basis the proposed development would accord with Paragraph 120 of the NPPF.

### **Other Matters**

The Council's Contaminated Land Officer has reviewed the application and has determined that there are no objections to the application subject to the imposition of conditions associated with the submission of a Risk Based Land Contamination and relevant Verification Investigation should remediation be required, due to the former use of the site for industrial purposes. It is considered that the imposition of such conditions are reasonable given the use of the building and the need to ensure the health and safety of employees and customers of the store.

On the basis of the above, and subject to the imposition of relevant conditions, it is considered that the proposal would accord with Policy En6 of the adopted Local Plan as well as Paragraphs 178 and 179 of the NPPF.

**Conclusion**

The application site is situated within the Limits to Development where the principle of this type of development is acceptable. It is also considered that the information as submitted has demonstrated that no sequentially preferable sites are available for the development and therefore the proposal complies with Policy Ec8 of the adopted Local Plan as well as Paragraph 24 of the NPPF. The loss of employment land, in this instance, is also considered acceptable in the context of Policy Ec3 of the adopted Local Plan. It is also considered that the proposal would not impact adversely on the character and appearance of the streetscape and wider area, the significance of the setting of heritage assets, residential amenity, highway safety, ecology, existing landscaping or contaminated land, nor would the proposal exacerbate any localised flooding issue. There are no other material planning considerations that indicate planning permission should not be granted and accordingly the proposal, subject to relevant conditions, is considered acceptable for the purposes of the aforementioned policies.

It is therefore recommended that the application be permitted.

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

1. **Time limit**
2. **Approved plans**
3. **Restriction to A1 use and convenience retailing only**
4. **Hours of operation**
5. **Hours of deliveries**
6. **Delivery management plan**
7. **External materials**
8. **Finished floor and ground levels**
9. **Boundary treatments**
10. **Soft landscaping**
11. **Replacement landscaping**
12. **Hard landscaping**
13. **External lighting scheme**
14. **Management of construction traffic**
15. **Provision of vehicular access**
16. **Off-site highway works**
17. **Vehicular and pedestrian visibility splays**
18. **Off-street parking and turning**
19. **Cycle parking**
20. **Contaminated land**
21. **Verification investigation**
22. **Details of external plant and machinery**

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Erection of three dwellings with associated vehicular accesses and off street parking (outline - means of access and layout for approval)  
2 Newton Road Heather Coalville Leicestershire LE67 2RD

Report Item No  
A2

Application Reference  
19/00105/OUT

Grid Reference (E) 439014  
Grid Reference (N) 310668

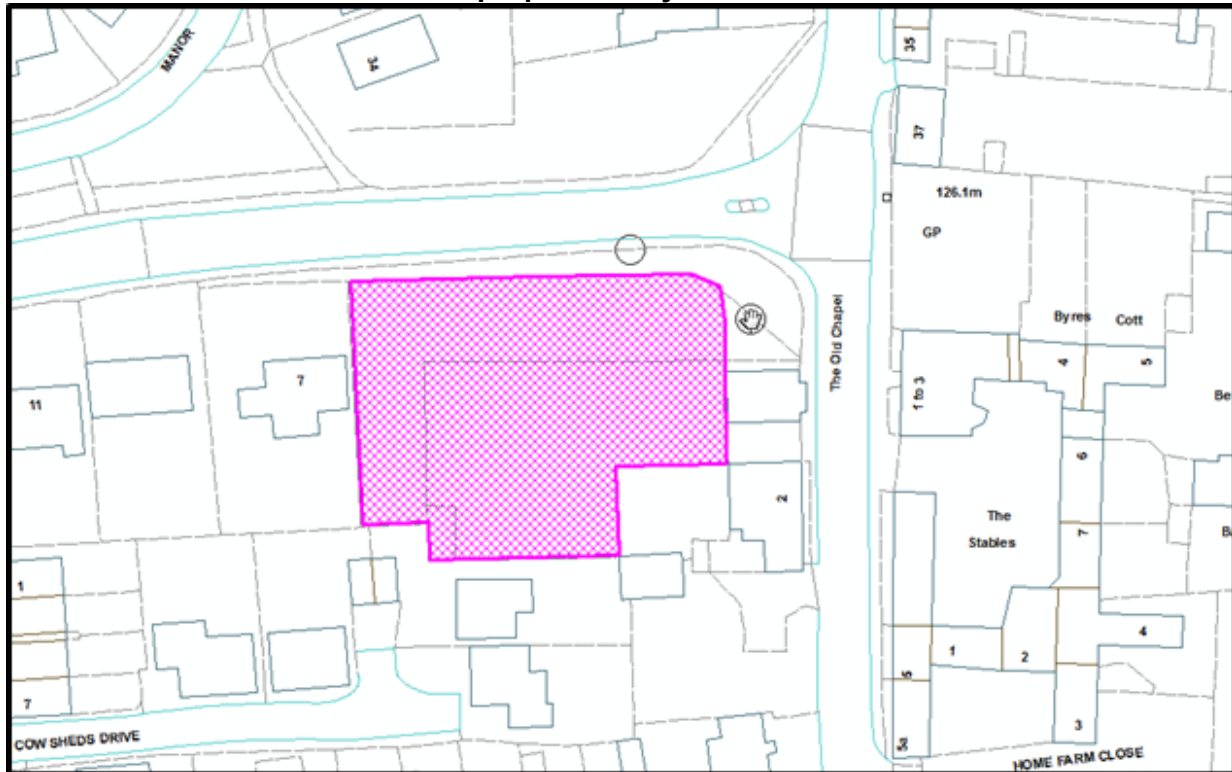
Date Registered:  
22 January 2019  
Consultation Expiry:  
6 March 2019  
8 Week Date:  
19 March 2019  
Extension of Time:  
18 April 2019

Applicant:  
Executors Norah Evelyn Allen Deceased

Case Officer:  
Adam Mellor

Recommendation:  
PERMIT

Site Location - Plan for indicative purposes only



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## **EXECUTIVE SUMMARY OF PROPOSALS**

### **Call In**

The application is brought to the Planning Committee as the planning agent is a close relative of Councillor Blunt.

### **Proposal**

This is an outline application, with means of access and layout for approval, and relates to the erection of three dwellings with associated vehicular access and off-street parking at land to the north-east of 2 Newton Road, Heather.

### **Consultations**

An objection has been received from a third party. No objections have been received from statutory consultees who have responded during the consultation process with a revised response from the County Council Archaeologist awaited.

### **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 and impact on the character and appearance of the streetscape;
- Impact on heritage assets;
- Residential amenity;
- Highway safety; and
- Archaeology.

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 adopted Good Design for North West Leicestershire SPD, and the NPPF (2019).

### **RECOMMENDATION - PERMIT, SUBJECT TO CONDITIONS AND NO OBJECTION BEING RAISED BY THE COUNTY COUNCIL ARCHAEOLOGIST.**

**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.**

## 1. Proposals and Background

Outline planning permission is sought for the erection of three dwellings with means of access and layout for approval at this stage at land to the north-east of no. 2 Newton Road, Heather. The 0.18 hectare site is situated on the southern side of Swepstone Road and is within the Limits to Development with the surrounding area being predominately residential in nature with dwellings that vary in their type and design. The Grade II listed nos. 1 & 3 Newton Road (Beresford House) and the farm buildings to the right of Beresford House, Newton Road are set to the east of the site.

An outline application for the erection of two dwellings with means of access and layout for approval is also under consideration with the Local Planning Authority (ref: 19/00104/OUT) on land to the south of no. 2 Newton Road and forms the basis of a separate report.

The application site comprises garden land associated with no. 2 Newton Road and it is proposed that the three dwellings would be positioned so as to accord with the building line established by nos. 7, 9 and 11 Swepstone Road with vehicular accesses formed onto Swepstone Road which would provide access to off-street parking to the front and side of the dwellings, which includes garage spaces. Although scale is not for approval at this stage an amended indicative street scene drawing identifies that the properties would comprise 2 x two-storey (with habitable accommodation in the roof slope) and 1 x single storey with 1 x 4 bed, 1 x 5 bed and 1 x 2 bed dwellings being proposed.

A design and access statement and heritage statement have been submitted in support of the application with an archaeological desk-based assessment being provided following a consultation response from the County Council Archaeologist. Reconsultation on this document has been undertaken.

The relevant planning history of the site is as follows:

- 91/0385/P - Residential development (outline) - Approved 2nd July 1991.
- 94/0199/P - Erection of a single storey dwelling - Approved 18th April 1994.

## 2. Publicity

11 Neighbours have been notified.  
 Site Notice displayed 7 February 2019.  
 Press Notice published Leicester Mercury 13 February 2019.

## 3. Summary of Consultations and Representations Received

The following summary of representations have been provided.

**Heather Parish Council** no representation received at the time of this report any comments received will be reported to Members on the Committee update sheet.

**Leicestershire County Council - Archaeology** a revised consultation response is awaited so any revised comments will be reported to Members on the Committee update sheet.

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

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

**Leicestershire County Council - Minerals and Waste Planning** no representation received at the time of this report any comments received will be reported to Members on the Committee update sheet.

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

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

**NWLDC - Environmental Protection (Contaminated Land)** has no objections subject to conditions.

### **Third Party Representations**

One third party representation has been received objecting to the application with the comments raised summarised as follows:

Highway safety:

- The position of the accesses in close proximity to the junction of Sweystone Road with Newton Road will result in detriment to highway safety.

## **4. Relevant Planning Policy**

### **National Policies**

*National Planning Policy Framework (2019)*

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 59, 60, 61, 68, 73, 74 and 76 (Delivering a sufficient supply of homes);  
 Paragraphs 105, 108, 109 and 110 (Promoting sustainable transport);  
 Paragraphs 117, 118, 122 and 123 (Making effective use of land);  
 Paragraphs 124, 126, 127 and 130 (Achieving well-designed places);  
 Paragraphs 163 (Meeting the challenge of climate change, flooding and coastal change);  
 Paragraph 175, 178, 179 and 180 (Conserving and enhancing the natural environment); and  
 Paragraphs 192, 193, 194, 196 and 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 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 He1 - Conservation and Enhancement of North West Leicestershire Historic Environment;  
 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).  
 Planning (Listed Buildings and Conservation Areas) Act 1990 - Section 66.  
 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 (2019) 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 Heather is a Sustainable Village where a limited amount of growth will take place within the defined Limits to Development.

On the basis that the application site is within the Limits to Development and is within a location whereby it could easily access the services which are available within the settlement, with future residents also having the possibility to access a more extensive range of services within the neighbouring settlement of Ibstock. On this basis there would not be a heavy reliance on the private car to access the most basic of services and consequently the development would be socially sustainable.

The site currently represents part of the residential garden associated with the host property, no. 2 Newton Road. Garden land in built up areas is excluded from the definition of previously developed land as set out in the NPPF and it therefore effectively constitutes a greenfield site. Whilst the land comprises greenfield land, which is not the most sequentially preferable land on which to provide new development, it is noted that it is within the Limits to Development and the redevelopment of the land would be viewed as a natural progression of built development on the southern side of Swebstone Road. In this context it is considered that the loss of the greenfield site would not result in significant conflict with the environmental objective enshrined within the NPPF.

Overall there would be no substantial harm to the built and natural environment with any harm being outweighed by the limited 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 objective. As a result the proposal would be considered sustainable in accordance with Policy S2 of the adopted Local

Plan and the core objectives of the NPPF.

### **Design and Impact on the Character and Appearance of the Streetscape and Wider Area**

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 NWLDC SPD, but also Paragraphs 124 and 127 of the NPPF.

In terms of topography the application site fall from north to south as well as from west to east with the part of Swepstone Road where the development would be carried out being predominately defined by dwellings which have a degree of separation from the highway, so as to allow off-street parking and a mix of hard and soft landscaping to their frontage, and which are orientated so as to have principal elevations which front onto Swepstone Road.

It is noted that scale, appearance and landscaping are all included as matters to be considered at a later point although the layout is for approval at this stage. The proposed dwellings are positioned so as to have consistency with the building line established by nos. 7, 9 and 11 Swepstone Road and this which will enable them to accommodate off-street parking and turning facilities to their frontage whilst also having principal elevations that address Swepstone Road. The layout, as proposed, would also ensure that the plots have private amenity areas which would be, as a minimum, the equivalent of the footprint of the of the dwellings, in accordance with the Council's Good Design SPD, with the linear nature and size of the plots being commensurate with those associated with detached units within the immediate area. Whilst landscaping is reserved for subsequent approval the layout would also enable an appropriate balance between hard and soft landscaping to be provided to the frontage of the dwellings so as to be consistent with the character of the streetscape in this respect. Overall the layout of the proposed development would contribute positively to the character of the streetscape and ensure that it would successfully integrate into the environment in which it is set.

Whilst scale is not for approval at this stage concern was expressed that the indicative streetscape image showed dwellings with heights that would result in them being visually dominant over those properties which front onto Newton Road, in particular plots 2 and 3. A revised indicative streetscape image has been submitted and this shows a reduction in the heights of plots 2 and 3 (plot 3 now being single storey). It is considered that in developing the scheme at the reserved matters stage the heights of the dwellings should be consistent with those shown on the revised indicative streetscape and a note to the applicant would be imposed on any permission granted to make them aware of this circumstance.

The appearance of the dwellings would be assessed at the reserved matters stage and it is considered that at this point an appropriate design could be achieved which would accord with the Council's adopted Good Design SPD.

Overall the layout of the development is considered to be compliant with Policy D1 of the adopted Local Plan as well as the Council's adopted Good Design SPD and Paragraphs 124 and 127 of the NPPF.

### **Impact on the Historic Environment**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, when considering whether or not to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building, or its setting or any features of special architectural or historic interest that the building may possess and to the desirability of preserving or enhancing the character or appearance of that area. Such an approach is also supported by Paragraphs

192, 193, 194 and 196 of the NPPF.

In terms of heritage assets the application site lies to the west of the Grade II listed nos. 1 & 3 Newton Road (Beresford House) and the farm buildings to the right of Beresford House, Newton Road. Therefore the impact of the development on the fabric and setting of these heritage assets should be given special regard by the 1990 Act.

The Council's Conservation Officer has been consulted on the application and has raised no objections to the application.

It is considered that the heritage assets which exist are set to the east and are screened from the site by the presence of buildings on Newton Road. Whilst scale is not for approval at this stage concern was expressed that the height of the proposed dwellings on the initial streetscape image would be dominant over those fronting onto Newton Road. Following subsequent amendments to the indicative streetscape image it is considered that a scale of development could be brought forward at the reserved matters stage that would lead to dwellings that are not dominant in relation to those on Newton Road. On this basis it is considered that views towards and out of the heritage assets would not be impacted on and therefore there would be no harm to the significance of their setting. On the basis that no harm to the significance of the setting of heritage assets would arise an assessment in the context of Paragraph 196 of the NPPF is not required.

Overall the proposed development would be acceptable and accords with Policy He1 of the adopted Local Plan, Paragraphs 192, 193, 194 and 196 of the NPPF and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **Accessibility**

The County Highways Authority (CHA) has raised no objections subject to the imposition of conditions on any permission granted with their assessment being based on guidance within the Leicestershire Highways Design Guide (LHDG).

It is proposed that two new vehicular accesses would be formed onto Swebstone Road in order to serve the dwellings with plots 1 and 2 sharing an access and plot 3 having a separate access. In commenting on the application the CHA have identified that the width of the accesses is in accordance with the LHDG and that adequate levels of visibility are achieved in both directions for the speed of traffic on Swebstone Road. The CHA are also satisfied that the quantum of development proposed would not significantly increase the overall level of vehicular activity on the highway network to an extent which would lead to additional Personal Injury Collisions.

With regards to the manoeuvring of vehicles from the proposed dwellings it is proposed that space would be provided within the confines of the site so as to enable vehicles to exit in a forward direction and this would be important in the context of the proximity of the accesses, in particular that to plot 3, to the junction of Swebstone Road with Newton Road.

Overall the impact on highway and pedestrian safety would not be detrimental, nor would the cumulative impacts of development on highway and pedestrian safety be severe, as such the proposal accords with Policy IF4 of the adopted Local Plan and Paragraphs 108 and 109 of the NPPF.

In respect of off-street parking the plans identify that plot 1 would have four bedrooms, plot 2 would have five bedrooms and plot 3 would have two bedrooms as such a minimum of three off-

street parking spaces would be required for plots 1 and 2 and a minimum of two spaces for plot 3, this is so as to accord with the Council's adopted Good Design SPD. The layout as submitted demonstrates that the required level of off-street parking can be accommodated on the site to serve the number of bedrooms proposed with the dimensions of the spaces also according with those stated within the LHDG. A condition would be imposed for the off-street parking to be provided and on this basis the development would accord with Policy IF7 of the adopted Local Plan and Paragraph 105 of the NPPF.

### **Neighbours and Future Occupants Amenities**

It is considered that the properties most immediately affected by the proposed development would be no. 2 Newton Road, set to the south-east and which is in the control of the applicants, no. 15 Old Cow Sheds Drive, set to the south, no. 7 Swebstone Road, set to the west, and The Old Chapel on Newton Road, set to the east.

The proposed layout is for approval at this stage and it is noted that the eastern (side) elevation of no. 7 Swebstone Road would be set 1.5 metres from the western boundary of the application site with the northern (side) elevation of no. 15 Old Cow Sheds Drive set 1 metre from the southern boundary of the application site and the western (rear) elevation of The Old Chapel, Newton Road set on the eastern boundary of the application site.

It is proposed that the front elevation of the dwellings would face in a northern direction onto Swebstone Road with the rear elevations facing in a southern direction and as such they would have a 'side to side' relationship with no. 7 Swebstone Road and 'side to back' relationship with The Old Chapel and a 'back to side' relationship with no. 15 Old Cow Sheds Drive.

No principal habitable room windows are present in the eastern (side) elevation of no. 7 Swebstone Road and given that plot 1, the closest plot to no. 7, would not extend beyond the northern (front) or southern (rear) elevation it is considered that no adverse overbearing or overshadowing impacts would arise.

With regards to no. 15 Old Cow Sheds Drive there would be a minimum separation distance of 14.5 metres from the southern (rear) elevations of plots 1 and 2 to what would become a shared boundary with no. 15 which therefore provides a 15.5 metre separation distance between elevations. Given that the separation distance between elevations would accord with guidance within the Council's adopted Good Design SPD, as well as the fact that the proposed site is set to the north of no. 15, it is considered that no adverse overbearing or overshadowing impacts would arise.

In terms of The Old Chapel on Newton Road concerns were expressed that the initial positioning of plot 3, as well as its indicative height as outlined on the original streetscape image, would result in detriment to the amenities of The Old Chapel given the position of habitable room windows on its northern (side) elevation. Subsequent amendments made to the position of plot 3 now ensure that it would not breach a 45 degree line taken from the centre of the closest habitable room window on the northern (side) elevation and therefore it complies with guidance within the Council's adopted Good Design SPD. Although windows exist in the western (side) elevation of The Old Chapel these are internally boarded up and therefore do not serve habitable rooms. Overall no adverse overbearing or overshadowing impacts would arise to the amenities of occupants of The Old Chapel.

Plot 2 would be set 16 metres to the north-west of the western (rear) elevation of no. 2 with plot 3 set 5.5 metres to the north of what would become a shared boundary with no. 2. It is considered that plot 3 has been positioned so as not to breach a 45 degree line taken from the

centre of the closest habitable room window on the rear elevation of no. 2 with the separation distance to plot 2 also being acceptable. Taking into account the development is predominately contained to the north of no. 2 no adverse overbearing or overshadowing impacts would arise.

An assessment in respect of overlooking impacts to neighbouring properties would be undertaken once the scale and appearance of the dwellings was known at the reserved matters stage. In this respect it is considered that plot 3 would be required to be single storey given that its proximity to what would become a shared boundary with no. 2 would result in adverse overlooking impacts should first floor windows be proposed.

With regards to future amenities it is considered that the above separation distances and relationships with existing development would ensure that no adverse overbearing, overshadowing or overlooking impacts would arise. In any event any future occupant would be aware of the relationship with neighbouring built forms prior to their purchase.

Overall the proposed layout of development would be considered compliant with Policy D2 of the adopted Local Plan.

### **Landscaping**

Trees within the site were removed prior to the submission of the application and consequently there is no soft landscaping which would act as a constraint to the development proposal. However, in light of the site being within the National Forest the provision of appropriate soft landscaping, including tree planting, would be encouraged and therefore at the reserved matters stage it would be ensured that an appropriate soft landscaping scheme is provided.

The details of any hard landscaping to be provided on the site would also be agreed under any subsequent reserved matters application associated with landscaping.

Overall the proposed development is considered to be compliant with the aims of Policies D1 and En3 of the adopted Local Plan.

### **Ecology**

The County Council Ecologist has been consulted on the application and has raised no objections in the circumstances that trees on the site which had the potential to be utilised by protected species have been removed prior to the submission of the application.

On the basis that there are no ecological constraints associated with the site which would require mitigation it is considered that the proposal would accord with Policy En1 of the adopted Local Plan, Paragraph 175 of the NPPF and Circular 06/05.

### **Drainage and Flood Risk**

The site lies within Flood Zone 1 (which has the lowest risk of flooding) and is not within an area impacted by surface water flooding as defined on the Environment Agency's Surface Water Flood Maps. The application forms indicate that surface water run-off would be addressed by the provision of a soak-away. Given the location of the development such a surface water drainage solution would be acceptable and as such the development is considered to be compliant with Policies Cc2 and Cc3 of the adopted Local Plan and Paragraph 163 of the NPPF.

Insofar as foul drainage is concerned, it is indicated that this would be discharged to the mains sewer and a connection would need to be agreed with Severn Trent Water under separate legislation. Given the above conclusion it is considered that the foul drainage can be met by the

existing sewerage system in place. On this basis the proposed development would accord with Paragraph 180 of the NPPF.

### **Archaeology**

The County Council Archaeologist has indicated that an appraisal of the Leicestershire and Rutland Historic Environmental Record (HER) notes that the site is located within the centre of Heather and falls within the historic settlement core of Heather as well as being adjacent to Grade II listed buildings. Given the extent of development proposed any buried archaeological remains may be disturbed as a result of the works.

Given the opportunities which exist for archaeological remains to be present on the site, the County Council Archaeologist considered it necessary for an archaeological desk-based assessment and field evaluation to be undertaken to determine the archaeological significance of the site. A desk-based assessment has been submitted in support of the application which is now under consideration by the County Council Archaeologist. Subject to the County Council Archaeologist raising no objections to the application, and any suggested conditions being imposed on any permission granted, it is considered that the proposal would comply with Policies He1 of the adopted Local Plan and Paragraph 199 of the NPPF.

### **Other Matters**

The Council's Contaminated Land Officer has reviewed the application and has determined that there are no objections to the application subject to the imposition of conditions associated with the submission of a Risk Based Land Contamination, and relevant Verification Investigation should remediation be required, due to the former use of the adjacent site as a vehicle repair garage and petrol filling station. It is considered that the imposition of such conditions are reasonable given that the proposal comprises residential development and therefore there is a need to ensure the health and safety of future residents.

On the basis of the above, and subject to the imposition of relevant conditions, it is considered that the proposal would accord with Policy En6 of the adopted Local Plan as well as Paragraphs 178 and 179 of the NPPF.

### **Conclusion**

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 even though a greenfield site would be built upon. 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 adversely impact on the amenities of neighbouring residents, the significance of heritage assets, highway safety, ecology, soft landscaping, archaeology or contaminated land nor would the proposal exacerbate any localised surface water flooding impact. There are no other material planning considerations that indicate outline planning permission should not be granted and accordingly the proposal, subject to relevant conditions, is acceptable for the purposes of the above mentioned policies.

It is therefore recommended that the application be permitted.

**RECOMMENDATION - PERMIT, subject to conditions and no objection being raised by the County Council Archaeologist.**

- 1. Timeframe for reserved matters.**
- 2. Approval of reserved matters details.**

3. **Approved plans.**
4. **Finished ground and floor levels as part of reserved matters.**
5. **Provision of access.**
6. **Vehicular and pedestrian visibility splays.**
7. **Vehicle manoeuvring facilities.**
8. **Off-street parking.**
9. **Land contamination.**
10. **Remediation/verification scheme.**
11. **Archaeology.**

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Erection of two dwellings with associated vehicular access and off street parking (outline - means of access and layout for approval)

2 Newton Road Heather Coalville Leicestershire LE67 2RD

Report Item No  
A3

Application Reference  
19/00104/OUT

Grid Reference (E) 439014  
Grid Reference (N) 310668

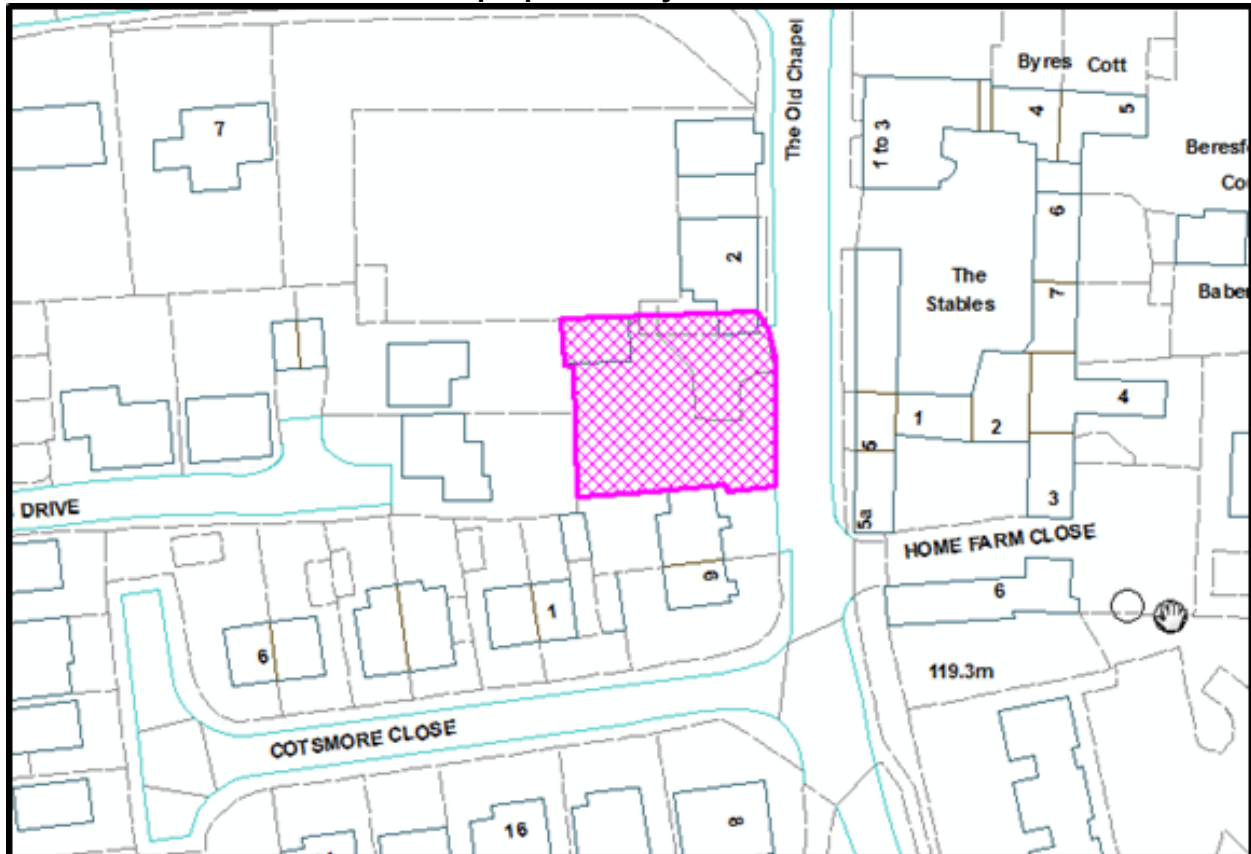
Date Registered:  
22 January 2019  
Consultation Expiry:  
6 March 2019  
8 Week Date:  
19 March 2019  
Extension of Time:  
18 April 2019

Applicant:  
Executors Norah Evelyn Allen Deceased

Case Officer:  
Adam Mellor

Recommendation:  
PERMIT

Site Location - Plan for indicative purposes only



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## **EXECUTIVE SUMMARY OF PROPOSALS**

### **Call In**

The application is brought to the Planning Committee as the planning agent is a close relative of Councillor Blunt.

### **Proposal**

This is an outline application, with means of access and layout for approval, and relates to the erection of two dwellings with associated vehicular access and off-street parking at land to the south of 2 Newton Road, Heather.

### **Consultations**

Objections have been received from third parties. No objections have been received from statutory consultees who have responded during the consultation process.

### **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 and impact on the character and appearance of the streetscape;
- Impact on heritage assets;
- Residential amenity; and
- Highway safety.

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 adopted Good Design for North West Leicestershire SPD, and the NPPF (2019).

### **RECOMMENDATION - PERMIT, SUBJECT TO CONDITIONS.**

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

## 1. Proposals and Background

Outline planning permission is sought for the erection of two dwellings with means of access and layout for approval at this stage at land to the south of no. 2 Newton Road, Heather. The 0.05 hectare site is situated on the western side of Newton Road and is within the Limits to Development with the surrounding area being predominately residential in nature with dwellings that vary in their type and design. The Grade II listed nos. 1 & 3 Newton Road (Beresford House) and the farm buildings to the right of Beresford House, Newton Road are set to the north-east and east of the site on the opposite side of Newton Road.

An outline application for the erection of three dwellings with means of access and layout for approval is also under consideration with the Local Planning Authority (ref: 19/00105/OUT) on land to the north-west of no. 2 Newton Road and forms the basis of a separate report.

The application site formerly comprised a petrol filling station with associated garage and it is proposed that the two dwellings would be positioned so as to accord with the building line established by no. 2 Newton Road and The Old Chapel, Newton Road with existing vehicular accesses onto Newton Road providing access to the off-street parking set to the side of the properties, which includes garage spaces. Although scale is not for approval at this stage the indicative street scene drawing identifies the properties would be two-storey in height and have two bedrooms.

A design and access statement and heritage statement have been submitted in support of the application.

No recent or relevant planning history was found.

## 2. Publicity

19 Neighbours have been notified.

Site Notice displayed 7 February 2019.

Press Notice published Leicester Mercury 13 February 2019.

## 3. Summary of Consultations and Representations Received

The following summary of representations is provided.

**Heather Parish Council** no representation received at the time of this report any comments received will be reported to Members on the Committee update sheet.

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

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

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

**Leicestershire County Council - Minerals and Waste Planning** no representation received at the time of this report any comments received will be reported to Members on the Committee update sheet.

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

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

**NWLDC - Environmental Protection (Contaminated Land)** has no objections subject to conditions.

### **Third Party Representations**

Two third party representations have been received which the comments raised summarised as follows:

Residential amenity

- There would be a loss of privacy as a result of the provision of two-storey dwellings.
- There would be an adverse over shadowing impact as a result of the provision of two-storey dwellings.
- There would be an increase in noise and disturbance as a result of the development.
- The extension to the outbuilding will result in overshadowing and overbearing impacts.

Non-material planning matter:

- The property would be devalued as a result of the development.

## **4. Relevant Planning Policy**

### **National Policies**

*National Planning Policy Framework (2019)*

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 59, 60, 61, 68, 73, 74 and 76 (Delivering a sufficient supply of homes);  
 Paragraphs 105, 108, 109 and 110 (Promoting sustainable transport);  
 Paragraphs 117, 118, 122 and 123 (Making effective use of land);  
 Paragraphs 124, 126, 127 and 130 (Achieving well-designed places);  
 Paragraphs 163 (Meeting the challenge of climate change, flooding and coastal change);  
 Paragraph 175, 178, 179 and 180 (Conserving and enhancing the natural environment); and  
 Paragraphs 192, 193, 194, 196 and 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 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 He1 - Conservation and Enhancement of North West Leicestershire Historic Environment;  
 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).  
 Planning (Listed Buildings and Conservation Areas) Act 1990 - Section 66.  
 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 (2019) 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 Heather is a Sustainable Village where a limited amount of growth will take place within the defined Limits to Development.

On the basis that the application site is within the Limits to Development and is within a location whereby it could easily access the services which are available within the settlement, with future residents also having the possibility to access a more extensive range of services within the neighbouring settlement of Ibstock. On this basis there would not be a heavy reliance on the private car to access the most basic of services and consequently the development would be socially sustainable.

From an environmentally sustainable perspective the proposed dwellings would be provided on land which was formerly associated with a petrol filling station and garage and as such the development would be on brownfield land which is the most appropriate land for new development in the context of Paragraph 117 of the NPPF.

Overall the proposal would result in no harm to the built environment, as assessed in more detail below, and would also have limited economic benefits as well as positive social sustainability aspects. As a result the proposal would be considered sustainable in accordance with Policy S2 of the adopted Local Plan and the core objectives of the NPPF.

**Design and Impact on the Character and Appearance of the Streetscape and Wider Area**

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 NWLDC SPD, but also Paragraphs 124 and 127 of the NPPF.

In terms of topography the application site rises from east to west as well as from south to north with the part of Newton Road where the development would be carried out being predominately defined by dwellings which are either set against the back edge of the pavement or which are slightly set back from the highway, there is therefore a strong sense of enclosure to the streetscape.

It is noted that scale, appearance and landscaping are all included as matters to be considered at a later stage although the layout is for approval at this stage. The proposed dwellings are positioned so as to accord with the building line established by the traditional properties on this part of Newton Road (as set by no. 2 and The Old Chapel) and therefore will contribute positively to the character of the streetscape and the strong sense of enclosure which exists. The layout as proposed would also ensure that the plots have private amenity areas which are greater than the footprint of the dwellings, in accordance with the Council's adopted Good Design SPD, with the linear nature and size of the plots being commensurate with those associated with semi-detached units within the immediate area. Overall the layout of the proposed development would ensure that it would successfully integrate into the environment in which it is set.

The appearance of the dwellings would be assessed at the reserved matters stage and it is considered that at this point an appropriate design could be achieved which would accord with the Council's adopted Good Design SPD.

Overall the layout of the development is considered to be compliant with Policy D1 of the adopted Local Plan as well as the Council's adopted Good Design SPD and Paragraphs 124 and 127 of the NPPF.

### **Impact on the Historic Environment**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, when considering whether or not to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building, or its setting or any features of special architectural or historic interest that the building may possess and to the desirability of preserving or enhancing the character or appearance of that area. Such an approach is also supported by Paragraphs 192, 193, 194 and 196 of the NPPF.

In terms of heritage assets the application site lies to the east of the Grade II listed nos. 1 & 3 Newton Road (Beresford House) and the farm buildings to the right of Beresford House, Newton Road. Therefore the impact of the development on the fabric and setting of these heritage assets should be given special regard by the 1990 Act.

The Council's Conservation Officer has been consulted on the application and has raised no objections to the application given that the dwellings have been positioned to accord with the building line of traditional development on Newton Road as well as the fact that an existing building would be retained and adapted to serve as garaging for no. 2 Newton Road and one of the proposed dwellings.

Given the historic use of the site as a petrol filling station with associated garage and the removal of infrastructure associated with this use as part of the permission (including petrol pumps and dismantled vehicles and parts) it is considered that any redevelopment would only serve to enhance the setting of the identified heritage assets, therefore no harm to the significance of their setting would arise. On the basis that no harm would arise to the significance of the setting of the heritage assets an assessment in the context of Paragraph 196

of the NPPF is not required.

Overall the proposed development would be acceptable and accords with Policy He1 of the adopted Local Plan, Paragraphs 192, 193, 194 and 196 of the NPPF and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **Accessibility**

The County Highways Authority (CHA) has raised no objections subject to the imposition of conditions on any permission granted with their assessment being based on guidance within the Leicestershire Highways Design Guide (LHDG).

It is proposed that existing vehicular accesses into the site off Newton Road would be utilised with one access serving no. 2 Newton Road and what is identified as plot 4 on the submitted plan and the other serving what is identified as plot 5. As existing accesses the CHA are satisfied that adequate levels of visibility can be achieved in both directions for the speed of traffic on Newton Road. The CHA are also satisfied that the quantum of development proposed would not significantly increase the overall level of vehicular activity on the highway network to an extent which would lead to additional Personal Injury Collisions.

With regards to the manoeuvring of vehicles from the proposed dwellings, as well as no. 2 Newton Road, it is considered that they would likely reverse into the highway. Whilst this is the case it is noted that vehicular movements at The Old Chapel on Newton Road, as well as nos. 4 and 6 Newton Road, result in vehicles reversing into the highway and in this context, as well as the fact that the CHA have no objections, such movements would not result in detriment to highway safety.

Overall the impact on highway or pedestrian safety would not be detrimental, nor would the cumulative impacts of development on highway or pedestrian safety be severe, as such the proposal would accord with Policy IF4 of the adopted Local Plan and Paragraphs 108 and 109 of the NPPF.

In respect of off-street parking the application forms indicate that the dwellings to be created would have two bedrooms and therefore a minimum of four off-street parking spaces (two for each property) would be required in accordance with the Council's adopted Good Design SPD. The layout as submitted demonstrates that the required level of off-street parking could be accommodated on the site to serve the number of bedrooms proposed with the dimensions of the spaces also according with those stated within the LHDG. A total of three off-street parking spaces, including one within a detached garage, would also be retained for the existing dwelling (no. 2 Newton Road). A condition would be imposed for the off-street parking to be provided and on this basis the development would accord with Policy IF7 of the adopted Local Plan and Paragraph 105 of the NPPF.

### **Neighbours and Future Occupants Amenities**

It is considered that the properties most immediately affected by the proposed development would be no. 2 Newton Road, set to the north and which is in the control of the applicants, no. 4 Newton Road, set to the south, and nos. 15 and 17 Old Cow Sheds Drive, set to the west.

The proposed layout is for approval at this stage and it is noted that the eastern (rear) elevations of nos. 15 and 17 Old Cow Sheds Drive would be set 10 and 12 metres, respectively, from the western boundary of the application site with the northern (side) elevation of no. 4 Newton Road set around 1 metre from the southern boundary of the application site.

It is proposed that the front elevation of the dwellings would face in an eastern direction onto Newton Road with the rear elevation facing in a western direction towards the properties on Old Cow Sheds Drive and as such they would have a 'back to back' relationship with nos. 15 and 17 Old Cow Sheds Drive and a 'side to side' relationship with nos. 2 and 4 Newton Road.

In terms of the separation distance to what would become shared boundaries with nos. 15 and 17 Old Cow Sheds Drive this would be 14 metres which therefore results in a separation between elevations of a minimum of 24 metres. It is also the case that nos. 15 and 17 Old Cow Sheds Drive are set at a higher land level to the part of the application site where the dwellings would be positioned. Whilst noting the concerns of the occupants of these dwellings the Council's adopted Good Design SPD outlines that a 'back to back' separation distance of a minimum of 20 metres would be acceptable and therefore it is considered that the provision of the dwellings would not result in any adverse overbearing or overshadowing impacts.

With regards to the relationship with no. 2 Newton Road it is considered that the dwellings would be positioned so as not to extend significantly beyond the front and rear elevation of this property and given the absence of any principal habitable room windows in the side elevation of no. 2 no adverse overbearing or overshadowing impacts would arise.

The dwellings would be positioned forward of the front elevation of no. 4 Newton Road and it is noted that ground and first floor bedroom windows exist in the part of the elevation closest to what would become the shared boundary. Whilst this is the case no. 4 is orientated to the south of the site and a line taken at a 45 degree angle from the centre of these bedroom windows, as required by the Council's adopted Good Design SPD, would not be breached by the position of the dwellings. On this basis no adverse overbearing or overshadowing impacts would arise.

An assessment in respect of overlooking impacts to neighbouring properties would be undertaken once the scale and appearance of the dwellings was known at the reserved matters stage but, on the basis of the proposed layout, it is considered that the dwellings could be provided so as not to result in any adverse overlooking impacts to neighbouring properties particularly in light of compliance with separation distances outlined in the Council's adopted Good Design SPD. In assessing the scale of development due regard would also be given to ensuring that the provision of an extension to the existing detached outbuilding (to serve as a garage to plot 4 as identified on the submitted plan) would not result in detriment to the amenities of no. 15 Old Cow Sheds Drive.

With regards to future amenities it is considered that the above separation distances and relationships with existing development would ensure that no adverse overbearing, overshadowing or overlooking impacts would arise. In any event any future occupant would be aware of the relationship with neighbouring built forms prior to their purchase.

The impact of development on the value of a property is not a material planning consideration which could be taken into account in the consideration of the application and no objection is raised by the Council's Environmental Protection Team in relation to the proposed development causing noise or disturbance to the amenities of neighbouring properties particularly when assessed against the existing land use.

Overall the proposed layout of development would be considered compliant with Policy D2 of the adopted Local Plan and Paragraph 180 of the NPPF.

### **Landscaping**

The site is devoid of any soft landscaping of merit which would act as a constraint to the



development proposal. However, in light of the site being within the National Forest the provision of appropriate soft landscaping, including tree planting, would be encouraged and therefore at the reserved matters stage it would be ensured that an appropriate soft landscaping scheme is provided.

The details of any hard landscaping to be provided on the site would also be agreed under any subsequent reserved matters application associated with landscaping.

Overall the proposed development is considered to be compliant with the aims of Policies D1 and En3 of the adopted Local Plan.

### **Ecology**

The County Council Ecologist initially commented that whilst having no objections to the creation of the dwellings they considered that the submission of a bat survey would be required to assess the occupation potential of the retained outbuilding. Following the submission of further information by the agent, detailing that the internally the building is open to the eaves and has no ceiling or enclosed space, the County Council Ecologist has determined that the submission of a bat survey will not be necessary as the building is not suitable for habitation by bats.

On the basis that there is no ecological constraints associated with the site which would require mitigation the proposal would accord with Policy En1 of the adopted Local Plan, Paragraph 175 of the NPPF and Circular 06/05.

### **Drainage and Flood Risk**

The site lies within Flood Zone 1 (which has the lowest risk of flooding) and is not within an area impacted by surface water flooding as defined on the Environment Agency's Surface Water Flood Maps. The application forms indicate that surface water run-off would be addressed by the provision of a soak-away. Given the location of the development such a surface water drainage solution would be acceptable and as such the development is considered to be compliant with Policies Cc2 and Cc3 of the adopted Local Plan and Paragraph 163 of the NPPF.

Insofar as foul drainage is concerned, it is indicated that this would be discharged to the mains sewer and a connection would need to be agreed with Severn Trent Water under separate legislation. Given the above conclusion it is considered that the foul drainage can be met by the existing sewerage system in place. On this basis the proposed development would accord with Paragraph 180 of the NPPF.

### **Archaeology**

The County Council Archaeologist has indicated that an appraisal of the Leicestershire and Rutland Historic Environmental Record (HER) notes that the site is located within the centre of Heather and falls within the historic settlement core of Heather as well as being adjacent to Grade II listed buildings. Given the extent of development proposed any buried archaeological remains may be disturbed as a result of the works.

Given the opportunities which exist for archaeological remains to be present on the site, the County Council Archaeologist considers it necessary for conditions to be imposed on any consent for a programme of archaeological works to be carried out, in advance of the development commencing, in order to record and advance the understanding of the significance of any heritage assets. Such conditions are considered reasonable given the archaeological potential of the site and their inclusion ensures compliance with Policy He1 of the adopted Local

Plan and Paragraph 199 of the NPPF.

**Other Matters**

The Council's Contaminated Land Officer has reviewed the application and has determined that there are no objections to the application subject to the imposition of conditions associated with the submission of a Risk Based Land Contamination, and relevant Verification Investigation should remediation be required, due to the former use of the site as a vehicle repair garage and petrol filling station. It is considered that the imposition of such conditions are reasonable given that the proposal comprises residential development and therefore there is a need to ensure the health and safety of future residents.

On the basis of the above, and subject to the imposition of relevant conditions, it is considered that the proposal would accord with Policy En6 of the adopted Local Plan as well as Paragraphs 178 and 179 of the NPPF.

**Conclusion**

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 being an appropriate re-use of a brownfield site. 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 adversely impact on the amenities of neighbouring residents, highway safety, ecology, soft landscaping, archaeology or contaminated land nor would the proposal exacerbate any localised surface water flooding impact. There are no other material planning considerations that indicate outline planning permission should not be granted and accordingly the proposal, subject to relevant conditions, is acceptable for the purposes of the above mentioned policies.

It is therefore recommended that the application be permitted.

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

1. **Timeframe for reserved matters.**
2. **Approval of reserved matters details.**
3. **Approved plans.**
4. **Finished ground and floor levels as part of reserved matters.**
5. **Provision of access.**
6. **Vehicle manoeuvring facilities.**
7. **Off-street parking.**
8. **Land contamination.**
9. **Remediation/verification scheme.**
10. **Archaeology.**

**Demolition of existing barn and erection of a grain store,  
general purpose building and two cattle sheds and formation  
of access track**  
Elms Farm Stordon Lane Osgathorpe Coalville Leicestershire  
LE67 8US

**Report Item No  
A4**

**Application Reference  
18/01927/FULM**

**Grid Reference (E) 442045  
Grid Reference (N) 318542**

**Date Registered:  
24 October 2018**

**Consultation Expiry:  
23 November 2018**

**Applicant:  
Mr James Elson**

**8 Week Date:**

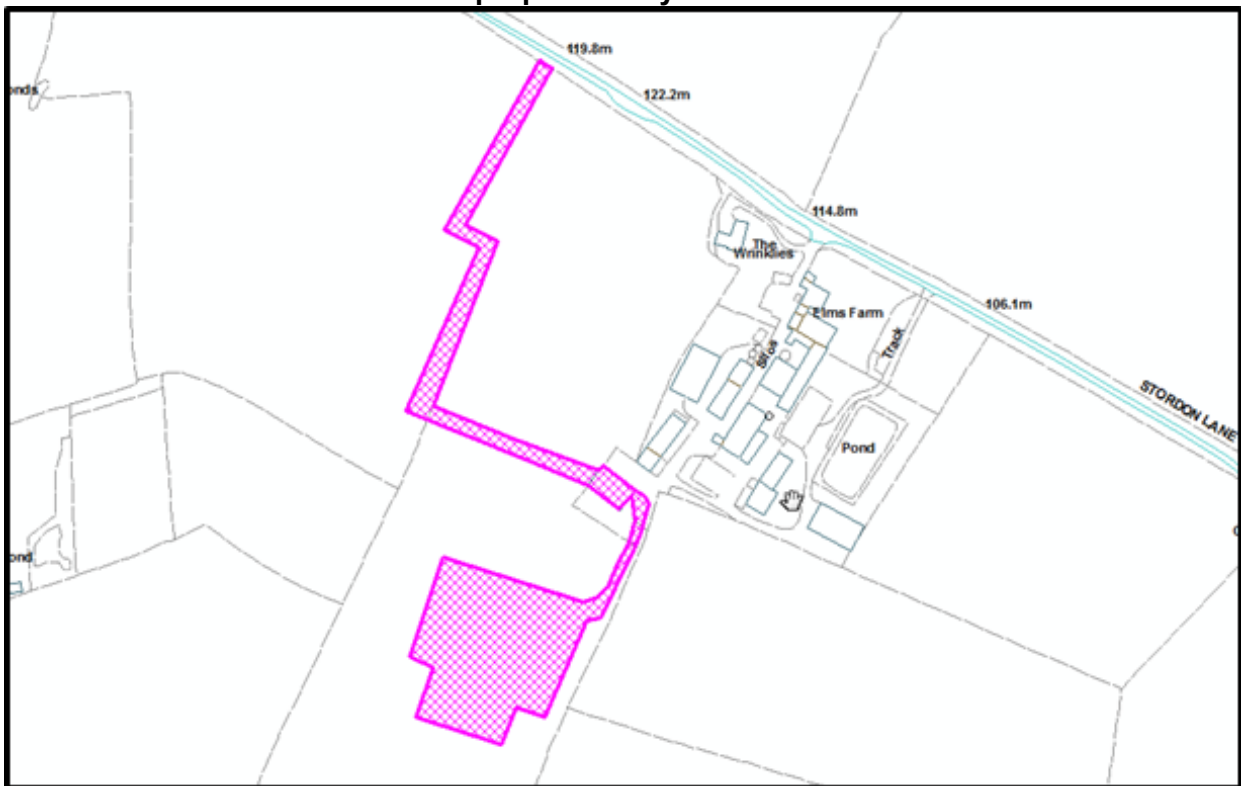
**23 January 2019**

**Case Officer:  
Ebbony Mattley**

**Extension of Time:  
26 April 2019**

**Recommendation:  
PERMIT subject to S106 Agreement**

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



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

### **Call In**

The application is brought to the Planning Committee as the planning agent is a close relative of Councillor Blunt.

### **Proposal**

Full planning permission is sought for the demolition of an existing barn and erection of a new farm buildings and associated access track at Elms Farm, Stordon Lane, Osgathorpe.

The proposal would comprise of one grain store, one general purpose agricultural building and two cattle sheds.

### **Consultations**

Members will see from the main report below that a one neighbour objection has been received.

All other statutory consultees have raised no objections.

### **Planning Policy**

The application site is located outside the Limits to Development, as defined in 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:

- The principle of development
- Impact upon the countryside
- Impact upon highway safety
- Impact on residential amenities

The report below looks at these details, and Officers conclude that the details are satisfactory. The proposals meets the requirements of relevant NWLDC policies and the NPPF.

### **RECOMMENDATION - THAT PLANNING PERMISSION BE GRANTED SUBJECT TO CONDITIONS AND THE SIGNING OF A SECTION 106 AGREEMENT**

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

## **MAIN REPORT**

Full planning permission is sought for the demolition of an existing barn and erection of new farm buildings and associated access track at Elms Farm, Stordon Lane, Osgathorpe.

The proposal would comprise of one grain store, one general purpose agricultural building and two cattle sheds. The proposed buildings have a combined external area of 2,450 square metres.

During the course of the application additional information has been provided from the applicant in respect of the agricultural operations, and a highways junction detailed plan, including vertical section. Re-consultation has been undertaken with the Council's Agricultural Consultant and Leicestershire County Council Highway Authority, respectively.

Following concerns raised within the letter of objection, a revised site location plan has been received, which has omitted parcels of land, not within the applicant's ownership. For the avoidance of doubt, this has made changes to the blue edge of the application, and does not affect the application site.

This application has been submitted concurrently with an application to demolish the existing farm buildings and erect 5 dwellings (ref: 18/01928/OUT) which is pending consideration. The farmer proposes to live in the dwellings, closest to the new farm buildings.

The site is located outside Limits to Development, as defined by the adopted Local Plan (2017).

#### **Recent Planning History:-**

18/01928/OUT - Demolition of existing farm buildings and erection of 5 no. dwellings (Outline - access and layout only) - Pending Consideration.

18/00802/PDNATR - Prior approval notification for change of use of two agricultural buildings to five dwellings - No Objection - 20.07.2018.

#### **2. Publicity**

1 Neighbours have been notified.

Site Notice displayed 2 November 2018.

Press Notice published Leicester Mercury 14 November 2018.

#### **3. Summary of Consultations and Representations Received**

The following summary of representations is provided.

#### **No objection from:-**

Osgathorpe Parish Council

Leicestershire County Council - Ecology

Leicestershire County Council - Archaeology

Leicestershire County Council - Lead Local Flood Authority

NWLDC Environmental Protection

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

Leicestershire County Council - Highways

#### **Third Party Representations**

2 x letters of objection, from the same address has been received raising the following concerns:-

1 x letter states:-

*"These barns will have a massive impact on the view of the country side from my property and gardens. We moved here 2 1/2years ago for the reasons of the amount of land we have and the beautiful countryside views.*

*I also have concerns around what equipment will be kept at the location as currently there is a lot of untidy equipment being kept on the property in our view of the countryside. I appreciate that Mr Elson has a business to run but in the same respect he does have other fields in which these barns could be located without impacting neighbouring properties."*

1 x letter states:-

*Scale and Visual Impact:-*

- The material and colouring will mean the buildings are more prominent; and
- Height of the buildings from our viewpoint;

*Impact upon Residential Amenity:-*

- Additional noise and disruption from the farm machinery moving up and down the track and around the barns;
- Floodlights and internal lights may impact upon quality of living; and
- Construction work may impact upon quality of living;

*Other Matters:-*

- Where will waste or water drain to?;
- No reference to the timescales for the build to take place;
- Proximity of the site, means we should have been consulted on the application; and
- Incorrect plan of the location and includes land not owned by the applicant;

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 (2019)**

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, (Achieving sustainable development)
- Paragraphs 11, 12 (The Presumption in Favour of Sustainable Development)
- Paragraph 55 (Planning conditions and obligations)
- Paragraph 83 (Building a strong competitive economy)
- Paragraph 109 (Promoting sustainable transport)
- Paragraphs 127, 130 (Achieving well-designed places)

##### **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:

S3 - Countryside  
D1 - Design of New Development  
D2 - Amenity  
IF4 - Transport Infrastructure and New Development  
IF7 - Parking Provision and New Development  
EN1 - Nature Conservation  
CC2 - Water - Flood Risk  
CC3 - Water - Sustainable Drainage Systems

### **Other Policies/Guidance**

National Planning Practice Guidance  
Leicestershire Highways Design Guide

## **5. Assessment**

### **Principle of Development**

Paragraph 83 within the NPPF states that to support a prosperous rural economy planning policies and decisions should enable the development and diversification of agricultural and other land-based rural businesses.

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 application site lies outside the defined Limits to Development within the adopted Local Plan, and therefore falls to be considered against Policy S3.

Policy S3 criterion (a) is supportive of agriculture, subject to the development being in accordance with criteria (i) to (vi).

The submitted details confirm that the nature of the existing farmstead is that it has grown over time in a linear fashion, there are now buildings far in excess of the agricultural enterprise and they are laid out in an unconventional fashion, not in the best interests of ease of access or modern requirements for animal welfare. The scheme is to erect a purpose built beef rearing unit. The applicant farms 247 acres and the land is mostly grass, but the farm also grows wheat and maize and there will be a requirement to house approximately 200 head of cattle, during the later winter and early spring.

The Council's Agricultural Consultant has reviewed the information provided and confirmed that given the explanation of the calving pattern and the requirement for bull pens, a cattle handling system and isolation facilities, the Consultant accepts that the buildings proposed are reasonably necessary for the beef herd as described. Accordingly, it is considered that modern large scale agricultural buildings are required for the efficiency of labour and modern agricultural practices and to accommodate the number of cattle.

As is the way with many working farms, the farm buildings have grown organically and many now are not fit for modern working practices. The scheme seeks to provide a purpose built, modern farm, to increase efficiency and be equipped for modern working agricultural practices. This application has been submitted concurrently with an application to demolish

the existing farm buildings and erect 5 dwellings (ref: 18/01928/OUT) and the applications are to be linked by way of a legal agreement. It is considered that the new buildings will strengthen the viability of the agricultural holding, and promote the development of agricultural business which consequently contributes to the rural economy, in accordance with the overarching intentions of the NPPF.

In summary, there is no in principle objection to the erection of new agricultural buildings on this agricultural land, subject to all other matters being adequately addressed.

### **Siting and Design and Impact upon the Countryside**

The intention behind the application is to erect a purpose built beef rearing unit, with the siting and design reflecting the functional need. The buildings are rectangular in footprint and laid out so that they are consolidated.

The topography of the land, owned by the applicant results in the existing farmstead (located to the north east of this application site) being located in an elevation position at the top of the hill, and as set out earlier in the report, over time, the farm has extended to the east, further down the hill. During the course of the application, amended plans have been submitted providing accurate sections of the buildings in relation to surrounding land levels.

Whilst officers would ordinarily seek new farm buildings to be sited close to existing buildings or landscape features, given the elevated position of the current farmstead and the visual impact it has on the landscape, the siting of these new farm buildings has been carefully considered and purposely sited in a hollow, to reduce their impact, in this countryside setting. Furthermore, the intention is for the existing farmstead to be demolished (subject to the separate application which is currently under consideration by the Local Planning Authority). Accordingly, it is considered that the new agricultural buildings would not create any significantly detrimental views, over and above that of the existing farmstead and that overall the new buildings would result in a less intrusive impact, on the countryside.

It is considered necessary to impose a condition, removing agricultural permitted development rights, from the new farmstead, to avoid subsequent extensions and alterations which could extend beyond this site and result in an unacceptable impact upon the countryside. It is also considered necessary to impose a landscaping condition.

The design and appearance of the farm buildings use proportions and finishes which are considered common in the construction of modern farm buildings in agricultural settings. In respect of the corn store and general purpose agricultural building the walls are divided into two materials of concrete panels to the lower portion and powder coated steel grey sheet cladding to the upper portion or and the roof would consist of fibre cement roof sheets, also in a grey colour finish. In terms of the two livestock barns, the same walls and roof is proposed, but with timber Yorkshire boarding to the upper proportion of the walls. The materials are also common to the existing agricultural buildings on site.

In summary, subject to the imposition of conditions, it is considered that the new agricultural buildings do not significantly impact upon the appearance and amenity of the surrounding countryside. The scheme is therefore considered to be in accordance with Policies S3 and D1 of the adopted Local Plan.

### **Highway Considerations**

The scheme proposes to utilise an existing access on Stordon Lane and utilise part of an existing track from the access, to the siting of the new agricultural buildings. Officers requested that the formation of the access be included within the description of development, for the avoidance of doubt.



During the course of the application, following concerns raised by the County Highway Authority (CHA) the applicant has submitted a detailed highways junction plan and vertical section. The proposed improvements to the access demonstrate a 6 metre access width, 10 metre radii, hard surfacing, gradient and that there is visibility of 140 metres to the west and 60metres to the east.

Following re-consultation, the CHA have confirmed that they raise no objection to the application, subject to the imposition of conditions.

Overall subject to the imposition of conditions, the highway safety aspects of the scheme are considered acceptable. The proposal is considered acceptable in relation adopted IF4 and IF7 of the adopted Local Plan.

### **Impact upon Residential Amenity**

The site is located within a fairly remote location, with the nearest residential property, 'The Wrinklies' located adjacent to Elms Farm farmhouse (in the applicant's ownership), at a distance of approximately 210 metres away, which is considered to be located at a sufficient distance away, not to be impacted upon.

Letters of objection from one address on Top Road, Griffydam, has been received, raising concerns in respect of siting of the buildings, noise and disturbance from the farm machinery moving up and down the track and around the barns, material and colouring, lighting and impacts upon quality of living, during the construction phase and timeframes of the construction.

In response to the concerns raised, there would be a distance of approximately 460 metres due east (as the crow flies) from the rear of the objector's property, to the proposed site, and the site has been purposely chosen by the applicant to site the new buildings, given the natural hollow.

In respect of orientation of the buildings, 3 of the buildings (the 1 corn store and 2 livestock buildings) would be laid out facing north north east, and the general storage building would also obstruct the full view of one of the livestock buildings and part of the corn store, looking towards the site, from the neighbour.

The access is proposed to the north of the site, a distance of approximately 680 metres (as the crow flies) from the objector's property and therefore vehicular movements in and out of the site, would be undertaken to the north, which is the opposite direction from the neighbour.

In terms of noise generated during the construction phase, this is considered in exceptional circumstances i.e. in existing residential settings and where the Council's Environmental Protection Team, request a condition, restricting hours of construction. In the absence of any request from the Council's Environmental Protection Team and given the distance from the neighbour, it is not considered that a condition be imposed, in this case.

In relation to materials and colour finish - the corn store and general purpose store, would both have concrete panels, to the lower proportions and the goose grey sheeting to the upper proportions of the walls and roof. One of the buildings would be re-sited from the existing farm, and has these materials, which is why all other buildings are being designed, to match. The two livestock buildings would be predominantly constructed in timber Yorkshire boarding, with the goose grey finish to the roof, to match the roofs of the corn store and general purpose store.

It is recommended that a condition be imposed in respect of external lighting and any details submitted, would be subject to consultation with the Council's Environmental Protection Team.

In respect of the period of construction, the Local Planning Authority can only require that development commences within a period of 3 years, but it does not require a timeframe for completion.

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.

### **Other**

In respect of surface water, the applicant proposes to install a rainwater harvester and use rainwater to feed the cattle which would minimise the use of a soakaway and ensure that the soakaway would be used as an overflow soakaway.

The applicant has also confirmed that the cattle sheds would use a straw bedding system, which would be cleaned out throughout the housing period with manure collected in a pile in adjoining fields. The location of the manure pile has to be moved annually for cross compliance and manure is spread on land when ground conditions are suitable.

No concerns are raised in respect of:-

- Archaeology
- Ecology
- Land Contamination

### **Conclusion**

In conclusion, the NPPF supports the development and diversification of agricultural and other land-based businesses. It is considered that the principle of a new farm in this location is considered to be acceptable. The siting of the buildings, being located in a natural hollow, are not considered to be to the detriment of the character and appearance of this countryside setting. The scheme does not give rise to any significant material impacts upon the occupiers of neighbouring dwellings, or highway safety, archaeology or ecology. A legal agreement is currently under negotiation and subject to the acceptability of this, it is recommended that planning permission be granted, subject to the imposition of planning conditions.

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

- 1. Time**
- 2. In accordance with Plans**
- 3. Provide Access and Surfacing at Stordon Lane**
- 4. Vehicular Visibility Splays**
- 5. Surfacing of Access Track**
- 6. Removal of Permitted Development Rights for Additional Agricultural Buildings**
- 7. Levels to be Submitted**
- 8. Landscaping Scheme to be Submitted**
- 9. External Lighting Scheme to be Submitted.**