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Meeting	PLANNING COMMITTEE
Time/Day/Date	6.30 pm on Tuesday, 4 June 2019
Location	Council Chamber, Council Offices, Coalville
Officer to contact	Democratic Services (01530 454512)

AGENDA

Item	Pages
1. APOLOGIES FOR ABSENCE	
2. DECLARATION OF INTERESTS	
Under the Code of Conduct members are reminded that in declaring disclosable interests you should make clear the nature of that interest and whether it is pecuniary or non-pecuniary.	
3. MINUTES	
To confirm and sign the minutes of the meeting held on 17 April 2019	3 - 8
4. PLANNING APPLICATIONS AND OTHER MATTERS	
Report of the Strategic Director of Place.	9 - 12
5. TO CONSIDER THE MAKING OF A TREE PRESERVATION ORDER (TPO) 177 GREENHILL ROAD, COALVILLE	
Report of the Interim Planning and Development Team Manager	45 - 50

Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
A1	17/01802/OUTM: Residential development for up to 30 dwellings including open space, landscaping, and highways and drainage infrastructure (Outline - all matters other than part access reserved) Land To The East Of Forest Road Coalville Leicestershire	PERMIT subject to S106 Agreement	13 - 28
A2	19/00017/FUL: Change of use of A1 (shops) use to an A5 (Hot food takeaway) use 119 Belvoir Road Coalville Leicestershire LE67 3PH	PERMIT	29 - 38
A3	19/00572/OUT: Erection of one dwelling (Outline - details of access and layout for approval) 189 Main Street Thringstone Coalville Leicestershire LE67 8NE	PERMIT	39 - 44

MINUTES of a meeting of the PLANNING Committee held in the Council Chamber, Council Offices, Coalville on WEDNESDAY, 17 April 2019

Present: Councillor N Smith (Chairman)

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

In Attendance: Councillors T Eynon, R Johnson and T J Pendleton

Officers: Mr C Elston, Mrs S Grant, Mr J Mattley, Mr A Mellor and Mrs M Meredith

61. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R Canny and V Richichi.

62. DECLARATION OF INTERESTS

Councillor J Legrys declared that he had been lobbied without influence in respect of item A1, application number 18/00790/FUL. He also declared that he was a member of the Co-operative party, although they were not the applicant in this case.

63. MINUTES

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

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

RESOLVED THAT:

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

64. 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.

65. A1 18/00790/FUL: 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

Officer's Recommendation: PERMIT

The Senior Planning Officer presented the report to members.

Mr S Palmer, parish councillor, addressed the meeting. He stated that the Parish Council supported the proposals and felt that the convenience store would be a great asset to the community, however the concerns about the impact on the quality of life of nearby residents had been noted. He added that the Co-operative had agreed that delivery drivers would turn off their reversing alarms and the lighting would be switched off when the store was closed. He requested conditions relating to these two issues be applied to the application.

Mr B Mullin, applicant's agent, addressed the meeting. He stated that the proposals were compliant with the development plan and would provide a community facility. He added that there would be no adverse impacts on heritage, neighbour amenity or highway safety and there were no objections from statutory consultees.

Councillor T Eynon, Ward Member, addressed the meeting. She referred to her discussions with local residents and the general sense that the convenience store would be of great benefit to the local community, allowing many to increase their independence. She also felt the proposals were a good use of a brownfield site. She acknowledged the concerns raised regarding highway safety, and commended the negotiations between the Parish Council, the County Council and the applicant who had worked hard to resolve the issues identified. She drew members' attention to the parking provision and highlighted the existing issues with parking around the school. She suggested that the Co-operative could be instructed to work with the school to ensure the parking spaces at the store were used as efficiently as possible and kept free for customers.

In determining the application, members had regard to the concerns raised around parking provision, the benefits of the proposals to the local community and the conditions requested by the Parish Council, in particular the legal position in respect of the use of reversing alarms.

The officer's recommendation was moved by Councillor J Legrys 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:

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

It was therefore:

RESOLVED THAT:

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

- 66. A2**
19/00105/OUT: ERECTION OF THREE DWELLINGS WITH ASSOCIATED VEHICULAR ACCESSSES AND OFF STREET PARKING (OUTLINE - MEANS OF ACCESS AND LAYOUT FOR APPROVAL)
 2 Newton Road Heather Coalville Leicestershire LE67 2RD

Officer's Recommendation: PERMIT

The Senior Planning Officer presented the report to members.

Mr A Large, applicant's agent, addressed the meeting. He referred to the extensive consultation which had been undertaken and stated that the scheme was attractive and sympathetic to the existing street scene.

In determining the application, members had regard to advice regarding the approach taken when awaiting comments from statutory consultees. The Chairman requested that the application be determined by the Planning Committee if there were strong objections from the archaeologist.

The officer's recommendation was moved by Councillor R Ashman and seconded by Councillor J Hault.

A recorded vote being required, the voting was as follows:

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

It was therefore:

RESOLVED THAT:

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

67. A3
19/00104/OUT: 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

Officer's Recommendation: PERMIT

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

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

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

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

It was therefore:

RESOLVED THAT:

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

68. A4
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

Elms Farm Stordon Lane Osgathorpe Coalville Leicestershire LE67 8US

Officer's Recommendation: PERMIT subject to S106 Agreement

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

Mr A Large, the applicant's agent, addressed the meeting. He stated that he had worked closely with officers to site in a sympathetic manner to minimise impacts. He asked members to follow the officer's recommendation.

In response to a question from Councillor G Jones, it was clarified that purpose of the Section 106 agreement was to ensure the development of the new farm and the conversion scheme on the existing farm happened in a timely manner to prevent there being two agricultural farms.

The officer's recommendation was moved by Councillor J Houlton and seconded by Councillor R Ashman.

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

Motion to permit the application in accordance with the officer's recommendation (Motion)	
Councillor Nigel Smith	For
Councillor Robert Ashman	For
Councillor Ron Adams	For
Councillor John Coxon	For
Councillor Dan Harrison	For
Councillor Geraint Jones	For
Councillor John Legrys	For
Councillor Michael Specht	For
Councillor Jim Houlton	For
Carried	

It was therefore:

RESOLVED THAT:

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

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 7.29 pm

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APPENDIX B

**Report of the Strategic Director of Place
to Planning Committee**

4 June 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.

Residential development for up to 30 dwellings including open space, landscaping, and highways and drainage infrastructure (Outline - all matters other than part access reserved)
Land To The East Of Forest Road Coalville Leicestershire

Report Item No
A1

Application Reference
17/01802/OUTM

Grid Reference (E) 442799
Grid Reference (N) 313254

Date Registered:
4 December 2017
Consultation Expiry:
1 February 2018
8 Week Date:
5 March 2018

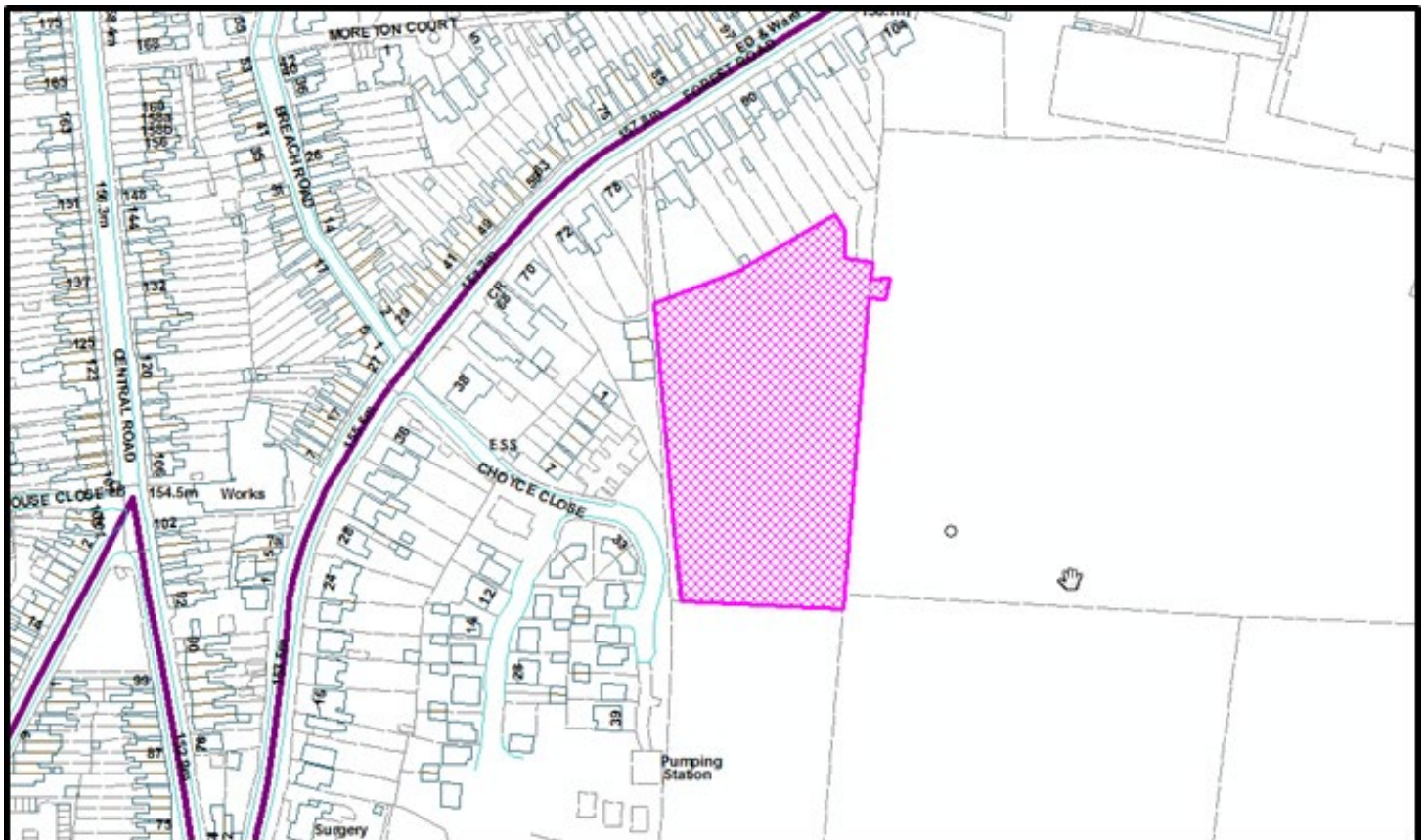
Applicant:
Davidsons Developments

Extension of Time:
21 December 2018

Case Officer:
James Knightley

Recommendation:
PERMIT subject to S106 Agreement

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Proposal

This is an outline application for the erection of up to 30 dwellings on land adjacent to and proposed to be accessed via a site with a resolution to permit residential development.

Consultations

Members will see from the main report below that Hugglescote and Donington le Heath Parish Councils raises concerns in respect of the amount of affordable housing, potential exacerbation of existing hazards caused by cars parked on the site access road and play provision. No other objections have been received.

Planning Policy

The application site is within Limits to Development as defined in the adopted North West Leicestershire Local Plan. Also of particular relevance in this case are the requirements of Policy H4 and the District Council' *Priorities for Developer Financial Contributions for infrastructure provision relating to Major Residential Development Proposals in and around Coalville* policy.

Conclusion

The report below indicates that, given the site's location within Limits to Development and with access to a wide range of services and public transport, the principle of the development of the site for residential purposes would be acceptable. Whilst the proposals would not provide for a policy-compliant 20% affordable housing contribution, the applicant has provided a viability assessment that demonstrates that this could not be provided whilst ensuring the development remains viable, and when also making contributions to other services or infrastructure. The report concludes that the impacts arising from the shortfall in proposed affordable housing would not be so significant as to render the scheme unacceptable.

RECOMMENDATION:-

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

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

MAIN REPORT

1. Proposals and Background

This is an outline planning application for the erection of up to 30 dwellings on a currently unused site (overgrown / scrub) of approximately 1 hectare. Whilst some matters are reserved for subsequent approval, illustrative plans (in effect, a development framework plan and more detailed illustrative layout) have been submitted which show residential development accessed via the proposed development between Forest Road and Wainwright Road development on land to the east (refs. 13/00802/FULM and 15/00641/FULM).

All matters are reserved save for the access insofar as it relates to the proposed means of vehicular access into the proposed residential development (i.e. via the proposed Forest Road / Wainwright Road development as referred to above). All other matters relating to access (e.g. access routes through the site, and non-vehicular access to adjacent land / pedestrian routes etc.) are reserved for subsequent approval.

2. Publicity

30 neighbours notified.

Site Notice displayed 11 January 2018.

Press Notice published Leicester Mercury 20 December 2017.

3. Summary of Consultations and Representations Received

Hugglescote and Donington le Heath Parish Council comments as follows:

- 20% affordable housing is required under the HEDNA, the North West Leicestershire Local Plan and Government advice
- Exacerbation of existing hazards caused by cars parked on the site access road
- Proposals should include an on-site play area of 600sqm (or, if not achievable, a contribution of £1,400 per dwelling made to improve play provision within the Parish area)

Leicestershire County Council Education Authority requests a financial contribution in respect of the primary school sector of £131,328.00, and a financial contribution in respect of the high school sector of £53,628.51.

Leicestershire County Council Highway Transportation & Waste Management Authority requests a developer contribution of £1,961

Leicestershire County Council Library Services requests a developer contribution of £910

Leicestershire County Council Ecologist has no objections subject to conditions

Leicestershire County Council Lead Local Flood Authority has no objections subject to conditions

Leicestershire County Council Local Highway Authority has no objections subject to conditions and planning obligations

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

Leicestershire Footpath Association has no objections

National Forest Company has no objections subject to conditions and planning obligations

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

North West Leicestershire District Council Housing Strategy team notes the findings of the viability assessment, and comments that discounted open market would not be the team's preferred tenure

North West Leicestershire District Council Waste Services Officer has no objections

Severn Trent Water has no objections subject to conditions

West Leicestershire Clinical Commissioning Group requests a healthcare contribution of £9,020.16

Third Party representations

None

4. Relevant Planning Policy

National Policies

National Planning Policy Framework 2019

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

Paragraphs 8, 11 and 12 (Achieving sustainable development)

Paragraphs 47, 54, 55, 56 and 57 (Decision-making)

Paragraphs 62, 64 and 76 (Delivering a sufficient supply of homes)

Paragraphs 91, 92, 94, 96 and 98 (Promoting healthy and safe communities)

Paragraphs 102, 106, 108, 109 and 110 (Promoting sustainable transport)

Paragraph 117 and 122 (Making effective use of land)

Paragraphs 124, 127, 128, 129, 130 and 131 (Achieving well-designed places)

Paragraphs 148, 150, 153, 155, 157, 158, 163 and 165 (Meeting the challenge of climate change, flooding and coastal change)

Paragraphs 170 and 175 (Conserving and enhancing the natural environment)

Paragraphs 178, 180 and 181 (Ground conditions and pollution)

Paragraphs 189, 190, 192, 197 and 199 (Conserving and enhancing the historic environment)

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

Adopted North West Leicestershire Local Plan (2017)

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

Policy S1 - Future housing and economic development needs
Policy S2 - Settlement Hierarchy
Policy D1 - Design of new development
Policy D2 - Amenity
Policy H4 - Affordable Housing
Policy H6 - House Types and mix
Policy IF1 - Development and Infrastructure
Policy IF2 - Community and Cultural Facilities
Policy IF3 - Open Space, Sport and Recreation facilities
Policy IF4 - Transport Infrastructure and new development
Policy IF7 - Parking provision and new development
Policy En1 - Nature Conservation
Policy En3 - The National Forest
Policy En6 - Land and Air Quality
Policy He1 - Conservation and enhancement of North West Leicestershire's historic environment
Policy Cc2 - Flood Risk
Policy Cc3 - Sustainable Drainage Systems

Other Policies

Good Design for North West Leicestershire SPD

Priorities for Developer Financial Contributions for infrastructure provision relating to Major Residential Development Proposals in and around Coalville

Leicestershire Highway Design Guide (Leicestershire County Council)

5. Assessment

Principle of Development

Insofar as the principle of development is concerned, and 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.

As set out under Relevant Planning Policy above, the site is within Limits to Development as defined in the adopted North West Leicestershire Local Plan; on this basis, and given the site's location within the Coalville Urban Area (where a wide range of services and good accessibility to public transport are available), the principle of the development of the site for residential purposes would be supported by the relevant Local Plan policies. Whilst the site also appears to constitute greenfield land (and whereas the NPPF supports maximising the use of previously-developed land), it is also noted that the site is currently of poor visual quality, and its re-use for residential development would not be considered unacceptable in this regard.

Detailed Issues

In addition to the issues of the principle of development, consideration of other issues relevant to the application is set out in more detail below.

Means of Access, Highways and Transportation Issues

Site Access and Impacts on the Wider Highway Network

The application is accompanied by a Highways Report; as set out in the introduction above, the application is in outline with all matters reserved save for the access insofar as it relates to the vehicular access point into the site from the proposed residential development between Forest Road and Wainwright Road (in effect by way of an extension to the proposed 5.5m wide road with 2m wide footways within that adjacent development). In terms of supporting material, the illustrative layout shows the provision of adopted culs-de-sac and private drives served from the primary vehicular route, together with pedestrian links to the proposed adjacent residential development and the public right of way connecting Forest Road and Grange Road. In terms of the proposed vehicular access, the County Highway Authority raises no objections subject to the imposition of appropriate conditions to ensure the site is appropriately accessed given that, until such time as the adjacent development comes forward, the site is in effect "landlocked" in terms of vehicular connections to the public highway.

In terms of the proposals' impacts on the wider highway network, the County Highway Authority notes that a detailed Transport Assessment was provided as part of the planning applications on the adjacent site, and that the applicant has made reference to trip rates and capacity assessments which were accepted by the County Highway Authority at that time; using the previously accepted trip rates the applicant considers that the proposed development would generate 18 two way trips in the AM peak and 20 two way trips in the PM peak. On the basis of capacity assessments submitted as part of the previous applications, the Forest Road junction would operate at 9.4% of capacity and the Wainwright Road at 18.9% capacity. Given the modest increase in the total number of dwellings (up to 30 dwellings), the County Highway Authority is content that additional assessment is not necessary (nor, indeed, would a Transport Statement normally be required for the quantum of development proposed).

Regardless, however (and given that the proposed scheme would be part of a larger development), the County Highway Authority considers that the proposed development would be considered to impact on the wider highway network in Coalville

Given the significance of the A511 around Coalville, the County Highway Authority has been working in collaboration with the District Council to ensure that wider growth in and around Coalville can be accommodated by way of seeking contributions from developers towards measures required to mitigate the impacts (both individually and cumulatively) of the various developments forming that wider growth. This approach has been adopted as it is considered that the cumulative impacts of development around Coalville will have a large-scale impact which should be addressed comprehensively, rather than in a piecemeal manner.

On 15 January 2013, the District Council's Cabinet considered a report relating to Delivering Growth and Prosperity in Coalville which set out proposals to prioritise highways infrastructure contributions in Coalville above affordable housing contributions given the need for significant transportation infrastructure to be provided so as to enable otherwise stalled development to be delivered. Cabinet resolved to (i) agree to the preparation and consultation of an interim Section 106 policy which establishes the approach towards prioritising highway infrastructure contributions in Coalville, which will be reported back to cabinet after the consultation exercise;

(ii) agree that for major developments in Coalville, the Planning Committee be asked to consider the emerging policy through Section 106 agreements; and (iii) to recommend that Planning Committee, where appropriate, prioritise the requirement for highways infrastructure contributions in Coalville above affordable housing contributions where such contributions are necessary, in accordance with the emerging policy proposals. The District Council consulted on a draft policy between 22 February 2013 and 5 April 2013 and, following the conclusion of that consultation, reported back to Cabinet on 11 June 2013. At that meeting, Cabinet resolved to approve the *Priorities for Developer Financial Contributions for infrastructure provision relating to Major Residential Development Proposals in and around Coalville* policy. This policy also needs to be read in conjunction with Local Plan Policy IF4 which provides, amongst others, that, where new development has a demonstrable impact upon the highway network contributions towards improvements will be sought commensurate with the impact (and identifies the A511 corridor between J22 of the M1 and J13 of the A42 as a priority).

The report to Cabinet of 15 January 2013 included an indicative list of potential transportation infrastructure measures to which the financial contributions made would be expected to contribute; based on the figures available at that time, the calculations provided to Cabinet suggested a potential contribution of between £4,419 and £4,884 per dwelling. In this case, the County Highway Authority has suggested that a contribution of £144,000 (equating to £4,800 per dwelling) would be appropriate; the applicant is agreeable to making this contribution. It is, however (given that the total number of dwellings may not eventually reach the maximum of 30), considered that it would be appropriate to frame any Section 106 or 278 agreement in a manner whereby the contribution paid would be commensurate to the number of units actually delivered.

Public Rights of Way

The route of public right of way N85 (a footpath connecting Forest Road and Grange Road) abuts the site; on the basis of the submitted illustrative layout, a pedestrian connection would be made between the site and the existing footpath, but no changes to the line of the footpath itself are proposed. In terms of surfacing, it is noted that, under conditions attached to the planning permissions granted in respect of the Cadeby Homes development to the west, an appropriate scheme of hardsurfacing of the existing right of way between the site and Forest Road has been secured, thus helping to maximise the opportunities for residents of the proposed development to access Forest Road on foot.

Transportation Contributions

In addition to the wider highway network mitigation referred to above, the County Highway Authority requires the following (and to be secured by way of Section 106 obligations):

- (i) Submission / approval of a construction traffic routeing agreement
- (ii) Travel Packs (one per dwelling) to inform new residents from first occupation what sustainable travel choices are available in the surrounding area (these can be provided by the County Council if required at a cost of £52.85 per pack); and
- (iii) Two six-month bus passes per dwelling to encourage new residents to use bus services as an alternative to the private car to establish changes in travel behaviour (these can be provided by the County Council if required at an average cost of £360 per pass (approx.; precise amount to be confirmed upon drafting of any Section 106 agreement));

The applicant is agreeable to making the contributions listed above.

Subject to the above, the proposals would be considered acceptable in highways and transportation terms, meeting the requirements of Local Plan Policy IF4.

Flood Risk and Drainage

A Flood Risk Assessment (FRA) has been submitted in support of the application. The Environment Agency flood zone maps indicate that the site lies within Flood Zone 1 (i.e. less than a 1 in 1,000 annual probability of river or tidal flooding in any one year) and, on this basis, the site is considered to pass the sequential test. The site is also identified as falling within an area at very low risk of surface water flooding.

To mitigate the risk of surface water flooding (and to address future implications of climate change, the FRA suggests provision of on-site attenuation (including a balancing facility) prior to discharge to a watercourse so as to accommodate the one in 100 year event (plus an additional 40% for climate change). No objections are raised to the development by the Lead Local Flood Authority subject to the imposition of appropriate conditions.

Insofar as foul sewage is concerned, it is proposed to connect to the adjacent proposed development to the south (in turn connecting to an existing in Wainwright Road); no objections are raised by Severn Trent Water subject to conditions.

The scheme is therefore considered acceptable in terms of flood risk and drainage issues, and (subject to the detailed drainage schemes to be agreed under condition) would meet the requirements of Local Plan Policies Cc2 and Cc3.

Ecological Issues

The application is supported by a number of ecological reports, including in respect of habitats and protected species, as well as additional reports in respect of badgers, bats and reptiles.

The submitted habitat survey indicates that the site contains limited biodiversity, comprising an area that was previously disturbed / cultivated but is now unmanaged and being colonised by coarse grassland and successional scrub, supporting a limited diversity of ground flora. However, in view of the presence of the coarse grassland, surveys have been undertaken in respect of reptiles, and the ecological work has also identified potential for roosting bats and nesting birds to be present in the boundary hedgerows.

Further to the habitat survey work, additional investigations have been undertaken (at the request of the County Ecologist), and are considered acceptable by the County Council, including in respect of badgers, bats and reptiles.

In terms of reptiles, supplementary work has been undertaken in respect of lizards and slow-worms, and translocation proposals provided. Whilst the County Ecologist has requested further clarification in respect of the proposed vegetation clearance and formation of artificial refugia, she considers that the matter can be dealt with by way of conditions requiring submission of details at the reserved matters stage. Additional comments have been provided by the applicant to seek to clarify the remaining queries raised by the County Ecologist, and any further comments made in response will be reported on the Update Sheet.

Subject to the above, therefore, the County Ecologist raises no objections subject to conditions. The scheme is therefore considered acceptable in terms of ecological issues, and would meet the requirements of Local Plan Policy En1.

Layout, Landscaping and Design

Whilst layout, landscaping and detailed design of the proposals would be reserved matters, the application is supported by a Design and Access Statement and a Building for Life 12 assessment setting out the applicants' proposals, and explaining the approach taken in terms of design; the applicant's Building for Life 12 assessment concludes that a "green" would be achieved under all 12 criteria. The application is also accompanied by an illustrative plans submitted in order to demonstrate how the site could be developed for the number of dwellings proposed.

A number of minor issues had been raised by the District Council's Urban Designer regarding the illustrative scheme, and including the need for policy-compliant levels of car parking to be shown in accordance with the guidance in the Good Design for North West Leicestershire SPD, treatment of site levels, use of opportunities available for the site (including potential to frame views of the Parish Church), appropriate siting of bin collection points, and treatment of SUDs.

Further to these concerns, additional material has been submitted, indicating likely site and balancing pond gradients. In terms of the proposed road layout, it is not clear whether the gradients would be within the parameters that the County Highway Authority would require in order for them to be adopted and, potentially, therefore, such a layout could require roads to remain as private. However, this is not considered to necessarily represent a concern subject to appropriate arrangements being made in respect of public accessibility and servicing etc. (and including, for example, in respect of waste collection). The submitted illustrative details also suggest that the balancing facility would have internal gradients of no steeper than 1:3 (and, as such, would have the potential to comply with the District Council's Good Design for North West Leicestershire SPD which seeks to avoid steeply-sided basins that require fencing, thus preventing them from becoming a useable part of the public open space network).

Insofar as waste collection is concerned, the District Council's Waste Services Development Officer notes that the application is in outline at this stage, but has provided some comments on the submitted illustrative material (noting where the illustrative layout would not comply with the relevant requirements). He therefore, draws the applicant's attention to those requirements, and requests that any subsequently submitted reserved matters scheme is designed so as to comply with them.

In terms of trees and landscaping, it is noted that landscaping would be a reserved matter. However, the application is accompanied by an Arboricultural Assessment identifying and categorising the existing trees on the site (and which are located on the site's periphery). This identifies that a small number of trees would need to be removed in order to accommodate the proposed scheme as indicated on the illustrative layout. However, whilst these would all fall within Retention Categories B (moderate quality) or C (low quality), given that the application is in outline, it is considered that only the impacts associated with the proposed access location (which forms part of the proposals for determination at the outline stage) would be directly relevant at this stage.

Of the trees identified for removal in the Arboricultural Assessment, a small section of Group G2 (Category C), plus one tree from Group G3 (Category B), would be lost by the formation of the proposed access point into the site. Given the limited impacts in terms of numbers and quality of trees, the proposals are considered acceptable in this regard. For its part, the National Forest Company welcomes the intentions to retain the majority of the trees, and requests the imposition of appropriate conditions to protect those retained trees during construction.

In terms of new landscaping, this would be addressed as part of any subsequent reserved

matters submission. Insofar as National Forest planting is concerned, the National Forest Company notes that 20% of the overall site area would normally be required to be made available as National Forest planting, either by way of on-site planting or an off-site contribution (and as set out in more detail under Developer Contributions below).

Whilst in outline form only, therefore, the scheme is nevertheless considered to have the potential to provide for an appropriate form of site layout, landscaping and design, and any future reserved matters application would, in principle, be able to meet the requirements of Local Plan Policy D1.

Historic Environment

The site does not contain, nor is in close to proximity of, any listed buildings or Conservation Areas. In terms of non-designated heritage assets, the application was accompanied by e-mail correspondence between the applicant's archaeological consultant and the County Archaeologist. The County Archaeologist's comments confirm that there is good evidence for prehistoric activity in the vicinity, but that the archaeological potential of this site has already been established through a good coverage of desk-based assessments for the wider area. The County Archaeologist is content that, given the amount of previous evaluation, the remaining necessary archaeological investigation of this site (including evaluation and any subsequent phases of mitigation) could be secured by condition requiring such mitigation to be undertaken and submitted prior to the determination of any reserved matters application.

Subject to the imposition of an appropriate condition, therefore, the proposals would be considered to provide for appropriate assessment of any matters of archaeological interest, and the requirements of Local Plan Policy He1 would be complied with.

Neighbours' and Future Occupiers' Amenities

In terms of amenity issues, the impacts of the proposed development need to be considered both in terms of the impacts on the future living conditions of residents of the proposed development, having regard to the site's location, as well as on existing residents arising from the proposed development. These are considered in turn below.

In terms of future residents' amenities, the application is accompanied by a Noise Screening Report which identifies that the dominant noise source affecting the site would be road traffic (principally on Forest Road) but that, with appropriate mitigation (including in respect of orientation of units and installation of double glazing / acoustic ventilation), no unacceptable impacts would arise. No unacceptable impacts are identified in terms of any noise associated with the use of facilities at Newbridge School. Subject to the imposition of conditions securing this mitigation where relevant, no objections on noise grounds are raised by the District Council's Environmental Protection team.

Insofar as the amenity impacts on neighbouring occupiers arising from the proposed development are concerned, whilst an illustrative development framework plan has been submitted, all matters (other than the proposed vehicular accesses) are reserved for subsequent approval. Whilst the illustrative material indicates that an acceptable relationship between existing and proposed dwellings would be achievable, any reserved matters scheme would need to be appropriately devised to the boundaries of the site adjacent to other dwellings (and, in particular, those on Forest Road and on the recently constructed Cadeby Homes site to the west) so as to ensure that occupiers of both existing and proposed dwellings were afforded an appropriate level of amenity. There is no reason to suggest that the eventual form of

development proposed under the reserved matters would necessarily result in undue loss of amenity to adjacent occupiers, and the scheme is, at this outline stage, acceptable in this regard. Based on the locations of the proposed vehicular accesses, it is not considered that any unacceptable impacts on occupiers of dwellings in the vicinity of those accesses (and including from vehicular movements and, potentially, vehicle headlights etc.) would be likely to result; in addition to the noise issues already outlined above, the submitted Noise Screening Report also indicates that any increase in noise to existing residential properties associated with increased traffic would be unlikely to be significant.

Geotechnical Issues and Land Contamination

The application is accompanied by a Phase I Site Appraisal assessing the potential hazards / contamination risks. This concludes, amongst others, that the risk of contamination would be moderate in the northern part of the site, and very low elsewhere, and that risk from ground gas would be negligible. The Appraisal therefore indicates that the site would be suitable for the proposed development subject to further investigative / remedial works and including undertaking a Phase II ground investigation prior to development. The District Council's Environmental Protection team raises no objections in this regards subject to conditions in respect of further investigations / remediation as necessary. The development is therefore considered acceptable in this regard.

Other Matters

Developer Contributions

Paragraph 56 of the NPPF sets out the Government's policy in respect of planning obligations and, in particular, provides that planning obligations should be:

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

Equivalent legislative tests are contained within Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010.

The applicant advises that, when taking into account the provision of the various contributions set out below, the development would not be viable, and a viability assessment has been submitted to demonstrate this. Paragraph 57 of the NPPF provides that, where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable, and that it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. In support of the case for considering a viability assessment in respect of this application, the applicant's agent considers that, notwithstanding the updated approach to viability set out in the updated NPPF issued in 2018 (and which is unchanged in the 2019 version) (along with associated guidance in Planning Practice Guidance), the particular circumstances of the site including the relatively high abnormal costs associated with the foundation requirements, ground conditions and gradient of the site justify the need for a viability assessment at the application stage. The agent also notes that these site-specific abnormal costs would not have been picked up in the general greenfield archetypes modelling within the Local Plan viability work. It is accepted that, in this case (and when having regard to the level of detail available at the time of the preparation of the viability appraisal of the Local Plan), it would be reasonable to consider the applicant's viability assessment.

Affordable Housing

As a greenfield site within the Coalville urban area, an affordable housing contribution of 20% would be required under Local Plan Policy H4.

As set out above, a viability assessment has been submitted by the applicant to demonstrate that, with the provision of all policy-compliant contributions, the proposed development would be unviable. As such (and in accordance with the approach set out in the District Council's *Priorities for Developer Financial Contributions for infrastructure provision relating to Major Residential Development Proposals in and around Coalville* policy), the applicant proposes reducing the affordable housing contribution until such a point as the scheme becomes viable. Using this approach (and on the basis of the provision of an on-site contribution in accordance with the Council's preference set out in Policy H4), a total of two affordable properties are proposed (and, for the purposes of appraisal under the viability assessment, comprising 1 no. 2 bed and 1 no. 3 bed dwellings, available as discounted open market value properties). The assessment has been undertaken on the basis of the properties being available at 80% of open market value (and, therefore, in accordance with the definition of discounted market sales housing set out within the NPPF, which refers to housing sold at a discount of at least 20% below local market value).

This contribution would equate to approximately 6.7% of the development (assuming a total of 30 units), clearly some way short of the policy-compliant 20%, and slightly below the 7.5% agreed for the adjacent sites forming part of the wider South East Coalville development. The viability assessment has been reviewed by the District Valuer on the Local Planning Authority's behalf, and its conclusions are accepted.

Whilst it does not dispute the findings of the District Valuer, the District Council's Strategic Housing team comments that providing the units as discounted market sales housing would not be its chosen tenure, and also comments that, when applying the discount of 20% on market value, this is still not necessarily sufficient to help meet the needs of those households in greatest need of an affordable home in this area. Whilst this position is appreciated, it is also noted that the 20% discount would meet the NPPF definition of being (at least) 20% below market value. It is also acknowledged that, were a greater discount applied, this would also have a greater impact on the development viability (and, hence, potentially reducing the contribution overall). On balance, therefore, given the viability constraints, it is considered that the affordable housing contribution proposed would represent a reasonable balance between amount of affordable units and the type of tenure.

In terms of the impacts of the reduced provision of affordable housing, this was assessed in more detail when the *Priorities for Developer Financial Contributions for infrastructure provision relating to Major Residential Development Proposals in and around Coalville* policy was introduced, but the provision of reduced affordable housing contributions (and any associated shortage of affordable housing in the District) has the potential to impact upon some of the most vulnerable people within the District and increase the number of homelessness cases. However, this needs to be balanced against the need to adopt a proportionate approach to developer contributions and viability so as to enable sustainable development to come forward, and the need to consider the potentially harmful impact on other service areas were the shortfall in viability to be addressed by way of reductions in contributions to other areas of infrastructure. It is considered that, whilst the reduced affordable housing contribution would count against the development to an extent in terms of its performance under the social objective of sustainable development, it is not considered that this issue would be so unacceptable as to warrant a refusal of permission, given the identified need for new development in the Coalville area to

prioritise transportation infrastructure over affordable housing. Therefore, the view is taken that, whilst the reduced contribution to affordable housing is unfortunate, the proposals represent a sustainable approach to delivering development overall.

In the event that permission were to be granted (and having regard to the District Council's *Priorities for Developer Financial Contributions for infrastructure provision relating to Major Residential Development Proposals in and around Coalville* policy), it would be considered appropriate to limit the implementation period of any planning permission granted. It would also, it is considered, be appropriate to include a mechanism within the Section 106 agreement ensuring periodic review of the scheme's viability (and thus potentially enabling increased affordable housing contributions to be made in the event that the viability of the scheme improves prior to the scheme's implementation).

Transportation and Accessibility Contributions

These are as set out under Means of Access, Highways and Transportation Issues above.

Education

In respect of the proposed education contributions, Leicestershire County Council comments as follows:

Primary School Requirements:

The site falls within the catchment area of Hugglescote Community Primary School. The school has a net capacity of 420 and 1126 pupils are projected on the roll should this development proceed, a deficit of 706 pupil places.

Whilst, having regard to existing capacity at three other primary schools within a two mile walking distance of the development (namely Belvoirdale Community, Broom Leys and All Saint's C of E Primary Schools), the deficit would be reduced to 151 spaces, the Local Education Authority advises that the 9 deficit places created by this development cannot be accommodated elsewhere, and a request for an education contribution in respect of the additional deficit places created by the development within the primary school sector is made (£131,328.00), and would be used for improving, remodelling or enhancing existing facilities at Hugglescote Community Primary School (or any other school within the locality of the development).

High School Requirements:

The site falls within the catchment area of Newbridge High School. The School has a net capacity of 590 and 753 pupils are projected on roll should this development proceed, a deficit of 163 pupil places. A total of 141 pupil places are included in the forecast for this school from Section 106 agreements for other developments in this area and are therefore discounted. This, the Local Education Authority advises, reduces the total deficit for this school to 49 pupil places (of which 46 are existing and 3 would be created by this development). There is one other high school within a three mile walking distance (Castle Rock High School), but it also has a deficit, and a request for an education contribution in respect of the additional deficit places created by the development within the high school sector is made (£53,628.51), and would be used for improving, remodelling or enhancing existing facilities at Newbridge High School (or any other school within the locality of the development).

Upper School Requirements:

The site falls within the catchment area of King Edward VII Science and Sport College. The

school has a net capacity of 1,193 and 1,150 pupils are projected on roll should this development proceed, a surplus of 43 pupil places, and an upper school sector education contribution is not therefore requested.

The applicant is agreeable to making the education contributions sought.

Library Services

Leicestershire County Council advises that an additional 90 people would be added to the catchment population of Coalville Library are anticipated to be generated by the proposed development and, in order to meet the requirements for providing a minimum of 1,157 stock items per 1,000 population, additional items will be required, and a contribution of £910 towards library services is requested by the County Council. The applicant is agreeable to making the library contributions sought.

Civic Amenity

Leicestershire County Council advises that an additional 8 tonnes of municipal waste are anticipated to be generated annually by the proposed development, and a contribution of £1,961 towards additional facilities at the Coalville Civic Amenity site is therefore requested by the County Council. The applicant is agreeable to making the civic amenity contributions sought.

Children's Play, Public Open Space and National Forest planting

Policy IF3 of the adopted Local Plan requires that developments of 50 or more dwellings provide for the provision of open space, sport and recreation facilities. Whilst the application proposes the erection of fewer than 50 units, it is considered that, in practice, the development would, in combination with the proposed schemes to the east, would form part of a wider site and, as such, it would be appropriate to consider the requirements of Policy IF3 in this context.

The applicant advises that, for this part of the wider site, it is not proposed to provide a separate children's play area but, instead, it is intended to make a financial contribution of £10,000 towards the enhancement of the proposed facility within the first phase of the adjacent Forest Road / Wainwright Road development (to be maintained by a management company). The applicant indicates that this contribution would provide for the following additional facilities:

- 2 no. pieces of play equipment for toddler user group;
- 1 no. bench;
- Play area signage;
- Safety surfacing (if required);
- Play mounding;
- Sensory shrub planting;
- Access with 2 points of exit from a surface footpath; and
- Fencing

The applicant confirms that, in terms of location, there would be sufficient space to locate this Local Area for Play (LAP) immediately south of the proposed Local Equipped Area for Play (LEAP) based on a minimum activity zone of 100sqm, and that it could be informally separated with mounding and shrub planting, (albeit this would be subject to detailed design).

Given the particular nature of the specific scheme the subject of this application, it is considered that this would represent a reasonable approach so as to ensure that the play provision to be

made in association with the wider development would be enhanced in a commensurate way so as to accommodate the additional users likely to be generated by the additional housing now proposed. It is noted that the Parish Council suggests payment of an off-site contribution to it, but (as per the wider South East Coalville site), the applicant's intention is for play provision to be funded / maintained privately by a management company.

Insofar as National Forest planting is concerned, the National Forest Company notes that, for a development of this scale, 20% of the site (i.e. 0.2ha) would be required to be provided as woodland planting and landscaping and, whilst some areas of open space would (on the basis of the illustrative plans) be provided on-site (e.g. in the area adjacent to the balancing pond), the 0.2ha requirement would not be met. The applicant is agreeable to making the National Forest contributions sought.

Overall in terms of public open space and other green infrastructure, therefore, the proposals are considered acceptable.

Healthcare

West Leicestershire Clinical Commissioning Group (CCG) requests a developer contribution of £9,020.16 in respect of healthcare as set out in the consultation response above. This request has been supported by detailed information setting out the projected impacts on capacity arising from the proposed development (with the principal impacts being on the Broom Leys surgery) together with commensurate costs of mitigation. The applicant is agreeable to making the healthcare contributions sought.

Insofar as the various developer contributions are concerned, the view is taken that, save where indicated otherwise above, the proposed obligations would comply with the relevant policy and legislative tests as set out in the NPPF and the CIL Regulations.

Housing Mix

Local Plan Policy H6 requires a mix of housing types, size and tenure to meet the identified needs of the community. Whilst tenure is in effect addressed by the proposed Section 106 obligations in respect of affordable housing as part of the development, (see above), Policy H6 refers to the need to have regard to the most up-to-date Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA), and sets out the range of dwelling size (in terms of numbers of bedrooms) identified as appropriate in the HEDNA.

The application is in outline form only, and the submitted illustrative layout does not specify bedroom numbers etc. It is, however, recommended that a condition be attached ensuring that the scheme proposed at the reserved matters stage reflects the need to meet the requirements of Policy H6.

Overall Planning Balance, Contribution to Sustainable Development and Conclusions

As set out within the report above, the proposed development would be acceptable in principle, given the site's location within Limits to Development.

Having regard to the three dimensions of sustainable development, it is considered that the proposals would sit well in terms of the economic objective insofar as it would make a positive contribution to economic growth associated with the proposed development and, on the basis of

the contributions proposed to be made to local services, would be accompanied by the provision of infrastructure.

Insofar as the social dimension is concerned, the development would bring the benefit of providing additional housing, but would deliver a significantly reduced affordable housing contribution. In terms of design, the application is in outline form only but, it is considered, has the potential to perform well in this regard subject to any reserved matters scheme meeting the principles set out in the District Council's Good Design for North West Leicestershire SPD.

In terms of the environmental dimension, the proposals have the potential to perform well in terms of need to travel and the movement towards a low carbon economy, given their location within Limits to Development and adjacent to the existing built up area. Subject to mitigation, the scheme would also have limited impacts on existing features of the natural and historic environment.

It is considered that the proposals are acceptable and approval is recommended.

RECOMMENDATION- PERMIT, subject to Section 106 Obligations, and subject to the following condition(s):

- 1 Time limits (and including in respect of the requirements of the District Council's *Priorities for Developer Financial Contributions for infrastructure provision relating to Major Residential Development Proposals in and around Coalville* policy)
- 2 Submission / approval of reserved matters
- 3 Approved plans
- 4 Housing mix
- 5 Drainage (including foul and surface water, long-term maintenance of SUDs and management of surface water during construction)
- 6 Tree protection (in relation to those trees affected by the proposed site access)
- 7 Ecology
- 8 Archaeology
- 9 Noise mitigation to proposed dwellings
- 10 Contaminated land
- 11 Construction environmental and traffic management plan(s)
- 12 Highways (including provision of the site access, and limitation on total number of dwellings pending completion of the Forest Road - Grange Road link)

**Change of use of A1 (shops) use to an A5 (Hot food takeaway)
use**

**Report Item No
A2**

119 Belvoir Road Coalville Leicestershire LE67 3PH

**Application Reference
19/00017/FUL**

**Grid Reference (E) 442422
Grid Reference (N) 313922**

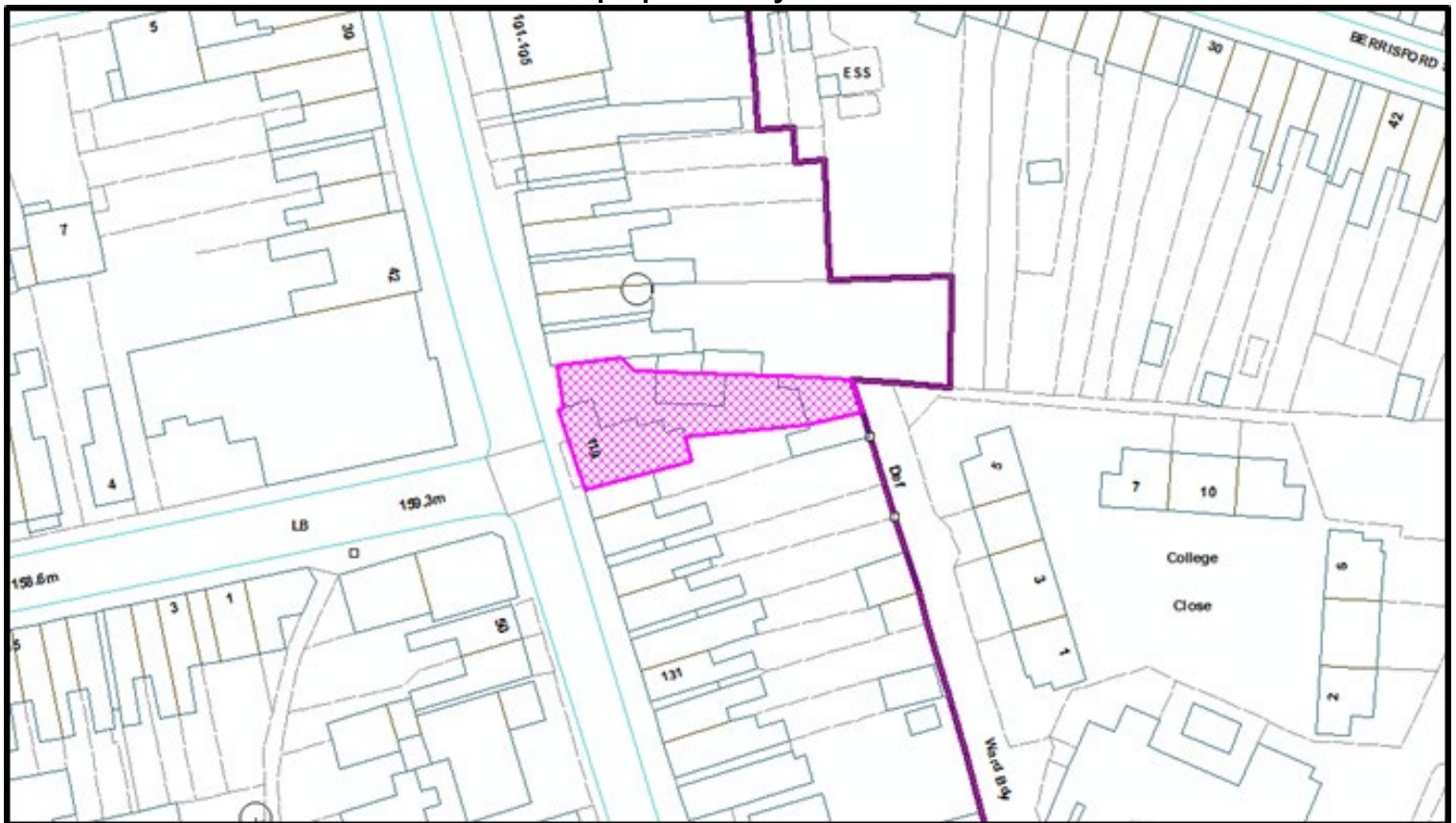
**Date Registered:
11 January 2019
Consultation Expiry:
1 May 2019
8 Week Date:
8 March 2019
Extension of Time:
14 June 2019**

**Applicant:
Mr Mizan Uddin**

**Case Officer:
Anna Edwards**

**Recommendation:
PERMIT**

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

The application is reported to the Planning Committee, as it is an application of significant public interest and raises matters which should be referred to the Planning Committee for consideration. Ward Councillor John Geary has called the application in for Planning Committee consideration on the grounds of highway safety and residential amenity.

Proposal

Planning permission is sought for the change of use of A1 (shops) use to an A5 (hot food takeaway) use at 119 Belvoir Road, Coalville. The proposal also includes the installation of extraction equipment located to the rear elevation.

Consultations

Statutory consultees have raised no objections to the application subject to the imposition of conditions.

Ward Councillor John Geary has called the application in for Planning Committee consideration on the grounds of highway safety and residential amenity.

Letters of objection have been received from 6 individuals. Two petitions have been received, one with 43 signatures and one with 37 signatures.

Planning Policy

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

Conclusion

The key issues arising from the amended application details are:

- The principle of a takeaway use on the site
- Impact on visual amenity and design
- Impact on surrounding residents
- Impact on highway safety/parking

The report looks into the key planning issues in detail, and officers conclude that the details are satisfactory. The detailed scheme meets the requirements of the relevant policies of the Councils adopted Local Plan and the adopted Good Design for North West Leicestershire SPD.

RECOMMENDATION - PERMIT subject to the following 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 Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the change of use of A1 (shops) use to an A5 (hot food takeaway) use at 119 Belvoir Road, Coalville. The proposal also includes the installation of extraction equipment located to the rear elevation.

The application site comprises the ground floor of a two storey building and outside hard standing area to the eastern side of Belvoir Road, Coalville.

The premises is currently un-occupied, with the premises previously being used as a stoves and fire shop (Class A1).

The first floor of the building is used for living accommodation in the form of a flat and the neighbouring dwelling, No. 121 Belvoir Road, partially overlaps the site at first floor level, in a flying freehold arrangement.

To the north of the building is an area of hard standing, providing off road parking for the premises.

The site is situated within the defined Coalville Town Centre but located outside of the Primary Shopping Area.

There are a range of uses within the immediate vicinity of the site, including residential and commercial as well as hot food takeaways.

Internally, the layout of the existing shop would be altered to accommodate the proposed use.

Externally, the application proposes the installation of extraction equipment. This would include a flue from the kitchen at the eastern/ rear elevation of the building.

The application has been accompanied by a product specification document for the extraction unit.

Throughout the course of the application, amended and additional details have been requested by the case officer. These have been subject to full re-consultations.

No recent relevant planning history found in relation to this site.

2. Publicity

15 neighbours notified.

Site Notice displayed 25 January 2019.

3. Summary of Consultations and Representations Received

Ward Councillor John Geary called the application in for planning committee consideration. The following concerns were raised in the call in request:-

- Concerns with regard to adverse impacts on residential amenity as a result of smells and general disturbance of people coming and going late in the evening
- Highway safety concerns with regard to the lack of parking provision.

Further concerns raised by Cllr Geary during the course of the application include ensuring adequate noise insulation and fire separation.

Leicestershire County Council Highway Authority - raised no objections subject to conditions to ensure that adequate off street parking provision is made.

NWLDC Environmental Protection raised no objections subject to conditions to ensure that a noise insulation scheme is submitted and agreed and that the cleaning and maintenance of the extraction system is adhered to.

Third Party Representations

Letters of objection have been received from 6 individuals, raising the following concerns:-

Principle

- There are already a 5 Indian takeaways located in Coalville
- Legislation for the evening economy on food and drink in the Coalville area - 3 takaways on the same street within 20 properties
- UK already statistically the most obese country in Europe. Adding more shops is encouraging people to buy takeaways

Residential amenity, noise and disturbance

- The takeaway would be situated in an area built up by a number of properties
- Traffic increase and customers would cause a massive rise in noise
- Late opening hours
- Takeaway will overlook a number of houses
- Strong odours and smells
- The flue would be downwind from daughter's bedroom window - unable to have the windows open due to the stench
- Flying freehold- neighbours daughters bedroom located over the kitchen (preroom)
- Neighbour would never get any peace or feel comfortable in own home, impact upon mental health
- Neighbouring walls so thin that every noise would be heard
- Lack of sleep for neighbours children due to noise affecting health and schooling
- The shop may attract drunk or unsociable people
- Mice rats and flies
- Litter problems

Highway Considerations

- Located near to a junction
- Not suitable for the business it will attract
- Cause constant congestion of traffic
- Not safe for road users or members of the public
- No parking to the property as the shop has double yellow lines all round

- No suitable parking at the premises for customers
- Nowhere for delivery vans to park

Other Matters

- Immense fire risk leaving neighbouring property at risk
- Neighbouring access through No119 back yard concern it may be restricted or blocked or people may unlawfully gain access to the neighbouring property.
- Negative affect upon neighbouring house prices

Two standard objection petitions have been received with 43 and 37 signatures. No grounds for objection were stated upon the petitions.

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

4. Relevant Planning Policy

National Planning Policy Framework (2019)

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

- Paragraph 7 and 8 (Achieving sustainable development);
- Paragraph 11 (Presumption in favour of sustainable development);
- Paragraph 85 (Ensuring the vitality of town centres);
- Paragraphs 127 (Requiring good design);
- Paragraph 55, 56 (Planning conditions and obligations)

Adopted North West Leicestershire Local Plan (2017)

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

- S2 - Settlement Hierarchy
- D1 - Design of New Development
- D2 - Amenity
- IF4 - Transport Infrastructure and New Development
- IF7 - Parking Provision and New Development
- Ec8 - Town and Local Centres: Hierarchy and Management of Development

Other Policies/Guidance

- National Planning Practice Guidance - March 2014
- Leicestershire Highways Design Guide (Leicestershire County Council)
- Good Design for North West Leicestershire SPD - April 2017

5. Assessment

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 comprises the adopted Local Plan 2017.

This application proposes to change the use of an existing retail unit to a hot food takeaway.

The application site is situated within the defined Coalville Town Centre. A5 hot food takeaways are referred to in the NPPF as a main town centre uses. Policy Ec8 of the Local Plan highlights

that proposals for main town centre uses will be expected to be located within town centres. The proposal for a Hot food takeaway is therefore considered to be an acceptable use in principle in the town centre location.

Concerns were raised within the letters of objection that there are already 5 Indian takeaways located in Coalville. The question was asked by an objector "what legislation is there for the evening economy on food and drink in the Coalville area, there are 3 takeaways on the same street within 20 properties".

Specifically in relation to the change of use to hot food takeaways, in terms of the principle acceptability, Policy Ec11 1 (a) requires that clusters of such uses should be avoided. However this is only applicable within defined primary shopping areas. As the application is located outside of the defined primary shopping area, the proposed town centre location has no applicable policy restriction on the number of hot food takeaways in principle.

A neighbour letter of objection raised concern that UK already statistically the most obese country in Europe. Adding more shops is encouraging people to buy takeaways. A cabinet paper (North West Leicestershire Health and Wellbeing Strategy) dated 5th February was brought to the attention of the case officer by Councillor Geary. The paper highlighted a Planning policy need for health and wellbeing to be considered when determining whether new premises wish to open. However there is no relevant adopted planning policy at this time that relates to this issue.

Overall, the use proposed is considered to be an acceptable use in principle within a town centre. The proposal is therefore in conformity with policy Ec8 of the adopted Local Plan and is considered acceptable in principle subject to other material considerations.

Design and Impact upon Character

The proposal includes the installation of an extraction flue to the eastern/ rear elevation of the property. The position and design of the proposed extraction equipment has been influenced by its functional requirements. The visual impact of the proposed flue would be limited due to the location to the rear of the premises and as such views would not be taken from the street scene. The design of the flue is considered to be appropriate for the intended use and acceptable in terms of visual impact upon the property and the surrounding area.

Overall, the proposal is considered to have an acceptable design that would be in keeping with the character and appearance of the existing building and the surrounding area. Therefore, the proposal is considered to be in accordance with Policy D1 of the adopted Local Plan, the Council's Good Design SPD and the advice contained in the NPPF.

Impact upon Residential Amenity

Concerns have been raised within the letters of representation on grounds that the proposal would result in various unacceptable impacts in terms of residential amenity by way of noise and disturbance, odour and smells, late opening hours, negative health impacts, drunks and unsociable people and litter and vermin.

The site is located in an area characterised predominantly by retail and residential properties. There are residential uses to the first floor of the application site and attached to the southern elevation of the subject premises.

Policy D2 of the Local Plan states that development should be designed to reduce its impacts on residential amenity. Criterion (1) requires that development should not have an adverse

impact through loss of privacy, overshadowing or be overbearing and criterion (2) states that proposals should not generate a level of activity, noise, vibration, pollution or odour, which cannot be mitigated to an appropriate standard.

As previously stated, the site is situated with the defined Coalville Town Centre. In such areas a degree of noise and disturbance is expected as a direct consequence of the range of uses present. Within the principle section above, it has already been established that hot food takeaway uses are acceptable uses within such areas.

In terms of disturbance, the opening hours for the proposed use would be 16:30 -21:30 seven days a week. These hours are considered to be later than that of a typical A1 (shops) use. The proposal would result in more coming and goings from the premises in the evening time.

The opening hours proposed are shorter and earlier than the operating hours at Sun Hing Chinese located at 111 Belvoir Road to the north of the site, which are Monday and Wednesday 17:00-23:00, Thursday, Friday and Saturday 12:00-14:00, 17:00-23:00, Sunday 17:30-23:00 and closed Tuesday. As such, it would not be reasonable to impose further restrictions on this use/property. Subject to a condition restricting the hours of operation to those stated, it is not considered that the proposal would result in a significantly harmful impact in terms of disturbance.

Given the unusual layout of the first floor, with the neighbouring flying freehold arrangement, it is considered that the bedroom to no. 121 Belvoir Road situated above the proposed food preparation room would be subject to potential noise nuisance. However it is considered that noise disturbance could be mitigated by a condition to ensure that satisfactory noise insulation is fitted to the walls and ceiling of the food preparation room. Subject to an appropriate condition, it is considered that potential noise impacts to the neighbouring property would not be to a level that would be significantly detrimental to the occupiers of the neighbouring property and to warrant refusal of the application on those grounds.

The site is situated within the Town Centre, where there is a concentration of activity and a level of disturbance from a range of sources over a prolonged period of the day. With the nature of the town centre location taken into consideration, it is not considered that the operation of a hot food takeaway would not result in any further significant impacts in terms of noise or disturbance.

In terms of noise and odour, the extraction system would be fitted with a carbon filter system to ensure that the air which is expelled is as clean as possible. The fan would have a silencer to reduce noise and the ducting supports would be mounted upon anti-vibration supports to stop reverberation noise.

Whilst it is accepted that there would be a level of smell/odour emitted from the cooking process which would affect neighbouring and nearby properties, the details of the application together with the product specification document for the extraction unit has been considered by NWLDC Environmental Protection who have raised no objection on the basis that the cleaning and maintenance requirements of the extraction system are complied with. This would be managed by way of a suitably worded planning condition.

Subject to the imposition of relevant planning conditions referred to above, it is considered that there would be no significant detrimental impacts upon neighbouring residential amenity in terms of noise, smells and disturbance to warrant refusal of this application.

Concerns have also been raised on grounds of overlooking. As the proposal would not include any new or enlarged windows and as the unit already benefits from a public use, the proposed use would not result in any further impacts upon the privacy of surrounding residential properties.

Objections have also been raised on grounds that the proposal would attract drunks and unsociable people. This application proposes a generic A5 use, as such, the unit could therefore be host to a wide range of occupiers. Notwithstanding this, the planning system is unable to control/restrict customers in this regard and as such behaviors of the end user. There is no evidence to substantiate these claims and therefore this issue cannot be taken into consideration in the determination of the application.

Concerns have been raised that the proposal would result in increased litter. Whilst the plans do not include commercial waste provision or a litterbin it is considered that there would be adequate space on the site to accommodate such provisions, therefore a condition would be imposed to secure the provision and maintenance of both. The imposition of this condition would ensure such concerns are addressed.

It has also been expressed that the proposed use would attract vermin and flies. This is not material planning consideration. Appropriate refuse facilities would be required to serve the premises, but increased levels of vermin would be subject to control by NWLDC Environmental Health.

On balance, although the proposal could result in some additional impacts in terms of residential amenity, given that the site is situated within the defined Town Centre, against this backdrop and subject to relevant conditions, any impacts over and above those existing are not considered to result in a material level of harm that would warrant refusal of the application on these grounds. No objections are raised by NWL Environmental Protection.

There are no other materially harmful impacts identified in this regard that would result in the scheme being unacceptable on such grounds. Therefore, the proposed development is considered to be in accordance with Policy D2 of the adopted Local Plan and the Council's Good Design SPD.

Highway Considerations

Numerous objections have been raised within the letters of objection on highways safety grounds and on the basis of inadequate parking provision.

The subject site benefits from an area of hard standing/ parking provision within the curtilage of the application site. The site access off Belvoir Road would remain unchanged. The highway to the property frontage is no parking enforced by double yellow lines.

The County Highways Authority have been consulted on the application. No objections were raised as in its view the residual cumulative impacts of the development can be mitigated and are not considered severe in accordance with the National Planning Policy Framework 2019 (NPPF).

The County Highway Authority advise that it has carried out its own Trip Rate Information Computer System (TRICS) assessment in order to quantify trip generation at the site.

The existing Use Class of the premises is A1 (shops); for this quantum of development there would be a total of 23 two-way trips to the site.

In comparison, Use Class A5 (take-away), would attract a daily total of 54 two-way trips, more than double the level of trips. Notwithstanding this, the letter received from the planning agent dated 5th February 2019 details that the premises would be open between 16:30-21:30.

The TRICS data has therefore been interrogated to assess the level of trips that the premises would attract during opening hours, 16:30-21:30, which would equate to a total of 25 two-way trips.

Therefore, during the opening hours of the premises, 2 additional trips would be generated on a daily basis in comparison to those in connection with an A1 use. It is acknowledged that there would be additional trips outside of these hours by employees, however that level of trips would be minimal.

The CHA further assess the impact of additional trips on the highway network where 30 or more two-way trips are proposed in peak periods, therefore the trip generation above has identified that no further assessment is required.

In addition to this, as previously outlined, there is a public car park in close proximity to the site, therefore the customers may choose to park there and walk to the premises, therefore potentially further reducing vehicular trips to the site.

It has been accepted by the Local Highway Authority that customer parking at the nearby public car park (situated within 100 m of the site) would be acceptable for customer parking. The site is located within a Town Centre which is served by a good range public transport, by virtue of its central location, the site is also within walking distance of the settlement it would serve.

It is anticipated that the duration of customers visits would be short, which would result in a quick turnover of available public parking. On the basis of the information provided by the CHA the amount of vehicle movements is not considered to be significantly higher than those created by the existing use of the shop.

The parking provision to the north of the site is capable of providing 3 standard size car parking spaces in line with LHDG standards which would accommodate for staff and delivery vehicles. The proposal is not considered to result in any further harm in terms of highway safety above and beyond the use of the premises as a shop and the proposed parking provision is considered adequate. A planning condition would be imposed to ensure that 3 spaces are marked out and available for use at all times.

Paragraph 32 of the NPPF advises that applications should only be refused on highway grounds where the cumulative impacts are severe. On the basis of the above, it is not considered that the proposal would conflict with the principles of this paragraph or the aims of Policy IF4 or IF7 of the adopted Local Plan.

Other Issues

It has been raised in a letter of objection and by Councillor Geary that the proposal would be an immense fire risk leaving neighbouring property at risk.

The Councils Building Control Section have stated that the fire separation requirement should already be in place from the use of the premises as a shop, however it is not known if this is the case or not.

In the interests of clarity, at this stage it is necessary to highlight that fire safety is not in the control of planning parameters. However the Building Control officer has advised that the material change of use from a shop to hot food takeaway would not trigger the requirement for further enhancement from a building control or fire regulation perspective.

It has been brought to the attention of the case officer via Councillor Geary that under the Regulatory Reform Fire Safety Order 2005 a suitable and sufficient risk assessment needs to be carried out by a responsible person as defined at Article 3 of the Order as employers and/or building owners or occupiers and it must be kept up to date. On the basis of this information, it is recommended that a note to applicant is attached to any planning permission granted to ensure that the applicant is made aware of these fire safety requirements.

Concerns have been raised that neighboring access through No.119s back yard may be restricted or blocked or people may unlawfully gain access to the neighbouring property. There is no evidence to support this claim and as such this concern will have no bearing on the decision-making process.

Concerns have been raised that the proposal would have a negative effect upon neighbouring house prices. There is no evidence to support this claim and as such this concern will have no bearing on the decision-making process and is not a material consideration.

In respect of all other matters reported in the third party representation section above that have not been addressed in the assessment section of this report, these are not considered to be material planning considerations and have no bearing on the decision making process.

Conclusion

The principle of new takeaway uses within the Town Centre of Coalville are acceptable. In the case of this application. The proposal is not considered to have any significant detrimental design, residential amenity or highway related impacts. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is considered to comply with the relevant policies in the adopted Local Plan and the advice within the NPPF. Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

RECOMMENDATION - PERMIT subject to the following conditions:-

1. Time limit
2. Approved plans
3. Hours of operation
4. Noise condition - noise insulation
5. Maintenance of extraction system
6. Provision of a scheme providing commercial waste and a litterbin
7. Parking provision - 3 spaces to be laid out and maintained.

Erection of one dwelling (Outline - details of access and layout for approval)

Report Item No
A3

189 Main Street Thringstone Coalville Leicestershire LE67 8NE

Application Reference
19/00572/OUT

Grid Reference (E) 442469

Grid Reference (N) 317881

Date Registered:

21 March 2019

Consultation Expiry:

28 May 2019

8 Week Date:

16 May 2019

Applicant:

Executors of Mr Donald Deceased

Extension of Time:

None Agreed

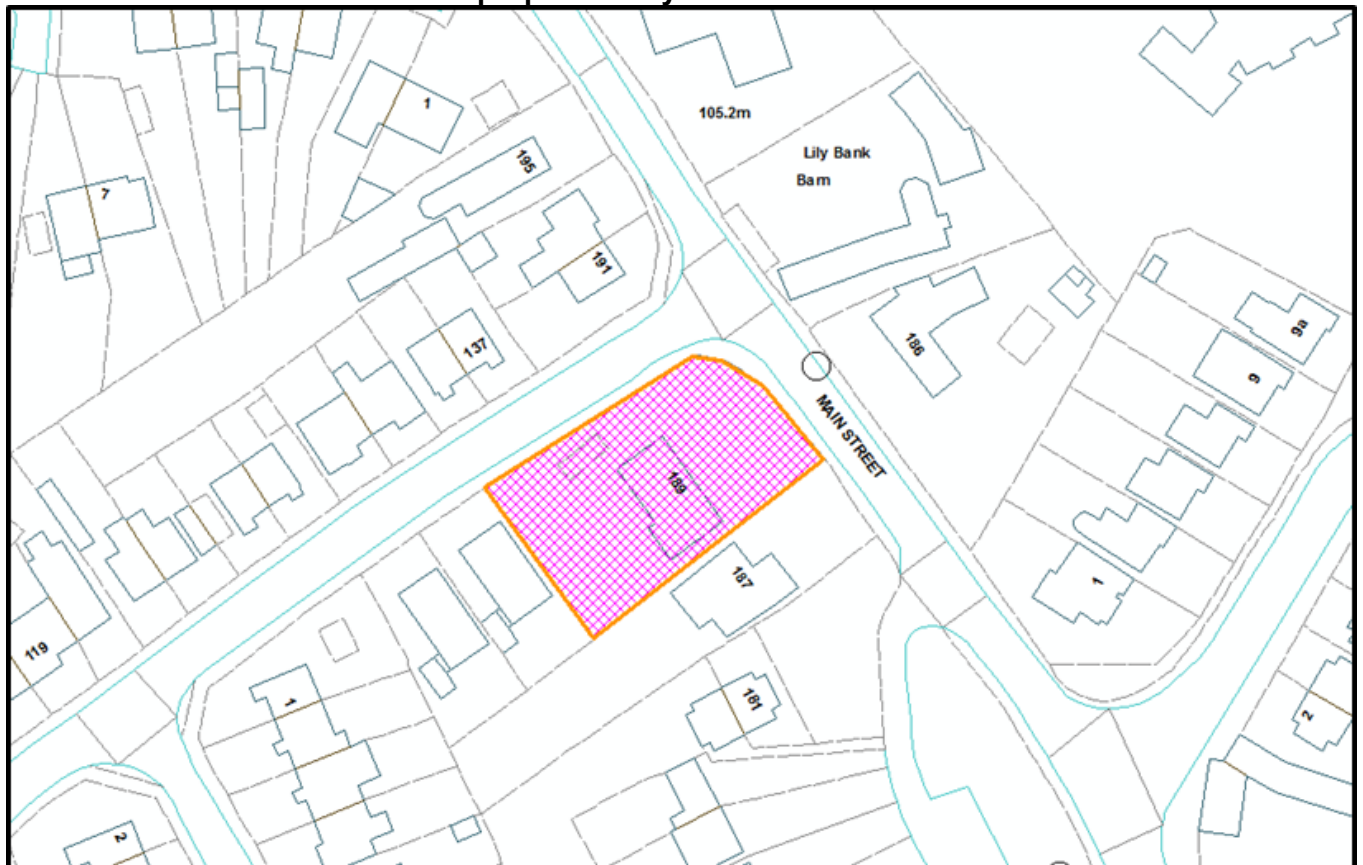
Case Officer:

Chris English

Recommendation:

PERMIT

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Call In

The application is brought to the Planning Committee as the planning agent is related to a serving councillor (Councillor Blunt) and contrary representations to the recommendation to permit the application have been received.

Proposal

Outline planning permission is sought for the erection of one dwelling (details of access and layout for approval) at 189 Main Street, Thringstone.

Consultations

Two letters of representation has been received, raising concerns over impacts on highway safety and overshadowing impacts on No. 90 Glebe Road, Thringstone. Leicestershire County Council Highways Authority have no objections to the application subject to the imposition of planning conditions. Leicestershire County Council's Ecologist has no objections to the proposal and North West Leicestershire District Councils Environmental Protection Team have no objections subject to the imposition of a condition restricting the hours of construction.

Planning Policy

The site is located within the Limits to Development on the Policy Map of the adopted Local Plan. The application has also been assessed against the relevant policies within the NPPF (2019), the adopted Local Plan and other relevant guidance.

Conclusion

The principle of the development is acceptable. The proposal is not considered to have any significant detrimental residential amenity or highway impacts. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the adopted Local Plan, the advice in the NPPF and the Council's Good Design SPD. It is therefore recommended that the application be permitted, subject to the imposition of planning conditions.

RECOMMENDATION:- PERMIT SUBJECT TO THE IMPOSITION OF CONDITIONS

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

MAIN REPORT

Outline planning permission is sought for the erection of one dwelling (details of access and layout for approval) at 189 Main Street, Thringstone.

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

Amended plans were received during the course of the application to address concerns raised by Leicestershire County Council Highway Authority over the proposed visibility splays.

Relevant planning history:

07/01393/OUT - Erection of one dwelling (Outline - all matters reserved) - Permitted 31st October 2007.

2. Publicity

12 neighbours have been notified.

3. Summary of Consultations and Representations Received

2 No. letters of neighbour representation have been received raising concerns on the following grounds:

- Highway safety
- Overshadowing impacts

Leicestershire County Council Highways Authority have no objections subject to the imposition of planning conditions.

Leicestershire County Council Ecologist has no comments on the application.

North West Leicestershire District Council's Environmental Protection Team have requested a condition be imposed on any planning permission granted to restrict the hours of work.

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 109 (Promoting sustainable transport)
- Paragraphs 127, 130 (Achieving well-designed places)

Adopted North West Leicestershire Local Plan

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

- S1 - Future housing and economic development needs
- S2 - Settlement Hierarchy
- D1 - Design of new development
- D2 - Amenity
- IF4 - Transport Infrastructure and new development
- IF7 - Parking provision and new development
- En3 - The National Forest

Other Policies and Guidance

- National Planning Practice Guidance - March 2014.
- Leicestershire Highway Design Guidance.
- Good Design for North West Leicestershire SPD - April 2017.

5. Assessment

Principle of Development

The site is located within Limits to Development and Thringstone is part of the Coalville Urban Area which is classified as a Principal Town in Policy S2 of the adopted Local Plan where the largest amount of new development will occur due to the extensive range of services and facilities (including sustainable transport).

As such, the principle of a new dwelling in this location is considered to be acceptable, subject to all other planning matters being addressed. The matters to be agreed as part of this outline application are access and layout.

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

During the course of the application, amended plans have been received to address highway safety concerns. This has resulted in the layout of the proposed dwelling to be reconfigured.

Whilst the proposal would be situated within the current residential curtilage of No. 189 Main Street, Thringstone, the proposed access would be from Glebe Road and the layout of the proposal would reflect the character and style of the neighbouring properties on Glebe Road (Nos. 88 and 90 Glebe Road). Namely, the layout of the dwelling would follow the building line of the adjacent properties on Glebe Road with a similar scale private rear amenity space and have a staggered principle elevation - albeit with the forward projecting element to the south-west side of the boundary as opposed to the north-east. This alteration to the layout design of the proposed dwelling would address the highway safety concerns and would not have a significantly detrimental impacts on the streetscene of Glebe Road or the character of the surrounding area.

With regard to private rear amenity space, the remaining area to the rear of No. 189 Main Street and the rear amenity space of the proposed dwelling would both exceed the footprint of the dwellings respectively and would therefore accord with the guidance set out in the Good Design for North West Leicestershire SPD.

The appearance of the dwelling would be agreed at the reserved matters stage and it is considered that at this point an appropriate design could be achieved which would accord with

the Good Design for North West Leicestershire SPD. The Local Authority recommends a single storey dwelling that has a similar design to Nos. 88 and 90 Glebe Road and a note to applicant is accordingly recommended.

Overall, the layout of the development is considered to be compliant with Policy D1 of the adopted Local Plan, guidance within the NPPF and the Good Design for North West Leicestershire SPD.

Neighbours and Future Occupants Amenities

It is considered that the properties most immediately affected by the proposed development would be Nos. 187 and 189 Main Street, Thringstone and No. 90 Glebe Road, Thringstone.

The proposed dwelling would be situated along the rear boundary wall of No. 189 Main Street, Thringstone, therefore careful consideration should be given to the design of the proposed dwelling and any landscaping and boundary treatments at reserved matters stage to ensure that there is no detrimental overlooking, overshadowing or overbearing impacts on the rear amenity space of the neighbouring property.

Furthermore, subject to details of boundary treatments to be agreed at reserved matters stage, the proposed dwelling would not be overlooked by No. 189 Main Street as the neighbouring property is single storey in height.

With regard to No. 90 Glebe Road, the layout of the proposed dwelling has been designed to reduce the impacts on the neighbouring property as it would only marginally extend beyond the front elevation of the neighbouring property and would not extend beyond the rear elevation of No. 90 Glebe Road. However, consideration should be given to any south-west elevation windows proposed, and landscaping and boundary treatments on the south-west boundary.

It is therefore considered that a dwelling could be provided which would not result in any adverse overlooking, overbearing or overshadowing impacts to neighbouring properties subject to careful consideration being given to the design, scale and boundary treatments of the proposed dwelling.

Overall, the proposed layout of the development would be considered compliant with Policy D2 of the adopted Local Plan, guidance set out in the Good Design for North West Leicestershire SPD and the NPPF.

Accessibility

Due to the scale of the proposal, the application has been assessed under Leicestershire Highways Standing Advice Document. However, considering the initial proposal did not accord with the guidance set out, amended plans have been received to relocate the proposed access and formal comments have been submitted by Leicestershire County Councils Highways Authority.

The visibility to the east of the site access is drawn to the junction with Main Street and is therefore acceptable. Visibility to the west of the site is shown to be 2.4m by 38m; whilst typically 2.4m by 43m is required for roads subject to a 30mph speed limit, given the residential nature of the road and taking into consideration that vehicles will be slowing on the approach to the junction with Main Street, the Highway Authority have concluded it would be unreasonable to seek to resist the proposals on that basis.

There has been one recorded personal injury collision (PIC) within 250m of the site within the

last five years. The PIC occurred on Main Street in 2017, was recorded as 'slight' in severity and was recorded as a hit and run. The Highway Authority therefore does not consider that the development proposal would exacerbate the likelihood of further such incidents occurring.

As the scale of the proposal is unclear at this point, the number of off-street car parking spaces required is yet to be determined, as such, the Highway Authority have requested a condition be imposed on any outline planning granted to agree off-street car parking provisions at reserved matters stage. It should be noted that with the proposed layout, there is adequate space within the curtilage of the proposed dwellinghouse to accommodate a sufficient level of off-street car parking.

The Highway Authority have also noted that the proposed layout does not allow for turning facilities within the curtilage of the dwellinghouse. Notwithstanding this, they have noted that the proposed arrangement is conducive to the surrounding area and as such the Local Highway Authority would not seek to resist the proposal on this basis.

On balance, the proposal is therefore considered to be acceptable in relation to Policies IF4 and IF7 of the adopted Local Plan as well as the Leicestershire Highway Design Guide.

Conclusion

The principle of the development is acceptable. The proposal is not considered to have any significant detrimental design, residential amenity or highway impacts. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the adopted Local Plan, the advice in the NPPF and the Council's Good Design SPD. It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to the following conditions;

- 1 Reserved Matters application
- 2 Details of scale, appearance and landscaping to be agreed
- 3 Approved plans
- 4 Finished floor and ground levels
- 5 Off-street parking
- 6 Visibility splays
- 7 Pedestrian visibility
- 8 Access arrangements
- 9 Construction hours

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

PLANNING COMMITTEE – TUESDAY, 4 JUNE 2019

Title of report	TO CONSIDER THE MAKING OF A TREE PRESERVATION ORDER (TPO) 177 GREENHILL ROAD, COALVILLE
Contacts	<p>Councillor Robert Ashman 01530 273762 robert.ashman@nwleicestershire.gov.uk</p> <p>Interim Planning and Development Team Manager 01530 454673 james.mattley@nwleicestershire.gov.uk</p> <p>Tree Officer 01530 454683 julian.simpson@nwleicestershire.gov.uk</p>
Purpose of report	To consider an objection raised by a neighbouring resident
Council priorities	Homes and Communities
Implications:	
Financial/Staff	None
Health and Safety	None
Risk Management	None
Equalities Impact Screening	Equality Impact Assessment already undertaken, issues identified actioned.
Human Rights	Under the Human Rights Act, Article 8, there is a right to respect people's private and family life, their home and correspondence. The making of a Tree Preservation Order potentially impacts on that right. However, in this case it is considered that the making of the Order is justified in the public interest.
Transformational Government	None
Consultees	People with a legal interest in the land affected by the Order have been consulted and members of the public were consulted by the placing of a site notice.

Background papers	Full copies of correspondence received are available on the planning file.
Recommendations	THAT THE TREE PRESERVATION ORDER (TPO) BE CONFIRMED

1.0 INTRODUCTION

- 1.1 A provisional TPO was made on 6th February 2019 in respect of one Coast redwood tree located in the rear garden of 177 Greenhill Road. The TPO needs to be confirmed within six months. The tree will lose its protection if not confirmed before 6th August 2019.

2.0 BACKGROUND

- 2.1 A request to make a TPO has been received from the occupier of 177 Greenhill Road in respect of a young Coast redwood (*Sequoia sempervirens*) tree located in the rear corner of his garden which borders gardens in both Belgrave Close and Rochdale Crescent to the north and east of his property.
- 2.2 The young tree is approximately 13m. tall and is visible over 177 Greenhill Road and the attached garage when viewed from Greenhill Road to the south. It is an unusual species and the occupier of 177 Greenhill Road is concerned that it could be removed by future owners or lopped back where its overhangs the boundary.
- 2.3 The tree is in good condition, over 45 years old and with a life expectancy in excess of 400 years.
- 2.4 A provisional Tree Preservation Order was prepared and served, and came into force for a six month period on the 6th February 2019. Because an objection has been made to the Order, Planning Committee is asked to formally confirm the making of a Tree Preservation Order. The effect of this would be to maintain the Order on a permanent basis.

3.0 OBJECTIONS AND OFFICER COMMENTS

Summary of Representations Received

- 3.1 A neighbouring resident has objected to the TPO because the tree overhangs their garden and obstructs daylight. They are concerned that it might fall and that it is not native to the UK. Furthermore they get no enjoyment from the tree and they have water pipes in their garden which are of concern.
- 3.2 The tree has been inspected by the Council's Tree Officer and it was in good condition and stable, with no evidence of structural defects. It adds diversity to the urban forest, increasing its ecological resilience.

Sequoias are proven to be more stable in gales than most other trees. Although it is an evergreen conifer, due to its columnar shape and form it does not generally cast dense shade. It does have the potential to reach a height of 30m. or more but the crown of this

species does thin with age and so daylight will show through the canopy and its slightly drooping, lower branches can be raised with careful pruning.

Tree roots will not damage sound water pipes and roots cannot enter pipes unless they are defective.

The tree could become a long-term feature and land mark tree within the local area.

- 3.3 It is therefore considered that the proposed Tree Preservation Order, as per the map at appendix 1 of this report meets the legal requirement for making a TPO, and that the reasoning that was set out in the objection to the TPO does not indicate that the TPO should not be confirmed. It is, accordingly, recommended that the TPO be confirmed with immediate effect.

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GREEN HILL ROAD

177

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