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Meeting	PLANNING COMMITTEE
Time/Day/Date	5.00 pm on Tuesday, 2 June 2020
Location	Virtual Meeting - Joining Instructions to Follow
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 11 February 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	20/00242/FUL: Re-construction of existing roof space increasing pitch with the addition of 3 dormer windows creating internal space within roof area and the widening of existing vehicular access (retrospective application) March House 28A Long Street Belton Loughborough Leicestershire LE12 9TP	Permit	13 - 22
A2	20/00677/AGP: Prior notification for erection of a new agricultural building and installation of a new access track Land At Coleorton Lane Packington	No Objection	23 - 30

MINUTES of a meeting of the PLANNING Committee held in the Council Chamber, Council Offices, Coalville on TUESDAY, 11 February 2020

Present: Councillor N Smith (Chairman)

Councillors R Boam, A J Bridgen, R Canny, J Clarke, D Everitt, D Harrison, J Hoult, R Johnson J Legrys, and M B Wyatt

In Attendance: Councillors J Geary and C A Sewell

Officers: Mr C Elston, Mr J Mattley, Miss S Odedra, Mrs C Hammond and Mrs H Exley

63. APOLOGIES FOR ABSENCE

There were no apologies.

64. DECLARATION OF INTERESTS

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

Councillor A Bridgen declared a non-pecuniary interest in item A3, application number 19/00225/FUL, as a resident of Packington and a relative of a Member of the Parish Council, but he had not been influenced and had come to the meeting with an open mind.

Councillor N Smith declared a pecuniary interest in item A3, application number 19/00225/FUL, as the Ward Member and would leave the meeting for the consideration of the item.

Councillor M B Wyatt declared a pecuniary interest in item A1, application number 19/00675/FULM, as a business owner in Coalville Town Centre and that the developer has declared financial support to two projects in Coalville and would leave the meeting for the consideration of the item.

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 19/00675/FULM

Councillors J Clarke and J Legrys

Item A2, application number 18/01190/FUL

Councillor J Legrys

65. MINUTES

Consideration was given to the minutes of the meeting held on 7 January 2020.

Councillor R Johnson noted that Councillor J Geary, who had attended the meeting as his substitute had not been included in the attendance list. He requested that the minutes be amended.

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

RESOLVED THAT:

Subject to the amendment to the attendance list as requested above, the minutes of the meeting held on 7 January 2020 be approved and signed by the Chairman as a correct record.

66. 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.

67. 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

Officer's Recommendation: PERMIT subject to S106 Agreement

Having declared a pecuniary interest in the item, Councillor M B Wyatt left the meeting and took no part in the consideration of the item and voting thereon.

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

Mr B Herrod, agent, addressed the committee highlighting the site was identified in the Local Plan as a development area and outline permission had previously been approved. He noted that extensive work had been carried out on the design and layout with officers, and all S106 and financial contributions had been agreed. He added that all material considerations had been met and there were no statutory objections to the application.

Councillor J Geary, Ward Member, addressed the committee highlighting that in principle he supported development on the site, however he had concerns over a number of issues with the application before the committee. He felt that the layout of the dwellings was not right, that the additional traffic generated by the development would have a significant adverse impact on the surrounding roads and that a construction plan needed to be agreed before work began on site. He also expressed concerns in relation to the use of the footpath behind the site and the likelihood of crime and disorder as a result, no new access to 4 Wentworth Road and the maintenance and flood risk to the watercourse.

In determining the application, Members were overall supportive of the application, but some expressed concerns over the location of the bungalows on the site, as they could have been located closer to the town. They also expressed concerns in relation to anti-social behaviour on the footpath behind the site, the additional traffic that would be generated and the impact that it would have on the re-development of Marlborough Square, and the maintenance and flood risk of the watercourse. Members noted that no alterations could be made to the layout of the site, the watercourse would be managed by a management company and the impact of construction traffic would be managed through appropriate planning conditions. Members requested that a condition be included in relation to the provision of anti-motorcycle bollards on the footpaths which the applicant was agreeable to.

A motion to permit the application in accordance with the officer's recommendation subject to the inclusion of an additional condition in relation to the provision of anti-motorcycle bollards was moved by Councillor D Harrison and seconded by Councillor R Boam.

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 and the inclusion of an additional condition relating to the provision of anti-motorcycle bollards.

The meeting was adjourned at 7.29pm and reconvened at 7.36pm

Motion to permit the application subject to the inclusion of an additional condition in relation to motorcycle bollards (Motion)	
Councillor Nigel Smith	For
Councillor Russell Boam	For
Councillor Alexander Bridgen	For
Councillor Rachel Canny	For
Councillor John Clarke	For
Councillor David Everitt	For
Councillor Dan Harrison	For
Councillor Jim Hault	For
Councillor John Legrys	For
Councillor Michael Wyatt	Conflict Of Interests
Councillor Russell Johnson	For
Carried	

**68. A2
18/01190/FUL: CHANGE OF USE TO EIGHT BEDROOM, EIGHT PERSON HMO
(SUIGENERIS)**

25 London Road Kegworth Derby DE74 2EU

Officer's Recommendation: PERMIT

The Senior Planning Officer presented the report to Members.

Parish Councillor M Hawsworth, on behalf of Kegworth Parish Council, addressed the committee, highlighting that the parish strongly objected to the application as there was already insufficient parking for the current occupants, the loss of amenity and the disturbance and noise that many other residents had to experience from the property. He noted the large number of existing HMOs in the village and urged Members to refuse the application.

Councillor C Sewell, Ward Member, addressed the committee highlighting that Kegworth was already swamped with HMOs, which reduced the number of properties for sale for local people. She noted that the implementation of the recently agreed Article 4 direction would take 12 months, which in turn would provide a good period of time for HMO applications to be submitted. She highlighted the over intensification of the site, lack of parking and that at a recent appeal, an application in a different part of the country, had been turned down as the inspector ruled that the application was contrary to paragraph 127 of the NPPF. She urged Members to give due consideration to an application on an already cramped plot.

In determining the application, members raised concerns in relation to the over intensification of the site, loss of amenity in the village and insufficient parking for the number of occupants. Members had regard to advice that parking was not a reason to refuse an application but felt that the application was contrary to policy D2 of the Local Plan.

A motion to refuse the application as it was contrary to policy D2 of the Local Plan was moved by Councillor J Hault 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 the application was contrary to Policy D2 of the Local Plan.

Motion to refuse the application as it was contrary to policy D2 (Motion)	
Councillor Nigel Smith	Against
Councillor Russell Boam	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 Michael Wyatt	No vote recorded
Councillor Russell Johnson	For
Carried	

69.

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

Officer's Recommendation: PERMIT subject to S106 Agreement

Having declared a pecuniary interest in the item, Councillor N Smith left the chair and the meeting and took no part in the consideration of the item and voting thereon.

Councillor R Boam took the Chair for the remainder of the meeting.

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

Mr A Large, agent, addressed the committee highlighting that the application was within limits to development, there had been no traffic accidents reported along the road, that the site was outside of the flood zone and drainage measures would be put forward.

A motion to permit the application in accordance with the officer's recommendation was moved by Councillor J Hout 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 permitted in accordance with the officer's recommendation.

The meeting closed at 8.22pm

Motion to permit the application in accordance with the officer's recommendation (Motion)	
Councillor Nigel Smith	Conflict Of Interests
Councillor Russell Boam	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 Michael Wyatt	No vote recorded
Councillor Russell Johnson	For
Carried	

Councillor M B Wyatt left the meeting at 18:34pm

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 8.22 pm

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APPENDIX B

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

2 June 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.

Re-construction of existing roof space increasing pitch with the addition of 3 dormer windows creating internal space within roof area and the widening of existing vehicular access (retrospective application)

**March House 28A Long Street Belton Loughborough
Leicestershire LE12 9TP**

**Report Item No
A1**

**Application Reference
20/00242/FUL**

**Grid Reference (E) 444609
Grid Reference (N) 320572**

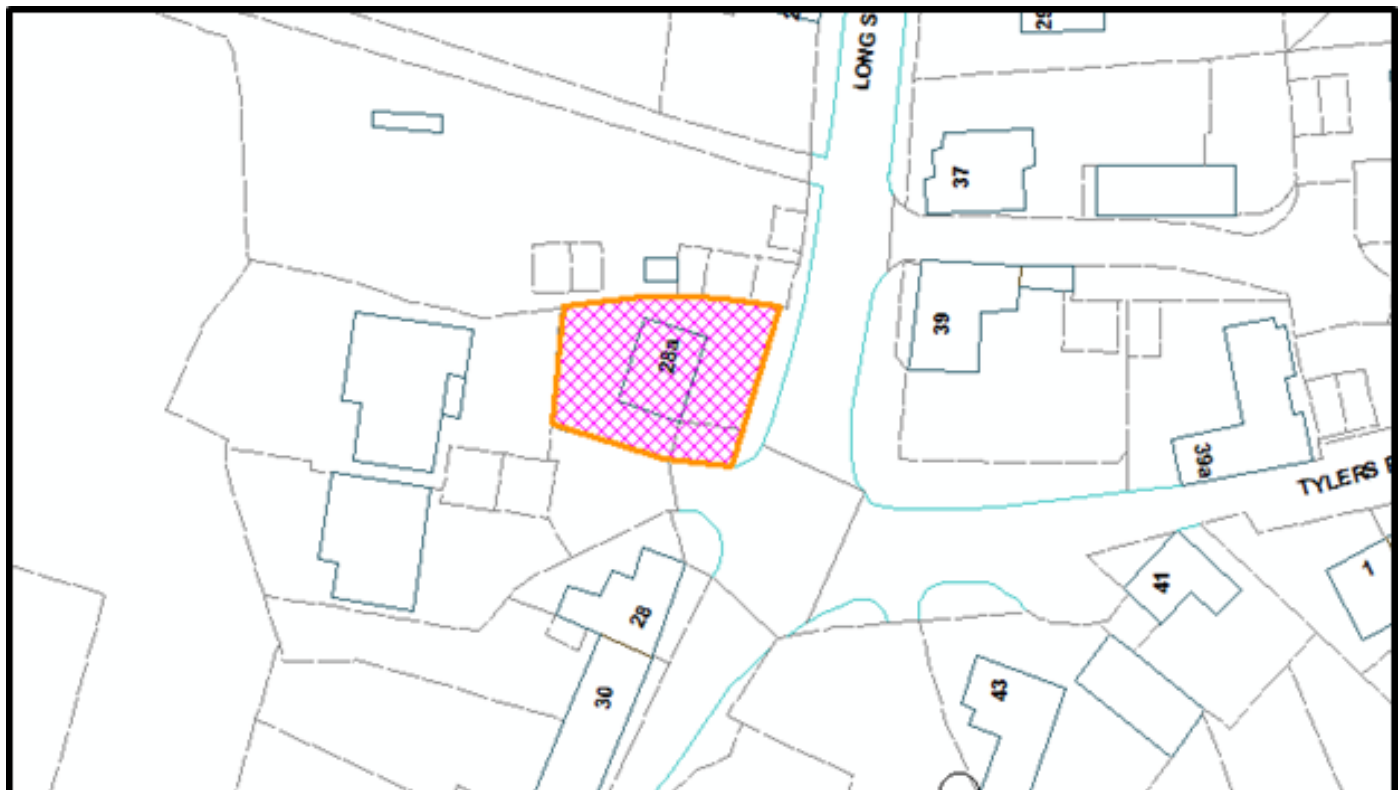
**Date Registered:
4 February 2020
Consultation Expiry:
28 May 2020
8 Week Date:
31 March 2020
Extension of Time:
None Agreed**

**Applicant:
Ms Julia Fancourt**

**Case Officer:
Chris English**

**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 Rushton) has requested it to be considered by Planning Committee given the contentious nature of the application.

Proposal

The application is for the re-construction of existing roof space increasing pitch with the addition of 3 dormer windows creating internal space within roof area and the widening of existing vehicular access. The application is retrospective.

Consultations

15 letters of neighbour representation have been received raising objection to the development. 15 letters of support have also been received. Belton Parish Council have not provided comments at the time of writing this report. Leicestershire County Council Highway Authority have no objections to the application.

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 Belton where the proposed development 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 streetscene of Long Street and the surrounding 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 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 re-construction of existing roof space increasing pitch with the addition of 3 dormer windows creating internal space within roof area and the widening of existing vehicular access at 28A Long Street, Belton.

As a result of the re-construction of the existing roof space which includes for an increase in the roof pitch, two habitable rooms would be provided at second floor level (office and study). The proposal also includes the insertion of two rooflights on the front elevation roofslope and five rooflights on the rear elevation roofslope.

The site is located within the Limits to Development, as defined by the Policy Map to the adopted Local Plan. 28A Long Street is approximately 19m north of No. 30 Long Street which is a Grade II Listed Building.

During the course of the application, amended plans were received to reduce the scale of the two dormer windows on the front elevation and to address concerns relating to highway safety.

Precise measurements of the proposal are available to view on the submitted plans.

Planning history on the site:

18/00048/FUL - Erection of two storey and single storey side extensions - Permitted 12th March 2018.

18/00737/FUL - Erection of two storey and single storey side extensions - Permitted 13th June 2018.

19/00735/FUL - Erection of two storey side extension, single storey side extension (amended scheme to previously approved application 18/00737/FUL) - Permitted 16th September 2019.

19/01977/FUL - Raising of roof and installation of dormer windows - Withdrawn 26th November 2019.

Enforcement

A complaint was received on 4th December 2019 that the development approved under 19/00735/FUL was not being built in accordance with the approved plans, following which a site visit was conducted by myself and Dean Flower the following day. It was noted during the visit that works were almost completed to the side and single storey extensions and the works to raise the pitch of the roof to the extension and main house would be commencing soon. At the time of the visit the owner confirmed that a revised planning application had been submitted under planning reference 19/01977/FUL to address the amendments to the approved scheme, however following advice from the planning team this had been withdrawn and another revised application was to be submitted in the New Year. The owner at that time was advised that the works being undertaken were unauthorised and as such were all undertaken at their own risk and should they fail to obtain the required planning permission any works would be subject to possible enforcement action. Given that a revised application was to be submitted it was not considered expedient to take enforcement action at this time. Following various email exchanges with the owners they submitted a revised planning application on 4th February 2020.

2. Publicity

11 neighbours notified

Press Notice published Leicester Mercury 19 February 2020

3. Summary of Consultations and Representations Received

15 letters of neighbour representation has been received raising concern on the following grounds:

- Scale and design issues
- Overdevelopment
- Impacts on residential amenity
- Property is overbearing
- Highway safety concerns
- Heritage implications
- The application is retrospective
- Discrepancies on plans and application form
- The use of property
- Mix of properties in Belton
- Previous extensions not built in accordance with plans

15 letters of support have been received.

Belton Parish Council have not submitted comments at the time of writing this report.

Leicestershire County Council Highway Authority have no objections to the application subject to the imposition of conditions.

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

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2019)

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.

Adopted North West Leicestershire Local Plan

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

S2 - Settlement Hierarchy

D1 - Design of new development

D2 - Amenity

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

IF4 - Transport Infrastructure and new development

IF7 - Parking provision and new development

Other Policies and Guidance

National Planning Practice Guidance.
 Leicestershire Highway Design Guidance.
 Good Design for North West Leicestershire SPD - April 2017
 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. Assessment

Principle of Development

The site is located within Limits to Development as defined by the adopted Local Plan, where the principle of extensions to existing dwellings are acceptable, subject to all other planning matters being addressed.

Scale, Design and Heritage

Paragraph 192 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 193) that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The proposed development must also be considered against Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which states that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

28A Long Street, Belton is approximately 19m north of No. 30 Long Street, Belton which is a Grade II Listed Building. The proposal includes the re-construction of existing roof space increasing pitch with the addition of three dormer windows creating internal space within roof area. The proposed alterations to the roof would result in a new roof structure pitched at approximately 45 degrees. Two of the proposed dormer windows would be located on the front elevation roof slope with one on the rear elevation roofslope. During the course of the application, amended plans have been received to accurately represent what has been constructed on site, relocate the two dormer windows on the front elevation lower and reduce the size of the dormer windows following concerns raised by the case officer and neighbours.

A number of objections have been received during the course of the application in relation to the proposed dormer windows, including dormer windows being out of character with the streetscene and the surrounding area and specifically the scale and design of the dormer windows proposed. Along Long Street, there are a number of examples of dormer windows on residential properties including on Nos. 8, 17, 19, 21, 23, 27, 40 and 49. As such, it is not considered that the insertion of dormer windows on the front elevation of the dwelling would result in a detrimental impact on the streetscene subject to the scale and design. It is also worth noting that the gable design of the proposed dormer windows would match the gable end design

of the existing property.

Paragraphs 13.14 and 13.15 of the Good Design for North West Leicestershire District Council SPD states that "dormers should be kept small and unobtrusive and should reflect the style and materials of the building in question" and "dormers should not exceed the height of the ridge line and should either be located centrally/symmetrically on the roof or be aligned with the windows below". What has been constructed on site and included on the original plans provided is considered not to accord with this guidance. However, following amended plans that show the front elevation dormer windows smaller in scale and relocated lower on the roofslope in line with pre-application advice given, it is considered that the proposed dormer windows on the front elevation roofslope would accord with the guidance within the Good Design for North West Leicestershire SPD and are therefore considered to be acceptable.

With regard to the proposed dormer window on the rear elevation, whilst the dormer window cannot be considered small and unobtrusive given its scale and design, it is acknowledged that the dormer window could be constructed without the requirement of planning permission under the General Permitted Development Order. It is also noted that the dormer window is located on the rear elevation and, therefore, is less prominent in the street scene. As such, it is considered unreasonable for the Local Planning Authority to refuse the application on this basis.

The proposed alterations to the roof would see an increase in height of approximately 1.5m to 8m and the pitch of the roof become approximately 45 degrees. The design and style of properties along Long Street is varied with examples of properties with low pitched roofs - Nos. 18 and 39 and examples of properties with steeper pitched roofs - Nos. 22, 28 and 30. The side elevation that is most prominent along Long Street is the exposed north elevation which includes views to No. 28 and the Grade II Listed Building No. 30. As such, it is considered that the steeper roof pitch would reflect the character of the streetscene of Long Street, the character of the surrounding area and would preserve the setting of the nearby Grade II Listed Building.

As a result of the proposed re-construction of the roof, the finishing materials would go from concrete tiles to Cambrian Slate. Considering the varied streetscene of Long Street with a mix of modern and traditional dwellings and materials, it is considered to be acceptable and would not result in a significantly detrimental impact on the streetscene of Long Street or character of the surrounding area.

The proposal includes the installation of two rooflights on the front elevation and five rooflights on the rear elevation. The principle of rooflights in this location is considered acceptable given there are a number of examples of rooflights on other properties along Long Street including Nos. 51, 53 and The Old Baptist Chapel, Long Street. It is worth noting that whilst there are five proposed on the rear elevation roofslope, they would not be visually prominent in the streetscene of Long Street and would not be dissimilar to the rooflight arrangement on The Old Baptist Chapel, Long Street.

During the course of the application, concerns have been raised that the proposal is considered not to be a subservient addition to the existing dwellinghouse. Given the nature of the proposal in raising the height of the property, it is considered that proposal represents a re-modelling of the property as opposed to an addition (like a side or rear extension) that would be expected to be subservient. In any case, on the basis of the amended plans, the scheme is considered to have an acceptable impact on the character and appearance of the surrounding area.

In view of the above this development would be compliant with Sections 66 and 72 of the

Planning (Listed Buildings and Conservation Areas) Act 1990, Policies He1 and D1 of the adopted Local Plan, the Council's Good Design SPD and the advice contained in the NPPF.

Impact upon Residential Amenity

During the course of the application, 15 letters of objections have been received by neighbouring properties raising concerns in relation to a number of matters including overbearing and overlooking impacts of the proposal. Due consideration has been given to the impacts of the proposal on the closest neighbouring properties. The neighbouring properties that are most likely to be affected by the proposal are No. 2 White House Court, Long Street and No. 39 Long Street, Belton.

The proposed dormer windows on the front elevation roofslope would serve a 'study' and an 'office'. The front elevation of No. 28A Long Street is approximately 21m west of the front elevation of No. 39 on the west side of Long Street. It is acknowledged that there would be views from the proposed dormer windows to private rear amenity spaces, however, as shown on photographs provided by neighbouring properties, the overlooking impacts would be obscured by existing buildings and an existing boundary wall and is not considered to be significant with the main road of Long Street intervening between the two.

With regard to the proposed dormer window on the rear elevation, it is considered not to result in any significantly detrimental overlooking impacts on No. 2 White House Court as the dormer window would serve a non-habitable room (landing) and any private rear amenity space that would be overlooked would be marginal given the 1.5m gap between the north elevation of the neighbouring property and its northern most boundary. Furthermore, the front of the neighbouring property is used for off-street car parking and any overlooking impacts on the front elevation of No. 2 White House Court would not be dissimilar to that of a residential property fronting a public highway.

It is also worth noting that due to the distance of the existing dwelling to the neighbouring properties, as stated above, and the increase in height of the existing dwelling of approximately 1.5m as a result of the proposal, there would be no significantly detrimental overbearing impacts.

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

Highway Considerations

Whilst the number of bedrooms at the property remains unaltered as a result of the proposal, it is proposed to extend the existing vehicular access by 1.8m and alterations be made to the front of the dwelling to provide three off-street car parking spaces. Long Street, Belton is a Classified C road.

Following the alterations to the front of the property - namely the relocation of the existing wall, it is considered that the proposed parking arrangements are in accordance with the Leicestershire Highways Design Guide which requires an access width of 7.2m. As shown on drawing number DBA04496/20, an access width of at least 7.2m is proposed to be provided and is therefore

considered to be acceptable. A condition would be imposed on any planning permission granted to secure the off-street car parking and access.

As discussed in the supporting email dated 4th May 2020 a speed survey was undertaken in November 2018 in connection with an earlier planning application at this site, 19/00735/FUL, which was later withdrawn. The survey identified 85th percentile speeds of 31mph and 29mph northbound and southbound respectively. In accordance with Table DG4, this would therefore require visibility splays of 2.4m x 54m and 2.4m x 43m respectively.

When assessing whether or not a development proposal would have a severe impact on the highway network, it is reasonable to consider the required Stopping Sight Distance (SSD) which is calculated in accordance with Manual for Streets (MfS) guidance. Based on the recorded 85th percentile speeds, using a 1.5 second reaction time and a deceleration rate of 0.45g, the required SSD is 45m and 41m northbound and southbound respectively.

Visibility assessment of proposed parking space drawing number LE5153-1PD001 demonstrates the achievable visibility splays, without crossing third-party land to be 2.4m x 25m and 2.4m x 22m to the north and south respectively, representing shortfalls of 20m and 19m.

Whilst the proposal would result in substandard visibility in both a north and south direction, given the existing access arrangements, Leicestershire County Council Highways Authority conclude the proposal would not result in severe harm to the highway network. Furthermore, a condition would be imposed on any planning permission granted to ensure the maximum vehicular visibility splays shown on drawing number LE5153-1PD001 are provided and retained in perpetuity.

It is also worth noting that 1m by 1m pedestrian visibility splays have been provided and a condition would be imposed on any planning permission granted to ensure these are retained in perpetuity.

During the course of the application, concerns have been raised in respect of the impacts of the proposal on the nearby bus stop. It is considered that as an additional off-street car parking space is being provided within the curtilage of the dwellinghouse, the access is approximately 11 metres from the bus and Leicestershire County Council Highway Authority raised no objection, there would be no detrimental impact on the nearby bus stop.

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

Other Matters

During the course of the application, neighbouring properties objected to the application on the basis that it is a retrospective application. However, the Local Planning Authority is required to assess each application on its own merits and being retrospective does not impact the assessment of an application.

Whilst concerns have been raised with regard the single storey side extension to the north of the property - namely, not in accordance with previously approved plans and the internal dimensions not in accordance with Leicestershire Highways Design Guide for a garage, the extension has been constructed under Permitted Development for which no consent is required from the Local Planning Authority.

Concerns have been raised during the course of the application with regard to the use of the site and the labelling of individual rooms on the floor plan. The Local Planning Authority must assess each application based on the information provided and it is considered that based on the information provided, the proposal would not result in a change of use.

During the course of the application, concerns have been raised with regard to previous extensions at the property not being built in accordance with the approved plans. As such, a separate investigation will be undertaken by the Council's Planning Enforcement Team.

Concerns have been raised during the application by neighbouring properties over the lack of three bedroom dwellings in the settlement of Belton and the impact of the proposal on Belton's economic growth. However, there are no policies in the adopted Local Plan that relate to this and has therefore not been assessed as part of this application.

Conclusion

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

RECOMMENDATION - PERMIT, subject to the following conditions;

- 1 Plans
- 2 Materials
- 3 Access in accordance with
- 4 Visi splays in accordance with
- 5 Pedestrian Visi in accordance with
- 6 Parking in accordance with

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**Prior notification for erection of a new agricultural building
and installation of a new access track**

**Report Item No
A2**

Land At Coleorton Lane Packington

**Application Reference
20/00677/AGP**

**Grid Reference (E) 436277
Grid Reference (N) 314994**

**Date Registered:
8 April 2020**

**Consultation Expiry:
29 May 2020**

**Applicant:
Mr Eaton**

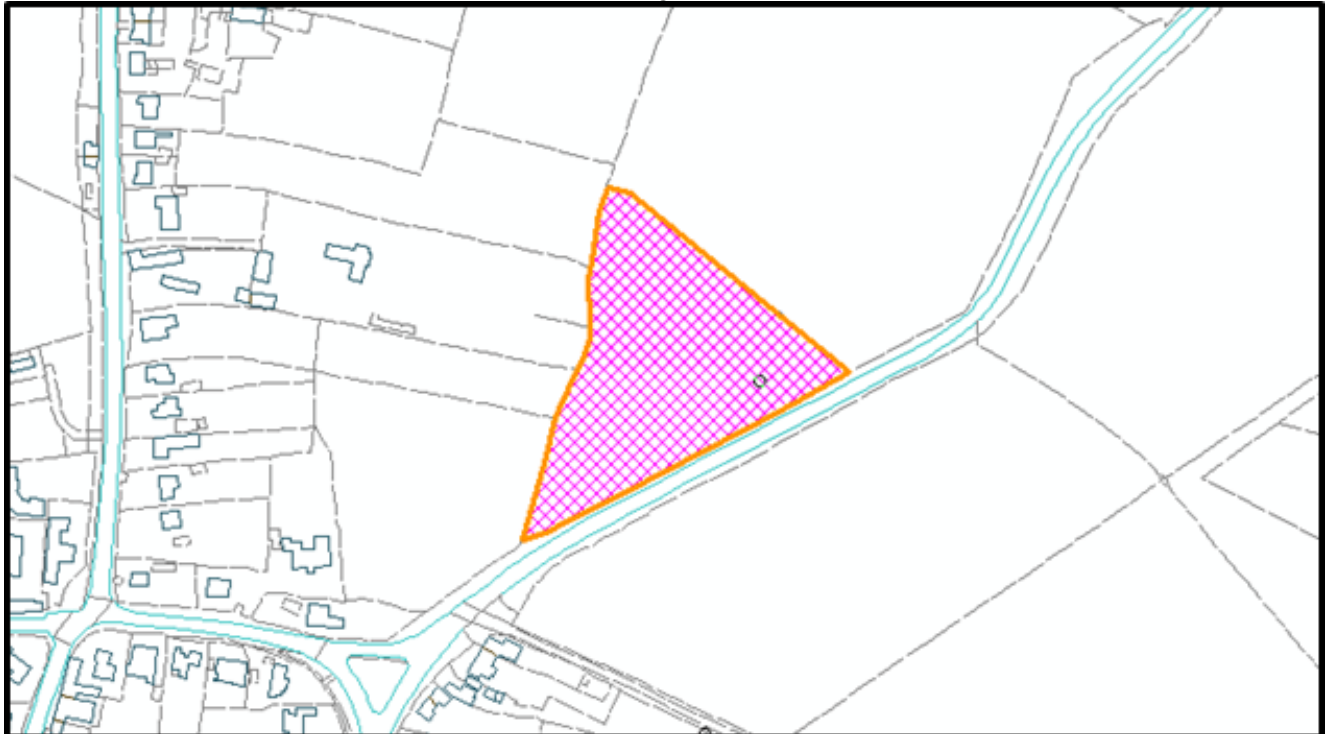
**8 Week Date:
6 May 2020**

**Case Officer:
Sarah Booth**

**Extension of Time:
3 June 2020**

**Recommendation:
No objection**

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Reasons for Approval

Reason for Call In

The application is 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

This is an application for prior notification under Part 6, Class A of Schedule 2 of the Town and Country Planning General Permitted Development Order (GPDO) 2015 (as amended) for the erection of a new agricultural building and installation of a new access track on Land at Coleorton Lane, Packington.

The General Permitted Development Order 2015 grants permitted development rights to allow for certain types of development without the need for planning permission. However, in cases such as this, it is necessary to seek prior approval from the Local Planning Authority as to whether specific elements of the development are acceptable before work can proceed. The assessment criteria for prior notification applications are strictly limited to those defined in the General Permitted Development Order 2015; the specifics of which have been identified in the detailed report.

Consultations

Members will see from the main report below that there is one letter of representation received from the Parish Council objecting to the scheme. There are no other objections raised from statutory consultees.

Planning Policy

It is considered that the development would accord with Town and Country Planning (General Permitted Development) (England) Order 2015 and the National Planning Practice Guidance.

Conclusion

The submission has been assessed against the criteria set out under Part 6, Class A of the General Permitted Development (England) Order 2015 and has been found to comply with them all. The location of the development and the materials proposed are considered to be appropriate and the scheme does not give rise to any significant material impacts upon the designs of the building or the wider appearance of the countryside. Accordingly it is therefore recommended that prior approval be granted.

RECOMMENDATION - NO OBJECTIONS.

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 an application for prior notification under Part 6, Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the erection of a new agricultural building for the storage of hay and machinery and installation of a new access track on Land at Coleorton Lane, Packington.

The General Permitted Development (England) Order 2015 (as amended) grants permitted development rights to allow for certain types of development without the need for planning permission. However, in cases such as this it is necessary to seek prior approval from the Local Planning Authority as to whether specified elements of the development are acceptable before work can proceed. The assessment criteria for agricultural prior notification applications under Part 6, Class A are strictly limited to the siting, design and external appearance of the development.

The planning agent has provided additional information during the course of the application with regard to some of the matters raised by the Parish Council.

Planning History

There is no recent planning history for the application site. However there is an application on an adjacent site in the applicant's ownership that is relevant to the application:

16/00279/FUL - Erection of two stables, tack room, tractor shed and Dutch barn and formation of driveway/hardsurfaced area (Permitted 28.06.2016).

2. Publicity

11 Neighbours have been notified.
Site Notice displayed 10 April 2020.

3. Summary of Consultations and Representations Received

Packington Parish Council - has raised objections which are listed as follows:

- Concerns that development has commenced and full planning permission is required.
- Construction waste has been imported to the site.
- No drawings have been provided of the proposed building.
- Details should be provided for design and external appearance of the building and construction of private way.
- The site is prominent and unspoilt.
- Landscaping is required.
- The hard standing would be over 1000 square metres.
- The building is not reasonably necessary for the purposes or agriculture.
- Concerns with surface water and pollution or effluent entering a tributary to the River Mease.
- Overall impacts on River Mease.

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

No other letters of representation have been received during the course of the application

4. Relevant Planning Policy

Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (as amended) relates to permitted development rights for agricultural operations. The proposal would be located on agricultural land and so is considered under Class A (as the agricultural holding is over five hectares). Development is not permitted under this part of the GPDO if it does not comply with all the criteria set out under Part 6, Class A.

There are no policies in the adopted North West Leicestershire Local Plan (2017) relating directly to Prior Notifications of agricultural and forestry operations which constitute permitted development.

The National Planning Practice Guidance sets out guidance in respect of permitted development rights.

5. Assessment

Principle

This development is for the erection of a new agricultural building and installation of a new access track on Land at Coleorton Lane. This type of application is a prior notification with specific regard to Part 6, Class A, Schedule 2 of the General Permitted Development Order (GPDO) 2015 (as amended). For such applications the principle of development is not a matter for consideration and the only assessments relate to whether the development is compliant with all of the relevant parts of the GPDO.

The GPDO makes it clear that, where a development falls under Part 6, Class A of Schedule 2 of the Order, the Local Planning Authority can only determine whether prior approval will be required in relation to siting, design and external appearance of the development.

Validity of the application

Packington Parish Council have raised concerns that the proposed development has already commenced on site and in that instance the proposal would not accord with the criteria of the GPDO and full planning permission would be required. These concerns have been considered and an Officer site visit has taken place to assess the works on site.

There is an existing hard standing area and track that goes into the field approximately 50m along the hedgerow and ditch, as indicated on the site location plan. The planning agent has advised that the field has recently come into the applicant's sole control and it is the applicant's intention to bring the land into good agricultural condition. The agent has confirmed that the works to the existing area of hard standing consisted of repairs and maintenance of the existing

hard surfacing. The GPDO 2015 (as amended), Schedule 2, Part 9, Class E allows for such works and, therefore, planning permission would not have been required for these maintenance works on site.

Some site clearance works to remove vegetation have also taken place along the site's western boundary in preparation for the proposed new track, should permission be forthcoming. Notwithstanding these works they are not considered to constitute commencement of development and therefore it is recommended that the application should continue to be determined as an agricultural prior notification.

Concerns have also been raised by the Parish Council that waste has been imported onto the site. The planning agent has advised that the applicant has moved some topsoil from an adjacent field located off Ashby Road (which also in the applicant's ownership) to the application site. The fields are connected internally within the applicants ring fenced holding and constitute one holding only. Due to poor conditions in the winter and livestock being kept on the application site at Coleorton Lane, there was significant damage to the southern corner of the application site where the access is. The topsoil has been spread to help repair the ruts in the ground and has now been reseeded. The soil was transported on the road so as to not cause further damage to the fields. On that basis the topsoil arising from the adjacent field is not considered to be waste as it remains within the overall site that it was produced. Nor as a matter of fact and degree does the alleged importation of soil constitute development pursuant to section 57 of the Town and Country Planning Act 1990 (as amended).

Compliance with the GPDO

The Parish Council do not consider that the development is reasonably necessary for the purposes of agriculture, which is a criteria for consideration under Part 6, Class A of the GPDO. The planning agent has therefore provided an additional supporting statement to justify the proposal.

The building would be used to store hay, straw and agricultural machinery. The applicant's holding spans an area of 34 acres (13.8 hectares) in one block to the north of Packington. The farm income is primarily derived from the sale of hay and haylage. Following haymaking season the land is then grazed by a local farmer's flock of sheep.

The applicant has use of one other agricultural building, which is outside of the application site. This other building is situated within one of the applicant's other fields on land adjacent to Ashby Road in Packington and was approved under application 16/00279/FUL. The submitted supporting statement advises that the new and existing buildings are both required to accommodate the amount of hay that is produced and to adequately store it in accordance with their best practice guidance.

The Parish Council have stated that the development would be over the maximum floor area limit of 1000 square metres as defined under Part 6 Class A of the GPDO. The proposed new building would have a floor area of approximately 250 square metres. Additionally, the maximum height of the building is proposed as 7.3 metres, which would also be below the maximum limit of 12 metres specified under Part 6, Class A of the GPDO. Therefore this proposal would be compliant with the GPDO.

For the avoidance of doubt, even if the floor area of the existing building on the adjacent field (approved under application 16/00279/FUL) was to be included in the cumulative floor area for

all existing and proposed development this would still fall below the 1000 square metre floor area requirement.

The size limitation applies only to the floor area of a building and there are no restrictions to the amount of area that can be created for a new track. Therefore this development would be compliant with the size criteria of the GPDO.

The Parish Council commented that no detailed drawings had been provided for the application. Whilst this is not usually a requirement for agricultural prior notification applications the agent has now provided elevation drawings to assist with the determination of the application. The plans show that the walls would be constructed of prefabricated concrete panels with fibre cement corrugated sheeting, and the roof would also be clad in the same materials. The eastern elevation would remain open. It is also proposed to use crushed stone materials for the access track. This design and the proposed materials are consistent with the appearance of typical agricultural development and therefore this is considered to be acceptable.

The Parish Council have asked for additional landscaping to be considered, however this is not something that can be requested under this type of prior notification application.

With regard to siting of the proposed building and track, whilst they would be visible from some surrounding views it would be set back at least 80 metres from Coleorton Lane and would be partly screened by boundary hedgerows. Furthermore the development would be sited adjacent to the western boundary minimising its prominence. As such it is considered the building would not be detrimental to the present character of the site or the surrounding countryside.

In view of the above, it is considered that the proposed building is reasonable and necessary for the purpose of agriculture and would comply with all requirements of Part 6, Class A of the GPDO. The details in relation to the siting and external appearance of the development are also considered to be acceptable and therefore no objections are raised.

River Mease

The site lies within the catchment area for the River Mease Special Area of Conservation. The Parish Council have raised matters relating to the impact of the development on the River Mease, particularly the impacts of drainage and pollution.

For the assessment of agricultural prior notifications the impact of the building on the SAC cannot be taken into account when determining this submission. There is a subsequent separate application process under section 77 of the Conservation of Habitats and Species Regulations 2017 specifically for the assessment of impacts on the River Mease. A note to applicant should therefore be imposed advising the applicant of this matter.

Highways

The Parish Council have also objected to the application on the grounds of highway safety matters. For the assessment of this prior notification application highway safety is not a matter that can be taken into consideration. Notwithstanding this, the application site would still be used for hay making with or without the proposed building and as the building would only be used for storage it is not envisaged that the use of the new building would intensify the use of the access beyond its existing agricultural use.

Conclusion

The submission has been assessed against the criteria set out under Part 6, Class A of the General Permitted Development (England) Order 2015 and has been found to comply with them all. The location is considered to be appropriate and the scheme does not give rise to any significant material impacts upon the character or appearance of the site or the surrounding area. Accordingly it is therefore recommended that prior approval be granted.

RECOMMENDATION - NO OBJECTIONS.

No conditions are recommended for this application.

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