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Meeting	PLANNING COMMITTEE
Time/Day/Date	6.30 pm on Tuesday, 11 February 2020
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 7 January 2020.	3 - 8
4. PLANNING APPLICATIONS AND OTHER MATTERS		
	Report of the Head of Planning and Infrastructure.	9 - 12

Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
A1	19/00675/FULM: Erection of 130 affordable dwellings with associated infrastructure, public open space and landscaping, installation of four allotments and demolition of existing dwelling Land To The Rear Of Jackson Street And Wentworth Road Coalville Leicestershire	PERMIT subject to S106 Agreement	13 - 42
A2	18/01190/FUL: Change of use to eight bedroom, eight person HMO (suigeneris) 25 London Road Kegworth Derby DE74 2EU	PERMIT	43 - 50
A3	19/00225/FUL: Demolition of triple garage and part of existing dwelling, felling of trees, erection of two dwellings with associated garaging, access drive, parking space and courtyard areas and alterations to existing access 15 Bridge Street Packington Ashby De La Zouch Leicestershire LE65 1WB	PERMIT subject to S106 Agreement	51 - 64

MINUTES of a meeting of the PLANNING Committee held in the Council Chamber, Council Offices, Coalville on TUESDAY, 7 January 2020

Present: Councillor N Smith (Chairman)

Councillors A J Bridgen, R Canny, J Clarke, D Everitt, D Harrison, J Hoult, J Legrys and V Richichi (Substitute for Councillor R Boam)

In Attendance: Councillors R Johnson, D Bigby and S Sheahan

Officers: Mr C Elston, Mr J Mattley, Miss S Odedra, Ms S Booth, Mrs C Hammond and Mr A Mellor

57. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R Boam, R Johnson and M B Wyatt.

The Chairman advised that Councillor R Boam had undergone an operation at the weekend on his eye. The operation had been successful and Councillor R Boam was recovering well. It was agreed that a letter of best wishes be sent to Councillor R Boam on behalf of the Committee.

58. DECLARATION OF INTERESTS

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

Councillors D Harrison and J Hoult declared a non-pecuniary interest in item A2, application number 19/01256/FUL as members of Ashby Town Council Planning Committee.

Members declared that they had been lobbied without influence in respect of the following applications but had come to the meeting with an open mind:

Item A1, application number 19/00141/OUTM

Councillors A Bridgen, R Canny, J Clarke, D Everitt, J Geary & J Legrys.

Item A2, application number 19/01256/FUL

Councillor J Legrys.

59. MINUTES

Consideration was given to the minutes of the meeting held on 3 December 2019.

It was moved by Councillor N Smith, seconded by Councillor J Legrys and

RESOLVED THAT:

The minutes of the meeting held on 3 December 2019 be approved and signed by the Chairman as a correct record.

60. 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.

61. A1 19/00141/OUTM: RESIDENTIAL DEVELOPMENT FOR UP TO 30 DWELLINGS (OUTLINE APPLICATION WITH DETAILS OF PART ACCESS)

67 Station Road Hugglescote Coalville Leicestershire LE67 2GB

Officer's Recommendation: PERMIT subject to S106 Agreement

The Interim Principal Planning Officer presented the report to members.

Mr M Miller, objector, addressed the committee highlighting the application did not make sense to the local community and should remain a green space. He advised that the area was an important archaeology site and other important sites in the area had already been lost to development. He expressed concerns over the additional traffic on the roads especially when an application for two houses on the site had previously been refused on highways grounds.

Mr A Large, agent, addressed the committee highlighting that the applicant had engaged with both residents and the Parish Council, that the officer's report made reference that the proposal included for bungalows and the application also included a footpath and areas for open space. He added that 50% or more of the development would be affordable homes, the site was inside the Limits to Development and there were no objections from statutory consultees.

Mr T Rose, flood-engineering consultant, addressed the committee highlighting that the drainage provision proposed would control the flow of water into the River Sence via a large attenuation pond that would be on site. He noted that the Lead Local Flood Authority had raised no objections to the application and that Severn Trent Water had put in infrastructure to mitigate against flooding and had ensured the system had sufficient capacity.

Councillor R Johnson, Ward Member, addressed the committee highlighting that the site in question had always flooded and, with the building of 30 dwellings pursuant to this application, there would be no soakaway, but adjoining existing properties would be affected. He drew attention to the sewerage system that was already overburdened, the site being a greenfield site not in the Local Plan, the parish council's un-adopted neighbourhood plan which seeks to retain the site as open space and that previous planning applications for the site had been refused on highways grounds. He added that the application was inappropriate and urged members to refuse.

In determining the application, many Members expressed deep concerns over the continual flooding in the area and that the sewer system could not cope with any further development in the village. They also expressed concerns over the access to site and that, again, the highways infrastructure in the area was already at capacity. The future management of the proposed SuDS scheme was also a concern. However, it was noted by some Members that there were no objections from any of the statutory consultees and that the flooding issues that had occurred previously had resulted from other developments and infrastructure was now in place.

A motion to permit the application in accordance with the officer's recommendation was moved by Councillor J Hoult and seconded by Councillor A Bridgen.

The Chairman put the motion to the vote. A recorded vote being required, the voting was as detailed below.

The motion was declared LOST.

A motion to refuse the application, on the grounds that it was contrary to policies Cc2 and Cc3, there were highways safety concerns, and that there was insufficient information surrounding the proposed management of the SuDS following completion of the development was moved by Councillor J Geary and seconded by Councillor J Legrys.

The Chairman put the motion to the vote. A recorded vote being required, the voting was as detailed below.

RESOLVED THAT:

The application be refused on the grounds that it was contrary to policies Cc2 and Cc3, there were highways safety concerns, and that there was insufficient information surrounding the proposed management of the SuDS following completion of the development.

The committee adjourned at 7.50pm and reconvened at 7.57pm.

Motion to permit the application in accordance with the officer's recommendation (Motion)	
Councillor Nigel Smith	For
Councillor Alexander Bridgen	Abstain
Councillor Rachel Canny	For
Councillor John Clarke	Against
Councillor David Everitt	Against
Councillor Dan Harrison	Against
Councillor Jim Hout	For
Councillor John Legrys	Against
Councillor John Geary	Against
Councillor Virge Richichi	Against
Rejected	
Motion to Refuse the application on the grounds that it was contrary to policies Cc2 and Cc3, there were highways safety concerns, and that there was insufficient information surrounding the proposed management of the SuDS following completion of the development (Motion)	
Councillor Nigel Smith	Against
Councillor Alexander Bridgen	Abstain
Councillor Rachel Canny	Against
Councillor John Clarke	For
Councillor David Everitt	For
Councillor Dan Harrison	For
Councillor Jim Hout	Against
Councillor John Legrys	For
Councillor John Geary	For
Councillor Virge Richichi	For
Carried	

**62. A2
19/01256/FUL: CONSTRUCTION OF NEW CAR PARKING AREAS AND
RESURFACING OF EXISTING PARKING AREAS**

Land At Ridgway Road Ashby De La Zouch Leicestershire
Officer's Recommendation: PERMIT

The Senior Planning Officer presented the report to Members.

Councillor D Bigby, Ward Member, addressed the committee highlighting that he welcomed the application as parking on the estate had become a contentious issue due to on road parking on both sides of the road, and therefore making it difficult for emergency vehicles to get through. He would have preferred a more imaginative redesign but urged that suitable tree planting was included and that he would like to know how the surface water drainage tanks would be managed. He noted the lack of electric car charging points and requested that some be installed to adhere to the Council's climate emergency declaration.

In determining the application, Members were in support of the application and acknowledged that there was no policy currently in place to ensure that car charging points were installed. However, a note to the applicant could be added to ensure that when the work on site was carried out the infrastructure be put in place to make installation of the charging points possible when required.

A motion to permit the application subject to an additional condition to install at least two car-charging points was moved by Councillor J Legrys and seconded by Councillor J Geary.

Members were advised by officers that such a condition would be unreasonable and would not meet the tests for conditions.

The Chairman put the motion to the vote. A recorded vote being required, the voting was as detailed below.

The motion was declared LOST.

A motion to permit the application in accordance with the officer's recommendation was moved by Councillor J Hoult and seconded by Councillor V Richichi.

The Chairman put the motion to the vote. A recorded vote being required, the voting was as detailed below.

RESOLVED THAT:

The application be permitted in accordance with the officer's recommendation.

Motion to permit the application in accordance with the officer's recommendation with an additional condition to include at least 2 car charging points (Motion)	
Councillor Nigel Smith	Against
Councillor Alexander Bridgen	Against
Councillor Rachel Canny	Against
Councillor John Clarke	For
Councillor David Everitt	For
Councillor Dan Harrison	Against
Councillor Jim Hout	Against
Councillor John Legrys	For
Councillor John Geary	For
Councillor Virge Richichi	Against
Rejected	
Motion to permit the application in accordance with the officer's recommendation (Motion)	
Councillor Nigel Smith	For
Councillor Alexander Bridgen	For
Councillor Rachel Canny	For
Councillor John Clarke	For
Councillor David Everitt	For
Councillor Dan Harrison	For
Councillor Jim Hout	For
Councillor John Legrys	For
Councillor John Geary	Abstain
Councillor Virge Richichi	For
Carried	

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 8.18 pm

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APPENDIX B

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

11 February 2020

PLANNING & DEVELOPMENT REPORT

PLANNING COMMITTEE FRONT SHEET

1. Background Papers

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

2. Late Information: Updates

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

3. Expiry of Representation Periods

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

4. Reasons for Grant

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

5. Granting permission contrary to Officer Recommendation

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

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

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

6 Refusal contrary to officer recommendation

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

7 Amendments to Motion

An amendment must be relevant to the motion and may:

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

as long as the effect is not to negate the motion

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

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

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

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

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

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

8 Delegation of wording of Conditions

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

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

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

Erection of 130 affordable dwellings with associated infrastructure, public open space and landscaping, installation of four allotments and demolition of existing dwelling
Land To The Rear Of Jackson Street And Wentworth Road
Coalville Leicestershire

Report Item No
A1

Application Reference
19/00675/FULM

Grid Reference (E) 441953
Grid Reference (N) 313929

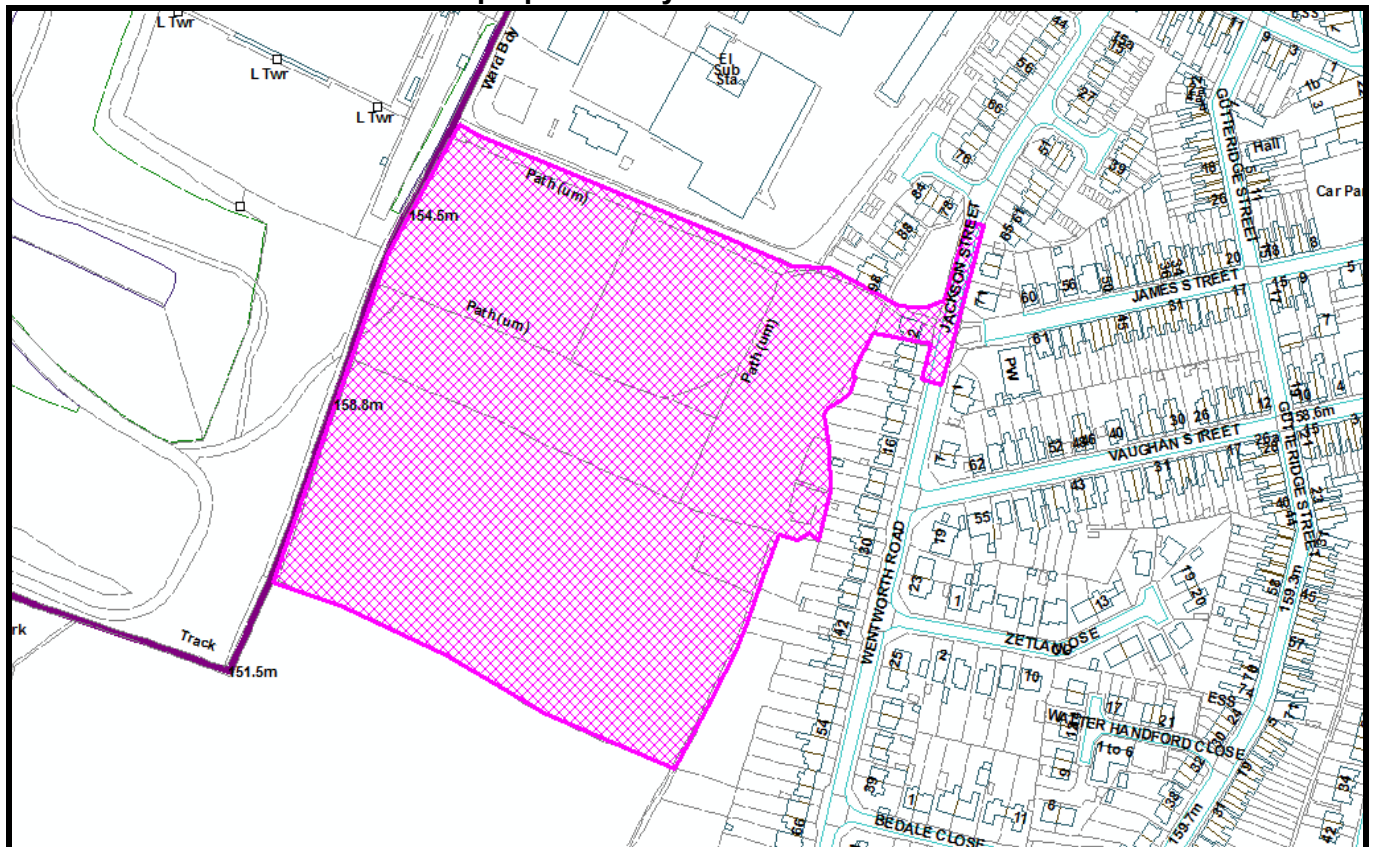
Date Registered:
30 April 2019
Consultation Expiry:
31 December 2019
8 Week Date:
30 July 2019
Extension of Time:
28 February 2020

Applicant:
Mr Deakin

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

Call In

The application is referred to the Planning Committee for determination at the request of Councillor Geary.

Proposal

This is a full application for the erection of 130 affordable dwellings and associated development, and including the demolition of an existing dwelling in order to provide site access.

Consultations

Whilst all technical matters raised by statutory consultees have been resolved, Leicestershire County Council has advised that, in the absence of the provision of developer contributions as set out in more detail within this report, it would object to the scheme; more detailed discussion on this issue is set out within the main report below.

Planning Policy

The application site lies within Limits to Development as defined in the adopted North West Leicestershire Local Plan and is also identified as a site with planning permission for housing under Policy H1.

Conclusion

The principle of development is considered acceptable, given its identification for residential development in the adopted Local Plan and, subject to the imposition conditions, has the potential to provide for an acceptable form of design. Whilst the proposed scheme would not provide for all requested developer contributions, it is considered to make adequate provision overall for the infrastructure necessary to support the development. No objections on technical grounds are raised by other statutory consultees and, on balance, the scheme is considered acceptable.

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

MAIN REPORT

1. Proposals and Background

This is a full application for the erection of 130 affordable dwellings on a site of 5.82 hectares to the rear of existing dwellings on Jackson Street and Wentworth Road, Coalville. The site is vacant / "scrub" used for informal recreation routes; part of the site was previously used as allotments, but these have now been removed. The site is also adjacent to land in agricultural use, the Coalville Business Park, Snibston Country Park and the Owen Street sports ground.

The site previously had the benefit of outline planning permission for up to 130 dwellings issued in October 2015 (ref. 12/00688/OUTM); whilst a reserved matters application was subsequently submitted within the one year period for submission of reserved matters specified in the outline permission (15/01111/REMM), this was withdrawn in July 2017. The outline planning permission has in effect now expired, therefore.

Vehicular access is proposed by way of demolition of the existing dwelling to 2 Wentworth Road, and including alterations to the existing priority arrangements; demolition of that dwelling has previously been the subject of a prior notification submission to which no objections were raised by the Local Planning Authority (ref. 19/00968/DEM).

2. Publicity

122 Neighbours have been notified.
Site Notice displayed 30 May 2019.
Press Notice published Leicester Mercury 22 May 2019

3. Summary of Consultations and Representations Received

Leicestershire County Council Archaeologist has no objections

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 Library Services requests a financial contribution in respect of libraries of £3,710

Leicestershire County Council Local Education Authority requests a financial contribution in respect of the primary school sector of £507,801.60, a financial contribution in respect of the secondary school sector of £346,258.12, a financial contribution in respect of the post 16 sector of £74,022.41, and a financial contribution in respect of the special school sector of £65,480.18

Leicestershire County Council Local Highway Authority has no objections subject to conditions and subject to Section 106 obligations

Leicestershire County Council Waste Management requests a financial contribution in respect of civic amenity of £8,499

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

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

National Forest Company has no objections overall, but suggests some alterations to the scheme, including in respect of proposed landscaping and children's play

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

North West Leicestershire District Council Leisure Services requests a contribution in respect of sports pitches of £60,770, a contribution in respect of allotments of £30,336 and a contribution in respect of children's play of £135,217.98

North West Leicestershire District Council Strategic Housing team has no objections

North West Leicestershire District Council Waste Services Team – no comments received

Severn Trent Water – no comments received

University Hospitals of Leicester NHS Trust requests a financial contribution in respect of healthcare of £49,159

Third Party Representations

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

Transportation / Highways

- Increased traffic / congestion and associated pollution
- Adverse impact in terms of highway safety
- Transport Assessment not robust
- Alternative access should be considered
- Loss of on-street parking space
- Yellow lines should be provided to Jackson Street / Wentworth Road
- Increased traffic will cause issues for HGVs accessing Coalville Business Park
- Applicants control insufficient land to form the proposed access
- Rights of Way should be protected

Landscaping and Open Space

- Hedgerows and trees were previously removed from the site
- Loss of habitat and biodiversity
- Loss of green space
- Loss of allotments
- Insufficient green space proposed as part of proposals
- Proposed open space needs to be maintained

Amenity Issues

- Overlooking
- Noise
- Antisocial behaviour
- Footpath will become a motorcycle track
- Future residents could complain about noise from Coalville Business Park
- Properties closest to existing dwellings should be single storey
- Additional landscaping should be provided at site boundary

Other

- Housing should be provided on brownfield sites
- Insufficient time provided for comment
- Insufficient infrastructure (including in respect of healthcare, education and childcare)
- Adverse impact on security of existing properties
- Flood risk
- Existing watercourse needs to be cleared
- Occupiers of affordable housing will not contribute to regeneration of the town centre
- Loss of view
- Loss of property value
- Disruption during building works
- Safety issues associated with building sites

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)

Paragraph 34 (Plan-making)

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

Paragraphs 59, 62, 64, 73 and 76 (Delivering a sufficient supply of homes)

Paragraphs 91, 92, 94, 96, 97 and 98 (Promoting healthy and safe communities)

Paragraphs 106, 108, 109, 110 and 111 (Promoting sustainable transport)

Paragraphs 122 and 123 (Making effective use of land)

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

Paragraphs 155, 158, 162, 163 and 165 (Meeting the challenge of climate change, flooding and coastal change)

Paragraphs 170, 175, 178, 180 and 181 (Conserving and enhancing the natural environment)

Paragraphs 189, 190, 192, 197, 198 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 lies within Limits to Development as defined in the adopted Local Plan and is also identified as a site with planning permission for housing under Policy H1 (site H1e). The following adopted Local Plan policies are considered relevant to the determination of this application:

Policy S1 - Future housing and economic development needs

Policy S2 - Settlement Hierarchy

Policy D1 - Design of new development

Policy D2 - Amenity

Policy H1e - Housing provision: planning permissions

Policy H4 - Affordable Housing

Policy H6 - House types and mix

Policy IF1 - Development and Infrastructure

Policy IF3 - Open Space, Sport and Recreation Facilities

Policy IF4 - Transport Infrastructure and new development

Policy IF7 - Parking provision and new development

Policy En1 - Nature Conservation

Policy En3 - The National Forest

Policy En6 - Land and Air Quality

Policy 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 Supplementary Planning Document (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)

Planning Obligations Policy (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.

Paragraph 11 of the NPPF provides that plans and decisions should apply a presumption in favour of sustainable development and that, for decision-taking, this means:

"...c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of

- particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".

As set out above, the site previously had the benefit of outline planning permission issued in October 2015 (ref. 12/00688/OUTM) but this has now expired. However, the site is also the subject of Local Plan Policy H1 which provides that "The following sites have the benefit of planning permission for housing development. In the event that planning permission lapses on these sites it will be renewed subject to the policies of this Local Plan and any other material considerations including any evidence in respect of deliverability of any particular site..." The site (H1e) is identified as having a capacity of 129 dwellings (i.e. a net capacity having regard to the demolished property to 2 Wentworth Road).

As such, the development of the site for housing is considered acceptable in principle insofar as it is specifically identified in the Local Plan for this purpose. Nevertheless, any renewal is, under the policy, subject to the policies of the Local Plan as a whole (including, for example, those in respect of infrastructure provision), together with any other material considerations (and including any evidence in respect of deliverability).

Assessment of other matters considered material to the determination of the application are set out in more detail below.

Means of Access and Transportation

The proposed scheme includes vehicular access via a new priority junction to Jackson Street / Wentworth Road, and formed following the demolition of 2 Wentworth Road. Other access into the site would be provided via pedestrian links from footpath / bridleway N94, which runs along the western boundary of the site, and which incorporates a section of National Cycle Route 52.

The application is accompanied by a Transport Assessment which assesses the sustainability of the site in terms of its accessibility to services, and how well it is served by public transport and other means of sustainable travel. It is agreed that the eastern part of the site in particular is well related to the town centre (and its associated facilities and public transport services), and is also well-connected in terms of pedestrian and cycle routes.

For its part, the County Highway Authority had raised concerns about the submitted layout (including the need to alter the location / extent of bends and proposed speed control measures), and had also requested a significant amount of additional supporting technical information. That further supporting information has now been submitted (including, in particular, modelling data relating to the impacts on the Belvoir Road / Marlborough Square mini-roundabout, together with data in respect of the impacts on nearby pedestrian crossings). The County Highway Authority has now had an opportunity to assess this information, and its advice is as set out in more detail below.

The County Highway Authority notes that the applicant's TRICS assessment has been based on privately owned houses; given the proposed affordable tenure of the scheme, the County Highway Authority considers that the scheme would be likely to give rise to a higher level of pedestrian trips than as suggested in the submitted details. As such, the County Highway Authority requires the implementation of a scheme of pedestrian improvements, and recommends the attachment of a condition in this regard.

In terms of the scheme's impacts on the wider network (and including existing junctions in the vicinity of the site), the County Highway Authority advises as follows:

Belvoir Road / Ashby Road / High Street signalised junction (Memorial Square):

Following the re-running of modelling to accurately reflect the length of pedestrian crossing phases at the junction, this identifies that in the future assessment year of 2026, the junction would have a further reduced Practical Reserve Capacity (PRC) than as outlined in the submitted Transport Assessment; the County Highway Authority requires contributions towards the installation and / or validation of Microprocessor Optimised Vehicle Actuation (MOVA) (a traffic signal optimisation system) at the junction.

Belvoir Road / Jackson Street priority junction:

The junction would be expected to continue to operate within capacity, and specific mitigation is not considered necessary.

Belvoir Road / Vaughan Street priority junction:

The junction would be expected to continue to operate within capacity, and specific mitigation is not considered necessary.

Belvoir Road / Marlborough Square mini-roundabout:

The inclusion of the impacts of pedestrian movements (see above) in respect of this junction reduces the assessed capacity of the Belvoir Road south (northbound approach) arm. Whilst the maximum Ratio of Flow to Capacity (RFC) would, with the development, increase to 0.82 in the 2026 scenario, a value of 0.85 is typically seen as the practical capacity, and the County Highway Authority therefore advises that the junction would be expected to continue to operate within capacity, and that specific mitigation would not be necessary.

In terms of the wider network, the County Highway Authority advises that, in order to mitigate for the development's impacts along the A511 corridor, a contribution towards the Coalville Transportation Infrastructure strategy would be required, and considers that a contribution of £624,000 (equivalent to £4,800 per unit) would be an appropriate figure, commensurate with contributions secured elsewhere towards the mitigation required along the corridor to accommodate the wider growth. In January 2013, the District Council's Cabinet considered a report in respect of Delivering Growth and Prosperity in Coalville, and 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 (and which subsequently resulted in the adoption of the District Council's *Priorities for Developer Financial Contributions for infrastructure provision relating to Major Residential Development Proposals in and around Coalville* policy); the sum suggested by the County Highway Authority would fall within the range of potential contributions set out in that report (i.e. between £4,419 and £4,884 per dwelling).

The applicant has agreed to make this contribution; as set out in more detail under Viability and Developer Contributions below, whilst the applicant had previously advised that this was the only financial contribution it proposed to make (albeit it had also indicated that it would be content for the Local Planning Authority to direct this contribution (or part of it) towards other infrastructure), it confirms that this figure is now intended to specifically relate to this element of infrastructure.

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):

- Submission / approval of a construction traffic routeing agreement
- 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);
- 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.));
- Raised kerb provision at the two nearest bus stops on Highfield Street (£3,500 per stop) to support modern bus fleets with low floor capabilities
- Provision of information display cases at the two nearest bus stops on Highfield Street (£120 each);
- Provision of a flag and pole at each of the two nearest bus stops on Highfield Street (£170 each);
- STARS (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee (£6,000);
- Contribution towards the provision of a Traffic Regulation Order (TRO) in order to facilitate the provision of waiting restrictions in the vicinity of the site access (£7,500); and
- Contributions towards the installation and / or validation of Microprocessor Optimised Vehicle Actuation (MOVA) at the Memorial Square junction (£10,000) (or £2,000 contribution towards validation if MOVA already installed prior to first occupation).

The County Highway Authority has also requested the imposition of a number of conditions (and including in respect of the implementation of a number of pedestrian improvement works as proposed by the applicant's transportation consultants; the works proposed include the provision of dropped kerbs and tactile paving on Jackson Street at its junctions with Owen Street, the entrance to the Coalville Business Park, and the cul-de-sac section of Jackson Street). Subject to the imposition of the recommended conditions, and subject to the above Section 106 obligations being secured, the County Highway Authority raises no objections to the application.

The applicant now confirms its agreement to the above contributions, albeit subject to a maximum bus pass contribution of £46,800 (which would represent 50% of the maximum total that would be payable in the event that each of the 130 dwellings were to be provided with two passes). Whilst this would not comply fully with the County Council's requirement in this regard, it is understood that, in practice, the take-up rate of bus passes tends to be some way below the 50% figure, so the maximum total payable would in any event be likely to be below the £46,800 agreed by the applicant. On this basis, it is considered that, when having regard to the wider viability issues, this limitation would be acceptable in this instance.

As set out above, footpath / bridleway N94, which runs along the western boundary of the site, and to which pedestrian connections are proposed to be made. In terms of the amenity impacts on the right of way, it is considered that the development of the site in itself would, inevitably, have some adverse implications on the currently undeveloped character of this part of the route. However it is accepted that some impacts will often be unavoidable when developing a greenfield site, and it is also considered that, notwithstanding the presence of this new built development, the right of way would continue to provide a pleasant non-vehicular route.

Flood Risk and Drainage

The application is accompanied by a Flood Risk Assessment (FRA), updated during the course of the application. This confirms that the site lies within Flood Zone 1, and the site is therefore considered suitable for development in principle (and in flood risk sequential terms, would meet the requirements of the NPPF). It is also noted that, as (in effect) an allocated site, application of the sequential test should not be necessary (NPPF Paragraph 162).

In terms of other sources of flooding, the FRA confirms that the site is not at risk of flooding in terms of overland flow, is subject to a very low risk of flooding from surface water, at low risk of flooding from groundwater, at no quantifiable risk of flooding from manmade lakes within the topographical catchment of the site, and at negligible risk of flooding from the existing sewerage network or from its own private drainage connections.

In terms of the proposed means of drainage, the application documents indicate that the proposed development's surface water drainage would be provided in new below-ground gravity sewers constructed within the proposed development internal roads with surplus flows being attenuated using cellular tanks below the shared driveways and oversized piped to a detention basin, and that the proposed surface water runoff rate would be restricted to the existing QBar (i.e. the mean annual maximum flow) greenfield runoff rate. Surface water would then be discharged (via the existing sewer network) into the watercourse.

In terms of the appearance of the proposed SuDS features, the submitted details indicate that the proposed balancing facilities 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); the applicant has confirmed that no safety fencing would be required. Insofar as other details of the proposed SuDS features are concerned, the submitted details appear to indicate what are considered somewhat harshly designed headwalls, grills and railings; the District Council's Good Design for North West Leicestershire SPD requires that careful attention be afforded to the "softer" design of such features. Amended designs of these features have been requested, but the applicant advises that, as the headwalls are proposed to be adopted, the developer is unable to change them; whether or not the adopting body has a preference for equipment of a more "utilitarian" design in this instance is not however considered directly relevant to the planning issues. For its part, the Lead Local Flood Authority raises no objections to the proposals.

Insofar as foul drainage is concerned, it is proposed that foul drainage would be conveyed via new gravity sewers connecting into the existing Severn Trent Water foul sewer running parallel to Jackson Street; no comments have been received in respect of the proposals from Severn Trent Water.

Subject to the resolution of the SuDS design issues set out above (including the appearance of the headwalls), therefore, the scheme is considered acceptable in terms of flood risk and drainage issues.

Ecology

The application is accompanied by an Ecological Appraisal Report, updated during the course of the application. This identifies that the closest statutorily designated sites of nature conservation interest to the application site are approximately 90m and 750m from the site (being the Snibston Grange Nature Reserve and the Nature Alive Local Nature Reserves / candidate Local Wildlife Sites respectively); no other statutory sites are located within 1km of the site. Insofar as non-statutory designations are concerned, the appraisal identifies two Local Wildlife Sites within 1km of the site (the Coalville Scrubby Grassland and Snibston Discovery Park candidate Local Wildlife Sites, located 250m and 380m respectively from the site).

The site itself contains a range of habitats, identified within the Ecological Appraisal Report as including: species-poor semi-improved grassland; broadleaved treelines / out-grown hedgerows; woodland, trees and scrub; and bare ground. It also includes the existing dwelling / garden to Wentworth Road, proposed to be demolished in order to provide the site access. The site is identified within the Appraisal as being of mostly low ecological importance, with features of ecological value (trees and linear treelines) being retained as part of the proposals where possible. It also suggests that loss of semi-improved grassland could be mitigated for as part of the proposed landscaping via the creation of areas of more species-diverse native grassland within public open space along the eastern boundary.

Insofar as the effects upon wildlife are concerned, the Appraisal identifies these (and the appropriate mitigation) as follows:

Badgers:

The Appraisal confirms that no evidence of the presence of badgers was observed during the survey; whilst the Appraisal indicates that the semi-improved grassland field provides commuting and potential foraging resource for badgers, due to the extent of alternative and suitable linking habitats adjacent to the site, along the boundary treelines linking to Snibston Grange Nature Reserve, the Appraisal indicates that the site is likely to be part of a much larger badger territory and the proposals would not restrict the movement or significantly affect the availability of foraging resources locally. Given the presence of badger activity within the immediate area, however, the Appraisal recommends that an update survey be undertaken prior to the commencement of development.

Bats:

The Appraisal identifies seven trees within the application considered to offer low potential to support roosting bats, six of which are indicated within the Appraisal as being retained. No evidence of bats within the existing dwelling proposed to be demolished (nor its associated garden shed) was found.

In terms of foraging and commuting habitat, the Appraisal indicates that the majority of the site comprises poor semi-improved grassland of limited value (albeit field margins could provide limited foraging opportunities), and that proposed landscaping would provide mitigation in this respect. Recommendations are also made in respect of external lighting.

Great Crested Newts:

The Appraisal identifies that there is no suitable breeding habitat for Great Crested Newts within the site, and that on-site terrestrial habitats are sub-optimal and only likely to provide limited

foraging / resting place habitat. It indicates that a total of 14 waterbodies are present within 500m of the site, seven of which are unsuitable for use by Great Crested Newts, and that the remaining ones are surrounded by suitable supporting terrestrial habitat. Given the above and the sub-optimal nature of on-site habitats, the Appraisal states that the likelihood of Great Crested Newts using the site is negligible.

Reptiles:

The Appraisal identifies that there is limited suitable habitat to support a viable reptile population the site.

Breeding Birds:

Due to the limited diversity of grassland within the site, the Appraisal indicates that its loss would not have a significant impact upon local bird populations, and that proposed landscaping etc. would provide suitable nesting and foraging opportunities for a range of locally common bird species and species post-development.

Biodiversity Enhancement

The Appraisal suggests that the development of the site would result in a gain in value for wildlife by incorporating biodiversity in and around the development via the use of ecological enhancement measures. The measures recommended in the Appraisal include landscaping using native and ecologically valuable species, avoidance of non-native species, and inclusion of small gaps within garden fences to permit access for wildlife.

The submissions have been considered by Leicestershire County Council's Ecologist; the County Ecologist had raised objection in view of the age of the originally submitted bat survey but, following a recent re-survey, 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.

Historic Environment

The site does not contain, nor is in close proximity of, any listed buildings or Conservation Areas. In terms of non-designated heritage assets, the application is accompanied by a Heritage Statement, and which draws on previously undertaken investigation work which concluded that the site had a low potential for significant archaeology, including a very limited potential for archaeological activity. This submitted Heritage Statement provides that the assessment does not identify any overriding heritage constraints that would prevent development or which would form a material consideration in detailing its design.

The previously approved outline planning permission was granted subject to a condition in respect of an archaeological Written Scheme of Investigation. However, the Heritage Statement refers to subsequent advice from the County Archaeologist indicating that no further archaeological investigations would be likely to be required; for his part the County Archaeologist confirms that, following a largely negative archaeological evaluation of the above site undertaken in 2015, the County Council has now reassessed the site's archaeological potential and considers that it is unlikely that the proposed development would impact upon significant archaeological remains. As such, the County Council has no further comments to make on the current scheme. The proposals would therefore 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.

Ground Conditions

A geo-environmental site assessment and a coal mining risk assessment have been submitted with the application which provide an assessment of the site's ground conditions, and indicate that there are no impediments to the site's development in terms of contamination or general ground conditions. The District Council's Environmental Protection team raises no objections in terms of these issues.

Layout, Landscaping and Design

Local Plan Policy D1 provides that the Council will support proposed developments that are well designed and as a minimum offer a good standard of design and that new residential development will, amongst others, need to perform positively against Building for Life 12. The District Council's Good Design for North West Leicestershire SPD detailed criteria that new residential developments are expected to comply with. The application is supported by a Design and Access Statement and a Building for Life 12 assessment setting out the applicant's 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 11 of the 12 criteria (with an "amber" achieved under Public Transport).

The proposed development would provide for a total of 130 dwellings, equating to a gross site density of 22.3 dwellings per hectare. Paragraph 122 of the NPPF requires development to make efficient use of land; the density of the proposed development would, when having regard to the location of the development and the implications of meeting the District Council's design policies, be considered reasonable in this location.

The proposals have been the subject of extensive discussions with the District Council's Urban Designer both prior to and since the application's submission; the scheme has been assessed by the Urban Designer against the requirements of Local Plan Policy D1 and the District Council's Good Design for North West Leicestershire SPD, and a significant number of issues have been raised regarding the design quality of the scheme. Some of these have now been resolved to an acceptable degree; concerns remain in respect of a number of areas, however, and including the following:

Connections:

As set out under Means of Access and Transportation above, the scheme would provide for pedestrian connections to the public right of way to the western side of the site; a connection is also shown to the southern boundary (to a site with outline planning permission for residential development). Whilst the adjacent site only has the benefit of outline planning permission at this time, it would appear likely that a connection would more logically be provided more centrally along this boundary, but it is considered that this matter could be addressed by condition. Similarly, additional connections (to coincide with desire lines) would also be needed to the western right of way boundary.

Character (including Elevations and Landscaping):

Insofar as the means by which character is proposed to be introduced to the scheme, the elevations of the proposed dwellings are intended to be traditional in their nature, but are considered to be somewhat utilitarian in their execution in the sense that, whilst they seek to take a traditional form architecturally, they do not include the level of detailing and quality of

materials / finishes that, traditionally, such dwellings would have incorporated. As an alternative way of introducing character, therefore, the applicant has sought to adopt a landscape-led scheme instead (in effect, by seeking to use landscaping as an alternative means of delivering a scheme which will be "memorable"). Whilst this approach has been taken (and whilst it is proposed to secure the maintenance of the frontage hedges and trees by a management company (i.e. to ensure retention and consistency of maintenance / trimming etc.)), the extent of land dedicated to landscaping is considered to be somewhat limited and, as a result, the ability to achieve robust hedges and trees to help achieve a strong landscape character is considered to be compromised to a significant degree. In the absence of any proposals to provide additional space for landscaping to the dwelling frontages, it is considered that enhanced elevational treatment to dwellings not benefitting from adequate landscaping would be required.

Materials:

A range of brick types have been proposed which, whilst not of particularly high quality would, it is considered, be acceptable. At the time of preparing this report, an appropriate option in respect of roof tiles (and including tiles incorporating a thin leading edge) was awaited; this could be addressed by way of condition, however.

Levels / Retaining Features:

The site is fairly steeply sloping in some areas, and the way in which these level changes are addressed are considered important in terms of delivering the quality of design required under the District Council's policies. Some illustrative street scene section plans have been provided, but full levels details in respect of the most recent layout are not available at this time. In principle, it would appear that there would be no reason why an appropriate design solution could not be secured by way of condition (and, in particular, demonstrating where on site the significant levels changes would occur (e.g. between back gardens), and with particular attention being necessary to show how property threshold details would be dealt with (i.e. so as to not use, for example, slab on edge retaining structures to enable level access to front doors). One particular concern raised by the District Council's Urban Designer is in respect of a proposed series of terraced features designed to accommodate levels changes within the public open space in that there is concern that anti-fall barriers would be required, significantly reducing their usefulness as part of the public open space (as well as potentially having a somewhat odd appearance). The applicant has confirmed that the gabion baskets proposed to be used would be 0.5m high and, as a result, barriers would not be required (albeit the submitted sections would nevertheless appear to indicate that the height of the "steps" may be in excess of 0.5m).

Boundary Treatment:

The general distribution of boundary treatment types is considered generally acceptable; whilst the proposed use of timber close boarded fencing onto public or semi-public realm (including courtyards) is not permitted under the District Council's SPD, the breach of this principle to the rear of Plots 63 to 68 and to the parking courtyard for proposed flats (Plots 123 to 130) could, it is considered, be addressed by way of condition. The proposed close boarded fencing to the courtyard serving Plots 123 to 130 would also be immediately adjacent to public open space and, again, would not comply with the adopted SPD. Similarly, close boarded fencing is shown at either end of a safeguarded drainage easement (see Neighbours' and Future Occupiers' Amenities below); again, this would need to be the subject of condition to remedy this breach of the policy. Further details would also be required in respect of how level changes are resolved where walls step up / down, given the levels issues outlined above. Clarification is also awaited in terms of proposed means of enclosure to the parking courtyard serving two blocks of flats to the southern area of the site (Plots 123 to 126 and 127 to 130) in respect of the type of wall / fence proposed, and whether it is also a retaining structure given the likely levels changes in

this area.

Block Structure:

Rather than providing fully formed blocks, much of the development would be in the form of back garden-to-back garden type development, but with the sides of gardens abutting each end of the blocks; whilst this would not meet the approach promoted in the District Council's SPD, it is accepted that the approach taken is to a degree a factor of the need to address levels changes. The scheme also includes a broken perimeter block in the northern part of the site, with Plots 57 to 62 in effect in a courtyard within the block. This has resulted in the provision of parking spaces to the plots either side of the "punch through" access, contrary to the requirements of the SPD (section 5.1.5); the applicant is not agreeable to amending the scheme in this regard, however.

SuDS:

See Flood Risk and Drainage above.

Others:

Clarity has been sought over the siting of some bin collection points; again this issue could be dealt with by way of condition.

On the basis of the above, therefore, the applicant's conclusions that the scheme would secure 11 "greens" and 1 "amber" would not be concurred with and, in particular, the scheme as currently submitted would not be considered to achieve "greens" in respect of the categories of Connections, Public Transport, Character, Creating Well Defined Streets and Spaces, Car Parking, Public and Private Spaces and External Storage and Amenity Space. However, subject to the imposition of conditions, the majority of these would appear to have the potential to do so. Whilst there would be a number of remaining concerns which would not be able to be addressed by way of condition, and whilst these would clearly have an adverse impact upon the design quality of the scheme, the view is taken that, overall, the development would not be so weak in design terms as to warrant a refusal on this issue.

In terms of trees and landscaping, the application is accompanied by a Tree Survey, Arboricultural Impact Assessment, Method Statement and Tree Protection Plan identifying and categorising the existing trees on the site; a significant number of trees have previously been removed from the south eastern part of the site, and this included a range of trees identified in the Tree Survey as falling within Retention Categories B (moderate quality) or C (low quality).

In terms of other trees within the site and the impacts of the proposed development on them, the Tree Survey identifies a number of trees would need to be removed in order to accommodate the proposed scheme, and which include a central hawthorn hedge. This hedge is somewhat "gappy" in appearance, and is considered to make only a limited contribution to the site's amenity value (and is identified in the Tree Survey as falling within Retention Category C); from a design point of view, it is not considered that it would represent a particularly valuable opportunity for introducing character into the scheme. Whilst there would be a fairly substantial loss of trees in terms of quantity, it is accepted that, in terms of the *quality* of trees lost to the proposed development, this would be limited, and the scheme is, overall, considered acceptable in this regard.

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 Impact Assessment which identifies that the key noise sources affecting the site would be the football ground / training pitch to the north west (i.e. Coalville Town FC) and the commercial units to the north.

Insofar as the football ground is concerned, the Assessment indicates that activities associated with the football fields would result in a "moderate" effect at the proposed receptors but that, given that the predicted noise levels fall below noise criteria set out in BS8233:2014 ("Guidance on Sound Insulation and Noise Reduction for Buildings"), no mitigation measures are considered to be required.

In terms of noise associated with the adjacent business park to the north (and including the effects of vehicular movements associated with the use), the Assessment identifies a potential impact on proposed dwellings' garden areas in the northern part of the site and, in terms of mitigation required to address the impact, makes recommendations in respect of the use of 1.8m high acoustic barriers to the affected gardens. 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, it is noted that there are existing dwellings adjacent to the eastern parts of the site (Wentworth Road and Jackson Street). Insofar as these dwellings are concerned, it is noted that these are, for the most part, backing onto the development but, having regard to various constraints (including an existing drainage easement and watercourse) and the proposed siting of public open space and SuDS features, the proposed dwellings would not be located immediately adjacent to existing properties. Whilst the site is, for the most part, elevated in relation to existing properties on Wentworth Road, the eastern section is lower (i.e. where the watercourse passes through), and (whilst updated levels of the latest layout are awaited) the closest dwellings would appear likely to be erected at a similar finished floor level (FFL) as existing properties (albeit existing gardens would be lower, due to the site levels). In terms of separation distances, however, the usual minimum requirements would be comfortably met and, notwithstanding the impacts of elevated FFLs of the proposed closest dwellings (which would be single storey), and whilst they could present a slightly dominant appearance to the east given the levels issues, any material harm in terms of neighbours' amenities in respect of overlooking, overshadowing or overdominance of existing properties would be considered unlikely. It is considered that the treatment of the proposed drainage easement would need to be carefully considered in terms of its landscaping; whilst the range of planting options available is likely to be limited to some extent within the easement, an appropriate treatment of the side elevations of the proposed dwellings would need to be secured in order to soften the appearance of the development.

In terms of potential disturbance from vehicular movements to and from the site, it is noted that no. 4 Wentworth Road would, following the development, have a vehicular access road adjacent to its side elevation. Whilst there would be likely to be some impacts from this element of the proposals (and including in respect of side windows and the rear garden), there is no reason to suggest that this relationship would be any different to the impacts on any other dwelling on the corner of two roads, and undue harm to amenity of occupiers of that property would appear

unlikely, particularly if a more robust means of boundary treatment were to be installed to the side boundary of the dwelling's garden (and which would also normally be required from a design point of view). Insofar as 98 Jackson Street is concerned, this dwelling's garden currently abuts the pedestrian link accessing the site (and it has side windows) and, again, some impact from vehicular movements would seem likely. However, this dwelling would appear to be less affected than 4 Wentworth Road given their respective relationships to the proposed access, and the impacts would, it is considered, be very limited. Also, given the proposed alignment of the pedestrian route, this would take the walked route slightly further away from the side boundary of this dwelling's garden than at present.

Having regard to the relative siting of Plots 57 to 62 with Plots 63 to 68 (see Layout, Landscaping and Design above), the separation distances between the front windows of Plots 57 to 62 would appear fairly close to the backs of the rear gardens of Plots 63 to 68 (8.5m approx.). However, the relationship would not be considered to be so close as to be unacceptable in amenity terms.

As such, the scheme is considered acceptable in residential amenity terms, and would meet the requirements of Local Plan Policy D2.

Housing Mix and Affordable Housing

In terms of housing mix issues, Local Plan Policy H6 requires a mix of housing types, size and tenure to meet the identified needs of the community, and refers to the need to have regard to the most up-to-date Housing and Economic Development Needs Assessment (HEDNA), and sets out the range of dwelling size (in terms of numbers of bedrooms) identified as appropriate in the HEDNA as follows:

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

In this instance, the whole of the development is proposed to be for affordable dwellings. However, the applicant has indicated that it would not be able to enter into a Section 106 obligation to secure a contribution in excess of the policy-compliant 20% (and, as such, direct comparison against (specifically) either the market or affordable HEDNA mix is difficult). Nevertheless, the submitted scheme proposes the following (%):

<i>No. of Bedrooms</i>			
<i>1</i>	<i>2</i>	<i>3</i>	<i>4+</i>
10.8	44.6	41.5	3.1

In terms of the requirement for affordable housing generally, as a greenfield site within the Coalville area, Local Plan Policy H4 requires a contribution of 20% of the development as affordable and, subject to the applicant entering into a Section 106 agreement to secure this (at a minimum 20% level), the scheme would meet (and potentially exceed) the requirement. However, this also needs to be considered in the context of Policy H6 which seeks to secure a mix of housing types, sizes and tenures in new developments, and the general intentions of the NPPF for development to contribute towards creating mixed and balanced communities. Whilst it is acknowledged that, in planning control terms, there is normally no reason why a housing

development cannot be provided as affordable in its entirety, in this instance, the proposals could result in all of the dwellings (130 in total) being of the affordable tenure. Having regard to the scale of the development, this would, to a degree, be considered to conflict with the approach of providing mixed and balanced communities, but would also need to be weighed against the benefits (if the applicant were agreeable to enter into an obligation securing such) of providing additional affordable housing over and above the usual 20% requirement. Also relevant is the impact on affordable housing over recent years of the implementation of the District Council's *Priorities for Developer Financial Contributions for infrastructure provision relating to Major Residential Development Proposals in and around Coalville* policy which has (given its prioritisation of transportation contributions over affordable housing where viability is an issue) resulted in reduced affordable housing contributions in this part of the District.

For its part, the District Council's Strategic Housing team takes the view that provision of a mixed community is difficult to attain on wholly affordable schemes. As such, it considers that the provision of a variety of property types (within the affordable tenure) is critical in delivering sustainable communities. The property mix proposed provides a mix of 1 bed apartments, 1 and 2 bed bungalows, and 2, 3 and 4 bed houses, with the majority of the properties (86%) provided as family homes. The concentration of such a high level of family homes is, Strategic Housing considers, a concern but it advises that the proposed mix is supported by identified need levels in Coalville. The Strategic Housing team also acknowledges that the provision of 100% affordable housing would help to mitigate the impact of the transportation infrastructure policy referred to above, and which has resulted in reduced levels of affordable housing provided on larger sites in Coalville.

In terms of tenure mix (i.e. different types of affordable tenure), the Strategic Housing team notes that the applicant proposes a tenure split based on 80 Affordable Rented properties (61.5%) and 50 as shared ownership properties (38.5%). Whilst the HEDNA provides an indication of the tenure split to best meet affordable housing needs in the District as 81% Affordable Rented and 19% Shared Ownership, the proposed mix would nevertheless be considered acceptable to the Strategic Housing team as (given the intention for all units to be affordable) the scheme would provide additional rented units over and above those that would normally be delivered as part of a (viable) market led scheme, and given the approach taken on other Coalville sites over the last five years.

Insofar as the mix of dwelling size is concerned (and when compared to the HEDNA mix set out above (albeit it is acknowledged that Policy H6 indicates that the HEDNA mix is one of a number of criteria to be considered when applying the policy)), the Strategic Housing team considers that the proposal is heavily weighted towards 2 and 3 bed properties, which, with the exception of 10 bungalows and 8 apartments, would be provided as family homes, and that the proposed property mix could be amended to align better with the Local Plan Policy requirements and better meet locally identified need. However, the Strategic Housing team nevertheless acknowledges that the property mix proposed would meet an identified need in this area and, as such, is supportive of the proposal.

Policy H6 also requires a proportion of dwellings suitable for occupation by the elderly (including bungalows) and a proportion of dwellings which are suitable for occupation or easily adaptable for people with disabilities; Policy H4 provides that the Council will encourage the provision of affordable homes to meet the needs of elderly people. In terms of these requirements, it is noted that a total of 10 bungalows (6 x 1 bed and 4 x 2 bed) are proposed; subject to the bungalows being restricted to either elderly applicants or (if under 60 years of age) to those households with a need for such properties, and subject to the relevant properties including showers (some as level access showers) as opposed to baths, the Strategic Housing team

would consider that element of the policies to be met. However, the site is relatively steep in places, and the Strategic Housing team notes that six of the bungalows would be located towards the middle of the site, and suggests that they all be provided at the lower part of the site. (Locating units for the elderly in this lower part of the site would also, it is considered, make them better related to the town centre so as to enable occupiers to walk to nearby shops and other facilities). Insofar as provision of adaptable properties is concerned, the proposals do not include any such units.

In terms of affordable housing overall, the District Council's Strategic Housing team advises that, whilst it considers that the site could provide a different mix of property types that would more closely align to identified needs (and including specialist properties suited to the needs of elderly and disabled applicants), the proposed mix does nevertheless meet a local need, evidenced from the Council's Housing Register. It also notes that the proposals (subject to suitable Section 106 mechanisms to secure it) would provide for affordable housing above the 20% policy requirement for greenfield sites in Coalville and takes the view that, in purely housing needs terms, the property and tenure mix proposed would be acceptable given that it would meet evidenced needs. Notwithstanding this position, however, given the limited extent to which the proposed property mix would align with priority needs, the Strategic Housing Team does not consider that the additional benefit arising from any potential provision over and above 20% would be significant. As such, it does not recommend that significant weight be attached to this benefit in the overall planning balance (and including, for example, in respect of the extent to which it would outweigh other issues such as any reduced Section 106 contributions secured in respect of other matters).

There are a number of issues to be taken into account in terms of housing mix and affordable housing, and including the requirement of Local Plan Policy H6 which seeks to secure a mix of housing types, sizes and tenures in new developments, and the general intentions of the NPPF for development to contribute towards creating mixed and balanced communities. In this sense, a 100% affordable scheme of this scale would not necessarily be balanced per se, albeit an "over-provision" of affordable units would assist in helping to off-set previous shortfalls in affordable provision as a means of addressing viability issues. In this sense there are matters weighing both in favour and against this element of the proposals and the extent to which they would assist in terms of achieving sustainable development. The advice of the Strategic Housing Team in terms of the extent to which weight ought to be attached to the benefit of providing more than the policy-compliant 20% is also of note in that, given the limited extent to which the proposed property mix would align with priority needs, it is considered that the weight attached ought to be limited to some extent. Further assessment of the overall planning balance is provided below.

Viability and Developer Contributions

Local Plan Policy IF1 provides that development will be supported by, and make contributions to, as appropriate, the provision of new physical, social and green infrastructure in order to mitigate its impact upon the environment and communities. The policy lists examples of the type of infrastructure required to support new development, including affordable housing, community infrastructure (such as education, health, cultural facilities and other public services), transport and green infrastructure. It also provides that, in negotiating the provision of infrastructure, the Council will have due regard to viability issues.

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. The MHCLG's Planning Practice Guidance provides (Paragraph ref. ID 10-007-20190509) provides that "Such circumstances could include, for example where development is proposed on unallocated sites of a wholly different type to those used in viability assessment that informed the plan; where further information on infrastructure or site costs is required; where particular types of development are proposed which may significantly vary from standard models of development for sale (for example build to rent or housing for older people); or where a recession or similar significant economic changes have occurred since the plan was brought into force".

In support of the case for considering a viability assessment in respect of this application, the applicant's (former) agent comments that the site was included as an allocation on the basis it already had planning permission (and was, therefore, not a "fresh" site); the previous planning permission had reduced developer contributions within its Section 106 agreement on the basis that the scheme with compliant provision was unviable.

[By way of comparison, the agreement entered into in respect of planning permission ref. 12/00688/OUTM included the following (index linked where applicable):

- Affordable housing (7%)
- Public Open Space / children's play / National Forest planting (including community orchard)
- Allotments (30 new allotments and 6 retained allotments)
- Library contributions (£7,290)
- Civic Amenity contributions (£9,618)
- Healthcare contributions (£17,454.53)
- Bus passes (total £700 per dwelling)
- Travel packs
- Travel Plan coordinator
- Transport, Microprocessor Optimised Vehicle Actuation (MOVA) and MOVA monitoring contributions (total £79,500)
- Transportation infrastructure contribution (£550,000)
- Police contribution (£65,077)
- Youth and adult recreation contribution (£117,000)]

Whilst the agent acknowledges that a generic area-wide viability assessment was undertaken as part of the plan making process, he argues that it had already been accepted that a policy-compliant level of contributions would make the scheme unviable. 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. This assessment has been reviewed by the District Valuer on the Local Planning

Authority's behalf, and its conclusions are accepted. In summary, the District Valuer accepts that, not only would a policy-compliant scheme not be viable, but also that a fully market housing scheme (i.e. with no affordable dwellings) would not be able to support any developer contributions. On this basis, it is considered that regard would need to be had to a number of issues, including the relevant planning policies relating to the development of the site (including in respect of its allocation and policies in respect of infrastructure), the need to deliver a sufficient supply of homes, and what impacts the non-provision (or partial provision) of developer contributions to local services would have on the scheme's overall contribution to sustainable development.

In terms of the approach to development (and as set out above), it is noted that the site is identified as a housing site in the adopted Local Plan. However, regard needs to be had to other policies within the Plan, and including, for example, those in respect of infrastructure provision.

Affordable Housing

As set out under Housing Mix and Affordable Housing above, as a greenfield site within the Coalville urban area, an affordable housing contribution of 20% would be required under Local Plan Policy H4. In this case (and putting the mechanism by which this would be secured to one side) it is proposed to provide all of the units as affordable, and any reductions in contributions are proposed to be made in respect of other matters.

Under the District Council's *Priorities for Developer Financial Contributions for infrastructure provision relating to Major Residential Development Proposals in and around Coalville* policy, the process is that, where a contribution towards transportation infrastructure is required (and where that contribution results in viability issues), the level of affordable housing can be reduced to the point at which the scheme becomes viable again. In this case, the viability assessment indicates that even a 100% market housing scheme would be unable to support developer contributions, and the applicant advises that the intention to provide 100% affordable units is achievable due to the associated funding mechanisms. As such, it is considered that, in this instance, it is not necessarily as straightforward as a direct trade-off of affordable housing against other contributions. On the other hand, the approach proposed to be taken here would, in a sense, be contrary to the general approach set out within the adopted policy. Consideration of the weight to be attached to the benefits of an "over-provision" of affordable units is set out under Housing Mix and Affordable Housing above.

Transportation and Accessibility Contributions

These are as set out under Means of Access, Highways and Transportation Issues above. In addition to Local Plan Policy IF1, relevant policy also includes Policy IF4; this provides (amongst others) that commensurate network contributions will be sought towards new development which has a demonstrable impact upon the highway network (and including in respect of Junction 13 of the A42 and Junction 22 of the M1 (and the A511 corridor in between)). As set out in the relevant section above, the applicant has agreed to make a number of contributions sought by the County Highway Authority (and including the £624,000 contribution towards transportation infrastructure, albeit subject to a maximum ceiling on bus pass contributions as set out in that section).

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 Coalville Belvoirdale Primary School. The school has a net capacity of 351 and 385 pupils are projected on the roll should this development proceed.

Given existing capacity at three other primary schools within a two mile walking distance of the development (namely Hugglescote, Broom Leys and All Saint's C of E Primary Schools), the deficit could not 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 (£507,801.60), to be used for improving, remodelling or enhancing existing facilities at Belvoirdale Primary School (or any other school within the locality of the development).

Leicestershire County Council also advises that, in the absence of funding to provide the additional places, Belvoirdale Primary School could not be expanded to accommodate the additional pupils from the development. When considering the option of pupils being allocated places at other primary schools that are within two miles of their home address, for pupils living on this development, that would mean travelling to either Hugglescote, Broom Leys or All Saints Primary Schools. In terms of these, the County Council advises that Hugglescote has recently been expanded but, given the large volume of housing already in its catchment area, the school is forecast to have a deficit of 234 places; whilst Broom Leys and All Saints have some places available, these spaces will be needed to address the deficit at Hugglescote. When including pupils from the proposed development, the overall deficit in the area is forecast to be 155 places, and the number of primary age pupils attending or forecast to attend the catchment primary schools or any school within two miles of the development would, the County Council confirms, significantly exceed the available places. The County Council also draws attention to recent research into the yield from 100% affordable housing in Leicestershire which has found that the yield for primary age pupils was between 44 to 52 per 100 homes; this, the County Council advises, is significantly higher than the 30 per 100 homes that the Section 106 calculation is based upon and, therefore, the impact identified is likely to be a conservative one.

Secondary School Requirements:

The site falls within the catchment area of Newbridge High School. The school has a net capacity of 590 and 1,118 pupils are projected on roll should this development proceed. A total of 121 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 407 pupil places (of which 387 are existing and 20 would be created by this development). There is one other high school within a three mile walking distance (Castle Rock School); when taking into account other Section 106 funded places, this has a surplus of places, reducing the overall deficit within the three mile walking distance. A request for an education contribution in respect of the additional deficit places created by the development within the secondary school sector is therefore made (£346,258.12), to be used for improving, remodelling or enhancing existing facilities at Newbridge High School (or any other school within the locality of the development).

Post 16 Sector Requirements:

The site falls within the catchment area of Castle Rock School. The school has a net capacity of 286 and 331 pupils are projected on roll should this development proceed. In order to provide the additional Post 16 school places anticipated by the proposed development, the Local Education Authority requests a contribution for the Post 16 school sector (£74,022.41), to be used for improving, remodelling or enhancing existing facilities at Castle Rock School (or any other school within the locality of the development).

Special School Requirements:

The Local Education Authority advises that all special schools in Leicestershire are full, and have a deficit of available spaces (and are forecast to remain so). The closest special school to this development is the Forest Way School in Coalville; the school currently has capacity for 232 pupils and 245 pupils are projected on roll should this development proceed; there is no other special school in the locality of the development and a request for an education contribution in respect of the additional deficit places created by the development within the special school sector (primary and secondary) is made (£65,480.18), and would be pooled, if appropriate, and used to provide additional capacity at the Forest Way School.

As set out above, whilst previously agreeing the County Council's suggested sum in respect of transportation infrastructure, the applicant had indicated that this could be redirected to other infrastructure if preferred; it is now understood that this is no longer the applicant's position and that, insofar as education is concerned, a contribution of £900,000 is proposed (whereas the full amount sought by the Local Education Authority totals £993,562.31). Leicestershire County Council advises that, whilst the figure falls short of the total contribution sought, this figure has been negotiated between the applicant and the County Council, and would be acceptable to the County Council.

Library Services

Leicestershire County Council advises that an additional 369 people would be anticipated to be added to the catchment population of Coalville Library 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 would be required, and a contribution of £3,710 towards library services is requested by the County Council. The applicant is agreeable to making this contribution.

Civic Amenity

Leicestershire County Council advises that an additional 35 tonnes of municipal waste are anticipated to be generated annually by the proposed development, and a contribution of £8,499 towards additional facilities at the Coalville Civic Amenity site is therefore requested by the County Council. The applicant is agreeable to making this contribution.

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. Policy IF3 also presumes against loss of open space, and it is noted that the site was formerly occupied by allotments. Insofar as the loss of open space is concerned, however, it is considered that, given the site's identification under Policy H1, it would not be reasonable to revisit this matter at this time.

In terms of the separate elements of the open space, it is considered as follows:

Children's Play:

The applicant intends to provide on-site children's play equipment. Whilst precise details have not been provided at this stage, the site layout indicates a range of equipment located to the northern and southern boundaries of the site.

In terms of the proposals in respect of children's play, the District Council's Leisure Services team comments that, if the intention was to offer the children's play facilities to the District Council for adoption, an off-site contribution may be considered instead (and equating to a total of £135,217.98, including maintenance).

In this case, the applicant does not wish to pursue this off-site option, but it is considered that the provision of on-site provision in areas of the site benefitting from would nevertheless be appropriate. It is the applicant's intention to convey all of the public open space (including children's play) to a management company for future maintenance rather than the District Council.

Other Public Open Space (including Allotments):

As set out above, the site was formerly occupied by allotments; under the previous scheme, it was proposed to retain six of the then existing plots on the site, and provide a further 30 new plots to replace some of those lost to the development. Since that time, all allotment use on the site has been discontinued; whilst a number of the allotments on the site were already unused at that time, those that remained were subsequently removed (principally, it is understood, in view of the intention to redevelop the site).

In terms of the current scheme, it is noted that the explanatory paragraphs to Local Plan Policy IF3 clarify that open space can be provided for in a range of formats, and including allotments, and refers to the National Society of Allotment and Leisure Gardeners' national allotment standard of 20 standard plots of 250sqm per 1,000 households. As originally submitted, the current application proposed the provision of four allotments (total area 490sqm approx.).

In terms of allotment issues, the District Council's Leisure Services team has advised that, since the closure of the allotments formerly on this site there are currently no District Council managed sites within the Coalville area. It has also commented that any possible income from a small allotment site as had been proposed would not financially support the management required to facilitate the leasing of the plots and, as such, has suggested that provision of an off-site contribution towards the setting up of allotments in a more appropriate location in the town be considered instead (and equating to a total of £13,264.37 including maintenance). However, the Leisure Services team has also advised that, in order to provide a minimum of 8 plots (i.e. the threshold necessary to provide a viable facility), a total contribution of £30,336 would be required (plus maintenance). Leisure Services advises that the nearest suitable location for such a facility would be at the Scotlands Playing Fields.

The applicant had initially indicated that the above contribution would be made, but it is now understood that, for the viability reasons outlined, specific payment of this contribution is no longer proposed. Whilst it is acknowledged that such a contribution may be required under Policy IF3, it is also accepted that similar contributions have not been secured on other sites of this scale within the town (and including those where viability has been an issue). Whilst it is considered that the history of the site (and the relatively recent loss of allotments from it) would provide some justification for it making an appropriate contribution towards replacement

facilities, it is nevertheless accepted that, given the viability issues raised, this issue would not in itself justify a refusal of permission, particularly given that the allotments are no longer present in any event.

The District Council's Leisure Services team has also requested a contribution in respect of sports pitches, and has provided detailed evidence in respect of existing and anticipated capacity in the area in the event that the development were to proceed. The submitted assessment identifies that the proposed development would generate requirements for additional sports pitch and associated changing room facilities, and a total contribution of £60,770 (for use at Scotlands Playing Fields) is requested. The applicant is agreeable to making this contribution.

National Forest Planting:

Under the relevant National Forest planting standards, 20% of the site is required to be provided as woodland planting and landscaping; this requirement is met by the proposals. For its part, the National Forest Company raises no objections subject to the implementation of a suitable management regime for open space and other landscaping (and including maintenance of frontage hedgerow and tree planting being maintained by a management company, rather than by individual residents).

Overall in terms of public open space and other green infrastructure, therefore, whilst the scheme would not deliver all of the required elements of public open space necessary to meet the provisions of Local Plan Policy IF3, the view is taken that, overall (and when taking into account the viability constraints), the adverse impacts in this regard would not be unacceptable.

Healthcare

Whilst the previous scheme on the site generated a need for healthcare provision at that time in respect of expansion of GP surgeries required to accommodate the development, no contribution has been sought by the West Leicestershire Clinical Commissioning Group (CCG) in respect of the current application.

It is noted that the University Hospitals of Leicester NHS Trust has requested a financial contribution in respect of healthcare of £49,159 in order to bridge a gap in the funding created by each potential patient from the development in respect of Accident and Emergency (A&E) and planned care within the Leicester, Leicestershire and Rutland area.

Whilst such a request has been made the evidence to justify the contribution is not robust particularly given that the estimate of the population of the District is in excess of the actual figure, and the calculations do not break down the number of residents of Coalville who previously attended A&E departments or received planned care within the administrative area of the Trust. Paragraph 56 of the NPPF outlines the tests which should be met in order for a planning obligation to be sought and, at this time, it is considered that the request of the Trust does not meet all of the criteria identified. It is also the case that NHS revenue shortfalls are a matter to be dealt with through national NHS funding arrangements and through commissioning of services. On this basis, it is not considered that it would be appropriate to require this contribution from the applicant.

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.

In the event that permission were to be granted, given the viability arguments put forward for reducing contributions, it would be considered appropriate to include a mechanism within the Section 106 agreement ensuring periodic review of the scheme's viability (and thus potentially enabling increased contributions to be made in the event that the viability of the scheme were to improve prior to the scheme's completion).

Overall Conclusions and Contribution to Sustainable Development

The application site is identified as a housing site in the adopted North West Leicestershire Local Plan, and its use in principle for this purpose is supported. However, this needs to be considered in the context of the other impacts of the proposals and including the ability of the scheme to deliver the infrastructure needed to support it. As set out above, the majority of the contributions to infrastructure sought are now agreed by the applicant and, whilst some areas of non-provision would remain, the overall contributions would, it is considered, be reasonable, particularly when considered in the context of the demonstrable viability issues with the scheme.

The NPPF contains a presumption in favour of sustainable development. Having regard to the three objectives of sustainable development, it is concluded as follows:

Economic Objective:

This objective seeks to ensure that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity, and that the provision of infrastructure is identified and coordinated. It is accepted that, as per most forms of development, the scheme would have some economic benefits. The applicant has now confirmed that the contributions as set out in the relevant sections above would be made; whilst not all policy-compliant requirements would be met, it is considered that, overall (and when taking into account the identified viability issues), an appropriate range of contributions would be secured in connection with the scheme.

Social Objective:

The economic benefits associated with the proposed development would, by virtue of the social effects of the jobs created on those employed in association with the construction of the development, also be expected to provide some social benefits. The NPPF identifies in particular in respect of the social objective the need to ensure that the sufficient number and range of homes can be provided to meet the needs of present and future generations, and by the fostering of a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.

Subject to the extent of the contribution being secured in a Section 106 obligation, the scheme has the potential to provide a policy-compliant level of (or, potentially, additional) affordable housing in an area where, given viability constraints and the identified need to deliver transportation infrastructure along the A511 corridor, reduced affordable housing contributions have been delivered (albeit regard to the views of the District Council's Strategic Housing team needs to be had in terms of the weight to be attributed to this issue in the overall planning balance, together with the applicant's position that no more than 20% would be proposed to be secured by way of a Section 106 obligation).

Regardless of the tenure issue, the NPPF sets out the need for the planning system to deliver a sufficient supply of homes (with a minimum of 5 years supply plus buffer required), and this is an issue of importance in that refusal of the scheme on a site effectively identified for residential use within the adopted Local Plan would mean that it did not contribute to housing land supply. At the present moment in time, however, the District Council is able to demonstrate a supply of 10.2 years. Furthermore, the site has not been included in the most recent trajectory and 5 year supply calculations (April 2019), given the expiration of the previous outline permission on the site. As such, no provision has currently been made for any part of the site being delivered at all within or beyond the next 5 years, and in the event that the scheme were not approved, this would have no direct impact on the currently calculated figure for housing land supply.

In terms of the social objective's stated aim of fostering a well-designed and safe environment, it is considered that, whilst the scheme would not be considered to represent a particularly high quality form of development in terms of design, the proposals could be made acceptable by way of attaching appropriate conditions in this regard.

As per the economic objective above, the scheme would not provide for all of the identified necessary infrastructure to support the development but, on balance, would be considered to perform reasonably well in terms of the need to provide accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.

Environmental Objective:

The site is close to the town centre, and its eastern section would in particular be considered to be well served in terms of public transport and other facilities, providing the potential to contribute positively towards the movement towards a low carbon economy; the scheme would also not be considered to have any unacceptable impacts in terms of the natural and historic environment. As per the social objective above, whilst a number of elements of the scheme's design would not be considered to be satisfactorily resolved insofar as the proposals' contribution to protecting and enhancing the built environment is concerned, it is considered that a number of these have the potential to be addressed by way of condition.

Having regard to the three objectives of sustainable development, therefore, and having regard to the conclusions in respect of various technical issues above, it is considered that, whilst the scheme would not provide for the full extent of infrastructure necessary to support the development, and whilst there remain a number of issues to be addressed in respect of design (by way of condition), it is considered that, overall, the scheme would represent sustainable development, 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 Approved plans
- 3 Landscaping (including future maintenance and management)
- 4 Hard surfacing
- 5 Materials
- 6 Boundary treatment
- 7 Tree / hedgerow protection
- 8 Levels
- 9 Pedestrian and cycle connections (including any works to public rights of way and other routes)
- 10 Car parking
- 11 External lighting
- 12 Windows, doors, rainwater goods, utility boxes, chimneys, eaves and verges
- 13 Enhancement of elevations to plots with limited frontage landscaping
- 14 Windows to car parking areas
- 15 Bin / recycling storage and collection points
- 16 Street name plates
- 17 Retaining walls / structures
- 18 Substations / pumping stations etc.
- 19 Ecology
- 20 Flood risk / drainage (including foul and surface water, design and long-term maintenance of SuDS, and management of surface water during construction)

- 21 Construction environmental and traffic management plan(s)
- 22 Noise mitigation to proposed dwellings
- 23 Contaminated land (if required by the District Council's Environmental Protection team)
- 23 Access / Highways / Transportation

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**Change of use to eight bedroom, eight person HMO
(suigeneris)**

**Report Item No
A2**

25 London Road Kegworth Derby DE74 2EU

**Application Reference
18/01190/FUL**

**Grid Reference (E) 448818
Grid Reference (N) 326531**

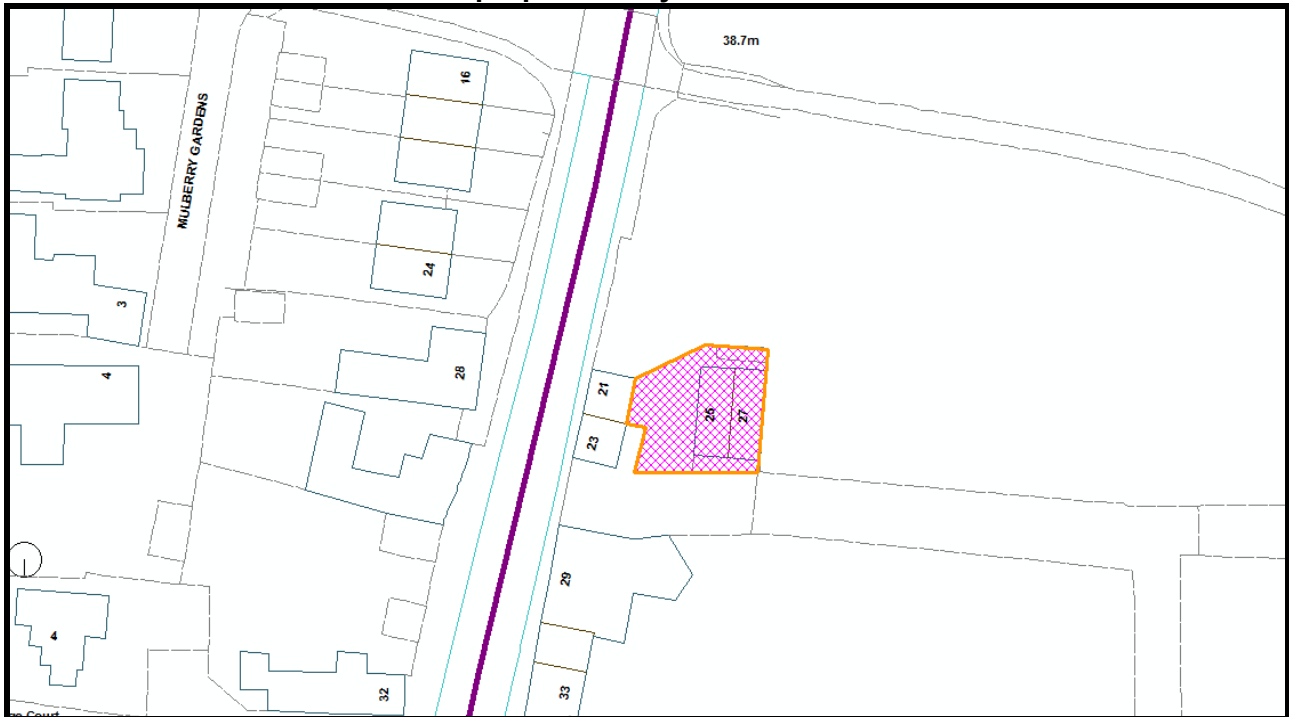
**Date Registered:
27 March 2019
Consultation Expiry:
11 February 2020
8 Week Date:
22 May 2019
Extension of Time:
None Agreed**

**Applicant:
Russell Ward**

**Case Officer:
Hannah Exley**

**Recommendation:
PERMIT**

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application is brought to the Planning Committee as the Ward Member (Councillor Harrison-Rushton) has requested it to be considered by Planning Committee as he shares the concerns raised by Kegworth Parish Council; HMO housing is changing the nature of the village and noise and disturbance to neighbouring houses is causing loss of amenities.

Proposal

The application is to change the use of a seven bedroomed detached dwelling into a house in multiple occupation (sui generis) housing up to eight people. The proposal includes on-site parking for two vehicles and a bin storage area.

Consultations

Two letters of neighbour representation have been received raising objection to the development. Kegworth Parish Council has also objected to the development. There are no objections from other statutory consultees.

Planning Policy

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

Conclusion

The site lies within Limits to Development within Kegworth where the proposed use is considered to be acceptable in principle. The scheme does not give rise to any significant impacts regarding design, highway safety or residential amenities and would maintain the character and appearance of the Kegworth Conservation Area. It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT

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

1. Proposals and Background

The subject property No.s 25-27 London Road is one detached dwelling located to the rear of Nos. 21-23 London Road, which is located on the eastern side of the road and occupies a small plot. The building extends up to the northern and eastern boundaries, with the main external area to the west being proposed for parking for two vehicles and bin storage. The property also has a very limited external amenity space to the front.

The application is to change the use of the existing seven bedroom dwelling to create a house in multiple occupation (sui generis) housing up to eight people. The floor plans for the dwelling show that the internal layout would be altered to provide an additional bedroom and bathroom at ground floor level to accommodate the eighth occupier.

An additional parking and bin storage plan was secured during the course of the application at the request of the County Highways Authority and the NWLDC Waste Services and Environmental Protection teams.

The site is located in a residential area and within Limits to Development as identified in the adopted Local Plan. The site falls within the Kegworth Conservation Area.

It is understood that the property is currently used as a HMO for up to six people, which does not require planning permission.

Planning History:

No planning history found for the site.

2. Publicity

4 neighbours notified.

Site Notice displayed 24 April 2019.

Press Notice published Leicester Mercury 1 May 2019.

3. Summary of Consultations and Representations Received

Kegworth Parish Council provides the following comments:

'25 London Road was licenced as a HMO for 6 people in June 2018 and is now proposing to use the dining room as an additional bedroom. The house is set back behind the two cottages fronting London Road. The owner is proposing to add two parking spaces and claims that up to 4 additional communal spaces are available for tenants to use, shared with adjacent homes.

In view of the above, the Parish Council objects to the proposal on the grounds of density of HMO housing changing the nature of the village and loss of amenity, noise and disturbance to neighbouring houses.'

NWLDC Conservation Officer has no comments given the change of use nature of the application.

NWLDC Environmental Protection advises that the property was issued with an HMO Licence in June 2018 and that a separate licence will be required from Environmental Protection. No other environmental observations.

NWLDC Street Management advises that the amended bin storage area is of adequate size for the occupancy proposed.

Leicestershire County Council - Highways raise no objections, subject to a parking condition.

Severn Trent Water - no response received.

Third Party Representations

2 letters of neighbour representation have been received, raising objection on the following grounds:

- Concern about the growing number of students in the village who make little contribution to the community and contribute to the existing and parking problems;
- Further HMO developments should be stopped;
- Lack of parking - 8 cars will not fit into 3 parking spaces;
- Inadequate services to accommodate additional occupiers;
- Parked cars associated with the existing HMO sometimes prevent access/egress onto the neighbouring property (No.21) for parking;
- The area shown for turning on the plan is not large enough to turn in;
- Blocked drains from No.25 have resulted in wastewater overflowing with sewage onto the neighbouring property;
- Party noise from the house and non-residents staying over;
- General attitude and lifestyle of the residents of the HMO;
- Close proximity to neighbouring properties exacerbates the impacts on neighbouring amenities;
- Litter;
- Close proximity of bin storage area to No.21 which could cause odour problems if badly managed and overflowing;
- Concern about difficulties in bins being put out due to the close proximity of vehicle parking;
- The design of the property was never intended to accommodate so many people and vehicles in a small area.

The full contents of this letter is available for Members to view on the case file.

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 and 10 (Achieving sustainable development)

Paragraph 109 (Promoting sustainable transport)

Paragraph 127 (Achieving well-designed places)

Paragraph 180 (Conserving and enhancing the natural environment)

Paragraphs 189-192 (Conserving and enhancing the historic environment)

Adopted North West Leicestershire Local Plan (2017)

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

Policy S2 - Settlement Hierarchy

Policy D1 - Design of new development

Policy D2 - Amenity

Policy EC5 - East Midlands Airport: Safeguarding

Policy IF7 - Parking Provision and New Development

Policy He1 - Conservation and enhancement of North West Leicestershire's historic environment

Other Policies/Guidance

National Planning Practice Guidance

Leicestershire Highways Design Guide

Good Design for North West Leicestershire SPD

Kegworth Conservation Area Appraisal (adopted February 2018)

5. Assessment

Principle and Sustainability

The site is located within the Limits to Development as defined on the Proposals Map to the adopted Local Plan within the sustainable settlement of Kegworth, where the principle of this type of residential development is considered acceptable. Therefore, the principle issues for consideration are the impacts of the proposed extension and change of use on the amenities of any neighbouring properties, highway safety, airport safeguarding, design and heritage assets.

Design and Impact on Heritage Assets

The need for good design in new development is outlined in adopted Local Plan Policy D1, Paragraph 127 of the NPPF.

The proposed development must be considered against section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that when considering a planning application for development that "special regard shall be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area", respectively.

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

The site is located to the rear of properties fronting London Road and no alterations to the building are proposed. The application relates to a change of use only and the Conservation Officer has no comments to make on the proposal.

Overall, it is considered that the proposals would maintain the character and appearance of the Kegworth Conservation Area. Taking the above into account, it is considered that the scheme is appropriate and would comply with the NPPF and Policies D1 and He1 of the adopted Local Plan.

Impact on Highway Safety

Concern has been raised by Kegworth Parish Council and local residents about the lack of parking associated with the proposal and the implications of this for neighbouring properties as a result of indiscriminate parking nearby. These concerns have been echoed by a neighbouring resident.

The County Highways Authority has been consulted on the application and following the submission of an additional plan showing the provision of three parking spaces within the site, has advised as follows:

The County Highways Authority consider that there is sufficient space to accommodate two vehicles in the area shown fronting 25 London Road as opposed to the three shown. As the County Highways Authority does not have specific parking standards for HMO's, whilst there is an increase in the number of occupants as part of this planning application, it nonetheless remains a single property. In accordance with the Leicestershire Highways Design Guide (LHDG) the existing seven bed dwelling would require the maximum residential parking provision of three spaces. There is currently 1 space within a car port structure associated with the property, and therefore, by providing one additional space, the development proposal would reduce the existing shortfall of parking spaces from two spaces to one. On this basis, the County Highways Authority has no reasonable grounds to seek to resist the proposal.

The County Highways Authority also note that there are opportunities for sustainable forms of travel to/from the site. The nearest bus stops are located within 200m of the site and are served by bi-hourly service between Clifton and Normanton on Soar, an hourly service between Loughborough and Nottingham, and a half-hourly service to Leicester. In addition to this, the site is connected to local amenities such as local shops, library and a public house by existing footways.

Having regard to the detailed responses of the County Highways, it is considered that the proposal would comply with Policy IF7 of the adopted Local Plan and the residual cumulative impacts of development are not considered severe in accordance with Paragraph 109 of the NPPF.

Concerns have been raised about the adequacy of the turning area and the use of the access drive for overspill parking which can restrict vehicular access to the neighbouring property. The turning area is not within the application site area and the property already exists without any dedicated turning facility. With regard to overspill car parking affecting neighbouring access/egress, as this is on private land, it would be a private matter. Whilst it noted that the parking provision would not meet the needs of each occupier if each has a car, as set out above, given the absence of a parking standard for HMO's, the County Highways Authority have advised that they must default to the standards for residential dwellings. When assessed in this way, the parking provision proposed is acceptable when having regard to the size of the property and given the existing shortfall of parking spaces.

Airport Safeguarding

The site is within the safeguarded area of East Midlands Airport. The proposal is for a change of use and the extension proposed would not exceed the height of the existing building on the site and therefore, would raise no safeguarding issues and would be compliant with Policy Ec5 of the adopted Local Plan.

Impact on Residential Amenities

The properties that would be most immediately affected by the proposals would be No.s 21 and 23 London Road which are located to the west of the site and these properties front directly onto London Road. The vehicular access to the south of these neighbouring properties provides access to the application site and to the rear of the neighbouring properties.

There would be a distance of 7m between the application dwelling and the two neighbouring properties which are semi-detached. The space in between the buildings is separated into parking, amenity areas and bin storage for all three dwellings. A row of conifer trees exists along the common boundary between the application property and the neighbouring properties.

No.21 has a small enclosed yard to the rear providing some amenity space with parking beyond and No.23 has an open paved area to the rear which was occupied by bins and few garden items at the time of the officer site visit.

Concerns have been raised by Kegworth Parish Council and a neighbouring resident about noise and disturbance from the occupation of the building as a HMO, both in terms of day to day living and with the occurrence of parties.

It is accepted that the occupation of a dwelling by eight people would give rise to some noise and disturbance to neighbouring residents, particularly given the close proximity of the application and neighbouring properties. This would be particularly so if there were a party situation with loud noise and the associated comings and goings.

However, the application must be assessed in the context of the existing situation and the property is currently in use as a HMO for up to six people with the appropriate licence. Members are advised that the existing use for up to six people is permissible under the provisions of Class L, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Consideration has to be given as to whether the additional noise and disturbance generated by the two additional occupiers would give rise to a significant adverse impact on neighbouring residential amenities to warrant a refusal of permission in this case.

Whilst it is accepted that there would be a large number of residents occupying a single dwelling, it is not considered that the two additional occupiers would give rise to significant noise and disturbance above the existing permitted occupation as a HMO to warrant a refusal of permission on this ground. No objections have been received from the Council's Environmental Protection team.

Concern has been raised about the location of the proposed bin storage immediately in front of No.21 London Road and amended plans have been secured to relocate the bin storage area away from the neighbouring dwelling.

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

Other

With regard to comments that have not been addressed above, whether an HMO is appropriate in a location must be determined on the planning merits of that particular case.

With respect to comments about blocked drains, it is understood that this arose due to inappropriate items being flushed down the toilet. There is no evidence to suggest that the use of the building by two additional occupiers as part of a HMO would give rise to further drainage problems.

Conclusion

In conclusion, the site lies within Limits to Development within Kegworth where the proposed use is considered to be acceptable in principle. The scheme does not give rise to any significant impacts regarding residential amenities, design or highway safety and would maintain the character and appearance of the Kegworth Conservation Area.

Accordingly, it is recommended that the application is permitted, subject to conditions.

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

- 1 – Timescales
- 2 – Approved plans
- 3 – Bin storage
- 4 – Off street car parking spaces
- 5 – Use as specified

Demolition of triple garage and part of existing dwelling,
felling of trees, erection of two dwellings with associated
garaging, access drive, parking space and courtyard areas
and alterations to existing access
15 Bridge Street Packington Ashby De La Zouch
Leicestershire LE65 1WB

Report Item No
A3

Application Reference
19/00225/FUL

Grid Reference (E) 436026
Grid Reference (N) 314439

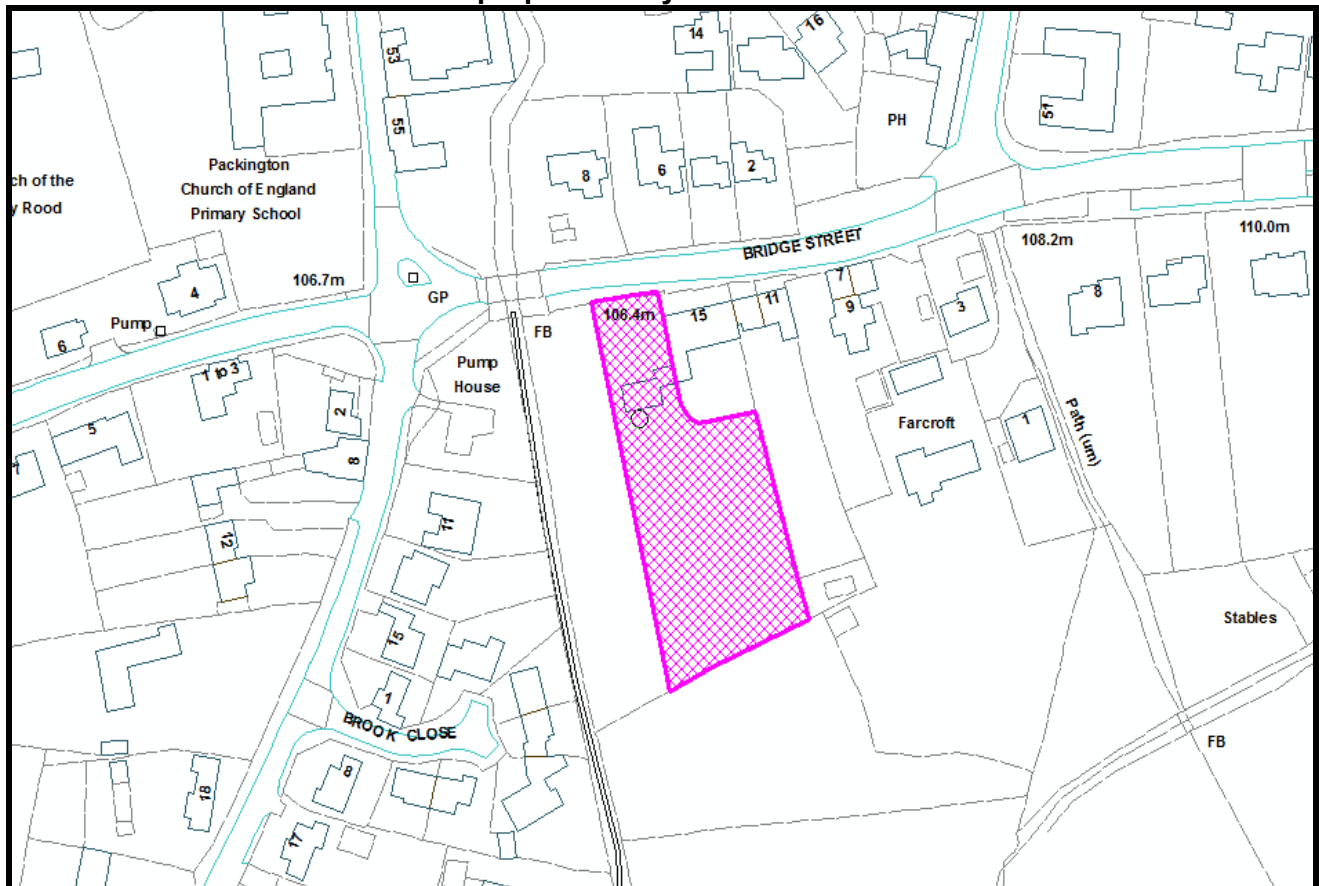
Date Registered:
5 February 2019
Consultation Expiry:
29 July 2019
8 Week Date:
2 April 2019
Extension of Time:
12 February 2020

Applicant:
Mr Jeremy Hall

Case Officer:
Jenny Davies

Recommendation:
PERMIT subject to S106 Agreement

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Call In

The application is brought to the Planning Committee as the planning agent is a close relative of Councillor Blunt, the application is recommended for approval and objections have been received.

Proposal

Planning permission is sought for the demolition of a triple garage and part of an existing dwelling, the felling of trees, erection of two dwellings with associated garaging, access drive, parking space and courtyard areas and alterations to an existing access at No. 15 Bridge Street, Packington. The site is part of the garden to No. 15. The dwellings would be served by an access in a similar position to the existing access off Bridge Street.

Consultations

Members will see from the main report below that a total of two letters of representation have been received, which both raise objections. Packington Parish Council has no comments to make. All other statutory consultees have raised no objections.

Planning Policy

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

Conclusion

The key issues arising from the application details are:

- The principle of the erection of dwellings on the site
- Impact on the setting of listed buildings and the Packington Conservation Area
- Impact on archaeological remains
- Impact on residential amenities
- Impact on highway safety
- Impact on trees
- Impact on protected species
- Impact on flood risk and surface water drainage
- Impact on the River Mease SAC

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

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

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

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the demolition of a triple garage and part of an existing dwelling, the felling of trees, erection of two dwellings with associated garaging, access drive, parking space and courtyard areas and alterations to an existing access at No. 15 Bridge Street, Packington. The site forms part of the garden to No. 15 and lies on the southern side of Bridge Street, with the Gilwiskaw Brook adjoining to the west with dwellings beyond, dwellings lying to the north and east and a small area of woodland lying to the south. The site is fairly level but slopes down gradually towards the brook.

The attached triple garage and a single storey side projection to No. 15 would be demolished. One dwelling would be located towards the front of the site broadly in line with the front of the garage, with the other dwelling positioned further back into the site. Both dwellings would be detached with two storeys.

The existing access off Bridge Street would be utilised with some minor alterations and would lead onto a driveway serving the new dwellings and No. 15. Parking and turning space for the new dwellings and No. 15 would be provided on the front and central parts of the site, including a triple garage close to the eastern boundary in the centre of the site. A garden area for No. 15 would be retained to the south of the existing dwelling. The western part of the existing garden area is outside the application site and would no longer form garden land but be retained as a paddock. There are a number of trees on the site, some of which are proposed to be removed. The precise dimensions of the proposal are available to view on the planning file.

The site lies within the Limits to Development as identified in the adopted North West Leicestershire Local Plan (2017). The site also lies within the catchment area of the River Mease Special Area of Conservation. The Gilwiskaw Brook lies within the River Mease Site of Special Scientific Interest (SSSI) and is a tributary of the River Mease. The site also lies within the Packington Conservation Area. The Church of the Holy Rood is a Grade 2* listed building and lies approximately 140 metres to the north west of the site. No. 55 Mill Street, which lies on the opposite side of Bridge Street, is a Grade 2 listed building and lies approximately 45 metres to the north west. No. 18 Babelake Street is also a Grade 2 listed building and lies around 100 metres to the west of the site. The trees are protected by virtue of their location within a conservation area.

The site's planning history relates to works to three willow trees (18/00636/TCA) and the erection of railings and wooden gateposts (14/00093/FUL).

2. Publicity

10 Neighbours have been notified.

Site Notice displayed 15 February 2019.

Press Notice published Leicester Mercury 27 February 2019.

3. Summary of Consultations and Representations Received

Statutory Consultees

Packington Parish Council has no comments to make.

The Environment Agency initially objected on the grounds of lack of a Flood Risk Assessment (FRA) and risks to groundwater. Following submission of amended plans and flood risk assessments the Environment Agency has removed both its objections and recommends conditions.

Historic England does not wish to make any comments.

Leicestershire County Council - Archaeology initially requested submission of an Archaeological Impact Assessment and field evaluation, potentially including trial trenching. Following the submission of additional information, the County Archaeologist has no objections subject to conditions.

Leicestershire County Council - Ecology - following submission of additional protected species surveys the County Ecologist has no objections subject to conditions.

Leicestershire County Council - Highway Authority initially recommended refusal on the grounds that an unacceptable increase in traffic using an access which lacks appropriate visibility for the speed of traffic on the main road could lead to increased dangers for road users. Following submission of amended plans and additional highway reports, the Highway Authority has no objections subject to conditions.

Leicestershire County Council - Lead Local Flood Authority - following submission of additional information the LLFA advises that its concerns in relation to surface water and a culvert have been satisfied.

Natural England has no objections subject to conditions.

NWLDC - Conservation Officer has no objections to the amended plans.

NWLDC - Environmental Protection has no environmental observations.

NWLDC - Tree Officer has no objections to the amended plans.

NWLDC - Waste Services advises that the proposed bin collection area is acceptable.

Severn Trent Water has not raised any objections and makes comments in respect of surface water disposal and sewer connections.

No comments have been received from the Leicestershire County Council Waste and Minerals team.

Third Party Representations

Two letters of representation have been received which object on the following grounds:

- impact on the conservation area;
- impact on the rural character of the village;

- impact on ecosystems, habitat and wildlife that uses the garden and brook, including kingfishers, woodpeckers and other birds;
- adding to existing problems relating to surface water run-off;
- previous flooding issues on Bridge Street.

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

4. Relevant Planning Policy

National Planning Policy Framework - February 2019

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are applied. The following sections of the NPPF are considered relevant to the determination of this application:

- Paragraphs 8 and 10 (Achieving sustainable development)
- Paragraph 11 (Presumption in favour of sustainable development)
- Paragraphs 54, 55 and 56 (Decision-making)
- Paragraphs 59, 68, 73, 74 and 78 (Delivering a sufficient supply of homes)
- Paragraphs 91 and 92 (Promoting healthy communities)
- Paragraphs 102, 103, 108, 109 and 110 (Promoting sustainable transport)
- Paragraphs 117, 118 and 122 (Making effective use of land)
- Paragraphs 124, 127, 128 and 130 (Achieving well-designed places)
- Paragraphs 148, 150, 153, 155 and 158-164 (Meeting the challenge of climate change, flooding and coastal change)
- Paragraphs 170, 175, 177, 178, 179, 180 and 181 (Conserving and enhancing the natural environment)
- Paragraphs 189, 190, 192, 193-196, 197 and 199-202 (Conserving and enhancing the historic environment)

Adopted North West Leicestershire Local Plan (2017)

The North West Leicestershire Local Plan forms part of the development plan and the following policies of the Local Plan are relevant to the determination of the 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
- En1 - Nature Conservation
- En2 - River Mease Special Area of Conservation
- En3 - The National Forest
- En6 - Land and Air Quality
- He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment
- Cc2 - Water - Flood Risk
- Cc3 - Water - Sustainable Drainage Systems

Other Guidance

Sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
 The Community Infrastructure Levy Regulations 2010
 The Conservation of Habitats and Species Regulations 2017
 Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System
 National Planning Practice Guidance - March 2014
 River Mease Water Quality Management Plan - August 2011
 The River Mease Developer Contributions Scheme (DCS) - September 2016
 Good Design for North West Leicestershire SPD - April 2017
 National Design Guide - October 2019
 Leicestershire Highways Design Guide (Leicestershire County Council)
 Manual for Streets 2
 Packington Conservation Area Study and Appraisal - 2001
 National Forest Strategy 2014-2024

5. Assessment

Principle

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 North West Leicestershire Local Plan (2017).

The application site lies within the defined Limits to Development within the Local Plan. Under Policy S2 in villages such as Packington a limited amount of growth will take place within the Limits to Development.

The NPPF requires that the Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery. The Council is able to demonstrate a five year supply of housing (with 20% buffer) against the housing requirement contained in the Local Plan.

The site is garden land to No. 15 Bridge Street. Garden land in built up areas is excluded from the definition of previously developed land set out in the NPPF and therefore the site effectively constitutes a greenfield site. The NPPF states that decisions should encourage the effective use of land by re-using land that has been previously developed and that Local Planning Authorities should consider the use of policies to resist inappropriate development of residential gardens. As the Council does not have a specific policy that prevents development on gardens, it is deemed that a reason for refusal on the basis of the loss of part of the garden could not be justified in this instance.

In terms of social sustainability Packington provides a range of day to day facilities, e.g. a primary school, shop, church, village hall, a public house, play area/recreation ground and some small-scale employment sites, along with a limited hourly public transport service. These services/facilities are within 800 metres to one km (preferred maximum walking distance) of the site. The centre of Ashby-de-la-Zouch is also located approximately 2.6km from the site, where a wider range of services can be found and is considered to be accessible on foot or by cycling. Therefore, it is considered that occupiers of the dwellings would not necessarily be dependent on the private car and the site is socially sustainable in terms of access to services/facilities.

There would also be very limited economic and social benefits which would include local construction jobs and helping to maintain local services in the area.

In terms of environmental sustainability as set out in more detail below, some limited harm would arise from the loss of greenfield land. The less than substantial harm to the historic environment is considered to be outweighed by public benefits. The proposal would not result in any unacceptable impacts on the natural or built environment.

Therefore in the overall balance, the less than substantial harm to the historic environment is considered to be outweighed by public benefits. The proposal would comply with Policy S2 of the Local Plan, and the site's social sustainability credentials, lack of unacceptable impacts on the natural, built environment and very limited economic benefits which all weigh positively in the balance. It is therefore considered that the proposal represents a sustainable form of development.

Historic Environment

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, when considering whether or not to grant planning permission for development which affects the setting of a listed building, or the character and appearance of a Conservation Area, to have special regard to the desirability of preserving the setting of the building, and to the desirability of preserving or enhancing the character or appearance of that area. Reference should also be made to paragraphs 192, 193 and 194 of the NPPF.

In terms of heritage assets, the site lies within the Packington Conservation Area. The Church of the Holy Rood is a Grade 2* listed building and lies approximately 140 metres to the north west of the site. No. 55 Mill Street, which lies on the opposite side of Bridge Street, is a Grade 2 listed building and lies approximately 45 metres to the north west. No. 18 Babelake Street is also a Grade 2 listed building and lies around 100 metres to the west of the site. These are all designated heritage assets. No. 15 Bridge Street, along with Nos. 7/8 and 11 Bridge Street and the nearby bridge across the Gilwiskaw Brook, are all considered to be unlisted buildings of interest and therefore are undesignated heritage assets.

In respect of the significance of the heritage assets, the church is a very important building within the village, as it is the earliest surviving building, is within an area of archaeological interest and forms an area of green space within the Conservation Area, as well as being a landmark within this part of the village and the approach along Measham Road from the west. No. 55 Mill Street's and No. 18 Babelake Street's significance derives from their age (they dates from the 17th/18th centuries), that they are part timber framed buildings, are two of the last few remaining older buildings in the village with a thatched roof, and that the original buildings are modest vernacular structures with historic internal and external features. The significance of this part of the Conservation Area comes from it forming the historic southern edge of the village, its association with the agricultural development of the village, the openness and undeveloped nature around the brook, and the views of the church tower.

There are a number of trees on the site, including crack willows and weeping willows alongside the brook; mostly silver birches (with hawthorn, willow and laurel trees) covering most of the rear of the site; cypress, weeping birch, holly, apple and deodar (cedar) trees adjacent to the eastern boundary and a group of cypress trees in the centre of the site. A group of weeping willow and black poplar trees located in the north western corner of the site adjacent to the bridge have been cut back significantly. The trees are protected by virtue of their location within a conservation area and are considered to make a significant contribution to the character and

appearance of the Conservation Area.

Significant weight is given to preserving the setting of the listed buildings and the Conservation Area. There is no objection to the demolition works. The position of the dwellings and driveway have been amended so that the development would only extend one metre beyond the western edge of the existing path adjacent to the garage, therefore leaving the western part of the site (at least 15 metres wide) and its trees undeveloped, and retaining its positive contribution to the Conservation Area from its openness and undeveloped nature and the setting it provides to No. 15 and the brook.

Some garden land would be lost but the rearmost part of the site would form the garden to Plot 2 with the majority of the mature trees here retained. The development would be well related to the existing dwelling and would be similar in form to other development to the rear of the older properties on this side of Bridge Street. Whilst Plot 1 would be set back behind the historic building line, the front of the would remain open which reflects the existing situation. The development would therefore not be overly prominent in the locality or streetscene.

Several trees are proposed to be removed, including the group of cypress trees in the centre of the site, weeping birch trees, cypress and holly trees close to the eastern boundary, a laurel close to the southern boundary, and a small number of silver birches on the southern part of the site. The Tree Officer has not raised objection to the removal of these trees, some of which are semi-mature. The Tree Officer also has no objections to the amended layout which shows that the majority of trees on the site, including the two main groups of silver birch trees on the rear of the site, would be retained.

The design of the dwellings and new garage have been changed during the course of the application and are considered appropriate in this location. Plot 1 would be linear and have the appearance of a barn that has been converted, with its gable end facing the road, which is considered appropriate in this location. Plot 2 would have a more traditional form but with contemporary glazing, and would be set back and screened to some extent by Plot 1 and No. 15. The garage has been reduced in size and relocated well within the site. The Conservation Officer has no objections to the amended site layout, design of the dwellings and materials. Historic England has no comments to make.

The development would be well separated from the listed buildings at No. 55 Mill Street and No. 18 Babelake Street, with screening in-between from existing dwellings and mature vegetation. The church cannot be seen in views of the site along Bridge Street or Measham Road. The church and the site can both be seen at the northern end of Babelake Street but not in the same view. However there are views of the church tower from within the site. Some of these views would be retained, including from the western part of the garden that is not part of the application site. Therefore it is considered that the proposal would not adversely impact on the setting of the listed buildings.

Given the above it is considered that the proposal would result in less than substantial harm to the designated heritage assets. Considerable weight and importance is attached to this harm to the heritage assets.

Paragraph 196 of the NPPF requires less than substantial harm to designated heritage assets to be weighed against the public benefits of the proposal. The less than substantial harm to the heritage assets is in this case considered on balance to be outweighed by the public benefit of the efficient use of land and a small contribution to the District's housing land supply. Therefore the proposal complies with the NPPF and Policy HE1 of the Local Plan.

Archaeology

The County Archaeologist initially advised that that given the site's location in the historic core of the village, where archaeological remains may be present, an archaeological impact assessment and field evaluation needed to be undertaken before determination of the application. Following submission of this information, the County Archaeologist advised that trial trenching of the site would be required. Following a report into the trial trenching, the County Archaeologist advises that the archaeological potential of the site is still unclear, as evidence was found from the 13th century onwards. Therefore further trial trenching needs to be undertaken after demolition but before any construction works, which could be secured by condition.

Design and Layout

The need for good design in new residential development is outlined in Policy D1, the Council's Good Design SPD, the National Design Guide and Paragraphs 124 and 127 of the NPPF. Policy En3 requires development in the National Forest to be appropriate to its Forest setting.

The proposal results in a density of approximately seven dwellings per hectare. The Local Plan does not contain a policy setting specific densities. This density is considered appropriate having regard to the character of the area and the site's location within the Conservation Area.

The layout and design of the dwellings are considered acceptable in the context of the site's location in the Conservation Area (as considered in detail in the section of this report above relating to the historic environment), and in relation to the nearby parts of the village which are outside the Conservation Area (e.g. the modern dwellings on the opposite side of Bridge Street and on Babelake Street to the west of the site). There would be limited views of the development from the adjacent countryside to the south due to screening from trees. The site could accommodate all of the necessary requirements (private garden, parking/turning space) without being too cramped or resulting in over-development.

A bin collection area for the new dwellings would be located adjacent to the access close to Bridge Street (considered below in the 'Other Matters' section of this report). The bin collection area would be small in scale and hardsurfaced and would not need to be enclosed. In addition bins should only be left in this area for collection and not stored there on a permanent basis.

As such it is considered that the proposal would not be significantly harmful to the character and visual amenities of the locality and would comply with Policies D1 and En3 of the Local Plan.

Residential Amenities

The proposal would result in traffic using the driveway which would run adjacent to No. 15 Bridge Street and its retained rear garden. However the situation would not be dissimilar to a development on a corner site with a side road running close to dwellings and their rear gardens, which was considered to be a yardstick for an acceptable standard in an appeal decision at Ashby de la Zouch (07/00624/OUT).

The bin collection area would be six metres from No. 15. However the area would be small in scale and a condition could be imposed requiring it to be used for bin collection only. The Council also has separate powers under the Environmental Protection Act to deal with noise/smells/odour.

Plot 1 would be 8.5 metres from the nearest side and rear windows to No. 15, and would have first floor windows and rooflights serving habitable rooms in its side (northern) and rear (eastern)

elevations. However Plot 1 would not be positioned directly opposite No. 15's windows. Its side windows would not face directly towards No. 15 or its garden and the rooflights would be high level. The distance between Plot 1's first floor rear windows and No. 15's garden would not be significantly less than the 10 metre distance set out in the Council's Good Design SPD, and the windows would face towards the end of No. 15's garden. These windows would also need to be clear glazed and openable to provide adequate light and ventilation, and the agent advises that this is acceptable to the applicant who lives at No. 15. Plot 2 would be 15 metres from No. 15's retained garden and 23 metres from No. 15 itself. The garage would be positioned immediately adjacent to the southern boundary to No. 15's retained garden but would be single storey with no openings proposed in its side elevation.

Both new dwellings would be at least 25 metres from No. 11 Bridge Street, with Plot 1 also being 25 metres from its garden. Plot 2 would be 13 metres from its garden, with no first floor windows in its elevations that directly face this garden. The garage would be three metres from No. 11's garden but as noted above would be single storey with no openings in its eastern elevation.

Plots 1 and 2 would be at least 30 metres from the nearest dwellings on Babelake Street (Nos. 11 and 13) and Brook Close (Nos. 2, 3 and 4) and over 20 metres from their gardens.

As such it is considered that the proposal would not be significantly harmful to the amenities of occupiers of nearby dwellings from noise and disturbance, smells/odour, overlooking, loss of light and oppressive outlook and would comply with Policy D2 of the Local Plan and the Council's Good Design SPD.

Highway Safety

Bridge Street is a classified road subject to a 30mph speed limit. The County Highway Authority initially recommended refusal on the following grounds:

The proposal, if permitted could result in an unacceptable increase in traffic using an access which lacks appropriate visibility for the speed of traffic on the main road which could lead to increased dangers for road users.

Additional information and amended plans showing an amended access arrangement (in a similar position to the existing access) have been submitted. The Highway Authority advises that the visibility splay to the east is achievable, and that whilst the available visibility to the west would be less than set out in the Highways Design Guide, it would only be two metres less than required in Manuals for Streets 2, in a location where vehicles are unlikely to be overtaking due to the restricted width of the bridge. As such the Highway Authority would not seek to resist the proposal given the low level of personal injury collisions in this location in the last five years.

The Highway Authority has not raised any concerns in relation to the parking and turning facilities. The bin collection area would not fall within any of the splays and would be separate from the site access.

The Highway Authority therefore advises that the impacts of the development on highway safety would not be unacceptable and when considered cumulatively with other developments, the impacts on the road network would not be severe. The proposal therefore complies with Policies IF4 and IF7 of the Local Plan and paragraph 109 of the NPPF.

Trees

The impact on the historic environment from the loss of some of the trees on the site is considered earlier in the report in the section relating to the historic environment.

Plot 2 and the garage would have the closest relationships with the retained trees. Plot 2 would have a large rear garden with areas that would not be shaded by trees. Whilst the canopies of the closest silver birches would be around two metres from Plot 2, most of these trees are further away, and generally do not have large canopies or form dense areas of planting. The garage would close to the apple and deodar (cedar) trees to be retained close to the eastern boundary but would be outside their root protection areas. Conditions could be imposed relating to protective fencing during construction and submission of method statements for any works, e.g. changes in ground levels, installation of services, within root protection areas. As such the proposal would comply with Policy En1 of the Local Plan.

Ecology

A brook adjoins the site to the west, there are trees and hedgerows on and adjacent to the site, the site forms a large garden, there are large gardens and areas of grassland nearby and parts of a building would be demolished. All of these are features that could be used by European Protected Species (EPS) or national protected species. As EPS may be affected by a planning application, the Local Planning Authority has a duty under regulation 9(5) of the Habitats Regulations 2017 to have regard to the requirements of the Habitats Directive in the exercise of its functions.

Following submission of further protected species surveys the County Ecologist advises that no protected species were identified on the site and so no further surveys are required. A condition is recommended in relation to light spill onto hedgerows to maintain their potential for bat foraging.

Whilst some trees would be removed there is other similar habitat on the site and on adjacent land. The County Ecologist has not raised any concerns in relation to impacts on protected species that may use the brook. Concerns have also been raised by a resident regarding impacts on wildlife, in particular birds, that use the brook, garden to No. 15 and trees on the site, from noise and disturbance and loss of habitats. The County Ecologist advises that as the trees and hedgerows to the west and south of the site are being retained there would be a reasonable buffer between the brook and the development which should provide sufficient habitat as a wildlife corridor.

On this basis it is considered that protected species would not be adversely affected by the proposal and the proposal complies with the Habitats Regulations 2017 and Policy En1 of the Local Plan.

Flood Risk and Drainage

Flood Zones 2 and 3 to the Gilwiskaw Brook extend along the western edge of the garden to No. 15, although this area is outside the application site. Therefore the whole of the application site lies within Flood Zone 1 and no part lies within Flood Zones 2 and 3. Parts of the amended site, the western part of the garden (which is outside the site), the brook and Bridge Street also lie within areas at low, medium and high risk of surface water flooding. The Council is also aware that there have been several flooding incidents in the surrounding area.

The Environment Agency initially objected on the grounds of the lack of a flood risk assessment (FRA). Following the submission of an FRA which advises that site is at little or no risk of flooding, the Environment Agency has withdrawn its objection subject to a condition relating to

ground and floor levels.

A letter from a resident has been received which raises concerns regarding the disposal of surface water runoff from the site. The Lead Local Flood Authority (LLFA) initially commented in respect of a surface water flow route that runs diagonally south west from Bridge Street across the driveway and into the brook and impacts on a culvert that runs underneath the site along a similar route to this surface water flow route. Further information has been submitted which shows that this flow route and culvert cross a part of the site that would remain largely undeveloped save for the bin collection area, which would be small in scale with some surfacing and would not need to be enclosed, and possible resurfacing of the existing access/driveway. As such the LLFA advises that its concerns have been satisfied, and advises that the development does not have any negative impact on surface water drainage.

Severn Trent Water has not raised any objections and advises that surface water disposal should be via soakaways followed by other sustainable methods. Conditions relating to surface water management during construction and when the development is complete could be imposed, as set out below in the section of this report relating to the River Mease SAC, which could include restricting run off rates from the site.

As such the proposal considered to be acceptable in respect of impacts on flood risk or drainage and would comply with Policies CC2 and CC3 of the Local Plan.

River Mease Special Area of Conservation/SSSI

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). The Gilwiskaw Brook lies within the River Mease Site of Special Scientific Interest (SSSI) and is a tributary of the River Mease. Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river.

In this case it is considered that the proposal could result in an impact on the SAC, which may undermine its conservation objectives, as it could result in an increase in foul and surface water drainage discharge, and impact on the Gilwiskaw Brook, both during construction and from surface water runoff. Therefore an appropriate assessment of the proposal and its impacts on the SAC is required.

As the site is currently a garden with no associated foul drainage discharge, and there would be an increase in occupancy of the site resulting from the two new dwellings, this would increase foul drainage discharge from the site. Additional foul drainage discharge from the site would therefore adversely impact on the SAC as it would pass through the sewage treatment works and contribute to the raised phosphate levels in the river.

The River Mease Developer Contribution Scheme First and Second Development Windows (DCS1 and 2) have been produced to meet one of the actions of the River Mease Water Quality Management Plan (WQMP). Both DCS1 and DCS2 are considered to meet the three tests of the 2010 CIL Regulations and paragraph 177 of the NPPF. There is no capacity available under DCS1 and so DCS2 was adopted by the Council on 20 September 2016.

The Environment Agency has issued Standing Advice relating to the River Mease SAC under which it does not need to be consulted on this matter if the proposal connects to the mains sewer and the applicant is agreeable to payment of the DCS contribution. Natural England advises that mitigation is required in relation to foul drainage under the DCS. The applicant has indicated they are willing to pay the required DCS contribution and a legal agreement is under negotiation.

As the new dwellings would be located on permeable parts of the site, a condition could be imposed requiring surface water to discharge to soakaway or a sustainable drainage system, in order to prevent additional surface water discharge into the mains sewer system. The surface water system would also need to include pollution prevention measures to prevent petrol and oil from entering the brook and measures to restrict the runoff rate from the site.

A condition would also need to be imposed for a construction management plan to prevent adverse impacts on the watercourse during construction. As the garden land adjoining the brook is no longer part of the site, there would be no works taking place within 15 metres of the watercourse and so no direct impact on the watercourse or its banks.

The flows from the two dwellings need to be taken into account against the existing headroom at Packington Treatment Works. At March 2016 capacity was available for 3368 dwellings but this is reduced by the number of dwellings that already have consent or are under construction at March 2016 (1444) and a further 673 which have subsequently been granted permission or have a resolution to permit in place, giving capacity for 1251 dwellings. As such it is considered that capacity is available at the relevant treatment works for the foul drainage from the site.

Therefore it can be ascertained that the proposal will, either alone or in combination with other plans or projects, have no adverse effect on the integrity of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI, and would comply with the Habitat Regulations 2017, the NPPF and Policies En1 and En2 of the Local Plan.

Other Matters

The Environment Agency initially also objected on the grounds that the risks to groundwater from the development were unacceptable, and advised that groundwater here is particularly sensitive due to the site's location adjacent to the brook (which is part of the SSSI/SAC) and on a secondary aquifer. Following submission of a geo-environmental desktop study, the Environment Agency has withdrawn its objection subject to imposition of a condition.

The Council's Waste Services team advises that the bin collection area for the new dwellings adjacent to the site access close to Bridge Street is acceptable. Whilst the Building Regulations require bins to be stored no more than 25 metres from a bin collection area (in this case the Plot 2 would be at least approximately 38 metres from the bin collection area), this is separate legislation and there is no requirement in the Local Plan and Good Design SPD to meet these requirements in such a situation. A bin collection area in this location would not adversely impact on visual and residential amenities or highway safety as outlined earlier in this report. It is therefore considered that there is not any policy justification to warrant a refusal of permission in respect of bin collection. A note to applicant could be imposed advising that residents would need to leave their bins for collection in the bin collection area.

Conclusion

The proposal is acceptable in principle. The proposal would result in less than substantial harm to the designated heritage assets and this harm can be outweighed by public benefits. The proposal would not adversely impact on archaeology, the character and visual amenities of the locality, residential amenities, highway safety, trees, ecology, flood risk and drainage and the River Mease SAC/SSSI. There are no other relevant material planning considerations that indicate planning permission should not be granted. It is therefore recommended that planning permission be granted.

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

- 1 - time limit
- 2 - approved plans
- 3 - demolition
- 4 - levels
- 5 - tree protection
- 6 - SAC construction management plan
- 7 - flood risk mitigation
- 8 - surface water disposal
- 9 - highway safety - access, visibility splays, gates, parking and turning space and surfacing
- 10 - materials and details
- 11 - soft and hard landscaping and boundary treatments
- 12 - bin collection area
- 13 - external lighting
- 14 - permitted development rights/obscure glazing
- 15 - paddock land
- 16 - contaminated land
- 17 - archaeology