



Scan the code above or visit www.nwleics.gov.uk/meetings for a full copy of the agenda.

Meeting	PLANNING COMMITTEE
Time/Day/Date	6.00 pm on Thursday, 3 September 2020
Location	Council Chamber, Council Offices, Coalville
Officer to contact	Democratic Services (01530 454529)

AGENDA		Pages
Item		
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 4 August 2020	3 - 8
4.	PLANNING APPLICATIONS AND OTHER MATTERS	
	Report of the Head of Planning and Infrastructure.	9 - 12
5.	PLANNING ENFORCEMENT UPDATE	
	Report of the Head of Community Services.	53 - 58

Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
A1	20/00726/REMM: Erection of 203 dwellings with associated highways infrastructure and public open space (reserved matters to outline planning permission ref. 13/00956/OUTM) Land South Of Grange Road Hugglescote Leicestershire LE67 2BT	Permit	13 - 24
A2	19/01419/FUL: Erection of detached dwelling, detached garage and associated infrastructure Land Adjacent To Oak Tree Stables School Lane Newbold Leicestershire LE67 8PF	Refuse	25 - 36
A3	20/00362/FUL: Continued use of caravan site for a mixture of permanent residential accommodation and short term holiday accommodation Ashby Woulds Residential Park Spring Cottage Road Overseal Derby DE12 6ND	Permit	37 - 44
A4	19/01255/FUL: Retention of seven outbuildings Ashby Woulds Residential Park Spring Cottage Road Overseal Derby DE12 6ND	Permit	45 - 52

MINUTES of a meeting of the PLANNING Committee held by Remote Meeting using Microsoft Teams on TUESDAY, 4 August 2020

Present: Councillor N Smith (Chairman)

Councillors R Boam, D Bigby, A J Bridgen, R Canny, D Everitt, S Gillard, D Harrison, J Hoult, J Legrys and M B Wyatt

In Attendance: Councillors R Ashman and C A Sewell

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

7. APOLOGIES FOR ABSENCE

There were no apologies for absence.

8. DECLARATION OF INTERESTS

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

Councillor D Bigby declared a non-pecuniary interest in item A1, application number 20/00718/FULM, as he had expressed personal opinions in the past about warehouses in the district but had come to the meeting with an open mind.

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 20/00718/FULM
Councillors D Bigby, D Everitt and J Legrys

Item A2, application number 14/00415/FUL
Councillors D Everitt and J Legrys

Item A3, application number 14/00417/FUL
Councillor J Legrys

9. MINUTES

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

It was moved by Councillor J Legrys, seconded by Councillor D Harrison and

By affirmation of the meeting it was

RESOLVED THAT:

The minutes of the meeting on 7 July 2020 be approved and signed by the Chairman as a correct record.

10. 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.

**11. A1
20/00718/FULM: CONSTRUCTION OF B8 WAREHOUSE TOGETHER WITH
ANCILLARY BUILDINGS AND ASSOCIATED ACCESS, PARKING, SERVICE AND
YARD AREAS AND LANDSCAPING**

Plot 12 East Midlands Gateway Development Ashby Road Castle Donington, DE74 2DL
Officer's Recommendation: PERMIT subject to S106 Agreement

The Principal Planning Officer presented the report to Members.

Councillor E Nudd, representing Lockington and Hemington Parish Council, addressed the committee highlighting that the parish objected to the development as the application before them would allow a building to be 16 meters higher than the approved scheme, which was not consistent with policy. He noted that the current site had been designed, in line with a landscaping scheme that protected the setting of the area and by accepting the new design with a significant increase in height, it would undo all the work that had taken place to agree a layout that was acceptable to the surrounding villages. He stated that the height of the XPO building had been agreed due to its location on the site and was an exception, this was not the case with the proposal before them. He informed members that the economic benefits that were being offered had already been taken into account and the increased height would not add any additional benefits or create additional jobs in the area.

A statement was read out on behalf of the applicant, DHL, highlighting that the East Midlands Gateway was well placed in the region to provide supply and demand business solutions and, that the rail connectivity would enable sustainable access to customers both nationally and internationally. It was noted that the warehouse would provide a temperature controlled environment for short-term storage and would be a multi-user facility to consolidate activities that otherwise would be undertaken at different locations. It was stated that once operational the scheme would generate over 1,000 jobs and the height was necessary to allow for high-bays, which would not generate any additional noise, storage density, capacity and a low energy temperature controlled environment.

Councillor C Sewell, Ward Member, addressed the committee highlighting that the main objection to the application was the proposed height of the building, which was almost double the approved height. She noted that residents had accepted the overall development of the site despite day to day issues and that the approval of the XPO building should not have set a precedent for the remaining plots with the increased height. She stated that there were already existing issues with HGVs using village roads to find the Gateway development and that housing close to the site was not affordable and rental properties were at a premium, therefore employees would need to travel in by road. She expressed concerns over the additional traffic noise, air pollution and red dust that the warehouse would bring, along with the height of the building that would have an impact on the amenities of the surrounding areas and villages. She urged Members to consider the residents when considering the application.

In determining the application, some members raised concerns over the proposed increase in height of the building, its impact on visual amenity and heritage assets and the lack of information to justify why the additional height was required. Concerns were also expressed over the applicant's commitment to climate change and limited information on how they will tackle it and the visual and amenity impact the unit would have on the surrounding villages including the highway network, including the additional HGV and car movements, lack of public transport to the site and, additional noise and pollution. Members had regard to the comments received from the statutory consultees and that the application before them was in relation to the increased height only as approval had already been given to the site. Members' attention was drawn to the fact that officers were happy with the landscaping mitigation proposed, that the benefits of the proposal that it would bring to the area outweighed the less than substantial harm the increase in height

would cause, and that the increase in height would not generate any additional noise or air pollution.

A motion to refuse the application, as it would be contrary to the NPPF Para 196, Local Plan Policy S3 and Local Plan Policy D2 was moved by Councillor D Bigby and seconded by Councillor M B Wyatt.

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 recommendation of the Head of Planning and Infrastructure was moved by Councillor N Smith and seconded by Councillor J Hoult.

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 recommendation of the Head of Planning and Infrastructure.

Motion to refuse the application on the grounds stated (Motion)	
Councillor Nigel Smith	Against
Councillor Russell Boam	Against
Councillor Dave Bigby	For
Councillor Alexander Bridgen	Against
Councillor Rachel Canny	For
Councillor David Everitt	For
Councillor Stuart Gillard	Against
Councillor Dan Harrison	Against
Councillor Jim Hoult	Against
Councillor John Legrys	For
Councillor Michael Wyatt	For
Rejected	
Motion to Permit the application in accordance with the recommendation of the Head of Planning and Infrastructure (Motion)	
Councillor Nigel Smith	For
Councillor Russell Boam	For
Councillor Dave Bigby	Against
Councillor Alexander Bridgen	For
Councillor Rachel Canny	Against
Councillor David Everitt	Against
Councillor Stuart Gillard	For
Councillor Dan Harrison	For
Councillor Jim Hoult	For
Councillor John Legrys	Against
Councillor Michael Wyatt	Against
Carried	

12.

A2**14/00415/FUL: ERECTION OF THREE NO TWO-STOREY DETACHED DWELLINGS AND ANCILLARY GARAGING**

The Woodlands Bath Lane Moira Swadlincote Derby DE12 6BP

Officer's Recommendation: PERMIT subject to S106 Agreement

The Chairman advised that applications A2 and A3 would be presented and debated together but individual votes would be required

The Senior Planning Officer presented the report to Members.

Mr R Parkin, objector, addressed the committee highlighting that the drive way was not wide enough for two way traffic, the gateway would not allow for safe entry and exit to the site and the submitted plans were not accurate. He noted that the driveway had no footpaths or street lighting, was only 4.25ms wide and had blind bends. He stated that if the application was permitted, it would lead to an increase in the number of vehicle movements along a single track and that the turning point and car parking spaces were not sufficient. He highlighted recent flooding issues on the site and that, should additional properties be built, the risk would increase, as well as overlooking of existing properties and the need for additional bin storage. He felt that consideration was given to public safety, flooding and facts.

In determining the application, members noted the concerns raised by the objector around the gateway width and lack of footpaths and lighting along the drive. Some members also expressed concerns over the flooding issues in the area and felt that a decision on the application should not be made until an emergency plan was in place. Members felt that additional conditions should be added to the decision notice in relation to increasing the gateway width and installing a footpath and form of street lighting.

A motion to permit the application in accordance with the recommendation of the Head of Planning and Infrastructure with the inclusion of additional conditions in relation to increasing the access width, installation of a footpath and installation of street lighting was moved by Councillor D Harrison and seconded by Councillor J Hoult.

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 recommendation of the Head of Planning and Infrastructure and with the inclusion of additional conditions in relation to increasing the access width, installation of a footpath and installation of street lighting.

Motion to Permit the Application in accordance with the recommendations of the Head of Planning and Infrastructure and subject to the additional conditions (Motion)	
Councillor Nigel Smith	For
Councillor Russell Boam	For
Councillor Dave Bigby	Against
Councillor Alexander Bridgen	For
Councillor Rachel Canny	For
Councillor David Everitt	Against
Councillor Stuart Gillard	For
Councillor Dan Harrison	For
Councillor Jim Hoult	For
Councillor John Legrys	Against
Councillor Michael Wyatt	Against

Carried

Councillor M B Wyatt left the meeting at 7.48pm before the vote was taken on item A3.

13.

A3

14/00417/FUL: ERECTION OF DETACHED TWO-STOREY DWELLING WITH DETACHED GARAGE

The Woodlands Bath Lane Moira Swadlincote Derby DE12 6BP

Officer's Recommendation: PERMIT subject to S106 Agreement

A motion to permit the application in accordance with the recommendation of the Head of Planning and Infrastructure with the inclusion of additional conditions in relation to increasing the access width, installation of a footpath and installation of street lighting was moved by Councillor D Harrison and seconded by Councillor J Hoult.

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 recommendation of the Head of Planning and Infrastructure with the inclusion of additional conditions in relation to increasing the access width, installation of a footpath and installation of street lighting.

Motion to Permit the Application in accordance with the recommendations of the Head of Planning and Infrastructure and subject to the additional conditions (Motion)	
Councillor Nigel Smith	For
Councillor Russell Boam	For
Councillor Dave Bigby	Against
Councillor Alexander Bridgen	For
Councillor Rachel Canny	For
Councillor David Everitt	Against
Councillor Stuart Gillard	For
Councillor Dan Harrison	For
Councillor Jim Hoult	For
Councillor John Legrys	Against
Councillor Michael Wyatt	No vote recorded
Carried	

14.

A4

20/00699/FUL: ERECTION OF TWO DWELLINGS

Land Adjacent To 5 Cedar Grove Moira Derby, DE12 6HJ

Officer's Recommendation: PERMIT

The Senior Planning Officer presented the report to Members.

In determining the application, Members welcomed an application for new social housing.

A motion to permit the application in accordance with the recommendation of the Head of Planning and Infrastructure was moved by Councillor J Legrys and seconded by Councillor D Harrison.

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 recommendation of the Head of Planning and Infrastructure

Motion to permit the application in accordance with the recommendation of the Head of Planning and Infrastructure (Motion)	
Councillor Nigel Smith	For
Councillor Russell Boam	For
Councillor Dave Bigby	For
Councillor Alexander Bridgen	For
Councillor Rachel Canny	For
Councillor David Everitt	For
Councillor Stuart Gillard	For
Councillor Dan Harrison	For
Councillor Jim Hault	For
Councillor John Legrys	For
Councillor Michael Wyatt	No vote recorded
Carried	

The meeting commenced at 6.00 pm

The Chairman closed the meeting at 7.56 pm

APPENDIX B

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

3 September 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 203 dwellings with associated highways infrastructure and public open space (reserved matters to outline planning permission ref. 13/00956/OUTM)
Land South Of Grange Road Hugglescote Leicestershire LE67 2BT**

**Report Item No
A1**

**Application Reference
20/00726/REMM**

**Grid Reference (E) 444053
Grid Reference (N) 312481**

**Date Registered:
24 April 2020**

**Consultation Expiry:
4 September 2020**

**Applicant:
Miss Sarah Allsop**

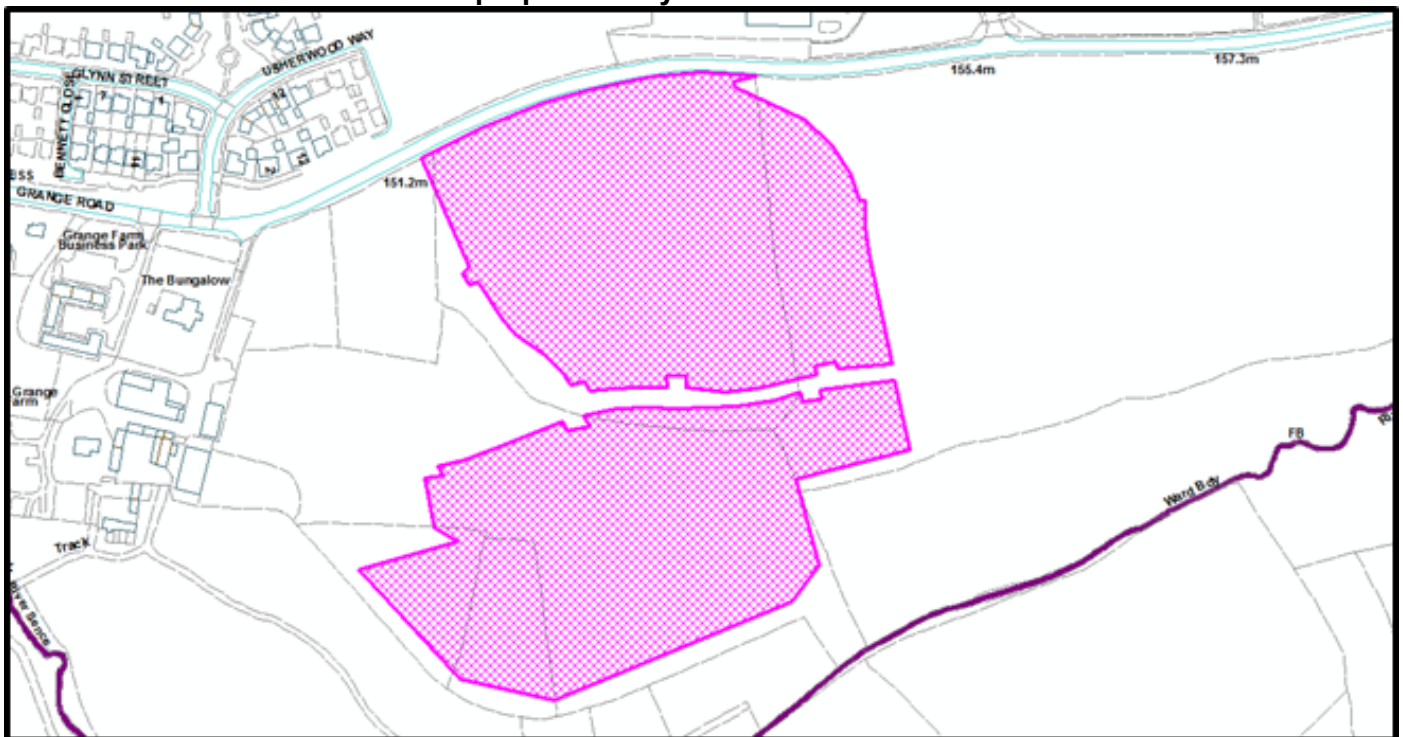
**8 Week Date:
24 July 2020**

**Case Officer:
James Knightley**

**Extension of Time:
10 September 2020**

**Recommendation:
PERMIT**

Site Location - Plan for indicative purposes only



Reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office
©copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence LA 100019329

Executive Summary of Proposals and Recommendation

Call In

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

Proposal

This is a reserved matters application for the erection of 203 dwellings and associated development, forming part of the wider South East Coalville development.

Consultations

Concerns have been raised by Hugglescote and Donington le Heath Parish Council in respect of the proposals, and amendments have been requested by the County Highway Authority.

Planning Policy

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

Conclusion

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

RECOMMENDATION:-

PERMIT, SUBJECT TO CONDITIONS

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

MAIN REPORT

1. Proposals and Background

This is a reserved matters application for the erection of 203 dwellings on two parcels of land totalling approximately 6.8 hectares forming part of the wider South East Coalville development (and identified as Phases A1.1 and A1.2 of the wider scheme).

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

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

The phases the subject of this application are located to the southern side of Grange Road and would be accessed via a new road running between the two parcels, and which has previously been approved under a separate reserved matters application (ref. 19/00747/REMM). As per the site-wide masterplan, land to the south and west of the current application phases is identified as public open space (and, as per the access road, already the subject of reserved matters approval ref. 19/00747/REMM).

2. Publicity

No neighbours notified.

Site Notice displayed 7 August 2020

Press Notice published Leicester Mercury 12 August 2020

3. Summary of Consultations and Representations Received

Hugglescote and Donington le Heath Parish Council raises the following issues:

- Housing mix not in accordance with local demand and residents' needs and the development is primarily for 4 bed units
- Insufficient bungalows
- Insufficient affordable housing
- Insufficient on-site play provision
- Play provision needs to be made prior to 100 dwellings being occupied
- Direct access to Millfield or Ashburton Road playing fields is only possible by clambering over the former railway
- Covid-19 situation is likely to slow down sales
- Additional tree planting required

- Gaps in hedgerows should be filled with new planting
- Appropriate refuse collection and emergency vehicle access should be provided
- Site would be over-developed
- Tandem car parking and garage spaces are not always used properly, resulting in on-street parking
- Queries whether roads would be adopted
- Further information on the scheme's carbon footprint are required
- Direct discussions between the developer and the Parish Council would be beneficial

Leicestershire County Council Lead Local Flood Authority has no objections

Leicestershire County Council Highway Authority has raised a number of concerns in respect of the detailed layout and submitted Travel Plan (and as set out in more detail in the relevant section below)

Leicestershire County Council Rights of Way - no comments received

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

National Forest Company requests further details in respect of the proposed landscaping.

North West Leicestershire District Council Strategic Housing team has no objections

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

Other Representations

Councillor Johnson raises the following concerns:

- No children's play area proposed
- Proposed bungalows too far to walk from Hugglescote Surgery
- Shining of vehicle headlights from Grange Road into new dwellings' bedrooms

Third Party Representations

None

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2019)

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

Paragraphs 8, 11 and 12 (Achieving sustainable development)

Paragraphs 47, 54 and 55 (Decision-making)

Paragraphs 106, 109 and 110 (Promoting sustainable transport)

Paragraphs 122 and 123 (Making effective use of land)

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

Paragraph 165 (Meeting the challenge of climate change, flooding and coastal change)

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

Adopted North West Leicestershire Local Plan (2017)

The application site lies within Limits to Development as defined in the adopted Local Plan and is also identified as a site with planning permission for housing under Policy H1 (site H1h). The following adopted Local Plan policies are considered relevant to the determination of this application:

Policy D1 - Design of new development
Policy D2 - Amenity
Policy H6 - House types and mix
Policy IF1 - Development and Infrastructure
Policy IF3 - Open Space, Sport and Recreation Facilities
Policy IF4 - Transport Infrastructure and new development
Policy IF7 - Parking provision and new development

Other Policies

Good Design for North West Leicestershire SPD

Leicestershire Highway Design Guide

5. Assessment

Principle of Development

The principle of development on this site for residential purposes was established by the grant of the original outline planning permission in September 2016 and, as a submission for reserved matters approval, the present application essentially seeks agreement of details in respect of the access, appearance, landscaping, layout and scale. Assessment of this application should therefore relate to the implications of the particular scheme proposed under this reserved matters application; issues relating to the principle of the development and associated matters are not relevant to this application.

Other Matters Relating to the Outline Planning Permission

In addition to a range of conditions requiring submission and approval of details in respect of various matters prior to trigger points such as commencement / occupation etc., the outline planning permission also requires certain matters to be included as part of the reserved matters application(s) (either for the site as a whole or the relevant phase). These conditions include requirements in respect of: provision of a masterplan (Condition 5); a Design Code (Condition 8); a statement setting out how the Design Code has been complied with (Condition 9); details of modelling and buffer works relating to the River Sence (Conditions 11 and 16); a vehicular access strategy (Condition 27); a site-specific Travel Plan for the relevant phase (Condition 31); and details of continuous routes suitable for buses (Conditions 32 and 33). However, whilst these conditions generally require these matters to be submitted with the first reserved matters application for the relevant phase, the consortium has already sought to address the majority of these on a site-wide basis under separate (approved) discharge of condition applications, and the submission requirements under Conditions 5, 8, 11, 16, 27, 32 and 33 have, in effect, already been complied with. In terms of the remaining conditions referred to above, the following conclusions are reached:

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

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

Urban Form, Design and Site Layout

The proposed development would provide for a total of 203 dwellings, equating to a density of approximately 30 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.

As per previous reserved matters submissions in respect of the wider South East Coalville site, the scheme is intended to be a landscape-led development in accordance with the principles set out in the agreed Design Code for the site as a whole and the landscaping proposed would accord with the street typologies approved under the Code.

During the course of the application, the scheme has been the subject of discussions between officers and the applicant, intended to address a number of concerns raised by officers (including the District Council's Urban Designer) in respect of the originally submitted scheme, including elevational treatment (including for corner turning house types), use of a wide variety of house type design approaches (and thus reducing the ability to create character), relationships between adjacent house types, dominance of car parking within the street scene, limited numbers of units with chimneys, on-plot landscaping, and limited pedestrian connections. Following the submission of various amendments, these concerns are now considered to have been addressed and, subject to the imposition of conditions in respect of various details, the scheme is considered acceptable from a design point of view.

In terms of housing mix issues, Local Plan Policy H6 requires a mix of housing types, size and tenure to meet the identified needs of the community. Whilst tenure is in effect addressed by the existing Section 106 obligations securing affordable housing (7.5%) as part of the development, Policy H6 refers to the need to have regard to the most up-to-date Housing and Economic Development Needs Assessment (HEDNA), and sets out the range of dwelling size (in terms of numbers of bedrooms) identified as appropriate in the HEDNA as follows:

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

Following amendment, the submitted scheme proposes the following (%):

<i>Tenure</i>	<i>No. of Bedrooms</i>			
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4+</i>
Market	1.1	23.0	48.7	27.3
Affordable	25.0	62.5	12.5	-

Insofar as the market housing is concerned, it is noted that the scheme would be slightly more weighted towards larger units than as suggested in the HEDNA (although it is acknowledged that Policy H6 indicates that the HEDNA mix is one of a number of criteria to be considered when applying the policy, and that Inspectors' decisions elsewhere in respect of housing mix have indicated that reserved matters applications cannot normally be used to secure a specific mix of house types (i.e. as housing mix is not, in itself, a reserved matter)). Nevertheless, it is acknowledged that the mix has moved to a position significantly more in accordance with that suggested in the HEDNA as a result of amendments made during the course of the application and, overall, it is considered that the market housing mix now performs well in respect of the HEDNA.

Policy H6 also requires a proportion of dwellings suitable for occupation by the elderly (including bungalows) for developments of 50 or more dwellings; four single storey dwellings are included within the proposed development. The policy also requires a proportion of dwellings suitable for occupation or easily adapted for people with disabilities; in addition to the four bungalows referred to above, the applicant draws attention to the provision of 33 of the "Leamington Lifestyle" house type within the proposed development which, the applicant confirms, is easily adaptable in accordance with Part M4 (2) of the Building Regulations.

In terms of affordable housing generally, as set out above, the Section 106 agreement requires the provision of a minimum of 7.5% of the proposed dwellings within each phase to be affordable. However, the need to comply with the terms of the Section 106 agreement is not directly relevant to the determination of this reserved matters application (and the precise nature of the proposed affordable contribution within the two phases the subject of this application would need to be agreed separately under the provisions of the Section 106 agreement prior to commencement on the phase). Nevertheless, in terms of the affordable provision indicated, it is proposed that 8 out of 100 units (8.0%) would be provided within Phase A1.1 and 8 out of 103 units (7.7%) would be provided within Phase A1.2 (or, in total, 16 out of 203 units (7.9%)), thus ensuring that the development would meet (and slightly exceed) the minimum requirements for each phase.

Insofar as the mix of affordable units is concerned in terms of dwelling size and tenure type, this would also need to be resolved under the provisions of the Section 106 agreement, but the Strategic Housing Team nevertheless confirms that it is content with the location of the affordable properties indicated at this time. The Strategic Housing Team had initially raised a number of issues in respect of the scheme shown as part of the reserved matters application (including in respect of the minimum contribution required for each phase (see above), the total contribution for the two phases, the tenure and property type mixes, affordable unit car parking provision and internal space standards), these have now been addressed to the Strategic Housing Team's satisfaction. At this stage, therefore, the District Council's Strategic Housing team indicates that it is satisfied with the house types indicated as intending to be the affordable contribution for these phases of the wider development.

Under the provisions of the Section 106 obligation entered into at the outline stage, a significant contribution to green infrastructure (including public open space, children's play and National

Forest planting) is required to be implemented (within the site as a whole). Insofar as this part of the wider site is concerned, the submitted layout broadly corresponds with the various areas of proposed green infrastructure on the site-wide masterplan, and would be considered to provide a suitable contribution to the network of open space proposed as part of the development's overall landscape-led approach.

Under the provisions of the Section 106 agreement, the developer for each phase of the wider development is required to agree the details of those areas of public open space etc. under that agreement prior to commencement on the relevant phase. As such, this is essentially a matter relating to discharge of planning obligations rather than the current reserved matters application. Whilst Hugglescote and Donington le Heath Parish Council has made comments in respect of the quantum and timing of public open space / children's play, the strategy for public open space provision is already addressed under the outline planning permission and Section 106 agreement and is not directly relevant to the determination of this reserved matters application. In the case of this particular section of the wider site, it is noted that the parcels themselves include on-site feature open space formed round a pair of retained mature ash trees, forming part of new green link through the site. This part of the site is also immediately adjacent to proposed public open space to the south, and a new children's play area to the west.

Highway Safety, Transportation and Access Issues

As set out above, whilst the site is subject to an agreed vehicular access strategy, the details of the proposed means of access are a reserved matter for determination as part of this application. The submitted scheme shows the proposed dwellings served via a new east-west road passing between the two phases the subject of this application (and which, itself, would be served from the "Gateway" road linked to Grange Road via a new roundabout (part of the principal route running north-south through the eastern part of that part of the South East Coalville development located to the south of Grange Road)). The Gateway and the east-west route have previously been approved under a separate reserved matters application (ref. 19/00747/REMM), and are not the subject of this reserved matters submission.

In response to the submissions, the County Highway Authority has requested some additional information in support of the application, including in respect of visibility to proposed junctions onto the east-west route (i.e. as it is only the route itself that currently has approval; the appropriateness of any accesses onto it would need to be considered as part of this reserved matters application). Other minor changes in respect of the internal layout are also sought; the County Highway Authority's comments on the latest amendments are awaited, and any further comments received will be reported on the Update Sheet. However, one of the matters raised by the County Council is in respect of the proposed "connecting" private drives (i.e. those unadopted drives where access is possible from both ends), and the County Highway Authority suggests that the "through" routes ought to be prevented by use of physical features (e.g. gates / bollards etc.). It is understood that the County Council's objections in respect of such connecting private drives relate to the potential for future requests to adopt such routes rather than any specific planning-related (e.g. highway safety) reason and, as such, it is not considered that the proposed routes would be unacceptable. Whilst, given their location (and the availability of alternative higher order vehicular routes close by), it would seem very unlikely that the unadopted drives would be used on a regular basis by drivers other than those wishing to access the properties they serve, their availability for use by pedestrians would be possible given the intention for them to be adopted by a management company rather than individual households. Furthermore, from a layout / design and connectivity point of view, use of cul-de-sacs would be likely to be less appropriate than the scheme as currently proposed, particularly so given that they would be likely to need to be accompanied by additional turning heads. From

a waste collection point of view, it is understood that use of routes allowing continuous forward gear by waste collection vehicles is generally more efficient; where the use of unadopted drives by waste vehicles is intended, the District Council's Waste Services team will usually require the developer to enter into an agreement with the District Council so as to indemnify for any potential future damage. It is also considered that conditions designed to ensure that the unadopted drives proposed to be maintained by a management company are available for use by all (including provision of signage) ought to be attached to any consent so as to clarify those drives' status.

In terms of other issues, it is noted that the applicant has amended the setting out of a 90 degree bend within the development by pushing back the frontage landscaping to increase forward visibility around the bend (and in accordance with the suggestion of the County Highway Authority). In order to ensure an appropriate landscape treatment of this corner, it is considered that an alternative to increased width tarmac ought to be considered if forward visibility of this nature is considered appropriate under Manual for Streets (for example, soft landscaping set at a level below the forward visibility height); this issue could, it is considered, be addressed by way of a suitably worded condition.

As set out above, (and as per the requirements of Condition 31 of the outline planning permission) the application is accompanied by a Travel Plan relating to this phase of the wider scheme, and which sets out a range of measures designed to reduce reliance on single occupancy vehicle trips (and in accordance generally with the Framework Travel Plan for the site as a whole forming part of the outline application submissions). This site-specific Travel Plan has been assessed by the County Highway Authority, and it advises that amendments ought to be made to the document, including the addition of further information in respect of pedestrian and cycle accessibility and facilities within the site, together with provision of cycle maps to new residents. It is therefore considered that these matters would need to be addressed to the County Highway Authority's satisfaction prior to any consent being issued.

A public right of way (Footpath N54) passes east-west through the southern section of the current application site. Under the scheme the subject of reserved matters approval ref. 19/00747/REMM, this route is proposed to be replaced by a new pedestrian link to the south of this parcel, passing through the proposed green infrastructure areas. The issues relating to the diversion of the right of way have already been assessed under the earlier reserved matters application, and are considered to remain acceptable. In addition (and in accordance with the approved site-wide masterplan), the scheme includes a new north-south pedestrian route through the site, connecting Grange Road with the new public open space to the south.

Overall in respect of highway safety, transportation and access issues, therefore, it is noted that, whilst a number of matters need to be resolved to the County Highway Authority's satisfaction, these appear to be relatively minor in nature, and capable of being addressed. It is therefore recommended that any resolution to permit be subject to the County Council confirming that it has no objections on any highway safety or pedestrian / cycle accessibility grounds.

Residential Amenity

There are no existing neighbours considered to be materially affected by the proposals; insofar as future residents of the proposed development are concerned, the proposed layout is considered to include appropriate relationships between the new dwellings, providing for an acceptable level of amenity, and complying with the relevant Local Plan and SPD policies.

Other Matters

In response to queries raised by Hugglescote and Donington le Heath Parish Council regarding the sustainability credentials of the development, the applicant confirms that, whilst there are no specific renewable energy measures proposed on the site (noting that neither the Local Plan nor the outline planning approval require such), the development would be built to comply with current building regulations and every house would be designed so as to regulate its water consumption to be no more than 100 litres per person per day (which would be more stringent than the existing maximum of 125 litres per person per day standard as set out in the Building Regulations).

Conclusions

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

The reserved matters scheme the subject of this application is considered to be acceptable, and previously raised design and highway safety concerns are considered to have been addressed to an acceptable degree. It is therefore recommended that reserved matters approval be granted.

RECOMMENDATION- PERMIT, subject to no contrary representations raising new issues being received by 4 September 2020, subject to no objections being raised by the County Highway Authority on highway safety or pedestrian / cycle accessibility grounds, and subject to the following condition(s):

- 1 Compliance with outline planning permission
- 2 Approved plans
- 3 Landscaping (including future maintenance and management)
- 4 Hard surfacing (including provision of transition strips to proposed roads)
- 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 Windows to car parking areas
- 14 Bin / recycling storage and collection points
- 15 Street name plates
- 16 Retaining walls / structures
- 17 Compliance with details approved pursuant to outline planning permission conditions (and forming part of the reserved matters submission)
- 18 Provision of signage in respect of unadopted roads / drives intended for public use
- 19 Landscaping treatment to forward visibility splays (including Plot 52)

Plus any other conditions as may be recommended by the Local Highway Authority

(subject to no contrary observations by 4 September 2020)

This page is intentionally left blank

Erection of detached dwelling, detached garage and associated infrastructure

Report Item No
A2

Land Adjacent To Oak Tree Stables School Lane Newbold
Leicestershire LE67 8PF

Application Reference
19/01419/FUL

Grid Reference (E) 440196
Grid Reference (N) 318665

Date Registered:
25 July 2019

Consultation Expiry:
18 August 2020

Applicant:
Mr S Stewart

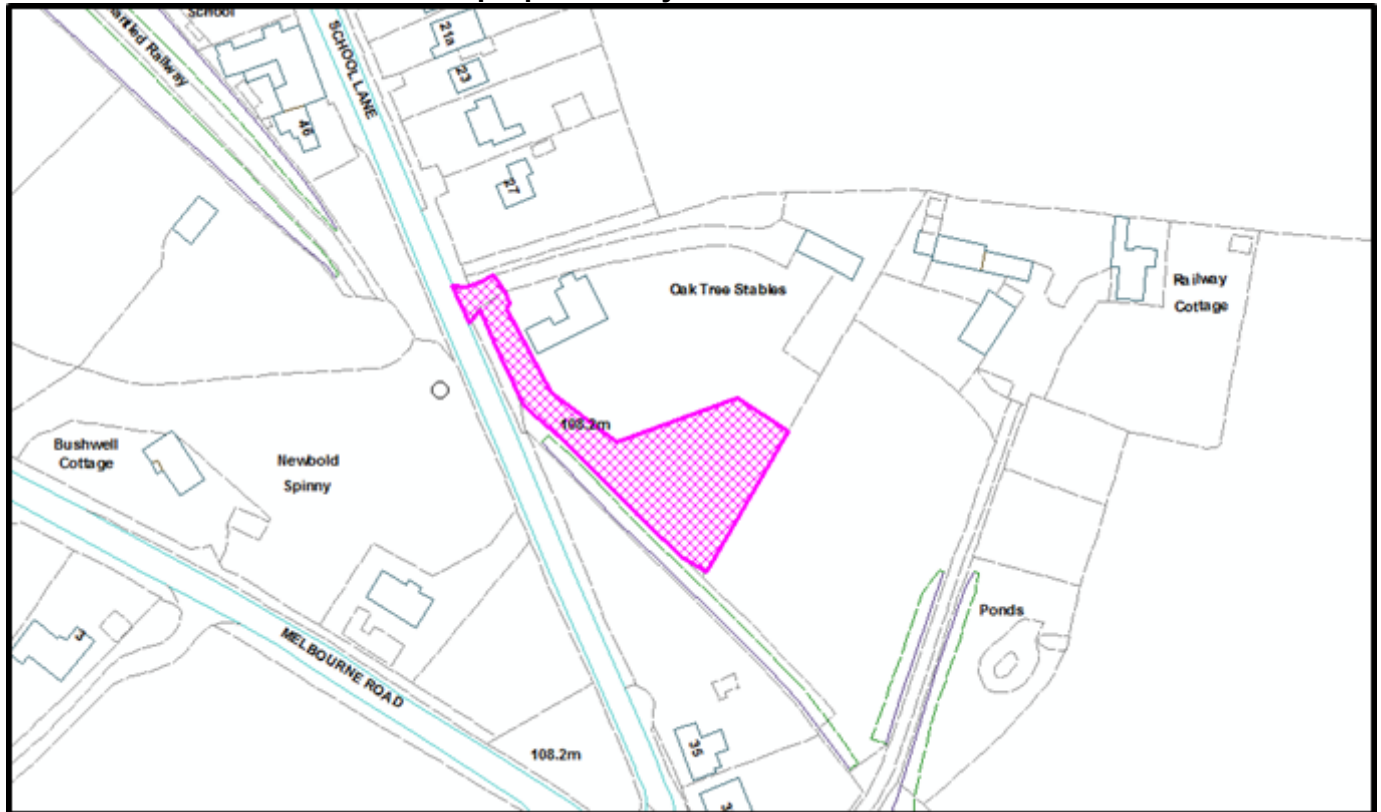
8 Week Date:
19 September 2019

Case Officer:
Ebony Mattley

Extension of Time:
None Agreed

Recommendation:
REFUSE

Site Location - Plan for indicative purposes only



Reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office
©copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence LA 100019329)

Executive Summary of Proposals and Recommendation

Call In

The application is brought to Planning Committee, as the application site is owned by an elected member (Councillor Boam).

Proposal

Full permission is sought for the erection of a detached dwelling, detached garage and associated infrastructure at land adjacent to Oak Tree Stables, School Lane, Newbold.

Vehicular access would be provided off School Lane, to be a shared access with the existing dwelling 'Oaktree' and Oaktree Stables.

Consultations

A total of 7 letters of objection from 2 local addresses and support from 2 local addresses have been received. All statutory consultees who have responded have raised no objections subject to the imposition of conditions. No comments have been received by Worthington Parish Council.

Planning Policy

The site lies outside the Limits to Development on the Policy Map to the adopted Local Plan. The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The proposed residential development which would be located outside the Limits to Development would not be a form of development permitted by Policies S2 or S3 of the adopted Local Plan (2017). The application would result in the unwarranted development of a greenfield site located outside Limits to Development, not constituting sustainable development, contrary to the policies and intentions of Policies S2 and S3 of the adopted Local Plan (2017) and the advice in the NPPF. It is therefore recommended that the application be refused.

RECOMMENDATION:-

REFUSE,

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

Full permission is sought for the erection of a detached dwelling, detached double garage and associated infrastructure at land adjacent to Oak Tree Stables, School Lane, Newbold.

The 1.5 storey detached dwelling consisting of five bedrooms is proposed. A detached double garage is proposed to the south.

During the course of the application, amended plans have been received to propose the vehicular access off School Lane, to be a shared access with Oaktree and Oaktree Stables. A revised certificate was provided, showing that notice had been served upon the owners of Oaktree/Oaktree Stables and re-consultation undertaken.

Furthermore, following concerns raised by officers regarding the scale and detailing of the dwelling, amended plans have been received during the course of the application making design changes to the dwelling and garage, including detaching the garage and re-consultation has been undertaken.

During the processing of the application, the applicant's agent has provided additional information including soil infiltration rate and drainage plans garage and re-consultation has been undertaken.

The site lies outside the Limits to Development on the Policy Maps, to the adopted Local Plan and within a Coal Mining Development High Risk Area.

The application is supported by a Coal Mining Risk Assessment report.

Relevant Planning History:

None relevant to this proposal.

2. Publicity

7 neighbours notified.

3. Summary of Consultations and Representations Received

The following summary of representations is provided. Members will note that full copies of correspondence received are available on the Council's website.

Statutory Consultees

No objection from:-

Leicestershire County Council - Lead Local Flood Authority (Standing Advice)
Leicestershire County Council - Ecology

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

Coal Authority
Leicestershire County Council - Highways
NWLDC Environmental Protection - Land Contamination

No response received from:-

Worthington Parish Council
Severn Trent Water

Third Party Representations

Letters of support from No 27 School Lane and OakTree Stables have been received stating that:-

- the village is in need of family sized homes to help support the local shop, pub, school and help the village become more sustainable;
- the Parish have not objected;
- infill parcel of land which sits in-between two new builds and would not be visible from the road;
- Similar buildings in the village have received permission; and
- drains have been cleared and there are no issues over flooding.

Seven letters of objection, including from No's 33 and 35 School Lane have been received, raising objections on the following grounds:

Principle

- Outside limits for development and in an unsustainable location reliant upon the motor car and residential development is not supported under planning policy;
- Contrary to Policies S2 and S3;
- Out of the building line;
- The proposed development would exacerbate the existing ribbon development to the south of Newbold and as the proposed dwelling is set back from the road, it would not be well integrated with the existing pattern of development;

Residential Amenity

- No. 33 will be affected by loss of privacy and overlooking;
- Close proximity of the tree planting affects daylight into our living room and kitchen;

Drainage and Flooding

- Exacerbate existing flooding issues;
- Water does not easily permeate the ground (clay) and uncontained run-off water from the land and buildings at Oak Tree Stables flows into adjacent properties causing flooding on a number of occasions;
- Significant concerns over the loss and removal of the existing pond and drainage impacts upon surrounding properties and land;
- The drainage for Oak Tree Stables is in part a pond, and this scheme intended to be built over the pond;
- The revised proposal shows surface water from both Oak Tree Stables and the application

dwelling diverted into a soakaway and a soakaway would not be suitable given the heavy clay nature of the soil;

- No soakaway testing has been undertaken;
- The pond is not shown on the location plan;

Other

- Visibility at the road access; and
- Considerable infill creating a ditch with the new embankment;
- Submitted plan encroaches over the boundary of 33 School Lane in contradiction to the plan shown on the land registry.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2019)

The policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF. The following paragraphs of the NPPF are considered relevant to the determination of this application:

- Paragraphs 7, 8, 9, 10, (Achieving sustainable development);
- Paragraphs 11, 12 (The Presumption in Favour of Sustainable Development);
- Paragraph 55 (Planning conditions and obligations);
- Paragraph 79 (Delivering a sufficient supply of homes);
- Paragraphs 108, 109 (Promoting sustainable transport);
- Paragraphs 127, 130 (Achieving well-designed places);
- Paragraphs 163, 164 (Meeting the challenge of climate change, flooding, and coastal change);
- and
- Paragraph 178 (Ground conditions and pollution).

Adopted North West Leicestershire Local Plan (2017)

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

- S2 - Settlement Hierarchy;
- S3 - Countryside;
- D1 - Design of New Development;
- D2 - Amenity;
- IF4 - Transport Infrastructure and New Development;
- IF7 - Parking Provision and New Development;
- EN1 - Nature Conservation;
- CC2 - Water - Flood Risk; and
- CC3 - Water - Sustainable Drainage Systems.

Other Policies/Guidance

National Planning Practice Guidance
 Leicestershire Highways Design Guide
 Good Design for North West Leicestershire SPD - April 2017

5. Assessment

Principle of Development

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2017).

The site is greenfield land located outside the defined Limits to Development and is therefore located within land designated as Countryside. On sites falling outside the defined Limits to Development, residential development is not a form of development that is permissible by Policy S3 of the adopted Local Plan (2017) save for limited exceptions as specified in the policy (i.e. re-use or adaptation of an existing building or the redevelopment of previously developed land).

Policy S2 is also relevant to the determination of the application and contains a settlement hierarchy which guides the location of future development with settlements further up the hierarchy able to take more growth. Policy S2 categorises Newbold as a 'Small Village' with very limited services, where development will be restricted to conversions of existing buildings or the re-development of previously developed land, or affordable housing in accordance with Policy H5.

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF. Policy S2 is consistent with the core principle of the National Planning Policy Framework ("the NPPF") to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

Newbold does not have a shop and it is not supported by any other services, other than bus stops, a public houses, and a primary school. Given the above, it is considered the future occupiers of the dwelling would be heavily reliant upon the private motorcar to access basic day to day needs, which weighs heavily against the site being socially and environmentally sustainable.

The NPPF requires that the District 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 District Council has a 10.2 year housing land supply and therefore, is able to demonstrate a five year supply of housing (with 20% buffer) against the requirements contained in the adopted Local Plan.

It is noted that applications prior to the adoption of the Local Plan in 2017 in Newbold were not refused on grounds of sustainability, for examples application ref: 15/00241/FUL, however since the adoption of the Local Plan in 2017 and Newbold being categorised as a 'Small Village' and lower order settlement, within the hierarchy set out within Policy S2, new residential development in Newbold which does not relate to the conversion of existing buildings or redevelopment of previously developed land, is not supported in policy terms. Application ref:

18/00112/FUL at 17 School Lane, Newbold was refused in April 2018 on the same grounds.

In summary, the proposed residential development which would be located outside the Limits to Development would not be a form of development permitted by Policies S2 or S3 of the adopted Local Plan (2017). The application would result in the unwarranted development of a greenfield site located outside Limits to Development, not constituting sustainable development, contrary to the policies and intentions of Policies S2 and S3 of the adopted Local Plan (2017) and the advice in the NPPF.

As the settlement of Newbold, does not benefit from a wide range of local services, it is considered the future occupiers would be reliant upon the private motorcar to access basic day to day needs. The proposal for new residential development, is therefore, not considered to represent a sustainable form of development.

Approval of the application would result in the unnecessary development of land located outside Limits to Development, not constituting sustainable development, and contrary to the policies and intentions of Policies S2 and S3 of the adopted Local Plan (2017) and the advice in the NPPF. It is considered, on balance, that any potential benefits of the scheme as proposed would be insufficient to outweigh the conflict with the development plan and the NPPF resulting from the harm as identified in the report, above.

Siting and Design and Impact upon Character

The need for good design in new residential development is outlined not only in adopted Local Plan Policy D1 and the Council's Good Design SPD but also paragraphs 127 and 130 of the NPPF.

Officers expressed concern over the scale and character of the proposed dwelling as originally submitted, given its location within the countryside on the edge of existing built development. In the opinion of officers the original scale and mass of the building would have exceeded that of neighbouring development, the angular footprint would have resulted in a convoluted external appearance to the dwelling and the height and expanse of a hipped roof would dominate, given the sunken nature of the building in relation to the highway.

In response, during the course of the application amended plans have been received, removing the hipped roof design and angular layout. The scheme now proposes a 1.5 storey dwellings, with first floor accommodation within the roof space and the introduction of dormer windows which is of an acceptable scale.

In terms of design, the scheme proposes a more traditional, flat frontaged style with gable roof design, rear projecting gables, and two external chimney stacks.

In respect of the siting of the dwelling, the scheme does not propose frontage development and the angle of the dwelling carefully considers neighbouring dwellings, to avoid any direct overlooking.

The scale of the garage is subservient in relation to the main dwelling and the roof design and materials matching those of the main dwelling to give a compatible appearance.

In summary, following the submission of amended plans the siting, scale and design approach are considered to be acceptable and development appears in keeping with the character of the area. Therefore, the proposed development is considered to be in accordance with Policy D1 of

the adopted Local Plan, the Council's Good Design SPD and the NPPF.

Impact upon Residential Amenity

The closest residential dwellings to the application site are 'Oaktree' to the north of the application site and No's 33 and 35 School Lane to the south.

The residential dwelling most immediately impacted upon as a result of the proposal would be No. 33 School Lane and objections have been received on the basis of overlooking and loss of privacy.

No. 33 School Lane is of single storey proportions and has recently been constructed following grant of planning permission refs: 15/00241/FUL and 16/00563/VCU. Whilst it is acknowledged that No. 33 has not been shown on the submitted plans, it is considered that officers have been able to make an assessment based upon a site visit, the application plans and the plans as part of the approval of No. 33 School Lane. Given the land levels that slope down from School Lane and the embankment, the application dwelling is proposed to be sited in a lower position, with neighbouring No. 33 being in an elevated position.

The proposed dwelling is sited to the north of the application site, furthest away from No. 33, with the proposed detached garage between . It is considered that there is sufficient distances from the side wall of the proposed dwelling to the closest neighbouring dwelling to the south, complete with the land levels differences, to ensure that there would not be any significant overshadowing, loss of light or overbearing impacts upon the occupiers of No. 33. The scheme proposes one first floor side window (to the south elevation) to serve an en-suite which would be obscurely glazed and thus there would not be any significant overlooking impacts. The proposed detached garage would be located along the southern boundary of the application site and closer to the neighbour dwellings, however by virtue of its single storey proportions and given no windows are proposed, it is not considered that the garage would give rise to an unacceptable impacts upon the occupiers of this neighbouring dwelling.

There is sufficient distances from the northern elevation of the proposed dwelling to the neighbour 'Oaktree' to the north to ensure that there is no sufficient overshadowing, loss of light or overbearing impacts. The scheme proposes one first floor side window to serve an en-suite which would be obscurely glazed and thus there would not be any significant overlooking impacts. There are habitable windows in the front elevation, however it is considered that they are orientated to the west and therefore would not result in any direct overlooking upon the amenity area of 'Oaktree'.

All other surrounding residential properties, including No. 35 School Lane are considered to be a sufficient distance away from the proposal and are therefore unlikely to be significantly affected by this proposal. It is also noted that mature landscaping around the site would be retained.

In summary, 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 and the NPPF.

Highway Considerations

Following a series of concerns raised by the County Highway Authority ("CHA") the applicant proposed a new access arrangement, which utilises an existing access on School Lane, which is used by the occupiers of Oak Tree Stables, in addition to the business of Russell's Garden Buildings.

The CHA have confirmed that the new proposed access can achieve suitable visibility and the intensification of the access, for use for one additional dwelling, would be acceptable.

The scheme proposes a dwelling of five bed configuration and three on-site parking spaces can be provided within the scheme (including the double garage), and turning has been provided to enable vehicles to enter and exit the site in a forward gear.

The CHA's view is 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. Based on the information provided, the development therefore does not conflict with paragraph 109 of the NPPF, subject to the imposition of appropriate conditions.

In summary, on the basis of the above the highway safety aspects of the scheme are considered acceptable. The proposal is considered acceptable in relation to Policies IF4 and IF7 of the adopted Local Plan, the Leicestershire Highways Design Guide and the NPPF.

Drainage and Floodrisk

The application dwelling is to be sited on the area of the existing pond. The site lies within Flood Zone 1, which is an area of low probability of flooding. A small section of the southern part of the site (to form the garden) has a 'medium' risk of surface water flooding.

Concerns have been raised by residents in relation to the loss of the pond and the existing drainage and flooding problems in the area, resultant of the development at 'Oaktree'. Accordingly, neighbours believe that the situation would be exacerbated and that the clay ground conditions would not be suitable for a soakaway. Ordinarily based upon the low risk of flooding, consultation within the Lead Local Flood Authority ("LLFA") would not be required, however following the concerns raised by neighbours, officers have been in dialogue with the LLFA to discuss these concerns further.

Following concerns raised by neighbouring letters of representation, and in consultation with the LLFA, officers requested that additional information be supplied to confirm whether a soakaway is suitable in this location given the geology of the site.

The scheme proposes the removal of an existing pond and surface water is proposed to be disposed of by way of a soakaway. During the course of the application, the application has provided additional information including soil infiltration rate and drainage plans.

The additional information has been considered by the Council's Building Control Team who confirmed that a test hole has been dug and the site drains better than expected, although more detailed considerations and tests would need to be done under Building Control legislation.

In summary, when determining planning applications, the local planning authority should ensure flood risk is not increased elsewhere. The LLFA have confirmed that a review of flood mapping

for fluvial and surface water does not raise any specific concern. Furthermore, the soil infiltration rate calculations have demonstrated that a soakaway would be suitable in this location, however the precise design and construction would be subject to Building Regulations Approval Document H. Accordingly no further consideration of the soakaway, under the planning process is considered to be necessary. The proposal is considered acceptable in relation to Policies CC2 and CC3 of the adopted Local Plan and the NPPF.

Other Matters

Coal

The application site falls within the Coal Authority's defined Development High Risk Area and the application is accompanied by a Coal Mining Risk Assessment report (March 2019, prepared by Ivy House Environmental). The scheme has been considered by the Coal Authority who confirm that should planning permission be granted, a condition should be imposed requiring intrusive site investigations to take place, prior to the commencement of development.

Land Contamination

The Council's Environmental Protection - Land Contamination Officer has raised no objections to the development with regards to ground contamination subject to the imposition of conditions.

Ecology

The County Council Ecologist has confirmed that an ecology survey is not required and there are no further comments to make.

Conclusion

In conclusion, the application falls to be considered under Policy S3 of the adopted Local Plan (2017) which does not support residential development on greenfield sites, outside Limits to Development. The scheme is therefore considered to result in un-necessary development of greenfield land and encroachment into the countryside. Furthermore, Policy S2 of the adopted Local Plan (2017) contains a settlement hierarchy and Newbold is specified as a Small Village with very limited services and facilities. Accordingly, the application site would also be in a socially unsustainable location due to the lack of service provision in the settlement of Newbold not assisting in supporting the basic needs of any future occupants of the properties which therefore results in a heavy reliance on the private car. The application would result in the unwarranted development of a greenfield site located outside Limits to Development, not constituting sustainable development, contrary to the policies and intentions of Policies S2 and S3 of the adopted Local Plan (2017) and the advice in the NPPF.

The scheme, subject to the imposition of conditions, would not give rise to any significant material impacts upon the occupiers of neighbouring dwellings, highway safety, drainage or flood risk, ecology, or land contamination and instability.

It is considered, on balance, that any potential benefits of the scheme would be insufficient to outweigh the conflict with the development plan and the NPPF resulting from the harm as identified in the report, above.

It is therefore recommended that the application be refused.

RECOMMENDATION - REFUSE, for the following reason:

- 1 Policy S2 of the adopted Local Plan (2017) contains a settlement hierarchy and Newbold is specified as a Small Village with very limited services and facilities and where development will be restricted to conversions of existing buildings or the redevelopment of previously developed land. The proposed new dwelling on a greenfield falls to be considered under Policy S3 of the adopted Local Plan (2017) which does not support residential development on greenfield sites outside Limits to Development. The proposal would be fundamentally at odds with the settlement hierarchy and strategic housing aims of Policy S2 and the countryside Policy S3 in the adopted Local Plan (2017) and future occupiers of the dwelling would be heavily reliant upon the private motorcar to access basic day to day needs. Approval of the application would result in the unnecessary development of land located outside Limits to Development, not constituting sustainable development, and contrary to the policies and intentions of Policies S2 and S3 of the adopted Local Plan (2017) and the advice in the NPPF.

This page is intentionally left blank

Continued use of caravan site for a mixture of permanent residential accommodation and short term holiday accommodation
Ashby Woulds Residential Park Spring Cottage Road Overseal Derby

Report Item No
A3

Application Reference
20/00362/FUL

Grid Reference (E) 430387
Grid Reference (N) 316182

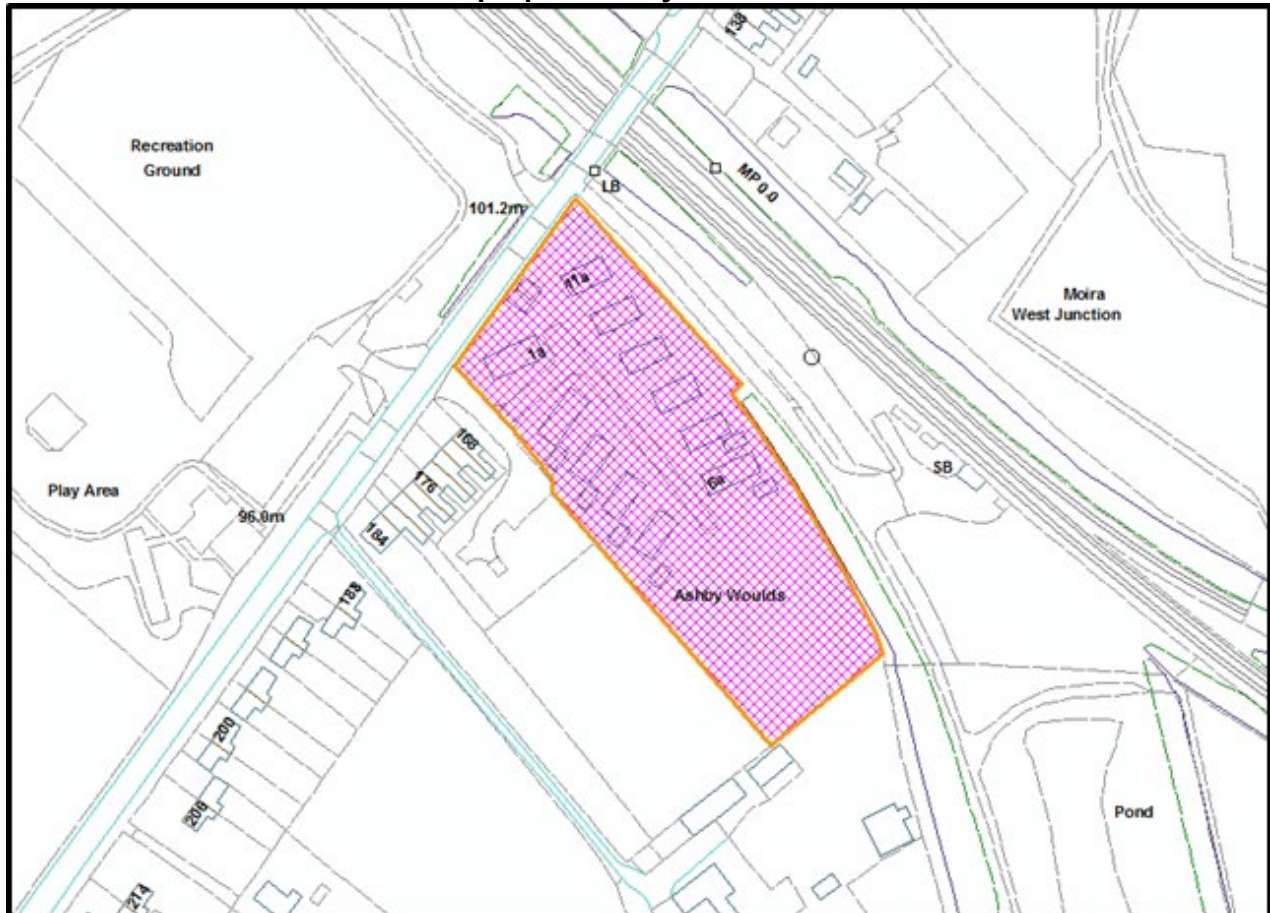
Date Registered:
13 March 2020
Consultation Expiry:
13 April 2020
8 Week Date:
8 May 2020
Extension of Time:
None Agreed

Applicant:
Mr Tom Hartley

Case Officer:
Donnella Wood

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



Reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office
©copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence LA 100019329)

Executive Summary of Proposals and Recommendation

Call In

The application is brought to Planning Committee, at the request of Councillor John Bridges who raised concerns regarding residential amenity.

Proposal

Full permission is sought for the continued use of a caravan site for a mixture of permanent residential accommodation and short term holiday accommodation at Ashby Woulds Residential Park, Spring Cottage Road, Overseal.

Consultations

A total of 3 letters of objection from 3 local addresses have been received. Comments have been received by Ashby Woulds Town Council who object on behalf of the residents. All other statutory consultees who have responded have raised no objections with no recommendation of conditions.

Planning Policy

The site lies outside the Limits to Development on the Policy Map to the adopted Local Plan. The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The principle of the development is acceptable. The proposal is not considered to have any significant detrimental design, residential amenity or highway safety impacts and would not adversely impact the River Mease SAC. 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,

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 continued use of caravan site for a mixture of permanent residential accommodation and short term holiday accommodation at Ashby Woulds Residential Park, Spring Cottage Road, Overseal.

The site currently has permission as a residential mobile home park and houses eleven lodges. Under the proposal eight of the lodges would become short term holiday accommodation.

The site is also the subject of a separate undetermined application 19/01255/FUL for the retention of seven outbuildings used in association with the lodges.

The site is located outside of the Limits to Development, as defined by the Policy Map to the adopted Local Plan and is therefore deemed countryside.

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

Concerns were initially raised to the NWLDC Environmental Protection Team and as such the proposal is a retrospective application.

Relevant Planning History

14/00875/FUL Demolition of Public House and change of use of land to a residential mobile home park PER 09.01.2015

15/00716/VCU Removal of condition 9 attached to planning permission 14/00875/FUL to remove the requirement for coal site investigations PER 22.09.2015

15/00927/FUL Change of use of land to a residential mobile home park (Re-submission of 14/00875/FUL) to amend the site access PER 18.11.2015

19/01255/FUL Retention of seven outbuildings PCO

2. Publicity

10 Neighbours have been notified.

3. Summary of Consultations and Representations Received

Statutory Consultees

Ashby Woulds Town Council - Objects to the application in support of the residents.

Leicestershire County Highway Authority - No objection.

NWLDC Environmental Protection - No objection but requested a note to applicant regarding the caravan site license.

Third Party Representations

Three letters of representations has been received, which object on the following grounds:

- Character of the area
- Noise and disturbance

- Overlooking and loss of privacy

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

Only comments which raise material planning issues can be taken into account.

4. Relevant Planning Policy

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.

The policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF. The following paragraphs of the NPPF are considered relevant to the determination of this application:

Paragraphs 7, 8, 9, 10, - Achieving sustainable development
 Paragraphs 11, 12 - The presumption in favour of sustainable development
 Paragraphs 38, 47 - Decision-making
 Paragraph 55 - Planning conditions and obligations
 Paragraph 83 - Supporting a prosperous rural economy
 Paragraphs 108, 109 - Promoting sustainable transport
 Paragraphs 127, 130 - Achieving well-designed places
 Paragraph 142 - The National Forest
 Paragraph 180 - Conserving and enhancing the natural environment

Adopted North West Leicestershire Local Plan (2017)

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

S1 - Future Housing and Economic Development Needs
 S2 - Settlement Hierarchy
 S3 - Countryside
 D1 - Design of new development
 D2 - Amenity
 Ec13 - Tourism Development
 IF4 - Transport Infrastructure and new development
 IF7 - Parking provision and new development
 En2 - River Mease Special Area of Conservation
 En3 - The National Forest
 Cc3 - Water - Sustainable Drainage Systems

Other Policies and Guidance

National Planning Practice Guidance - March 2014.
 Leicestershire Highways Design Guidance (Leicestershire County Council)
 Good Design for North West Leicestershire SPD - April 2017
 The Habitats Regulations (The Conservation of Habitats and Species Regulations 2017).
 Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System).
 River Mease Water Quality Management Plan - August 2011.

National Forest Tourism Growth Plan (2017-2027).
 The North West Leicestershire: Local Growth Plan 2014-2018

5. Assessment

Principle of Development

The site is located outside of the Limits to Development as defined by the adopted Local Plan, however under the provision of Local Plan Policy S3 the principle of development for tourism is acceptable, subject to all other planning matters being addressed.

The North West Leicestershire: Local Growth Plan 2014-2018 supports the development and enhancement of the local tourism offer in the district, and seeks to increase the number of visitors as well as the number of overnight stays, alongside increased private investment and employment opportunities in visitor related facilities.

Local Plan Policy Ec13 seeks to maximise the potential of tourism in the district and increase tourist opportunities for visitors by supporting the development of new tourist attractions, including the provision of new accommodation to facilitate the opportunity for overnight stays.

The Policy recognises that there may be instances where a tourist opportunity requires a countryside location or setting, with the preference for outside of the Limits to Development for tourism and tourism related development would be to re-use land and / or buildings.

Ec13 further supports tourism in rural areas, which is appropriate to the local landscape and its surrounding environment and does not adversely affect local transport infrastructure which benefits business, communities and visitors, and respects the character of the countryside.

In addition, Policy Ec13 supports the development of attractions and accommodation that are well connected to other tourist destinations and amenities, particularly by public transport, walking and cycling. It is considered the site is a popular location for walking however, due to the rural location it is considered a car would be used by the majority of visitors due to the poor levels of connectivity to the site. In terms of connectivity, there is a bus stop less than 30m from the development however, the bus service is infrequent and limited particularly on evenings and the weekend and as such, when having regard to the site's connectivity to amenities, it is considered that the site is not located within a sustainable location with access to a good level of sustainable transport options and a range of amenities. As such, some conflict has been identified with criterion d of Local Plan Policy Ec13. Notwithstanding the conflict, it is also considered it wouldn't be expected of a tourism related development to have access to services typically expected of a residential setting such as schools and doctors. Therefore, when having regard to the small scale of the development, and the fact that basic amenities can be accessed from neighbouring villages, and that the development re-uses existing buildings, it is not considered that a refusal of planning permission on the sustainability merits of the site alone would be justified in this instance.

On balance, it is considered that the principle of the development is acceptable, subject to all other matters being adequately addressed.

Scale and Design

The proposal would result in the use of caravan site for a mixture of permanent residential accommodation and short term holiday accommodation. As a result of the proposal no external changes would be made to the existing lodges approved under permission 14/00875/FUL.

As the development utilises existing buildings, with no changes proposed to the exterior, the proposal is not considered to result in any harm to the site itself or the character of the street scene. The proposal is considered to be compliant with Policy D1 of the Local Plan, the Council's Good Design SPD and the NPPF.

Impact upon Residential Amenity

During the course of the application, comments have been received from neighbouring properties located within the site, raising concerns in relation to noise and disturbance, overlooking and loss of privacy. Concerns were initially raised to the NWLDC Environmental Protection Team and as such the proposal is a retrospective application.

Under the proposal eight of the eleven lodges would become short term holiday accommodation with three lodges remaining permanent residential use. Each lodge has its own curtilage, with a distance in excess of 6.5 metres existing between each lodge and this distance is considered sufficient in ensuring the amenity of occupants would be preserved and as such, in terms of overlooking and loss of privacy it is not considered the lodges would as a result of the application lead to overlooking and privacy related issues over and above those already existing within the site.

In terms of noise and disturbance, and additional comings and goings, concern has been raised regarding the tourism related uses being in close proximity to the existing residential units however, it is considered the nature of the noise from the proposed use of the lodges would be domestic noise and this noise is not considered to be any different or more than would be anticipated in a residential area. In addition, the distance of 6.5m between each lodge is considered sufficient in reducing noise related issues. Further, any additional comings and goings to and from the site are not considered to result in any unacceptable amenity impacts to neighbouring residents over and above those expected in a residential area.

In addition, in a recent appeal (21/10/2019) for a proposal of a similar nature an inspector concluded *'holiday units fall within the same C3 use class as conventional dwelling houses because the character of use is similar. I have seen nothing of substance to suggest holiday homes are more intensively used'*. DCS reference: 200-008-863.

Further, after consultation with the NWLDC Environmental Protection Team no objections were raised and as such it is not considered a refusal on residential amenity grounds could be substantiated.

Overall, the proposal is not considered to result in any unacceptable 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 Neighbour Amenity Matters

Concern has been raised from the permanent residents living within the site over the use of the site being sold to them as an over 50's residential site. Under the original permission, 14/00875/FUL the officer considered that though the application specified that the mobile homes would be intended for people at, or approaching, retirement it would be unreasonable to place such a restriction on the application given that the occupation of the mobile homes would be an

acceptable form of accommodation for any social class, and as such they should not be prevented from residing in the units should there be a lack of demand from the target audience. It is considered this assessment was correct as the Council would not seek to restrict the occupants of residential homes.

In terms of the residents' concerns, it is considered this is a legal matter which is not a material planning consideration and as such cannot be taken into account as part of the current application.

Highway Considerations

The Local Highway Authority were consulted on the application and had no objection, confirming that, in its view, 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.

It is therefore not considered that the proposal would cause an unacceptable impact on highway safety and the proposal is considered to be acceptable in relation to Policies IF4 and IF7 of the Local Plan, as well as the Leicestershire Highways Design Guide.

Impact on the River Mease Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI)

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Discharge into the river from non-mains drainage systems and from surface water disposal can also result in an adverse impact on the SAC, including in relation to impacts on water quality and flow levels.

The proposal could result in an impact on the SAC, which may undermine the conservation objectives as it may result in the additional discharge of foul drainage to the treatment works / use of a non-mains drainage system and surface water drainage discharge.

No additional bedrooms or sanitary provision are proposed to the site as part of this application and it is not considered the proposed usage of the site would result in an increase of foul drainage, over and above that of the existing arrangement. It is therefore not considered that the proposal would result in an increase in foul drainage discharge from the site.

It is not considered that the scheme would lead to an increase in surface water run-off, over and above that of the existing arrangement. As such it is not considered reasonable to attach a soakaway condition in this instance.

On this basis, it is considered that the integrity of the River Mease SAC would be preserved and the development would accord with Policy En2 (River Mease Special Area of Conservation) and Cc3 (Water - Sustainable Drainage Systems) of the adopted Local Plan.

Therefore it can be ascertained that the proposal on the site 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.

Conclusion

The principle of the development is acceptable. The proposal is not considered to have any significant detrimental design, residential amenity or highway safety impacts and would not adversely impact the River Mease SAC. 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 Approved plans
- 2 Use
- 3 Removal of PD rights Part 1 (Classes A, B, C, D and E)
- 4 Removal of PD rights relating to gates, walls, fences or other means of enclosure

Retention of seven outbuildings

Report Item No
A4

Ashby Woulds Residential Park Spring Cottage Road Overseal
Derby

Application Reference
19/01255/FUL

Grid Reference (E) 430387
Grid Reference (N) 316182

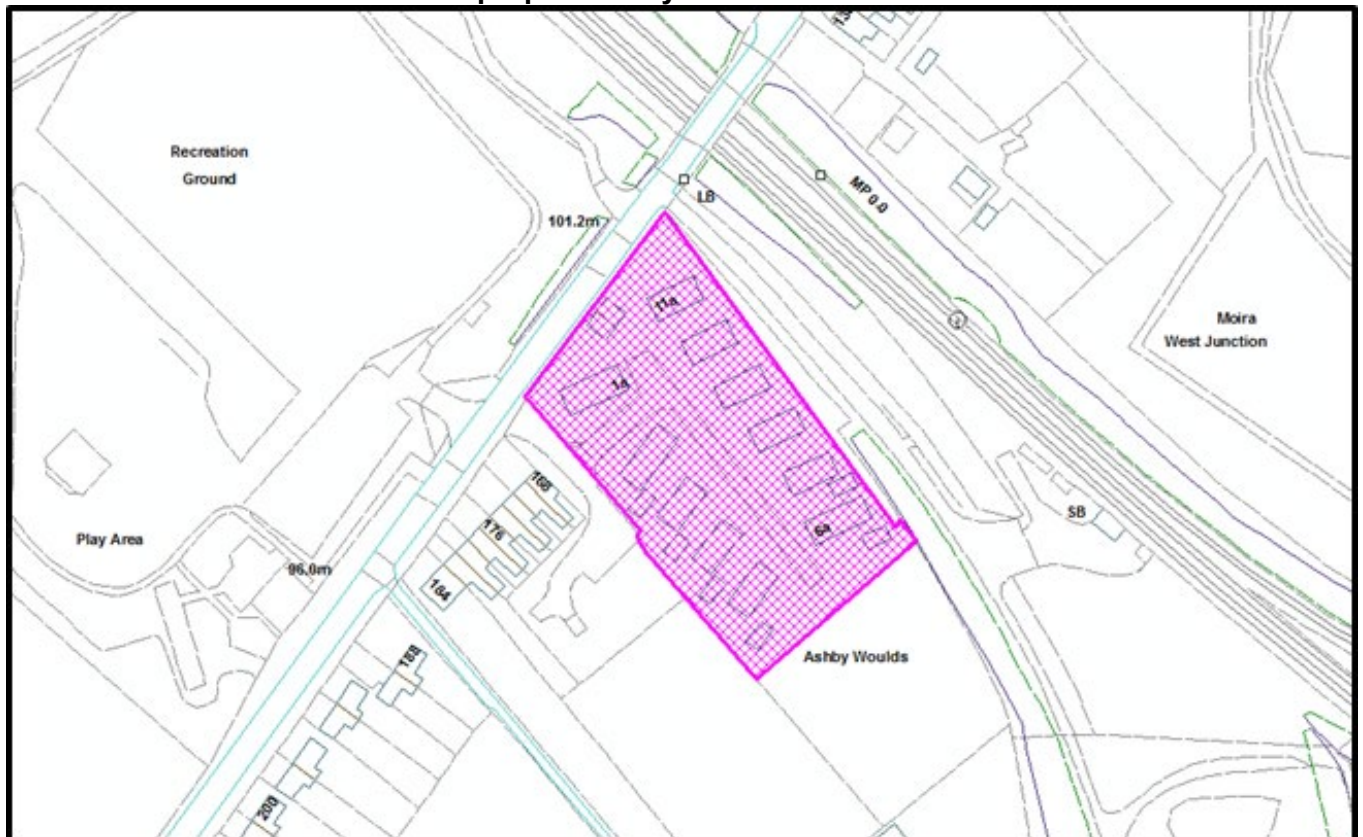
Date Registered:
5 July 2019
Consultation Expiry:
16 October 2019
8 Week Date:
30 August 2019
Extension of Time:
None Agreed

Applicant:
Mr Tom Hartley

Case Officer:
Donnella Wood

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



Reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office
©copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence LA 100019329

Executive Summary of Proposals and Recommendation

Call In

The application is brought to Planning Committee, at the request of Councillor John Bridges who raised concerns regarding residential amenity.

Proposal

Full permission is sought for the retention of seven outbuildings at Ashby Woulds Residential Park, Spring Cottage Road, Overseal.

Consultations

A total of 3 letters of objection from 3 local addresses have been received. Comments have been received by Ashby Woulds Town Council who requested advice on the use of the site. All other statutory consultees who have responded have raised no objections with no recommendation of conditions.

Planning Policy

The site lies outside the Limits to Development on the Policy Map to the adopted Local Plan. The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The principle of the development is acceptable. The proposal is not considered to have any significant detrimental design, residential amenity or highway safety impacts and would not adversely impact the River Mease SAC. 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,

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 retention of seven outbuildings at Ashby Woulds Residential Park, Spring Cottage Road, Overseal.

The site currently houses 11 lodges. Under the proposal seven outbuildings would be retained for use in association with the lodges.

The application was submitted following the enforcement case E/18/00132/COU.

The site is also the subject of a separate undetermined application 20/00362/FUL for the continued use of the caravan site for a mixture of permanent residential accommodation and short term holiday accommodation.

The site is located outside of the Limits to Development, as defined by the Policy Map to the adopted Local Plan and is therefore deemed countryside.

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

Relevant Planning History

14/00875/FUL Demolition of Public House and change of use of land to a residential mobile home park PER 09.01.2015

15/00716/VCU Removal of condition 9 attached to planning permission 14/00875/FUL to remove the requirement for coal site investigations PER 22.09.2015

15/00927/FUL Change of use of land to a residential mobile home park (Re-submission of 14/00875/FUL) to amend the site access PER 18.11.2015

20/00362/FUL Continued use of caravan site for a mixture of permanent residential accommodation and short term holiday accommodation PDE

2. Publicity

16 Neighbours have been notified.

3. Summary of Consultations and Representations Received

Statutory Consultees

Ashby Woulds Town Council - Requested further advice on the usage of the site. They were advised the suitability of the applicant submitting an application for a change of use of the site was being investigated by the NWLDC Legal Team. The application for the change of use has since been received, 20/00362/FUL which the Town Council have been consulted on.

Leicestershire County Highway Authority - No objection.

NWLDC Environmental Protection - No objection.

Third Party Representations

Three letters of representations has been received, which object on the following grounds:

- Use of the garages
- Use of the site
- Parking issues in relation to the use of the site

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

Only comments which raise material planning issues can be taken into account.

4. Relevant Planning Policy

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.

The policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF. The following paragraphs of the NPPF are considered relevant to the determination of this application:

- Paragraphs 7, 8, 9, 10, - Achieving sustainable development
- Paragraphs 11, 12 - The presumption in favour of sustainable development
- Paragraphs 38, 47 - Decision-making
- Paragraph 55 - Planning conditions and obligations
- Paragraph 83 - Supporting a prosperous rural economy
- Paragraphs 108, 109 - Promoting sustainable transport
- Paragraphs 127, 130 - Achieving well-designed places
- Paragraph 142 - The National Forest
- Paragraph 180 - Conserving and enhancing the natural environment

Adopted North West Leicestershire Local Plan (2017)

The North West Leicestershire Local Plan forms 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
- S3 - Countryside
- D1- Design of New Development
- D2- Amenity
- Ec13 - Tourism Development
- IF4- Transport Infrastructure and New Development
- IF7- Parking Provision and New Development
- En2- River Mease Special Area of Conservation
- En3 - The National Forest
- Cc3- Sustainable Drainage Systems

Other Guidance

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

The Habitats Regulations (The Conservation of Habitats and Species Regulations 2017).
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System).
River Mease Water Quality Management Plan - August 2011.
National Forest Tourism Growth Plan (2017-2027).
The North West Leicestershire: Local Growth Plan 2014-2018

5. Assessment

Principle of Development

The site is located outside of the Limits to Development as defined by the adopted Local Plan, however under the provision of Local Plan Policy S3 the principle of extensions and alterations to existing dwellings is acceptable, subject to all other planning matters (and including criteria (i) to (vi) of the policy) being addressed. Whilst the proposal is in effect proposing the retention of detached curtilage buildings rather than an extension, it is accepted that similar principles should also be applied. In addition, it is considered the use of the outbuildings in association with the tourism use would also be acceptable under the provision of Policy Ec13 relating to tourism development.

It has been advised that five of the outbuildings are used to house hot tubs and this usage may be temporary. It is considered this usage is incidental to the existing lodges and not something the Council would find necessary to control and as such, it is not considered reasonable to attach a time-related condition requiring the removal of the hot tubs in this instance.

Scale and Design

The application proposes the retention of seven outbuildings for use in association with the existing lodges within the site. The outbuildings are comprised of one large double outbuilding and six smaller outbuildings and are all constructed of timber.

The outbuildings are considered to be of a similar size and design to outbuildings which would be expected on a site of this nature and as such the outbuildings are not considered to result in harm to the character and appearance of the streetscene or locality.

Overall, the proposal is not considered to result in any negative visual impacts to the site itself, nor the surrounding streetscene. Given the above, the development is considered to be compliant with Policy D1 of the adopted Local Plan, the Council's Good Design SPD and the advice contained within the NPPF.

Impact upon Residential Amenity

During the course of the application, comments have been received from neighbouring properties located within the site, raising concerns in relation to the use of the site and the garages as well as parking issues in relation to the use of the site.

The use of the site and potential issues surrounding this use is the subject of a separate undetermined application 20/00362/FUL for the continued use of the caravan site for a mixture of permanent residential accommodation and short term holiday accommodation and as such, it is not considered material to discuss the matter as part of this application which refers to the retention of seven outbuildings only.

Complaints were raised to the Council's Environmental Protection team in relation to potential noise and disturbance arising from the use of the outbuildings, in particular the buildings

containing hot tubs. The outbuildings are single storey brick buildings clad with timber and due to their size and location within the site the outbuildings are not considered to cause undue impact to the neighbouring properties. In addition, after consultation with the Environmental Protection Team no objections to the outbuildings or their use were raised as such it is not considered a refusal on residential amenity grounds could be substantiated.

Given the above, it is not considered that the proposal would result in any unacceptable amenity impacts to neighbouring dwellings when having regard to overshadowing, overbearing or overlooking impacts. In view of the above, the proposal is considered to be in accordance with Policy D2 of the adopted Local Plan and the Council's Good Design SPD.

Highway Considerations

The Local Highway Authority were consulted on the application and had no objection, confirming that, in its view, 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. They noted, should the outbuildings be used for the storage of vehicles, the six smaller outbuildings comply with Highways Standing Advice for single garages. They further advised, should the outbuildings be used for purposes unrelated to parking there is sufficient parking provision available within the site.

Taking into account the existing parking to the site, the proposal is considered to be acceptable in relation to Policies IF4 and IF7 of the Local Plan, as well as the Leicestershire Highways Design Guide.

Impact on the River Mease Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI)

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Discharge into the river from non-mains drainage systems and from surface water disposal can also result in an adverse impact on the SAC, including in relation to impacts on water quality and flow levels.

The proposal could result in an impact on the SAC, which may undermine the conservation objectives as it may result in the additional discharge of foul drainage to the treatment works / use of a non-mains drainage system and surface water drainage discharge.

No additional bedrooms or sanitary provision is proposed to the site as part of this application. It is therefore not considered that the proposal would result in an increase in foul drainage discharge from the site.

Although the footprint of the built development would be increased, the proposal would be located on existing areas of hard surfacing. It is therefore considered that the scheme would not lead to an increased run-off, over and above that of the existing arrangement and as such it is not considered reasonable to attach a soakaway condition in this instance.

On this basis, it is considered that the integrity of the River Mease SAC would be preserved and the development would accord with Policy En2 (River Mease Special Area of Conservation) and Cc3 (Water - Sustainable Drainage Systems) of the adopted Local Plan.

Therefore it can be ascertained that the proposal on the site 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.

Summary Reasons for Granting Planning Permission

The principle of the development is acceptable. The proposal is not considered to have any significant detrimental design, residential amenity or highway impacts and would not adversely impact the River Mease SAC. 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 and the advice in the NPPF. It is therefore recommended that the application be permitted.

RECOMMENDATION, PERMIT subject to the following conditions:

- 1 Approved plans
- 2 Materials

This page is intentionally left blank

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

PLANNING COMMITTEE REPORT – THURSDAY, 3 SEPTEMBER 2020



Title of Report	PLANNING ENFORCEMENT UPDATE	
Background Papers	https://www.nwleics.gov.uk/files/documents/planning_enforcement_policy_2019/Enc.%201%20for%20Enforcement%20Policy%20-%20Planning%20Enforcement.pdf	Public Report: No
Financial Implications	None	
Legal Implications	None	
Staffing and Corporate Implications	None	
Purpose of Report	<p>To provide an update to Members on the work of the planning enforcement team.</p> <p>To provide an overview of the compliance and monitoring cases within the planning enforcement service.</p>	
Recommendations	PLANNING COMMITTEE NOTE THE INFORMATION CONTAINED WITHIN THE REPORT.	

1. BACKGROUND

- 1.1 The integrity of the planning development management function is supported by the Council's ability to take enforcement action where needed. There are two strands to planning enforcement:
- Reactive enforcement – investigating complaints made to the Council
 - Proactive enforcement – ensuring compliance with planning permissions, associated conditions and agreements
- 1.2 Planning enforcement investigates and takes action against possible breaches of planning control and is a vital part of the planning process. It is a very complex area because the Town and Country Planning Act 1990 (as amended) seeks to strike a balance between the freedom of owners to use or alter their property as they wish, with the need to safeguard the amenities of an area against significant and irreparable harm. Enforcement functions should be carried out in an equitable, efficient and consistent manner, setting out standards for the level of service and performance all customers expect to receive.
- 1.3 The planning enforcement system is based on two important principles:
- A breach is not a criminal offence, except for unauthorised works to listed buildings, illegal advertisements, work to protected trees and hedgerows. A criminal offence also arises when a formal notice has been served and not been complied with.
 - It is at the Council's discretion whether action will be taken – many breaches may be unintentional and any action proposed must be in proportion to the alleged offence.
- 1.4 We will always investigate any alleged breach of planning control reported to us and make a reasoned decision whether it merits action. However, because of the legal test of 'expediency' we should only take formal enforcement action where it is fair and reasonable to do so. In making this decision we will assess the circumstances of the case and make reference to our adopted planning policies. In addition we must also consider Central Government enforcement guidance.

- 1.5 The Council's Planning Development Team operates in connection with the Council's statutory role as a local planning authority in the regulation of the use and development of land and buildings under the planning acts and related legislation. The Council is firmly committed to the effective and proportionate enforcement of planning control. It views breaches of planning control very seriously and therefore a specialist planning enforcement team is based within the Environmental Protection Team tasked with resolving planning breaches.
- 1.6 To assist in making these decisions the Council has published a Planning Enforcement Policy and it can be viewed at:
https://www.nwleics.gov.uk/files/documents/planning_enforcement_policy_2019/Enc.%201%20for%20Enforcement%20Policy%20-%20Planning%20Enforcement.pdf
- 1.7 The Planning Enforcement Team consists of two Senior Planning Enforcement Officer's and two Compliance/Enforcement Officer's. Recruiting to these posts has been difficult and the team have been supported by Senior Planning Enforcement Consultants whilst a full training programme was introduced. A Senior Planning Enforcement Officer and a Compliance/Enforcement Officer have successfully completed the training programme which formed part of their career graded post and the two other staff members are currently going through a similar programme.
- 1.8 To further progress and improve the team a number of standard letters have been created which include standard notice templates and the team have embraced paperless and mobile working. A number of performance monitoring reports have been introduced to ensure the service standards are delivered. The team have also invested in two drones and trained two pilots to Civil Aviation Authority standards to assist with investigations.
- 1.9 The Planning Enforcement Team do not sit within the Development Monitoring Team. To ensure working relationships are the best they can be the Team Leader's and Team Manager's meet on a monthly basis to discuss any emerging matters/cases. Also, the Planning Enforcement Officers attend the development monitoring team meetings. Through these meetings it was recognised that improvements could be made to the way we use the databases and for that reason both teams agreed to employ a consultant to critique the systems and produce a list of improvements. These were then formulated into an action plan and implemented. The improvements have helped the way both teams work. Building on this we have been successful in creating a new post of Support Officer (back office systems). This post is shared between Development Control, Building Control, Environmental Health and Environmental Protection. We are currently recruiting to the post and their role will include systems training, system use and further developing case work management.
- 1.10 The Planning Enforcement Team has recently been audited and the result was grade 1, which is the highest grade, with one recommendation. This was to increase the detail in the officer guidance for inputting onto the database system and this was actioned immediately.
- 1.11 To improve the sharing of best practice the Planning Enforcement Team set up a countywide best practice group. This is well attended and welcomed by other authorities.

2. PLANNING ENFORCEMENT POLICY

- 2.1 In February 2019, the Council adopted the Enforcement Policy for Planning Enforcement as it is considered best practice to adopt an enforcement policy specific to planning enforcement. The policy includes a risk matrix to better manage the volume of cases received and aligns resources to the most appropriate cases.
- 2.2 All complaints and enquiries received by the Planning Enforcement Team are categorised as one of the following:
1. *Urgent Cases* - where works are being carried out which will cause irreparable harm / damage.

2. *High Priority Cases (Harm score over 5)* - where works or uses are causing a significant and continued harm to amenity, time sensitive breaches or development that compromise safety.
3. *Standard Priority Cases (Harm score Under 5)* - new structures or changes of use having limited degree of disturbance to local residents or damage to the environment and which do fall within the foregoing priority groups.

2.3 Below is Table 1 showing the results of the harm scoring for 2020/2021.

	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Urgent cases	7	N/A	N/A	N/A
High priority cases (Score over 5)	16	N/A	N/A	N/A
Standard priority cases (Score under 5)	30	N/A	N/A	N/A

3. PLANNING ENFORCEMENT STATISTICS

3.1 Table 2, below is a summary of enforcement statistics for Quarters 1, 2, 3 and 4 2020/2021.

Months/Year	No. of new cases opened	No. of cases closed	No. of cases older than 1 year	No. of cases older than 6 months	No. of live cases at time of report
Quarter 1	111	102	54	89	235
Quarter 2	N/A	N/A	N/A	N/A	N/A
Quarter 3	N/A	N/A	N/A	N/A	N/A
Quarter 4	N/A	N/A	N/A	N/A	N/A

It should be noted that some cases > 6 months and > 1 year are held in abeyance due to the necessity for scheduled monitoring; the submission of retrospective planning applications, appeals or are in the initial stages of formal action being taken by the service of an enforcement notice.

3.2 Table 3 shows the types of cases that are over 6 months and 1 year.

	Planning Discharge of Condition	Retrospective application	Appeals	Complex cases	Prosecutions	Protracted negotiation
Cases over 6 month	7	23	0	24	0	35
Cases over 1 year	2	11	7	11	1	22

3.3 The types of breaches investigated during Quarters 1, 2, 3 and 4 is summarised in Table 4 below.

Breach type	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Breach of planning condition	6	N/A	N/A	N/A
Unauthorised works in conservation area	3	N/A	N/A	N/A
High hedges	0	N/A	N/A	N/A

Unauthorised works on a listed building	0	N/A	N/A	N/A
Not in accordance with approved plans	20	N/A	N/A	N/A
Unauthorised works on a protected tree	4	N/A	N/A	N/A
Unauthorised development – Domestic	30	N/A	N/A	N/A
Unauthorised development – Non domestic	13	N/A	N/A	N/A
Untidy land	9	N/A	N/A	N/A
Unauthorised advertisement	0	N/A	N/A	N/A
Material change of use	13	N/A	N/A	N/A
Advice	2	N/A	N/A	N/A
Breach of Section 106	0	N/A	N/A	N/A
Development Monitoring	11	N/A	N/A	N/A

3.4 During the period April 2020 to June 2020, 2 notices were served and 2 voluntary stops were negotiated:

CPW (untidy land) = 2
Initiated Voluntary stops = 2

3.5 Prosecutions

During the period April 2020 to June 2020, there have been no prosecutions taken.

3.6 Prosecution outcome

Not applicable

3.7 Appeals

During the period April 2020 to June 2020, there has been 2 enforcement appeals lodged.

3.8 Appeal decisions

There is 1 enforcement appeal decision in this quarter for a high hedge case. The appeal was allowed and the decision from the Inspector was that the trees and bushes did not form a hedgerow. There is one outstanding enforcement appeal decision from the Planning Inspectorate, details can be found at 6.1 below.

4. DEVELOPMENT MONITORING

4.1 Table 5 shows the number of development monitoring cases open for each quarter.

It should be noted that development monitoring cases are opened when the development starts the figures also show the number of sites being monitored each quarter.

	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Development Monitoring	11	N/A	N/A	N/A

5. PERFORMANCE STATISTICS

5.1 Table 6 shows the number of Member enquiries received in each quarter.

	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Member Enquiries	15	N/A	N/A	N/A

5.2 The number of compliments and complaints is shown in Table 7.

	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Complaints	0	N/A	N/A	N/A
Compliments	0	N/A	N/A	N/A

5.3 Table 8 shows the response rate as per the timeframes set in the planning enforcement policy.

	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Acknowledged in writing within 3 working days	72	N/A	N/A	N/A
Full assessment of operational development site visit completed within 5 working days	11	N/A	N/A	N/A
Full assessment of alleged material change of use within 5 working days of final site visit	6	N/A	N/A	N/A

6. KEY CASES

- 6.1 Aylesbury Gardens – this has been appealed at the High Court
 The Stables, Charnells Court, Main Street, Swepstone – an enforcement notice has been appealed and is going to a public inquiry
 Whitney Park – gypsy site, we are awaiting feedback from the Lead Local Flood Authority before considering our next steps
 Occupation Lane, Albert Village – this is a double mini roundabout that wasn't implemented, this is with LCC legal and as far as we are aware is progressing towards being developed
 Donington Hall – this is with administrators at the minute and we are working with them
 The Priest House – as above
 March House, Long Street, Belton - this is being negotiated with the owners to remedy the breach

7. MOVING FORWARD

- 7.1 This is the first report presented at the committee meeting and we would welcome any comments/feedback. Also if further information is requested we will provide this where possible.
- 7.2 We propose to present the report on a quarterly basis.

This page is intentionally left blank