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Meeting	<b>PLANNING COMMITTEE</b>
Time/Day/Date	6.00 pm on Tuesday, 6 October 2020
Location	Remote meeting via Microsoft Teams
Officer to contact	Democratic Services (01530 454529)

<b>AGENDA</b>		
<b>Item</b>		<b>Pages</b>
<b>1. APOLOGIES FOR ABSENCE</b>		
<b>2. DECLARATION OF INTERESTS</b>		
	Under the Code of Conduct members are reminded that in declaring disclosable interests you should make clear the nature of that interest and whether it is pecuniary or non-pecuniary.	
<b>3. MINUTES</b>		
	To confirm and sign the minutes of the meeting held on 3 September 2020.	<b>3 - 8</b>
<b>4. PLANNING APPLICATIONS AND OTHER MATTERS</b>		
	Report of the Head of Planning and Infrastructure.	<b>9 - 12</b>

## Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
<b>A1</b>	<b>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)</b>  Land South Of Grange Road Hugglescote Leicestershire LE67 2BT	<b>Permit</b>	<b>13 - 32</b>
<b>A2</b>	<b>20/00707/FUL: Erection of agricultural building and chicken coop and installation of track and hardstanding</b>  Land East Side Of Austrey Lane Appleby Parva Derby DE12 7AR	<b>Permit</b>	<b>33 - 44</b>
<b>A3</b>	<b>20/00627/OUT: Demolition of existing farm buildings, conversion of existing brick farm buildings (plot 1) and erection of four new dwellings (plots 4-5) (outline - access and layout for approval)</b>  Land To The Rear Of 31 Church Street Belton Loughborough Leicestershire LE12 9UG	<b>Permit</b>	<b>45 - 54</b>
<b>A4</b>	<b>20/00440/FUL: Erection of rural workers dwelling and retention of two agricultural buildings</b>  Bushwell Farm 11 Melbourne Road Newbold Leicestershire LE67 8JH	<b>Permit</b>	<b>55 - 66</b>
<b>A5</b>	<b>20/00894/FUL: Erection of a detached dwelling with associated vehicular access and off street parking</b>  142 Melbourne Road Ibstock Coalville Leicestershire LE67 6NN	<b>Permit</b>	<b>67 - 74</b>
<b>A6</b>	<b>20/00689/FUL: Formation of new vehicular access (retrospective)</b>  Willow House Rempstone Road Griffydham Coalville LE67 8AP	<b>Refuse</b>	<b>75 - 82</b>

MINUTES of a meeting of the PLANNING Committee held in the Remote meeting using Microsoft Teams on THURSDAY, 3 September 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 R Johnson

Officers: Mr C Elston, Mr J Mattley, Miss S Odedra, Mrs C Hammond, Mr T Delaney, Mr D Flower, Mr J Knightley, Miss E Mattley, Mrs M Scott, Ms D Wood and Ms D Woods

## **15. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

## **16. DECLARATION OF INTERESTS**

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

Councillor R Boam declared a pecuniary interest in item A2, application number 19/01419/FUL, as the landowner. He advised that he would speak in support of the application in his capacity as a landowner and once he had addressed the Committee, he would leave the meeting for the consideration of the item.

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

Item A1, application number 20/00726/REMM  
Councillors J Legrys and M B Wyatt

Item A2, application number 19/01419/FUL  
Councillors D Bigby, A Bridgen, R Canny, D Everitt, S Gillard, D Harrison, J Hoult, J Legrys and M B Wyatt.

## **17. MINUTES**

Consideration was given to the minutes of the meeting held on 4 August 2020.

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

RESOLVED THAT:

The minutes of the meeting held on 4 August 2020 be approved and signed by the Chairman as a correct record.

## **18. 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.

The Chairman advised those in attendance that he had agreed to change the order in which the applications would be considered therefore items A3 and A4 would be considered before A2.

## 19. 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

**Officer's Recommendation: Permit**

The Principal Planning Officer presented the report to Members.

Mr A Kenny, the applicant, addressed the committee highlighting that the application was within the framework for the outline permission and that they had addressed all comments from the consultees. He noted that the affordable housing mix proposed would address the balance of over-provided 3 bed homes on the wider site and that by providing a proportion of bungalows Policy H6 was met. He advised that the development would achieve energy efficiency and that plans and documents had been submitted to address the response from County Highways.

Councillor R Johnson, Ward Member, addressed the committee highlighting concerns over the impact the development would have on the climate, potential flooding from the additional homes and that there was no air quality management plan in place. He felt that the play area for the site was not suitable and as local schools were full, questioned where the children from the development would attend. He expressed concerns over the travel plans that had been submitted as they outlined proposals that were not available in the area.

In determining the application, members expressed concerns over the provision of the play area on the site and the provision of other amenities. They questioned why the application had come before them with outstanding issues in relation to highways and further concerns were raised around the air quality in the area, in particular from the quarry. It was felt that the current development could not address the climate emergency that the Council had declared, that the travel plan was not complete and there were concerns in relation to flooding.

A motion to defer the application to allow further evidence and information to be provided by officers, to members, on the concerns and issues raised was moved by Councillor J Legrys and seconded by Councillor D Everitt.

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

**RESOLVED THAT:**

The application be deferred to allow further evidence and information to be provided by officers, to members, on the concerns and issues raised

<b>Motion to defer the application to allow further evidence and information to be provided by officers on the concerns and issues raised (Motion)</b>	
Councillor Nigel Smith	Against
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 Hoults	For
Councillor John Legrys	For

Councillor Michael Wyatt	For
<b>Carried</b>	

20.

**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

**Officer's Recommendation: Permit**

The Chairman advised that applications A3 and A4 would be presented and debated together but individual votes would be required on each application.

The Planning Officer presented the report to Members.

Mrs A Smith, objector, addressed the committee highlighting that the site had originally been marketed as a secure residential site for residents over 55 years of age and that since 2018 that applicant had been letting out some of the lodges on short term holiday lets which was contrary to the planning permission granted and the site operating licence. She noted continuing inappropriate behaviour and parking issues due to the holiday lets being occupied with multiple people bringing their own vehicles. She advised that the lets had little impact on the local economy and the retention of the outbuildings was supported, but the objection was to them being used as spa rooms.

A statement was read out to the committee on behalf of Councillor J Bridges, Ward Member, highlighting that the application would impact on the amenities of residents who resided on the site long term, and that the siting of the hot tubs to either the front or side of the holiday lets was unreasonable as it would encroach on the resident's homes. He reminded the committee of national and local policies around the enjoyment afforded within amenity space.

In determining the application, members felt that the application was contrary to policy D2 as it would impact on the amenities of the residents of the site and noted that there was no management on site to deal with any issues that came up. It was felt that holiday lets would be welcome to the area but not to the detriment of those living on the site. Members considered what, if any, conditions could be added to limit the activities and felt that further discussions should take place between all parties to come to a suitable agreement.

A motion to defer the application to allow discussions to take place between all the parties to come up with an acceptable proposal to be considered was moved by Councillor N Smith 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 deferred to allow discussions to take place between all the parties to come up with an acceptable proposal to be considered.

<b>Motion to defer the application to allow discussions to take place between all the parties to come up with an acceptable proposal to be considered (Motion)</b>	
Councillor Nigel Smith	For
Councillor Russell Boam	For
Councillor Dave Bigby	Against
Councillor Alexander Bridgen	For
Councillor Rachel Canny	For

Councillor David Everitt	For
Councillor Stuart Gillard	For
Councillor Dan Harrison	For
Councillor Jim Hoults	For
Councillor John Legrys	For
Councillor Michael Wyatt	For
<b>Carried</b>	

21.

**A4****19/01255/FUL: RETENTION OF SEVEN OUTBUILDINGS**

Ashby Woulds Residential Park Spring Cottage Road Overseal Derby DE12 6ND

**Officer's Recommendation: Permit**

A motion to defer the application to allow discussions to take place between all the parties to come up with an acceptable proposal to be considered was moved by Councillor J Legrys and seconded by Councillor D Everitt.

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

RESOLVED THAT:

The application be deferred to allow discussions to take place between all the parties to come up with an acceptable proposal to be considered.

<b>Motion to defer the application to allow discussions to take place between all the parties to come up with an acceptable proposal to be considered (Motion)</b>	
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 Hoults	For
Councillor John Legrys	For
Councillor Michael Wyatt	For
<b>Carried</b>	

22.

**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

**Officer's Recommendation: Refuse**

Having declared a pecuniary interest in the item Councillor R Boam stood down from the committee.

The Principal Planning Officer presented the report to Members

Mrs H Sission, objector, addressed the committee highlighting that the application was contrary to policies S2 and S3 of the Local Plan and that she already experienced issues with water run-off from the dwelling on the site and any additional dwelling would add to the problem. She felt that should the application be approved it would set a serious precedent for future applications.

Mr R Boam, in support, addressed the committee highlighting that there were inaccuracies in the report. He stated that the dwelling would be a self-build, the applicant had worked hard with officers on the application and the development would be sustainable and support the local community.

Councillor R Boam then left the meeting and took no further part in the consideration of the item or voting thereon.

In determining the application some members felt that the development could be seen as infill and one off dwellings would be sustainable for the village. It was noted that the development was contrary to the current Local Plan as the site lay outside the Limits to Development and would add to the current climate issues.

A motion to refuse the application in accordance with the officer's recommendation was moved by Councillor M B Wyatt and seconded by Councillor J Legrys.

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

**RESOLVED THAT:**

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

<b>Motion to Refuse the application in accordance with the recommendation of the Head of Planning and Infrastructure (Motion)</b>	
Councillor Nigel Smith	For
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 Hout	Against
Councillor John Legrys	For
Councillor Michael Wyatt	For
<b>Carried</b>	

## **23. PLANNING ENFORCEMENT UPDATE**

The Public Protection Team Leader presented the report to Members.

Most members welcomed and supported the report but expressed disappointment that officers from the team would not be attending future meetings to present the report. Some concerns were raised over performance of the service.

Members requested that officers from the service attended future meetings to present the reports.

It was moved by Councillor J Legrys, seconded by A Bridgen and

**RESOLVED THAT:**

1. The report be noted.
2. Pressure be put on management to ensure officers attend future meetings to present the reports.

The meeting commenced at 6.00 pm

The Chairman closed the meeting at 8.14 pm



## **APPENDIX B**

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

**6 October 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:  
1 October 2020  
8 Week Date:  
24 July 2020

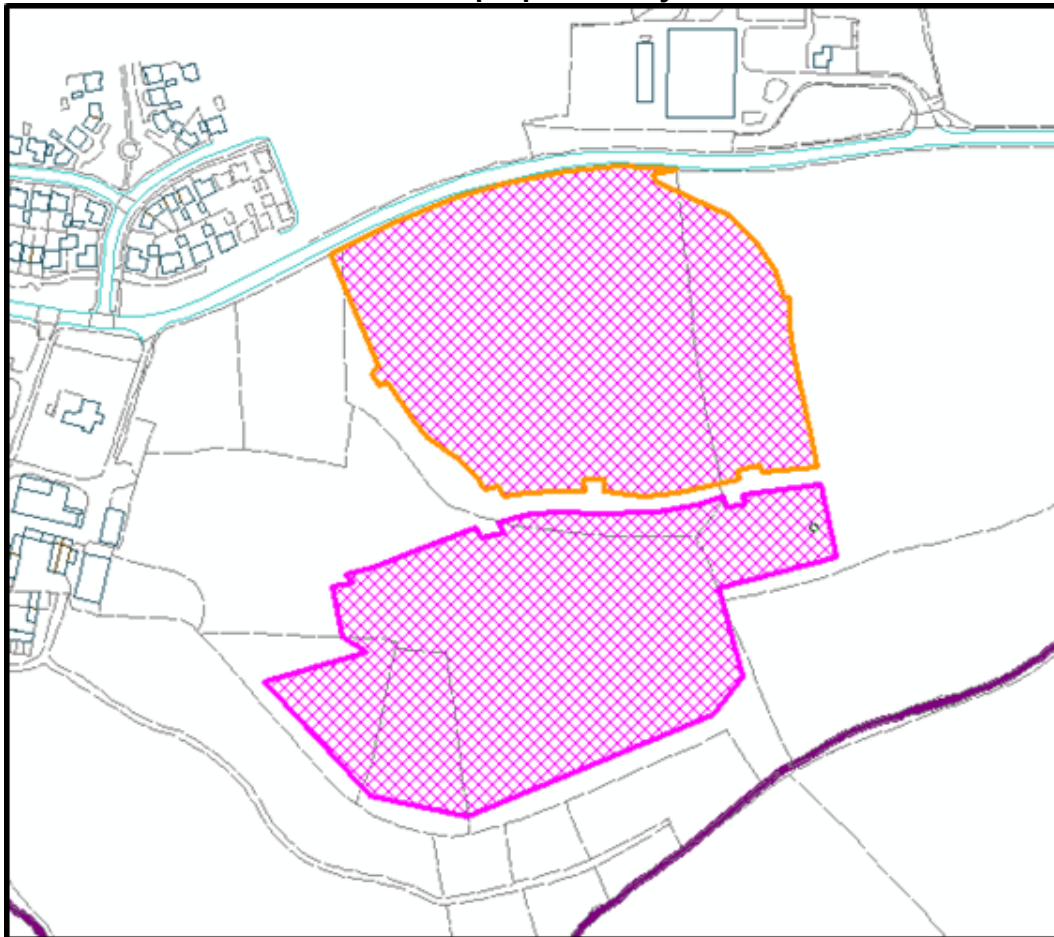
Applicant:  
Miss Sarah Allsop

Case Officer:  
James Knightley

Extension of Time:  
10 September 2020

Recommendation:  
PERMIT

Site Location - Plan for indicative purposes only



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

### **Call In**

The application is referred to the Planning Committee for determination 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 SECTION 106 OBLIGATIONS, AND SUBJECT TO CONDITIONS**

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

## MAIN REPORT

### 1. Proposals and Background

This is a 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).

The application was reported to the Planning Committee at its meeting of 3 September 2020 where it was resolved to defer the application to allow further evidence and information to be provided on concerns and issues raised by members. These included issues in respect of children's play, highways / Travel Plans, climate change, air quality and flooding.

In response, the applicant has provided a detailed response to the concerns raised, and this is included in the appendix to this report. It is noted that the applicant's response includes an infrastructure schedule where the applicant has set out how, when and by whom the various elements of infrastructure serving the wider South East Coalville development are to be delivered. It should be noted that this is provided for background information purposes only, and is not directly related to the determination of this reserved matters application.

### 2. Publicity

No neighbours notified.

Site Notice displayed 7 August 2020.

Press Notice published Leicester Mercury 12 August 2020.

Press Notice published Leicester Mercury 6 May 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 no objections subject to conditions

**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 (and associated side agreements), the developer for each phase of this part of the wider development is required to agree the details of those areas of public open space etc. under that agreement prior to occupation of 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 (which is proposed to include a Neighbourhood Equipped Area for Play (NEAP)), and a new Locally Equipped Area for Play (LEAP) to the west (and which is also within Phase A1.2).

### **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 had previously 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). This additional information has now been provided, and the County Highway Authority confirms that the visibility splays meet the relevant requirements in the Leicestershire Highway Design Guide. Other minor changes in respect of the internal layout were also sought; again, these have been addressed to the County Highway Authority's satisfaction.

An issue has also been raised by the County Council in respect of proposed "connecting" private drives (i.e. those unadopted drives where access is possible via a proposed adopted road from both ends, of which there are three proposed within the scheme), and the County Highway Authority had suggested that the "through" routes ought to be prevented by use of physical features (e.g. gates / bollards etc.). The County Highway Authority has now confirmed that it is content with two of the three, but advises in respect of the third that, given its central location and its straight layout with no speed reduction measures, it is likely to attract through passage of vehicles and pedestrians from other parts of the development who do not pay towards the maintenance of the area and there would therefore be a high risk of petition for this to be adopted as highway in the future. On this basis, the County Highway Authority advises that the area of the site north of the principal east-west route would not be considered for adoption.

As set out above, the County Council's concerns in respect of such connecting private drives relates to the potential for future requests to adopt such routes rather than any specific planning-related (e.g. highway safety) reason. The County Highway Authority acknowledges that, *"the LHA has no fundamental highway safety issues relating to the overall design of the site and adoptability is not a material planning consideration, therefore the LHA has no grounds to seek to resist this application"* and, as such, it is not considered that the proposed routes would be unacceptable. The issue of whether or not the Local Highway Authority would wish to adopt the estate roads is not considered to be directly relevant to planning merits, and any request to adopt the roads under Section 38 of the Highways Act 1980 would need to be pursued by the developer separately with the County Council in the usual way. Elsewhere in the District where similar concerns have arisen, it is understood that developers have (in conjunction with the Section 38 process) entered into separate covenants with Leicestershire County Council so as to ensure that future residents will not be able to petition the County Council to adopt private drives; the applicant confirms that it would be content to offer such an undertaking to the County Council in this instance.

In the event that the County Council did not adopt the roads (for whatever reason), it would be open to the developer to retain them as private roads; as per other situations elsewhere in the District where this has arisen, it is considered that it would be necessary to ensure that measures were put in place (e.g. by way of a Section 106 obligation) to ensure that any privately-maintained roads were to remain available for all users at all times in the same way as an adopted road normally would. The applicant confirms that it would be content for such a condition to be attached, or to enter into such an obligation in this regard in the event that no agreement were to be reached with the Local Highway Authority in terms of adoption.

Notwithstanding the County Highway Authority's views on the likely level of use (and its concerns over future requests to adopt), it is nevertheless considered that, given its location (and the availability of alternative higher order vehicular routes close by) and proposed surfacing (comprising block paving with granite sett rumble strips at either end), it would seem very unlikely that the unadopted drive in question would be used on a regular basis by drivers other than those wishing to access the properties they serve, but (as per the other "through" drives proposed within the development) would be available for use by pedestrians given the intention for it to be adopted by a management company rather than individual households. Furthermore, from a layout / design and connectivity point of view, to amend the lane into, say, two 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 (and which could be dealt with in conjunction with any agreement required to ensure that the privately-maintained roads were available for public use as referred to above). 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, following amendments made to the document to address issues raised by the County Highway Authority (and the District Council ward member), the County Highway Authority confirms that it considers that the document is now acceptable.

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 the County Highway Authority has no highway safety objections to the proposal and raises no objections on material planning grounds subject to the inclusion of conditions. On this basis the scheme is deemed to be acceptable.

### **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, as set out in the Planning Committee report to

the meeting of 3 September 2020, 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). Additional information in respect of other elements of the sustainability credentials of the development is set out in the attached appendix.

Insofar as member concerns regarding potential flooding is concerned, it is noted that the flood risk issues associated with the development were fully assessed as part of the outline planning application, with the Environmental Statement incorporating a Flood Risk Assessment (FRA), assessing the existing flood risk to the site along with any resulting flood risk associated with the proposed development. The assessment of the outline application identified that the proposed development was considered acceptable in flood risk terms, subject to the imposition of conditions on the planning permission; under the conditions attached to the outline permission, schemes for the treatment of foul and surface water are required to be approved prior to commencement on the relevant phase (and have previously been approved in respect of a number of phases, including those the subject of the current reserved matters application).

Concern was also raised regarding air quality and, in particular, the suitability of the site for residential development given the proximity to Bardon Quarry. As per flood risk above, the issue of air quality was assessed within the outline planning application's Environmental Statement. The Environmental Statement identified that, even in the event there was no background improvement in air quality, the annual mean concentrations of PM<sub>10</sub> particulates in the predicted receptor location closest to this part of the wider South East Coalville site were predicted to be 17.25µg/m<sup>3</sup> (and below the annual mean objective concentration for England of 40µg/m<sup>3</sup>). This is not considered to be material to the determination of this reserved matters application, however.

## 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 Section 106 Obligations (or any alternative form of legal agreement as considered appropriate by the District Council's Head of Legal and Support Services), 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)
- 20 Access visibility splays
- 21 Travel Plan
- 22 Measures to prevent drainage of surface water into the public highway



## **Report Item A1**

### **APPENDIX**

#### **Letter from Applicant 15 September 2020 (20/00726/REMM)**

**Redrow Homes East Midlands**

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James Knightley  
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Whitwick Road  
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Leicestershire  
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BY EMAIL ONLY: [JAMES.KNIGHTLEY@NWLeicestershire.gov](mailto:JAMES.KNIGHTLEY@NWLeicestershire.gov)

15<sup>th</sup> September 2020

**RE: 20/00726/REMM - ERECTION OF 203 DWELLINGS, LAND SOUTH OF GRANGE ROAD, HUGGLESCOTE**

Dear James,

I write regarding the above application and the resolution to defer the application at the Planning Committee on 3<sup>rd</sup> September 2020 pending additional information to be submitted by the Developer.

Although the minutes of the meeting are yet to be published, it is my understanding that Members require further information in relation to:

1. The comments raised by County Highways in its consultation response to the application;
2. The sustainability credentials of the proposed development; and
3. The infrastructure that will be delivered alongside the proposed development.

Taking each point in turn.

Firstly, we have submitted a revised Site Layout and Travel Plan to the Council in order to address the outstanding issues raised by County Highways. We await a formal response to the revisions but trust that this will reach a conclusion over the coming days such that County Highways will confirm it has no objections to the scheme in advance of the next Planning Committee.

With regard to point two, during the Planning Committee, Members raised concerns regarding the sustainability credentials of the development, including the lack of bungalows and the failure to

include any renewable energy technologies within the proposals. The proposed development was described as being 'built for the past, not for the future'. We dispute this claim entirely.

Whilst no specific on-site renewable energy technologies are proposed as part of the Reserved Matters application (as there is no specific policy requirement to do so), the homes to be built will include multiple features to minimise energy use. Developing energy efficient, low carbon buildings is a key objective of national policy and recent changes to the Building Regulations support the reduction of energy demand through efficient building design. Built to increasingly demanding environmental standards, our new homes are 40% more efficient to run than homes built only a decade ago and 70% more efficient than properties built before 1990.

Our group-wide design standards apply to all our homes and go beyond regulations and material sustainability standards in many instances. For example all windows are 1.2U-Value, all doors are 1.0 U-value, all floors are 0.12max U-value and all roofs are 0.11 U-value: all improvements upon standard requirements. Our homes are designed for improved daylighting and solar gains by adding larger than standard patio doors and windows.

Redrow's standard specification includes low embodied carbon products such as:

- Roofing tiles: use of innovative interlocking concrete tiles that require 45 Kg of raw materials per square meter in the manufacturing process, while plain tiles require 75kg of raw materials per square meter. This reduces the CO2 emissions during manufacture by 40% compared to concrete plain tiles;
- Concrete roof tiles in place of clay tiles: the embodied energy of clay tiles is 270 – 430 MJ/m<sup>2</sup> while for concrete it is 40 – 90 MJ/m<sup>2</sup>;
- Aircrete concrete blocks: up to 80% of the raw materials used in the manufacture of the blocks are recycled products in some form, with the primary ingredient being Pulverised Fuel Ash (PFA) which is a by-product of coal fired power stations that would otherwise be sent to landfill. 99% of all raw materials are sourced from UK suppliers, reducing the need for transportation, and the manufacturing sites are strategically placed geographically close to raw material suppliers and convenient for quick and effective deliveries to all parts of the country;
- Gypsum plasterboard: produced by using either natural gypsum, synthetic gypsum (from desulphurising the flue gas of coal-fired power plants) or recovered gypsum from the waste-recycling chain. Extracting natural gypsum does not require much energy and mines in use are continuously restored in order to preserve the natural site and its biodiversity. Almost 100% of the paper used to manufacture plasterboards is recycled paper; and
- Locally recycled aggregates.

Further, Redrow have been working tirelessly for more than fifteen years to promote responsible forest management and ensure the eradication of illegal timber products from our supply chain. We are proud that currently 99.9% of our timber is responsibly sourced and credibly certified. We were the first UK homebuilder to achieve the WWF's 'Three Trees' status in 2015, in recognition of the progress we had made in this area. The retention of our 'Three Trees' status in 2019 for the third assessment period places Redrow among the top 40 companies in the country using Forest Stewardship Council (FSC) certified and other responsibly sourced timber and paper products.



As part of our continual drive to reduce use of resources and our impacts from waste we are working on a waste reduction project across the business. We are also members of the HBF Waste Forum, with other leading house builders, to tackle waste and inefficiency in house building. We measure our waste production and monitor the percentage of waste diverted from landfill. This includes construction, demolition and excavation waste. Additionally, we verify our waste data internally and externally to ensure that it is accurate. We currently recycle over 97% of our waste across the business.

Finally, our homes are industry-leading in terms of water performance - considerably exceeding Building Regulations requirements.

In terms of the bungalow provision, whilst a relatively low percentage of bungalows are proposed across the site, 33 of the 203 dwellings proposed will be capable of adaptation to meet Part M4(2) of the Building Regulations. Again this is an optional requirement as defined in Building Regulations. These dwellings will make reasonable provision for most people to access the dwelling and incorporates features that make it potentially suitable for a wide range of occupants, including older people, those with reduced mobility and some wheelchair users. The Reserved Matters application therefore clearly meets the aspiration of Local Plan Policy H6 and can evolve to meet the requirements of occupants.

Thus it is evident that Redrow are committed to building new homes which are sustainable and will create an attractive and sustainable place to live for generations to come. It is clear that the sustainable design measures incorporated into the development masterplan at the outline stage and those considered during the detailed design reflect the themes of the National Planning Policy Framework. In this regard the development will:

- Contribute to positive economic growth in the district;
- Promote sustainable transport measures through the provision of a mixed use development with cycle and walking connections, the provision of additional bus routes through the development and the implementation of a travel plan to reduce private car travel. On this note, the details associated with the public transport strategy are currently being drawn up and will be agreed with Arriva, LCC Highways and other consultees;
- Deliver a wide choice of high quality homes including affordable homes – it is noted that the Council’s Strategic Housing Team support the development which seeks to readdress the balance where previous applications within the SUE have over-provided 3 bed houses at the expense of 1-bed properties and 2-bed bungalows. As noted above a proportion of homes will be capable of adaptation to meet Part M4(2) of the Building Regulations;
- Deliver good design reflecting the approved Masterplan and Design Code;
- Promote healthy communities through the provision of sustainable transport options and improved green infrastructure;
- Meet the challenge of climate change through passive design measures and a fabric first approach as outlined above;
- Conserve and enhance the natural environment, incorporating measures to support and enhance the environment taking into account existing ecology and biodiversity as well as reducing pollution. In particular the Reserved Matters application retains existing trees and hedgerows incorporating them into areas of public open space where possible; and

- Employ a sustainable waste management strategy, reducing waste and maximising recycling during construction and the operation of the new dwellings.

Turning to the last point, during the Planning Committee Members raised concerns about the lack of infrastructure coming forward alongside the residential development proposed, in particular a lack of open space and play areas. It was suggested that an area of play should be included within the reserved matters application boundary.

As Members will be aware, the application site comprises Phases A1.1 and A1.2 of the wider South East Coalville Urban Extension that benefits from an outline planning permission granted in September 2016 (13/00956/OUTM). Redrow are purchasing a 'serviced site' from Harworth, meaning that Redrow will be responsible solely for developing the abovementioned parcels for residential development whilst Harworth will be responsible for delivering the site wide infrastructure that sits alongside it. This is common practice on urban extensions such as this and Harworth have extensive experience of the delivery of such.

Members will recall that the outline planning permission was subject to a number of conditions including the requirement to submit a masterplan for the whole site (condition 5). A Masterplan has been submitted by Harworth and the condition has been subsequently discharged by the Council. The approved Masterplan details the overall site layout including areas of open space / children's play, landscaping (including strategic landscaping), density parameters and scale and provides the proposed phasing of the development. All reserved matters applications are to come forward in line with the approved details.

With specific regard to play spaces the masterplan denotes the locations of several areas of children's play and a Neighbourhood Equipped Area of Play (NEAP). It is noted that an area of children's play and the NEAP are located immediately to the south west of Parcel A1.2, meaning that they will be easily accessible to future residents of Parcels A1.1 and A1.2 and fall within the accepted walking distances to such facilities. The Masterplan illustrates which areas of play space/ open space/ strategic landscaping will come forward alongside the residential phases of development.

In approving the Masterplan, the Council has confirmed its agreement to the proposed locations of the play spaces and wider open space as well as the extent of open space that is to come forward alongside each phase. It has also confirmed its acceptance in terms of the parcels proximity to the services and facilities to be provided including new and existing bus links.

Redrow's Reserved Matters application has been prepared wholly in line with the principles established through the approved Masterplan in which parcels A1.1 and A1.2 are proposed solely for residential use. It is noted that the Masterplan allows for up to 225 dwellings to be delivered across parcels A1.1 and A1.2. The Reserved Matters application currently under consideration seeks permission for 203 dwellings and thus the density of the scheme is considered entirely acceptable and by no means represents an over development of the site.

Members queried why the play space located immediately adjacent to Parcel A1.2 was not included within the Reserved Matters application currently under consideration. This is simply because the land falls outside of Redrow's control and forms part of the infrastructure that will be delivered by Harworth. Please note however, that there are contractual obligations between Redrow and



Harworth, such that Harworth are legally obligated to deliver the infrastructure alongside the residential development. Specifically in relation to the open space and play spaces, Harworth are obliged to complete the landscaping works associated with phase 1 (that also includes parcels A2 and A3) prior to March 2022. Thus these elements will be coming forward in parallel with the residential development.

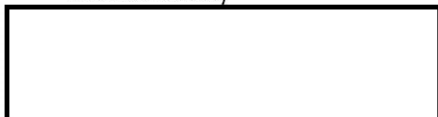
To provide Members with further re-assurance and detail in terms of the wider infrastructure that is to be delivered on site we have prepared the attached 'infrastructure schedule'. The schedule lists the infrastructure that is to be provided across the wider site, who is responsible for delivering it (i.e. Redrow or Harworth), how its delivery is to be controlled by the Council (i.e. by the s106 agreement, planning conditions or s278 agreement) and the triggers associated with its delivery. As noted above, the responsibility for these items is also controlled legally through Redrow's contract with Harworth following the sale of the land. We hope this will reassure Members that Harworth and Redrow are committed to bringing forward a residential development with the associated site wide infrastructure in the locations previously agreed with the Council.

Finally, it is also noted that during the Planning Committee Members referenced the ability of the Council to demonstrate a 5 year housing land supply, which it could not at the time of the outline planning permission. It was highlighted as a significant factor in granting planning permission. Whilst we do not seek to dispute this fact, it is reiterated that the principle of residential development was agreed on the site through the approval of the outline planning permission. The application for consideration simply applies for Reserved Matters approval seeking agreement to details in respect of the access, appearance, layout, scale and landscaping. It is further noted that the Council's latest housing trajectory (dated April 2019) stipulates that 639 dwellings will be delivered at South East Coalville during the next 5 years. Thus this site contributes significantly to the Council's ability to demonstrate an ongoing 5 year housing land supply. This is likely to become increasingly important given the Government's current consultation on the standard methodology for calculating housing need which, if implemented, will increase North West Leicestershire's annual housing requirement to 1,153 dwellings per annum compared to 481 dwellings per annum that is currently stipulated in the adopted Local Plan. Delivery is therefore essential on allocated/existing sites to avoid the need for potentially requiring additional housing sites in the future.

I trust the above provides sufficient additional information to reassure Members that Redrow will be building a sustainable development that will be brought forward in conjunction with the wider infrastructure being delivered by Harworth.

Please do not hesitate to contact me however, should you feel that any additional information is required.

Yours sincerely

A rectangular box with a black border, used to redact the signature of Sarah Allsop.

Sarah Allsop BSc (Hons) MSc MRTPI  
Planning Manager

Enc: Infrastructure Schedule

Item/Infrastructure	Responsibility	Mechanism of Control	Trigger	Comments
<b>AFFORDABLE HOUSING</b>				
Affordable Housing	Redrow	S106 Agreement	To be transferred to an RP prior to the occupation of 75% of the Market Dwellings	
<b>HIGHWAYS</b>				
Construction Traffic Routeing Agreement	Harworth	S106 Agreement	To be submitted, approved and implemented prior to commencement of development	Obligation discharged
Travel Plan	Redrow	Condition 31 / S106 Agreement	Submit and comply with the Travel Plan	
	Harworth	S106 Agreement	Travel Plan Monitoring Contribution to be paid prior to commencement	
	Harworth	S106 Agreement	Appoint Travel Plan Coordinator prior to occupation	Obligation discharged - GoTravel appointed
Travel Packs (a pack providing sustainable transport information)	Harworth	S106 Agreement	To be provided pre-occupation	
Bus Passes (2 adult passes for 6 months/ dwelling)	Harworth	S106 Agreement	To be offered pre-occupation	
Coalville TIP contribution (to secure the provision of highway infrastructure identified by the County Council as being required to mitigate the highway impact of the development)	Redrow	S278 Agreement	50% on commencement 50% prior to 50% occupation	
Scheme of works to the Bardon Hill (Grange Road) level crossing	Harworth	Condition 26	Scheme to be submitted prior to commencement Scheme to be implemented prior to occupation	Scheme submitted and approved November 2017. Scheme has been implemented.
Provision of a continuous route suitable for use by buses through the site	Harworth	Condition 33	Scheme to be submitted with first reserved matters application	Scheme submitted and approved August 2018 Note - the proposed Red Route that will connect Beveridge Lane with Grange Road is sited immediately to the east of Redrow's parcels. Go Travel is currently working on the implementation of the public transport strategy.
Scheme of mitigation measures at the Beveridge Lane / Whitehill Road / Midland Road / Ibstock Road double mini roundabout junction in Ellistown	Harworth	Condition 34	Prior to occupation	Discharged April 2017 - no mitigation needed.
<b>OPEN SPACE/PLAY AREA, ECOLOGY &amp; BIODIVERSITY MITIGATION AND RECREATIONAL SPACE</b>				
Management Scheme to identify the location and specification for the laying out and planting of the Open Space and the Ecological and Biodiversity Mitigation Land	Harworth	S106 Agreement	Pre-commencement	Obligation discharged. Note - details of the LEAPs and NEAPs to be agreed with NWLDC prior to first occupation as per the below. Location and specification of planting of open space / ecological and biodiversity mitigation already agreed. Harworth Estates to commence landscaping works next year.
Management Scheme to provide details in relation to the equipping of the Open Space (i.e. the provision of any LEAPS and NEAPs)	Harworth	S106 Agreement	Pre-occupation	
Management Scheme to provide a programme for delivery of the works	Harworth	S106 Agreement	Pre-occupation Note - no more than 75% of dwellings within a phase to be occupied until the Open Space and Ecology and Biodiversity Land within that phase has been laid out and landscaped	Under the terms of the contract between Harworth and Redrow, the Landscaping works including the provision of the LEAP (immediately to the west of the site) and NEAP (to the south) are to be completed no later than 31 March 2022 thus the infrastructure will be coming forward alongside the residential development.
Management Scheme to provide details of the structure and ownership of the Management Company and the strategy and programme for the management and maintenance of the Open Space and Ecological and Biodiversity Mitigation Land	Harworth	S106 Agreement	Pre-occupation	The s106 agreement requires that each purchaser of a dwelling to become and remain a member of the relevant Management Company. Further any disposal of a dwelling is to secure appropriate provisions to secure the payment of an appropriate annual payment to the relevant ManCo
South Street Recreation Contribution (for the provision and improvement of the formal recreation provision at South Street Recreation Ground)	Harworth	S106 Agreement	Pre-occupation	
<b>EDUCATION (RELEVANT TO THE SOUTHERN QUADRANT)</b>				
Elect to build the Two-Form Primary School and transfer it to the County Council or transfer the Two Form Primary School Site to the County Council and to make the Primary School Contribution	Harworth	S106 Agreement	Prior to the occupation of the 100th dwelling within the southern quadrant	
Where electing to build the Primary School, the owner is to provide and make available for occupation the Primary School Phase One (1 form entry primary school)	Harworth	S106 Agreement	Prior to the occupation of the 380th dwelling within the southern quadrant	

Where electing to build the Primary School, the owner is to provide and make available for occupation the Primary School Phase Two (2 form entry primary school)	Harworth	S106 Agreement	Prior to the occupation of the 1200th dwelling within the southern quadrant	
High School Contribution	Redrow	S106 Agreement	Prior to 50% Occupation	
<b>DRAINAGE</b>				
Foul and Surface Water Drainage Scheme	Harworth	Condition 10	Pre-commencement	Site wide infrastructure approved under 19/00747/REMM.  Application to discharge condition 10 submitted and approved August 2020
<b>OTHER CONTRIBUTIONS</b>				
Civic Amenities	Redrow	S106 Agreement	50% on commencement 50% prior to 50% occupation	
Library Facilities	Redrow	S106 Agreement	50% on commencement 50% prior to 50% occupation	
Health Care	Redrow	S106 Agreement	50% on commencement 50% prior to 50% occupation	



**Erection of agricultural building and chicken coop and  
installation of track and hardstanding**

**Report Item No  
A2**

**Land East Side Of Austrey Lane Appleby Parva Derby DE12  
7AR**

**Application Reference  
20/00707/FUL**

**Grid Reference (E) 430901  
Grid Reference (N) 308717**

**Date Registered:  
25 June 2020**

**Applicant:  
Geoffrey Clark**

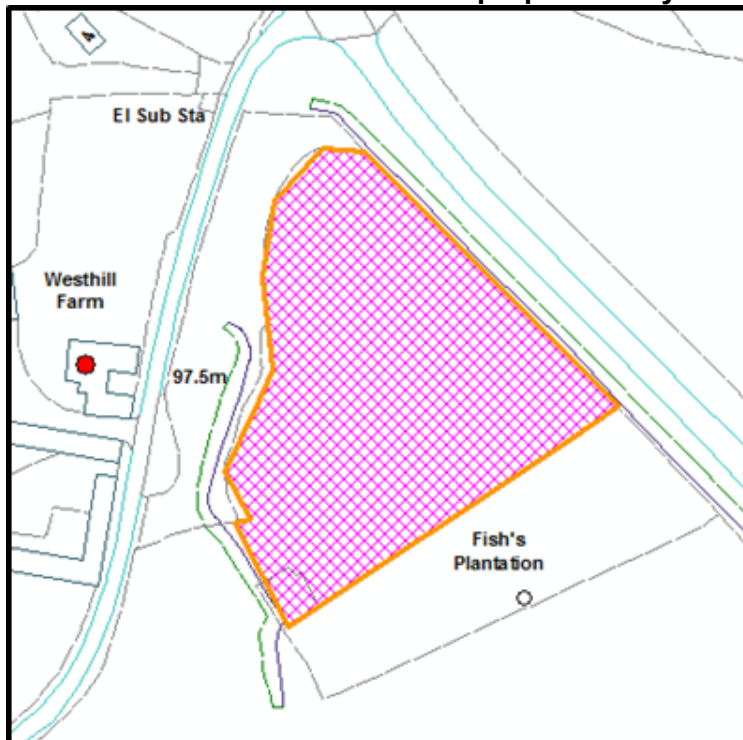
**Consultation Expiry:  
2 October 2020**

**Case Officer:  
Sarah Booth**

**8 Week Date:  
20 August 2020  
Extension of Time:  
None Agreed**

**Recommendation:  
PERMIT**

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



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

### **Call In**

The application is brought to the Planning Committee at the request of Councillor Blunt due to public concern.

### **Proposal**

Full planning permission is sought for the erection of an agricultural storage building, chicken coop, electricity cabinet, track and hardstanding on land to the east of Austrey Lane in Appleby Parva. The site is located outside the Limits to Development as per Policy S3 of the adopted Local Plan.

### **Consultations**

12 neighbour objections have been received to the proposal. No objections have been received from statutory consultees who have responded during the consultation process.

### **Planning Policy**

It is considered that the development would be compliant with all relevant paragraphs of the National Planning Policy Framework (NPPF) as well as the relevant policies of the adopted Local Plan and other guidance.

### **Conclusion**

In conclusion, the site is situated outside the Limits to Development, however the building proposed is considered to be reasonably necessary for the purposes of agriculture and would therefore be compliant with Policy S3 of the adopted Local Plan and Paragraph 83 of the NPPF.

The scheme is not likely to give rise to any harmful impacts upon the occupiers of neighbouring dwellings, visual amenity and the character of the area, heritage assets, highway safety, ecology, flooding or trees. The proposal would not be detrimental to the River Mease SAC. Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

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

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

## MAIN REPORT

### 1. Proposals and Background

Full planning permission is sought for the erection of an agricultural storage building, a chicken coop, electricity cabinet, an access track and hardstanding on land to the east of Austrey Lane in Appleby Parva. The applicant proposes to use the building for storage of a small tractor, equipment for maintenance of the site and some animal feed. The applicant proposes to keep sheep, goats and chickens on the land and the development is proposed to assist with this.

The application site is a field measuring approximately 0.7 hectares (1.73 acres). The site is located outside Limits to Development, as defined by the adopted Local Plan.

There have been a few previous planning applications on this site for similar proposals to the current application. An initial planning application (15/00775/FUL) raised some concerns including its impact on trees and ecology and therefore this application was withdrawn. A subsequent planning application (15/01071/FUL) was refused due to the scale of the proposed building and its impact on the countryside. A third planning application (16/00568/FUL) proposed a smaller scale building and received an officer recommendation for approval but was refused by planning committee in 2016 on the basis of the development's impact on the Countryside and highway safety impacts.

The current application proposes a building that is the same size and has the same location as application 16/00568/FUL. The footprint of the building measures 4.57 metres x 6.1 metres and has a maximum height of 5.3 metres. This application also includes additional features such as a timber 2.5 metre x 2.5 metre chicken coop and an electricity cabinet to provide a power supply to the building.

Amended plans have been received during the course of the application to amend the design and materials so that the building would have a more typically agricultural appearance. The materials have been altered from being completely brick with a tiled roof to having brick and timber elevations with a tin roof.

#### Recent planning history:

16/00568/FUL - Agricultural storage building and driveway (Refused 16.09.2016).

15/00775/FUL - Erection of agricultural building and construction of access track (Withdrawn 22 October 2015).

15/01071/FUL - Erection of agricultural building and construction of access track (Refused 28 April 2016).

### 2. Publicity

11 Neighbours have been notified.

Site Notice displayed 3 July 2020.

Press Notice published Burton Mail 8 July 2020.

### 3. Summary of Consultations and Representations Received

**Council's Environmental Protection Section** - has no environmental observations.

**Leicestershire County Ecologist** - has no objections subject to a suitable note to applicant.

**Leicestershire County Highways** - No objections, recommends conditions.

**No response received from:-**

Appleby Magna Parish Council  
Severn Trent Water

**Third Party Representations**

A total of 12 letters of neighbour representation have been received, some neighbours have submitted more than one letter. The objections raised are summarised as follows:

- An access was not previously formed in this location.
- Planning permission is required for the access.
- Highway safety / access is unsafe / Intensification of use of the access.
- No change in this application and the application that was refused in 2016.
- The field is poorly maintained.
- Weeds growing which are hazardous and poisonous to animals.
- Enforcement matters / Site used for building business not agriculture.
- Fires regularly take place in the field / Toxic smoke.
- The site has been used for motorbike racing.
- Site used for storage / disposal of commercial waste.
- The building is not justified or essential for the small size of the field and the small number of livestock.
- Vehicles drag mud on to the road.
- Proposal would result in flooding and drainage issues.
- Problems with the culvert.
- Concern over the actual intention of the future use of the site.
- Impacts on residential amenity.
- Damage to existing services / infrastructure - verge, water, electricity and telephone connections.
- No need for a substation.
- The scale of the building is too big.
- The building would be highly visible and too large for the site.
- Loss of privacy.
- Noise and smell impacts.
- Applicants behaviour.
- The applicant has a friend at the Council.
- Building should be re-sited.
- Impact upon heritage assets.

**4. Relevant Planning Policy**

**National Planning Policy Framework (2019)**

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

Paragraphs 7, 8, 9 and 10 (Achieving sustainable development);  
Paragraph 11 (Presumption in favour of sustainable development);  
Paragraphs 54, 55 and 56 (Decision-making);  
Paragraph 83 (Building a Strong Competitive economy);  
Paragraphs 102, 103, 108, 109 and 110 (Promoting sustainable transport);  
Paragraphs 124, 127, 128 and 130 (Achieving well-designed places);  
Paragraphs 148, 150, 153, 155 and 163 (Meeting the challenge of climate change, flooding and

coastal change);  
 Paragraphs 170, 177, 178, 179, 180 and 181 (Conserving and enhancing the natural environment);  
 Paragraphs 189, 190, 192, 193, 196 and 198 (Conserving and enhancing the historic environment).

### **Adopted North West Leicestershire Local Plan (2017)**

The North West Leicestershire Local Plan forms part of the development plan and the following policies of the Local Plan are relevant to the determination of the application:

Policy S2 - Settlement Hierarchy;  
 Policy S3 - Countryside;  
 Policy D1 - Design of New Development;  
 Policy D2 - Amenity;  
 Policy IF4 - Transport Infrastructure and New Development;  
 Policy IF7 - Parking Provision and New Development;  
 Policy En1 - Nature Conservation;  
 Policy En2 - River Mease Special Area of Conservation;  
 Policy Cc3 - Sustainable Drainage Systems;  
 Policy He1 - Conservation and enhancement of North West Leicestershire's historic environment.

### **Other Policies and Guidance**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.  
 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.

## **5. Assessment**

### **Principle of Development**

This application seeks full planning permission for the erection of an agricultural storage building, a chicken coop, electricity cabinet and an access track and hardstanding on land to the east of Austrey Lane in Appleby Parva. The applicant proposes to use the building for storage of maintenance vehicles such as a small tractor and equipment as well as for the storage of animal feed. The applicant advises that they intend to keep animals on the land and the proposed development is required to assist with this use.

The application site is a field measuring approximately 0.7 hectares (1.73 acres). The site is located outside Limits to Development, as defined by the adopted Local Plan.

There have been a few previous planning applications on this site for similar proposals to the current application. An initial planning application (15/00775/FUL) raised some concerns including its impact on trees and ecology and therefore this application was withdrawn. A subsequent planning application (15/01071/FUL) was refused due to the scale of the proposed building and its impact on the countryside. A third planning application (16/00568/FUL) proposed a smaller scale building and received an officer recommendation for approval but was refused by planning committee in 2016 on the basis of the development's impact on the

Countryside and highway safety impacts.

The current application proposes a building that is the same size and has the same location as application 16/00568/FUL. The footprint of the building measures 4.57 metres x 6.1 metres and has a maximum height of 5.3 metres. This application also includes additional features such as a timber 2.5 metre x 2.5 metre chicken coop and an electricity cabinet to provide a power supply to the building.

The overarching principle of the NPPF is to protect the countryside but to allow sustainable development where appropriate. The site is located in the countryside on land outside Limits to Development where uses specified within (a) to (s) of Policy S3 of the adopted Local Plan are supported in principle. The proposed development is for the purposes of agriculture which is listed an acceptable use in principle as per category (a) of Policy S3.

Paragraph 83 of the NPPF states that planning decisions should enable, amongst other things, the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings and the development and diversification of agricultural and other land-based rural businesses.

The applicant has submitted additional information to support their proposal and they have advised that they intend to keep sheep, goats and chickens on the land. Neighbours have raised concerns that they do not think this would be the ultimate intention for the use of the site or the proposed buildings. Neighbours have also referred to recent enforcement matters on the site where the land has not been used for agricultural purposes. Neighbours have mentioned that the site has been used in association with a builders business, for storage / disposal of waste materials and burning of materials. They have also alleged that the site has also been used for motorcycle racing. The proposal in this application is for agricultural purposes only and therefore that is all that can be considered. If the site is used for alternative unauthorised purposes in the future then this can be reported to the Council's enforcement team for them to investigate.

Neighbours also have concerns that the development is not essential for the keeping of animals on the site. The Council's agricultural advisor was consulted on application 16/00568/FUL to assess whether the building would be necessary for the purposes proposed. As this proposal would be the same size and have the same location as application 16/00568/FUL it is considered that the same advice is applicable to the current application. The advice received as part of application 16/00568/FUL states the following:

*"Your Local Plan Policy at Policy S3 of the Adopted North West Leicestershire Local Plan states 'That the proposed development can be shown to be essential for the efficient long-term operation of agriculture and forestry.' As I stated in my previous letter dated 4th February, 2016 - agricultural buildings are also required to be on agricultural land, which means land in use for agriculture for the purposes of a trade or business. I still consider a unit with approximately 0.4 of a hectare or 1 acre of land with 3-5 sheep and approximately 10 head of poultry could not be classed as a trade or business but would effectively be a hobby or an interest.*

*I consider the size of the proposed building would be of a size capable of storing the tractor and miscellaneous items which the applicant proposes to use on the land.*

*In conclusion, I advise that the now proposed building is more in keeping with the size of the unit, and although not essential for the efficient long-term operation of agriculture and forestry may now be acceptable to the Local Planning Authority in planning terms, as it may partially*

*comply with Policy S3 of the Adopted North West Leicestershire Local Plan, as it could now be classed as reasonably necessary for the purposes of agriculture within the unit."*

In view of this advice it is considered that the development would be reasonably necessary for the purposes of agriculture.

A condition is recommended to ensure that the building is used only for the purposes specified in the application.

In conclusion, having regard to all of the above, the principle of the development is considered to be acceptable but it is still necessary to consider other material planning considerations including in respect of highway safety, design and amenity criteria.

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

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 Supplementary Planning Document (SPD) but also paragraphs 127 and 130 of the NPPF.

Amended plans have been received during the course of the application to amend the design and materials so that the building would have a more typically agricultural appearance. The materials have been altered from being completely brick and with a tiled roof to having brick and timber elevations with a tin sheet roof.

The footprint of the building measures 4.57 metres x 6.1 metres and has a maximum height of 5.3 metres. This application also includes additional features such as a timber 2.5 metre x 2.5 metre chicken coop and an electricity cabinet to provide a power supply to the building. The cabinet would consist of a 1 metre x 1.3 metre cabinet attached to a new small wall which would be located towards the entrance of the site.

The proposed materials are likely to have the appearance of a typical agricultural barn and would therefore not be out of keeping with the countryside location. Conditions could be attached to any planning permission requiring the precise materials and colours to be agreed prior to the building being erected on the site.

Neighbours have raised concerns that the building would be highly visible and too large for the site. There are boundary trees and hedgerows which form a dense screen and would help to screen the barn from public vantage points. The minor size of the building would also ensure that it does not become an unduly dominant feature in the surrounding area.

The application includes a small electricity cabinet to allow an electrical supply to the building. This consists of a small brick wall with a utility box attached. Given the small scale of the structure and that it would be fairly well screened by boundary vegetation it is not considered that this would be harmful to the character of the area. Some neighbours have raised concerns with the need for the electrical supply, however it is not considered unreasonable for the building to require an electricity connection to assist with the general undertaking of the site.

If the application is approved it is recommended that a landscaping scheme should be secured in order to maintain the soft landscaping that screens the site. This would ensure the development is compliant with the aims of Policy En1 of the adopted Local Plan. In the absence of landscaping details being provided with this application, this could be dealt with by condition.

Overall, the design, appearance and scale of this proposal is acceptable and would not look out

of keeping with the character and appearance of the surrounding area and is considered to be compliant with the advice in the NPPF and Policies D1 and En1 of the adopted Local Plan.

### **Impact upon Residential Amenity**

Several objections have been received regarding this development which includes the use of the site. Residents have raised concerns that the building would not be used for agricultural uses as it may be used for residential or business purposes. This application can only consider the proposal as submitted, which is for an agricultural building. Any alternative uses proposed would require permission through a further planning application and this is therefore not considered further in this report. If the development was deemed to be acceptable it would be recommended that the building should be conditioned to be used as per that which has been applied for.

Neighbours also have concerns relating to privacy impacts from the development. The nearest property to the development would be in excess of 50 metres away and at this distance it is not considered that the development would have an overbearing, overlooking or overshadowing impact on neighbouring residential properties.

In respect of matters raised relating to protection of neighbour's views from their properties, this is not a material planning consideration and cannot be taken into account in the determination of this application.

Neighbours have objected on the grounds of noise and smells from the proposed development. The agricultural use of the field already exists and the nature of this use can sometimes result in some noise and smell implications but it is not considered that the proposed development would result in detrimental impacts resulting from noise or smells. Furthermore the Council's Environmental Protection team have been consulted on this application and have not raised any objections.

For the reasons set out above, it is not considered that there would be any significant loss of amenities by means of overbearing, overshadowing, overlooking impacts or noise and disturbance impacts. The proposal therefore complies with the provisions of Policy D2 of the adopted Local Plan.

### **Impact to Heritage Assets**

Neighbours have raised concerns relating to the development's impact on the setting of nearby listed buildings. The site lies to the south-west of a grade II listed building which is on the northern side of the A444 and to the north-east of Westhill Farm, a grade II listed building. As such in determining any application special attention shall be paid to the desirability of preserving listed buildings, their settings or any features of special architectural interest which it possesses as set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Paragraph 192 of the NPPF 2019 states that planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. It further indicates (at paragraph 193) that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The Council's Conservation Officer has referred to his previous advice on this application. The conservation officer has no objection in principle to the erection of an agricultural building and is pleased that the development would be partly constructed in red brick so that it would be more



sympathetic to the character of buildings at the nearby listed building at Westhill Farm. It is also noted that the parcel of land is separate to the listed buildings and is well landscaped.

Although the proposal is not of entirely traditional materials or design, the conservation officer advises that the proposed building is agricultural in character which is another prevailing character of the area. As the building is set on a separate parcel of land which is well landscaped, and is offset to the north of the farm, it is considered that the setting of the listed buildings would not be harmed. This therefore complies with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Overall it is considered that the proposals would not harm the setting of the listed buildings and would preserve the character and appearance of the area. The proposal is considered to be in accordance with Policies D1 and He1 of the adopted Local Plan, the Council's Good Design SPD and the advice contained in the NPPF. Taking the above into account, it is considered that the scheme is appropriate and would comply with the NPPF.

### **Highway Considerations**

It is noted that several neighbour objections have been raised regarding the access to the site, highway safety concerns and the intensification of this road junction.

Access for this development would be from Austrey Lane near to the junction with Atherstone Road. It is anticipated that there would be additional vehicles on site during the construction phase and in association with the agricultural use. However, it is not considered that this development would significantly intensify vehicular movements to the site directly in the long term given the agricultural nature of the site and because the proposed use would be agricultural. Furthermore the County Highways Authority (CHA) does not consider that any potential increase in vehicular movements, given the nature and scale of the development, would have a detrimental impact on Austrey Lane, a class C road, or A444.

Neighbours state that this access has not been used previously due to the steep incline of the access from this part of the site and the levels have been altered prior to the submission of a planning application. The neighbours also have concerns regarding the visibility at the access. The neighbours' concerns have been raised with the (CHA) during this application and the previous applications, however the CHA have raised no objections regarding this development.

The CHA have advised that there have been two recorded personal injury collisions (PICs) within 500m of the site within the last five years and current year to date. Both incidents occurred on the A444 and resulted in 'slight' injury; one involving a right turning vehicle and one involving a loss of control around a bend. There have been no recorded PICs at the site access or the junction of Austrey Lane/A444 within this period.

Based on the above, the CHA is therefore satisfied that there is no evidence to suggest that the development proposal would result in an unacceptable risk to highway safety.

Correspondence has been received from a neighbour showing communications with the CHA, a Ward Councillor and a neighbour of the site. The correspondence is from the Leicestershire CHA and states that planning permission is required for the access to the site. This is contrary to the formal consultation responses received in this application and the previous applications for this site. This matter has been raised with the Leicestershire County Council Highways Team and they have confirmed that the access does not require planning permission.

The CHA have advised that the access should be formalised as vehicular trips arising as a

result of the development proposal would have an impact on the highway verge immediately adjacent to the gate, which is County Highways land. In addition to this, it is noted that there are service covers present within this area of the highway verge which residents and the CHA have concerns over. The CHA advise that the access needs to be of suitable construction to withstand the vehicular movements that would arise as a result of the application being permitted. Notwithstanding this, the land within the grass verge is not included as part of this application. It is considered that the CHA could secure these improvements to the verge as the land owner and therefore this could be dealt with outside of the planning application.

Residents' concerns have also been raised regarding mud being deposited in the road owing to driving over the grass verge at the front of the site. This land is owned by Leicestershire County Council and if the use of the application site is resulting in damage to the verge and leading to mud in the highway then this will be a matter for Leicestershire County Highways to resolve outside of the planning process.

Leicestershire County Highways have requested that conditions should be attached if permission is granted to secure improvements to the access such as an increased width, gradient, hard bound surfacing. It is considered that the surfacing and gradient could be secured by condition however it would be unreasonable to condition alterations to the access when this element does not require planning permission and the development would not significantly intensify the use of the site. Therefore the recommended access condition would not meet the six tests of planning conditions as per Paragraph 55 of the NPPF.

In view of the above it is considered that the proposal accords with the intentions of Paragraphs 108 and 109 of the NPPF, Policies IF4 and IF7 of the adopted Local Plan and the County Highways Design Guidance.

#### **River Mease Special Area of Conservation/SSSI - Habitat Regulations Assessment**

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.

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

The scheme would result in an additional area of hardstanding as well as the new building, chicken coop and the access track. It is considered that a sustainable surface water drainage system such as a soakaway could be utilised given the small surface areas proposed and the size of the field. It is recommended that if permission is granted then a condition should be secured to ensure an adequate sustainable method of surface water drainage is provided.

The scheme does not propose to increase any foul water discharge and is not connected to the foul water system. Accordingly a request under the River Mease DCS cannot be justified nor requested.

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 would, either alone or in combination with

other plans or projects, have no adverse effect on the integrity of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI, and would comply with the Habitat Regulations 2017, the NPPF and adopted Policies S2, En1 and En2.

### **Flood Risk**

Many residents have objected on the grounds of the development's impact on flooding in the area. It has been stated by neighbour's that there is a culvert on site which, if affected, could lead to flooding on neighbouring sites. Neighbours have also stated that there has been flooding in the area recently.

The site falls within Flood Zone 1, which is the area at lowest risk of flooding. Notwithstanding this, the site is located within an area identified as being at risk of surface water flooding.

The development has been relocated from its position in the originally submitted application (15/00775/FUL) and is now further from the culvert thereby reducing the overall impact. Issues regarding the culvert have previously been raised with Natural England and they advised that they have no objections to the development.

It is recommended that if the application is approved then a condition could be included to secure an adequate and sustainable surface water drainage scheme so that the development would not adversely impact on surface water drainage in the area.

Residents have also raised concerns with the impact of additional vehicles driving over existing underground services (e.g. water and electricity connections), which are located at the site entrance. Neighbour's consider that damage is being caused to water pipes which is resulting in flooding. This would not be a material planning consideration as it would be a civil matter between the water service provider and the applicant for them to resolve.

Subject to the above recommended condition it is considered that the development would not adversely impact on flood risk and would comply with Policy Cc3 of the Adopted Local Plan.

### **Ecology**

The County Ecologist is satisfied with the current application and have advised that they do not object. They also advise that it would be unreasonable to request any protected species surveys given the minor scale of the development; they therefore have requested that a note to applicant be included to advise about badgers.

### **Other**

Neighbours have alleged that the applicant is friends with someone at the Council which may affect the outcome of their application. Officers involved with the assessment of this application do not know the applicant personally and the application has been determined objectively on the basis of planning judgement.

Other objections have been raised by neighbours. Those which have not been covered by the above sections are not material planning considerations and have therefore not been considered.

### **Conclusion**

In conclusion, the site is situated outside the Limits to Development, however the building proposed is considered to be reasonably necessary for the purposes of agriculture and would therefore be compliant with Policy S3 of the adopted Local Plan and Paragraph 83 of the NPPF.

The scheme is not likely to give rise to any harmful impacts upon the occupiers of neighbouring dwellings, visual amenity and the character of the area, heritage assets, highway safety, ecology, flooding or trees. The proposal would not be detrimental to the River Mease SAC. Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

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

- 1 Time limit.
- 2 Approved Plans.
- 3 Materials.
- 4 Landscaping
- 5 Surface water drainage scheme
- 6 Agricultural use only
- 7 Hard surface finish
- 8 Gradient
- 9 No external lighting unless agreed

**Demolition of existing farm buildings, conversion of existing brick farm buildings (plot 1) and erection of four new dwellings (plots 4-5) (outline - access and layout for approval)  
Land To The Rear Of 31 Church Street Belton Loughborough  
Leicestershire LE12 9UG**

**Report Item No  
A3**

**Application Reference  
20/00627/OUT**

**Grid Reference (E) 445043  
Grid Reference (N) 320878**

**Date Registered:  
20 March 2020  
Consultation Expiry:  
2 September 2020  
8 Week Date:  
15 May 2020  
Extension of Time:  
9 October 2020**

**Applicant:  
Mr Chris Darby**

**Case Officer:  
Hannah Exley**

**Recommendation:  
PERMIT**

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



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

### **Call In**

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

### **Proposal**

Outline approval is sought for the demolition of existing farm buildings, conversion of existing brick farm buildings (plot 1) and the erection of four detached dwellings (plots 2-5) on 0.39 of a hectare of land to the rear of 31 Church Street, Belton which is currently in agricultural use and occupied by modern farm buildings.

Details of means of access and layout are included for consideration at this stage. Access to the site would be via the existing vehicular access and track off Church Street via an existing vehicular access which currently serve No.s 31-33 Church Street and the existing farm buildings at the site, and would be routed along the eastern boundary of No.33 Church Street.

### **Consultations**

1 letter of neighbour representation have been received raising concerns. Belton Parish Council have raised objection. All statutory consultees who have responded have raised no objections.

### **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**

Reasons for refusal relating to conflict with Policy S3 could not be justified in this case when having regard to the fallback position to erect 5 dwellings on this site. The layout and access arrangements are considered to be acceptable and a scheme could be designed at the reserved matters stage(s) so that its appearance, scale and landscaping would have an acceptable impact upon design and the character of the area, neighbouring residential amenities, drainage and flood risk and ecology. The proposed access is also considered acceptable from a highway safety perspective. There are no other relevant material planning considerations that indicate planning permission should not be granted and therefore, subject to conditions, it is recommended that outline planning permission be granted.

### **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

Outline approval is sought for the demolition of existing farm buildings, the conversion of existing brick farm buildings (plot 1) and the erection of four detached dwellings (plots 2-5) on 0.39 of a hectare of land to the rear of 31 Church Street, Belton which is currently in agricultural use and occupied by modern farm buildings. The agent has confirmed that it is the applicant's intention for all agricultural activities at the current farmstead to cease and for agricultural land on the wider site to be let out to third parties. The access drive would allow access to land at the rear of the site, which following the demolition works would be restored to agricultural land and seeded with grass.

Whilst the application original was submitted for plots 2-5, due to the crossover/conflict with the details of an earlier permission, the application was amended to include the converted dwelling on plot 1.

Details of means of access and layout are included for consideration at this stage. Access to the site would be via the existing vehicular access and track off Church Street via an existing vehicular access which currently serve No.s 31-33 Church Street and the existing farm buildings at the site, and would be routed along the eastern boundary of No.33 Church Street. Details of parking provision for these existing dwellings has been provided during the course of the application.

Public footpath L33 is routed in a north-south direction adjacent to the western boundary of the site but does not cross the site.

The application submission was accompanied by a Valuation Report and Design and Access Statement.

### Relevant Planning History:

An application for prior notification under Part 3 Class Q (a and b) of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 was recently approved for the conversion of two existing agricultural buildings to form five residential dwellings including external alterations on land to the rear of 31 Church Street, Belton (19/02213/PNA). The application details that the buildings to be converted into units 1-4 approved under the prior notification application would be demolished as part of the current application but the brick and tile barn to form unit 5 (now plot 1) would be retained.

This permission is a material consideration in the determination of the current application.

No other relevant history found.

### 2. Publicity

4 Neighbours have been notified.  
Site Notice displayed 27 March 2020.

### 3. Summary of Consultations and Representations Received

The following summary of responses is provided.

**Belton Parish Council** raise the following concerns:

Councillors discussed the application and it was agreed that should ask whether this application

is within permitted limits and also raise their

- the outside the permitted development stated in the local plan;
- the road will servicing 7 dwellings and concern raised about whether it will be adopted;
- will there be any lighting?;
- suitability of the access drive for refuse vehicles;
- Consideration should be given to a bat survey and it has been reported that there are nesting owls at the site.

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

**Leicestershire County Council - Footpaths** no response received.

**NWLDC Environmental Protection** has no environmental observations.

**NWLDC Contaminated Land Officer** has no objections subject to conditions given the agricultural use of the site;

**NWLDC Waste Services** has no objections.

### **Third Party Representations**

One letter of neighbour representation has been received, raising objection on the following grounds:

- suitability of the access for the number of dwellings proposed;
- the driveway as shown would open up the land at the rear for future development;
- outside limits to development.

The full contents of consultee responses can be viewed on the Council's website.

## **4. Relevant Planning Policy**

### **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 109 (Promoting sustainable transport)  
Paragraphs 117, 118 (Making effective use of land)  
Paragraphs 127, 130 (Achieving well-designed places)  
Paragraph 163 (Drainage and Floodrisk)  
Paragraph 175 (Conserving and enhancing the natural environment)  
Paragraph 178 -180 (Ground conditions and pollution)  
Paragraph 56 (Planning conditions and obligations)

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:

### **Adopted North West Leicestershire Local Plan (2017)**

The following Local Plan policies are relevant to this application:

Policy S1 - Future Housing and Economic Development Needs  
Policy S2 - Settlement Hierarchy  
Policy S3 - Countryside  
Policy D1 - Design of New Development



Policy D2 - Amenity  
Policy En1 - Nature Conservation  
Policy IF4 - Transport Infrastructure and New Development  
Policy IF7 - Parking Provision and New Development  
CC2 - Water - Flood Risk  
CC3 - Water - Sustainable Drainage Systems

**Other Guidance**

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

**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).

Whilst abutting the Limits to Development to the west and south, the application site is located outside the Limits to Development as defined by the adopted Local Plan where the demolition of the existing buildings and the erection of new residential development does not fall within the list of acceptable uses set out in Policy S3 of the adopted Local Plan. Therefore, the proposals would not accord with the provisions of Policy S3 of the adopted Local Plan.

Paragraph 170 of the NPPF highlights the need to recognise the intrinsic character and beauty of the countryside but does not specifically preclude development within the countryside.

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

The proposal would not result in an isolated dwelling given that other dwellings are located to the west and south of the site. The land and buildings are not previously developed as they were last in agricultural use and are therefore greenfield.

Policy S2 categorises Belton as being a sustainable village where limited growth will take place within the Limits to Development. Although just outside the Limits to Development, future residents of the site would have very similar access to services and facilities within Belton and as such the proposed development would be no less socially sustainable than the existing neighbouring dwellings fronting Church Street which are within the Limits to Development. Notwithstanding this, the proposal would not comply with Policy S2 of the Local Plan.

In terms of environmental sustainability, as set out in more detail below the proposal would not result in any unacceptable impacts on the natural or built environment. There would also be limited economic benefits which would include local construction jobs and helping to maintain local services in the area.

However, the principle of five dwellings on this site has already been accepted through the granting of a prior notification for 5 dwellings as set out in the background section of this report and this is a material consideration in the determination of the current application.

In this case it also needs to be considered whether there is a realistic fallback position, given the planning history. The prior approval for the conversion of the buildings to form 5 dwellings (18/02213/PDN) remains extant.

A Court of Appeal judgement in the case of *Mansell v Tonbridge and Malling BC* (2017) EWCA Civ 1314 held that permitted development rights can be taken into account as a fallback position where alternative development (i.e. via a planning application) is proposed. The judgement held that a fallback position does not have to be probable; decision-makers merely have to conclude that it is possible that there is a real prospect that an identified fallback position could result.

Under the 2019 application a Building Condition Survey concluded that the buildings were capable of conversion for residential purposes. One of the previously approved units for the conversion of a brick and tile building is included in the current application. The other four units which involved the conversion of modern agricultural buildings would be demolished as part of the current proposal.

With the exception of plot 1, the remainder of the proposed dwellings would not occupy the same footprints as the existing buildings that have been approved for conversion but would be in the vicinity of the buildings and closely related to other farm buildings to be demolished on the site. The proposals would result in an overall reduction in the gross external floor area of buildings on the site. The applicant has put forward the argument that the widespread removal of a range of agricultural buildings of varying forms and condition with little architectural merit from the wider site represents an opportunity to provide a scheme that would be more in keeping with the character and form of traditional development within the village.

A prior approval has been granted for the conversion of buildings on the site and it is realistic to conclude that it is the intention to develop the site for those approved five dwellings. The existing permission is capable of being implemented with sufficient time remaining to enable compliance with the conditions. Both schemes would result in a total of five dwellings on the site albeit with four of those dwellings being in a different form and location. As set out in more detail below the current proposal would not be significantly harmful in relation to detailed planning matters, and would not be more harmful than the approved scheme. Occupiers of both the permitted and approved schemes would be reliant on the private car. If the current application was refused there is a realistic prospect that the site would be developed via the extant planning permission.

Therefore it is considered that the planning permission forms a valid fallback position, which is a material consideration to be weighed in the planning balance.

In the overall balance, the site is not isolated, the proposal would not have unacceptable impacts on the natural or built environment, and would have limited economic benefits. Weight is also given to the fallback position. These matters are considered to weigh positively in the balance and outweigh the conflict with Policy S2 and S3, the Council having a five year housing land supply and the site and buildings forming greenfield land. As such a reason for refusal on the basis of conflict with Policy S2 and S3 could not be justified in this case.

### **Design and Impact on Character of the area**

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.

The site is located at the edge of built development to the northern side of Church Lane which the character of existing development is predominantly that of frontage development set back from the highway, comprising detached and semi-detached dwellings.

The approved scheme for 5 dwellings on the site includes unit 1 which is a traditional brick and tile building of traditional form and units 2-5 which would be converted modern agricultural buildings of little architectural merit. The application, as with the previously approved scheme would remove a number of other agricultural buildings on the site which are in a poor state of repair and which do not make a positive contribution to the visual amenities of the area. The land rises from Church Street and therefore, the structures on this site are visible from the access drive and between the properties. Glimpses are also available from the public footpath to the west between gaps in the hedgerow along the site boundary.

The application shows buildings of linear form in an L-shape layout which, along with the previously approved dwelling on unit 1 would provide a courtyard of development. The layout proposed would not be inconsistent with other farmstead developments within the wider locality and, subject to an appropriate scale as indicated in the submitted drawings, it is not considered that this approach would be out of keeping with the pattern of existing development.

Overall, it is considered that a development in the layout shown could be designed at the reserved matters stage that would be informed by existing development, and which would respect the character and appearance of surrounding development. Taking the above into account, it is considered that the scheme is appropriate and would comply with the NPPF and Policy D1 of the adopted Local Plan, and the provisions of the Good Design SPD.

### **Residential amenities**

The properties that would be most immediately affected by the proposed development would be No.s 31 and 33 to the south of the site.

With regard to No.s 31 and 33 Church Street, the garden area to the nearest proposed dwellings (units 1 and 2) would back onto the garden to these existing dwellings and would allow for sufficient separation distance to prevent any overlooking, overbearing or overshadowing impacts. With regard to comings and goings along the access drive routed adjacent to No.33, the impacts of the proposed development would be no greater than the previous scheme approved under application 19/02213/PNA.

Overall, having regard to the above, it is considered that a development in the layout shown could be designed at the reserved matters stage that would have an acceptable impact on neighbouring residential properties and would comply with the provisions of Policy D2 of the adopted Local Plan.

### **Highway Safety**

Church Street is an unclassified road subject to a 30 mph speed limit and a 7.5 tonne weight restriction. The access proposed is the same as the arrangements approved from prior approval permission 19/02213/PNA. Concern has been raised about the suitability of the proposed access for the number of dwellings proposed. In considering this, the County Highways have to be mindful of the fallback position with the approved Class Q development and the type and frequency of vehicles that could use the access for agricultural activities.

The submitted drawings show vehicular visibility splays of 2.4m x 43m in both directions with nothing above 0.6m within the splay which is in accordance highways advice and the County Highways Authority are satisfied that pedestrian visibility splays can be achieved at the access.

The required width for a single shared point of access serving 6 to 25 dwellings is 4.8m for a minimum distance of 5m behind the highway boundary and an additional 0.5m each side is required where the access is bound. The visibility splay drawing provided indicates the shared access width to be widened to 5.8m due to being bound on both sides, the drawing also indicates the dwarf wall to the west to be no higher than 0.6 for the whole length, therefore it will not interfere with the visibility splay which accords with highway standards. The drawings submitted shows a 6m kerb radii which the County Highways Authority find acceptable due to the location of the agricultural gate located immediately to the east of the access.

With regard to parking, if the applicant intends for Plots 1 and 2 to be 2 bed properties and Plots 3, 4 and 5 to be 3 bed properties, the dimensions and quantum of parking provision would be acceptable with sufficient turning facility within the curtilage of the site therefore in accordance with the Leicestershire Highway Design Guide (LHDG). The internal layout of the dwellings is unknown as it would be considered at the reserved matters stage but it is considered that there is scope within the layout shown for a scheme to be provided on the site with parking and turning facilities that would be compliant with the LHDG.

Details of two parking spaces for No.s 31 and 33 Church Street (both 3 bed dwellings) has been provided during the course of the application within the curtilage of the site. The County Highways Authority are satisfied with the proposed parking arrangements for the existing dwellings.

A bin collection point for properties 31, 33 and the proposed dwellings is also proposed to be located in close proximity to the access given the distance of the properties from the public highway. Waste Services have been consulted and find the proposed kerbside bin collection arrangements acceptable.

Overall, it is not considered that the proposal, subject to suitably worded conditions, would conflict with Policies IF4 or IF7 of the adopted Local Plan.

### **Ecology**

The previous application allows for the demolition of the buildings on the site without any ecological requirements. Whilst no ecology report has been provided with the application, it is not considered that it would be reasonable to require the provision of such details or impose any ecological conditions given that the existing buildings could lawfully be converted and demolished under an extant permission. Furthermore, separated legislation exists to protect bats and breeding birds and a note to applicant can be added to provide advice on this matter.

### **Drainage and Flood Risk**

The site lies within Flood Zone 1 (which has the lowest risk of flooding) and is not within an area impacted by surface water flooding as defined on the Environment Agency's Surface Water Flood Maps. There are areas of surface water flooding around the site on adjoining highways and along the route of the footpath to the north west of the site but these do not extend into the application site. It is proposed that surface water run-off would be addressed by means of a soakaway. Given the location of the development this surface water solution would not result in drainage or flooding issues. It is also noted that the County Highways Authority has requested a drainage condition in order to prevent surface water run-off from the site from entering the public highway. As a result, the development is considered to be compliant with Policies Cc2 and Cc3 of the adopted Local Plan and Paragraph 163 of the NPPF.

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

### **Other**

The access drive would allow access to land at the rear of the site, which following the demolition works would be restored to agricultural land. It is considered that it would be prudent to define the garden areas for the dwellings in order to safeguard against the gradual encroachment of the agricultural land beyond into residential gardens. At the reserved matters stage, it would also be necessary to ensure a strong boundary treatment is provided between the gardens and the agricultural land beyond.

The Parish Council has raised concern about whether lighting would be provided on the site but this would be a consideration that would be more applicable at the reserved matters stage.

### **Conclusion**

Reasons for refusal relating to conflict with Policies S2 and S3 could not be justified in this case when having regard to the fallback position to erect 5 dwellings on this site. The layout and access arrangements are considered to be acceptable and a scheme could be designed at the reserved matters stage(s) so that its appearance, scale and landscaping would have an acceptable impact upon design and the character of the area, neighbouring residential amenities, drainage and flood risk and ecology. The proposed access is also considered acceptable from a highway safety perspective. There are no other relevant material planning considerations that indicate planning permission should not be granted and therefore, subject to conditions, it is recommended that outline planning permission be granted.

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

1. Outline
2. Reserved matters
3. Levels as REM
4. Approved plans
5. Contaminated land
6. Contaminated land - remediation
7. Boundary treatments
8. Visibility splays
9. Pedestrian visibility splays
10. Highway Drainage
11. Access
12. Parking and turning
13. Surfacing of access
14. Footpath
15. Pd rights
16. Curtilage plan
17. Demolition and restoration of agricultural land
18. Bin storage

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**Erection of rural workers dwelling and retention of two agricultural buildings**

**Report Item No  
A4**

**Bushwell Farm 11 Melbourne Road Newbold Leicestershire  
LE67 8JH**

**Application Reference  
20/00440/FUL**

**Grid Reference (E) 439913  
Grid Reference (N) 318692**

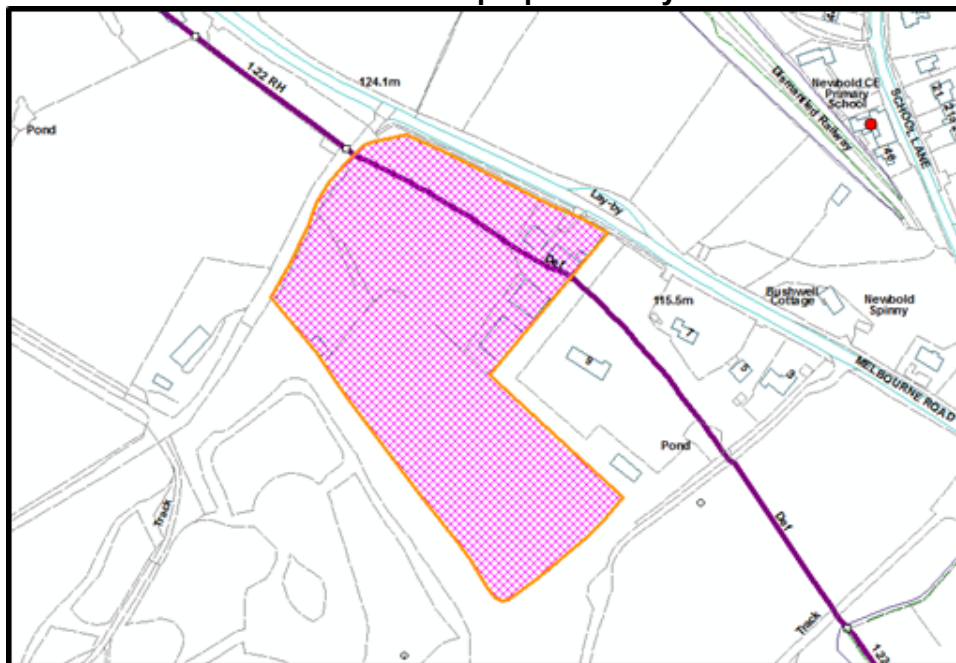
**Date Registered:  
26 February 2020  
Consultation Expiry:  
9 July 2020  
8 Week Date:  
22 April 2020  
Extension of Time:  
9 October 2020**

**Applicant:  
Mr William Kendrick**

**Case Officer:  
Hannah Exley**

**Recommendation:  
PERMIT**

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



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

### **Call In**

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

### **Proposal**

Approval is sought for the erection of a rural workers dwelling and the retention of two agricultural buildings on land at Bushwell Farm, off Melbourne Road, Newbold. The site is located to the rear of commercial buildings fronting Melbourne Road. With regard to the existing agricultural buildings to be retained, the fodder/machinery store is located to the south west of the existing buildings fronting the site and to the south of the proposed dwelling. The other agricultural building to be retained for livestock weaning and is sited more remotely from the existing buildings on the other side of an open field to the west of the main group of farm buildings at the Bushwell Farm site.

Access to the site would be via an existing vehicular access off Melbourne Road which is shared by Infield 4x4 vehicle repair business which fronts the site and is owned by the applicant.

### **Consultations**

A total of 4 letters of neighbour representation have been received providing support for the application. Coloerton Parish Council raise objection on the ground that the application is located outside the limits to development. All statutory consultees who have responded have raised no objections.

### **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**

Reasons for refusal relating to conflict with Policies S2 and S3 could not be justified in this case when having regard to the fallback position to erect one dwelling on this site and the economic benefits of the proposal. Furthermore, the proposed development would have an acceptable impact upon design and the rural character of the area, neighbouring residential amenities, drainage and flood risk and ecology. The proposed access is also considered acceptable from a highway safety perspective. There are no other relevant material planning considerations that indicate planning permission should not be granted and therefore, subject to a legal undertaking to prevent the implementation of the earlier permission and conditions, it is recommended that outline planning permission be granted.

### **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

Approval is sought for the erection of a rural workers dwelling and the retention of two agricultural buildings on land at Bushwell Farm, off Melbourne Road, Newbold. The site is located to the rear of commercial buildings fronting Melbourne Road. With regard to the existing agricultural buildings to be retained, the fodder/machinery store is located to the south west of the existing buildings fronting the site and to the south of the proposed dwelling. The other agricultural building to be retained for livestock weaning and is sited more remotely from the existing buildings on the other side of an open field to the west of the main group of farm buildings at the Bushwell Farm site.

Access to the site would be via an existing vehicular access off Melbourne Road which is shared by a Infield 4x4 vehicle repair business which fronts the site and is owned by the applicant.

Amended plans have been secured during the course of the application following officer concerns about the siting and appearance of the proposed dwelling. The dwelling has been relocated from a position fronting Melbourne Road to a site located to the rear of the buildings fronting the site. The application site area has been amended as a result of these changes.

The application was accompanied by a Supporting Statement which sets out the need for the new dwelling and the fallback position available to the applicant when having regard to appeal decisions and an extant permission for a Class Q conversion of an agricultural building to a dwelling on the wider farm site.

#### Relevant Planning History:

19/02009/PNA -Prior approval notification of change of use of one agricultural building to form one dwelling (Class Q) (Permitted)

98/0714/AGP - agricultural storage building (Permitted).

No planning records have been found for the agricultural buildings for which approval is sought which are in use for the storage of fodder and machinery and the rearing of young livestock. The applicant was made aware of the absence of any permissions in place for these buildings in the decision notice for prior approval 19/02009/PNA, which resulted in their inclusion in the current application submission.

### 2. Publicity

4 Neighbours have been notified.

Press Notice published Leicester Mercury 11 March 2020.

### 3. Summary of Consultations and Representations Received

The following summary of responses is provided.

**Coloerton Parish Council** raise objection on the ground that the application is located outside the limits to development.

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

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

**NWLDC - Environmental Protection** no environmental observations.

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

No comments received from **Severn Trent Water**.

### **Third Party Representations**

Four letters of neighbour representation have been received, stating support for the application on the following grounds:

- supportive of a growing quality beef business and 4x4/vehicles repair business fronting the site owned by the applicant;
- on-site security for both the beef enterprise and the vehicle repair business;
- greater flexibility for the vehicle repair business with an on-site presence;
- a purposely built dwelling would be more characterful than the approved converted agricultural building;
- the applicant currently has a long journey to the site which is not ideal in an emergency.

## **4. Relevant Planning Policy**

### **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 56 (Planning conditions and obligations);  
 Paragraph 109 (Promoting sustainable transport);  
 Paragraphs 127, 130 (Achieving well-designed places);  
 Paragraph 163 (Meeting the challenge of climate change, flooding, and coastal change)  
 Paragraph 175, 178 (Conserving and enhancing the natural environment);  
 Paragraph 199 (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:

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  
 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 application site lies outside the Limits to Development within the adopted Local Plan, with new dwellings not being a form of development permitted in the countryside, under Policy S3, unless there are special circumstances. One such special circumstance is agricultural development including agricultural workers dwellings which is outlined in criteria (a) of Policy S3 although any development deemed acceptable in relation to Policy S3 would need to adhere to criteria (i) to (vi) of this Policy.

The NPPF in Paragraph 8 outlines that there are three objectives to sustainable development (economic, social and environmental). The economic objective is particularly relevant to the provision of a permanent agricultural workers dwelling as the need for it must derive from the requirement of the farm business and not from the personal aspirations of the individuals concerned. The policy exception reflects support for agriculture as an economic activity; therefore to allow such accommodation where a farming enterprise was not economically sustainable would not be justified.

Paragraph 79 of the NPPF outlines that isolated dwellings in the countryside should be avoided unless particular circumstances apply, one such circumstance is the "essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside" (criteria (a)).

Paragraph 83 of the NPPF indicates that planning decisions should enable "the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings" (criteria (a)), as well as "the development and diversification of agricultural and other land-based rural businesses" (criteria (b)).

Prior to the introduction of the NPPF, applications for agricultural workers dwellings (be they temporary or permanent) were considered against the requirements of Planning Policy Statement 7 (Sustainable Development in Rural Areas) (PPS7) and more specifically Annex A of this PPS. Whilst now superseded by the guidance contained within the NPPF and NPPG it is considered that Annex A still acts as a relevant and useful guide in assessing the need for a permanent agricultural workers dwelling given that the NPPF and NPPG provide no clear guidance in this respect.

In terms of a permanent agricultural workers dwelling PPS7 provides that new permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units and that the applicant will need to demonstrate that there is a functional need for a full-time worker to live on the site, that the unit and agricultural activity has been established for at least three years, have been profitable for at least one of them and is currently financially sound and have a clear prospect of remaining so. This requires the submission of financial information and budgets that demonstrate on-going financial viability of the developing business. The latter includes sufficient profitability/cash flow to justify the proposed capital investment and funding for the business development.

The supporting statement accompanying the application provides the following information:

- Cross-bred suckler cattle have been kept at Bushwell Farm since 1990 but these have since been replaced with British White Cattle. In 2008 two in-calf heifers were bought from a local breeder in Heather and since then the herd has been increased with home bred heifers and some bought stock. Historically, Bushwell Farm has been run by the applicant's parents but they are due to retire and the applicant will take on the suckler cow herd. The applicant

currently assists with the running of the beef unit which comprises 52 acres (20 acres of owned land and 32 acres of rented land comprising two parcels in Newbold and Coleorton).

- Stock is currently 10 breeding pure bred British White cows with calves at foot, youngstock, followers and a stock bull. The beef unit is run on a commercial basis and the intention is to increase stock to 15 breeding cows with offspring finished at 26-30 months. All the cattle are predominantly kept at Bushwell Farm with aftermath grazing (grazing following the hay cut) at Coleorton and Newbold. All owned and rented land is down to permanent grass and in addition to the grassland, the applicant takes 15 acres of straw from local arable farmers.

- The agricultural buildings at Bushwell Farm include a cattle shed, loose boxes, a weaning shed and fodder/machinery store. The two latter buildings were erected in 2008 and 2018 and do not benefit from a planning permission and are included within the application submission to be retained. An assessment of buildings available against the farming activities and concludes that there is a requirement for all the agricultural buildings. It is also noted that wrapped haylage is stored outside the buildings due to the buildings being fully utilised.

- A 'standard man day' calculation has been carried out in accordance with The Agricultural and Costings Book (2015), using the stocking figures as proposed, which provides a requirement for 0.56 fulltime workers. The applicant (William Kendrick) is the key agricultural worker performing the majority of day to day work. The applicant also runs Infield 4x4, a specialist vehicle repair service and assists with the running of Eden Tree Care ran by family members, by offering an out of hours servicing of machinery and equipment and the collection/loading of wood chip for biomass.

- An agricultural subsidy is claimed by the applicant on all land. The agent has confirmed that the agricultural business made gross profit in the three years prior to the application being made but only turned a net profit in the year ending March 2017.

*Functional Test - is it essential for the proper functioning of the enterprise for one or more workers to be readily available at most times?:*

As a cattle farm, there will be need for workers to be on hand at the farm day and night for the essential care and welfare of the animals. However, the supporting statement for the application confirms that (when excluding the man hours associated with Infield 4x4) there is not currently a requirement for a full-time worker employed in agriculture.

With regard to whether the functional needs can be addressed by another existing dwelling, there is no farmhouse on the unit and the applicant currently rents a property in Carlton. An internet search reveals that there are 14 properties for sale within 1/2 mile of the site ranging from 249,000 - £575,000. 12 of these dwellings are up for sale from plan and are on a site which has been recently granted planning permission on land off Worthington Lane and are not currently available with expected completion summer 2021. The closest of the remaining properties is a three bedroom property on Ashby Road, which would be within 0.19 miles of the site at a cost of £249,000. Although providing the same number of bedrooms as the proposal, this property would not be located within sight or sound of Bushwell Farm and would not be suitable given the animal welfare needs of the business.

In the absence of evidence to demonstrate that there is a requirement for a full-time worker employed primarily in agriculture at the site, it is not considered that a functional test has been met.

**Financial Test - can the farming business sustain the cost of the proposed dwelling?:**

An agricultural subsidy is claimed by the applicant on all land and the agent has confirmed that the agricultural business has made gross profit in the three years prior to the application being made but due to significant investment in machinery and the repair of buildings, only turned a net profit in the year ending March 2017. The agent has advised that the agricultural business and Infield 4x4 business owned by the applicant are together capable of sustaining the cost of the dwelling. The agricultural business alone could not sustain the cost of the new dwelling and therefore, it is not considered that the financial test has been met.

In conclusion, the agricultural buildings which the application seeks to retain on the site are needed and would accord with the provisions of Policy S3 of the adopted Local Plan. However, it is not considered that there is full justification for the permanent agricultural workers dwelling, and as such it is not considered that this element of the proposal would be compliant with the aims of criteria (a) of Policy S3 of the adopted Local Plan as well as the overarching objectives of the NPPF and in particular Paragraphs 79 and 83.

Notwithstanding the above conflict with Policy S3, the principle of one new dwelling on this site has already been accepted through the granting of a prior notification for one converted dwelling as set out in the background section of this report and this is a material consideration in the determination of the current application. It also needs to be considered whether there is a realistic fallback position, given the planning history and in this case, the prior approval for the conversion of the existing cattle building to form one dwelling (19/02009/PNA) remains extant and capable of implementation.

A Court of Appeal judgement in the case of *Mansell v Tonbridge and Malling BC* (2017) EWCA Civ 1314 held that permitted development rights can be taken into account as a fallback position where alternative development (i.e. via a planning application) is proposed. The judgement held that a fallback position does not have to be probable; decision-makers merely have to conclude that it is possible that there is a real prospect that an identified fallback position could result.

Under the 2019 application the supporting information accompanying the application concluded that the building was capable of conversion for residential purposes.

The proposed dwelling would not occupy the same footprint as the existing building approved for conversion but would be in the vicinity of this and closely related to other farm buildings on the site. It would also allow the existing cattle building to be retained on the site. If converted, there would be a demand for an additional cattle building at the site.

A prior approval has been granted for one dwelling on the site and it is realistic to conclude that it is the intention of the applicant to carry out that development given their desire to be on-site for animal welfare reasons. The existing permission is capable of being implemented with sufficient time remaining to enable compliance with the conditions.

A legal undertaking has been completed during the course of the application to prevent the implementation of the previously approved dwelling if the proposed dwelling is implemented and visa versa. Therefore, either the previously approved scheme or current proposal would result in only one dwelling on the site albeit in a different form and location but within close proximity. As set out in more detail below the current proposal would not be significantly harmful in relation to detailed planning matters, and would be no more harmful than the approved scheme. Occupiers of both the permitted and approved schemes would be reliant on the private car. If the current application was refused there is a realistic prospect that the site would be developed via the extant planning permission. Therefore, it is considered that the planning permission

forms a valid fallback position, which is a material consideration to be weighed in the planning balance.

The proposal would not result in an isolated dwelling given that other dwellings are located to the south-east of the site and there are existing commercial and agricultural buildings on the site. The land and buildings are not previously developed as they were last in agricultural use and are therefore greenfield.

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. However, the proposed dwelling would be no more unsustainable than the previously approved dwelling on the site.

In the overall balance, the site is not isolated, the proposal would not have unacceptable impacts on the natural or built environment, and would have economic benefits in allowing an existing rural business to grow, providing local construction jobs and helping to maintain local services in the area. Significant weight is also given to the fallback position. These matters are considered to weigh positively in the balance and outweigh the conflict with Policy S2 and S3, the Council having a five year housing land supply and the site and buildings forming greenfield land. As such a reason for refusal on the basis of conflict with Policy S2 and S3 could not be justified in this case.

### **Design and Impact on Character of the area**

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.

The Bushwell Farm site marks the end of built development along the southern side of Melbourne Road and there is no built development on the opposite side of the road. Dwellings in the vicinity are typically large and of individual design, and are set back from the highway within generous curtilages. The Bushwell Farm site is linear in form with Infield 4x4 located towards the frontage within two large buildings, and the farm buildings to the rear in a linear formation going into the site.

The application as originally submitted proposed a two-storey dwelling of traditional design and appearance which was located behind the highway to the north-west of the Infield 4x4 premises. This neither reflected the traditional pattern of other residential development in the locality nor, the linear nature of the farm site. Furthermore, the proposed traditional brick and tile design was at odds with the remainder of buildings on the Bushwell Farm site.

Amended plans were provided during the course of the application which propose a dwelling on a new linear site to the rear of the Infield 4x4 premises and adjacent to the agricultural buildings. The building in this location has a better relationship with existing buildings on the site and allows continuation of the linear form of the farm site. The building has been redesigned with a simple appearance with large glazed openings which seeks to mimic the appearance of a converted agricultural building. The elevations of the building would be faced with vertical cedar cladding above a brick plinth with a corrugated grey metal covering to the roof.

The proposed agricultural buildings to be retained are of a form that reflects the existing authorised buildings on the site and therefore, would not appear out of keeping with existing buildings or the surrounding rural environs.

Overall, it is considered that the amended proposed development would respect the rural character and appearance of surrounding development and would not appear out of keeping. Taking the above into account, it is considered that the scheme is appropriate and would comply with the NPPF and Policy D1 of the adopted Local Plan, the provisions of the Good Design SPD.

### **Residential amenities**

The properties that would be most immediately affected by the proposed development would be No.s 7 and 9 Melbourne Road, although it is noted that no objections have been received. There are existing agricultural buildings between these dwellings and the proposed development and sufficient distance to prevent any overlooking, overshadowing or overbearing impacts arising from the proposed dwelling or agricultural buildings to be retained.

In terms of noise and disturbance from the existing agricultural buildings which are proposed to be retained, the building which is used for agricultural storage is located close to the boundary with the nearest neighbouring residential properties to the east. The building is located adjacent to an existing cattle building which is closer to the neighbouring properties. Given the proposed storage use of the agricultural building and the likely noise associated with neighbouring buildings, it is not considered that the retention of this building would give rise to any significantly greater harm to neighbouring residential amenities than the existing approved situation. With regard to the other agricultural building to be retained, this is a weaning shed and so would contain cattle. This building is sited remotely from the main Bushwell Farm site away from neighbouring residential properties and therefore, would not result in any significant impacts on neighbouring residential amenities.

The proposed dwelling would be located within close proximity of the existing cattle building on the site which could give rise to noise and smell impacts on the occupants of the new dwelling. There would also be vehicular movements associated with the agricultural enterprise passing in close proximity to the dwelling causing noise and disturbance and therefore, the building is not ideally suited for occupation separate from the farming enterprise. The planning agent has advised that the applicant is happy for a condition as part of the prior approval that restricts the use of the conversion to be occupied by someone employed in agriculture on the holding. With such a condition in place, the occupiers of the building would be in a position to control agricultural activities near the converted dwelling to a level that would be acceptable to their occupation.

In this instance, and subject to an agricultural tie, it is considered that the location of the development would not be harmful to the future occupants of the site or that of neighbouring residential properties and the development would accord with the aims of Policy D2 of the

adopted Local Plan.

### **Highway Safety**

Access to the site would be via the existing vehicular access off Melbourne Road which is shared by Infield 4x4 vehicle repair business and the existing agricultural business operating from the site. No alterations to the existing access are proposed and the County Highways Authority have advised that the site access arrangements are acceptable given the use of the site.

Whilst precise details of parking and turning are not shown, the County Highways Authority is satisfied that there is sufficient space available to accommodate three parking spaces within the proposed new driveway and that turning can be accommodated within the site, therefore enabling vehicles to enter and exit the highway in forward gears only. Subject to conditions, the County Highways Authority has no objections.

Overall, it is not considered that the proposal, subject to suitably worded conditions, would conflict with Policies IF4 or IF7 of the adopted Local Plan.

### **Ecology**

Given the rural nature of the site, the County Ecologist has been consulted on the application and raises no objection to the proposal and advises that no ecological surveys are required. Whilst the initial consultation response included a requirement to retain the hedgerow along the roadside, the amended plans relocate the building away from the roadside hedgerow and therefore, this would no longer be affected. The County Ecologist included a requirement for new native hedgerow planting along the garden boundary and the amended plans show a new hedgerow along the garden boundaries. The details of this hedgerow can be secured by condition to ensure that native species are provided and a suitable planting specification is used.

On the above basis the proposal would accord with Policy En1 of the adopted Local Plan as well as Paragraph 175 of the NPPF.

### **Drainage and Flood Risk**

The site lies within Flood Zone 1 (which has the lowest risk of flooding) and is not within an area impacted by surface water flooding as defined on the Environment Agency's Surface Water Flood Maps and there are no areas of surface water flooding on the site. It is proposed that surface water run-off would be addressed by means of a soakaway. Given the location of the development this surface water solution would not result in drainage or flooding issues. As a result, the development is considered to be compliant with Policies Cc2 and Cc3 of the adopted Local Plan and Paragraph 163 of the NPPF.

Insofar as foul drainage is concerned, it is indicated that this would be discharged to an existing septic tank on the site that is currently used by the Infield 4x4 vehicle repair business on the site. The applicant has provided details of the capacity of the existing septic tank on the site, the capacity currently used by the Infield 4x4 business and the likely capacity required for the proposed development, which demonstrates that the existing septic tank has sufficient capacity for the proposed development.

The National Planning Practice Guidance (NPPG) sets out a hierarchy of preferred drainage solutions; firstly mains sewer, then package treatment plants and lastly septic tanks, with no reference made to cesspools. The NPPG also advises that proposals should clearly set out the responsibility and means of operation and management of non-mains drainage systems, and



the effects on amenity and traffic should be considered. The site is over 30 metres from the nearest public sewer and therefore, a non-mains solution is required on this site. Whilst package treatment plants should be considered the first option, there is an existing septic tank on the site and it is proposed to use capacity within the existing septic tank. It has to be considered whether a non-mains drainage system could be accommodated on the site without resulting in an adverse impact on the environment, as well as whether it is likely that any necessary approvals under separate legislation, e.g. the Environmental Permit system, the Building Regulations, could be successfully obtained. In this case, as it is proposed to utilise an existing septic tank, the environmental impacts on highway safety and amenities would not be significant and there is nothing to suggest that any separate approvals which may be required under other legislation would not be successful. The use of a new package treatment plant would give rise to additional environmental impacts and therefore, in this case, it is considered that the utilisation of the existing septic tank would be preferable.

On this basis the drainage scheme for the development will be acceptable in accordance with the provisions of Policies Cc2 and Cc3 of the adopted Local Plan and guidance in the NPPF and NPPG.

### **Conclusion**

Reasons for refusal relating to conflict with Policies S2 and S3 could not be justified in this case when having regard to the fallback position to erect one dwelling on this site and the economic benefits of the proposal. Furthermore, the proposed development would have an acceptable impact upon design and the rural character of the area, neighbouring residential amenities, drainage and flood risk and ecology. The proposed access is also considered acceptable from a highway safety perspective. There are no other relevant material planning considerations that indicate planning permission should not be granted and therefore, subject to a legal undertaking to prevent the implementation of the earlier permission and conditions, it is recommended that outline planning permission be granted.

### **RECOMMENDATION - PERMIT, subject to a Legal Undertaking and the following condition(s):**

1. Time Limit
2. Approved Plans
3. Agricultural tie
4. Levels
5. External materials
6. Contaminated Land
7. Contaminated Land- remediation
8. No obstructions to the access
9. Parking and turning
10. Boundaries, landscaping and replanting

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**Erection of a detached dwelling with associated vehicular access and off street parking**

**Report Item No  
A5**

**142 Melbourne Road Ibstock Coalville Leicestershire LE67  
6NN**

**Application Reference  
20/00894/FUL**

**Grid Reference (E) 440587  
Grid Reference (N) 310238**

**Date Registered:  
5 June 2020**

**Applicant:  
Mr Lee Alesbrook**

**Consultation Expiry:  
26 August 2020**

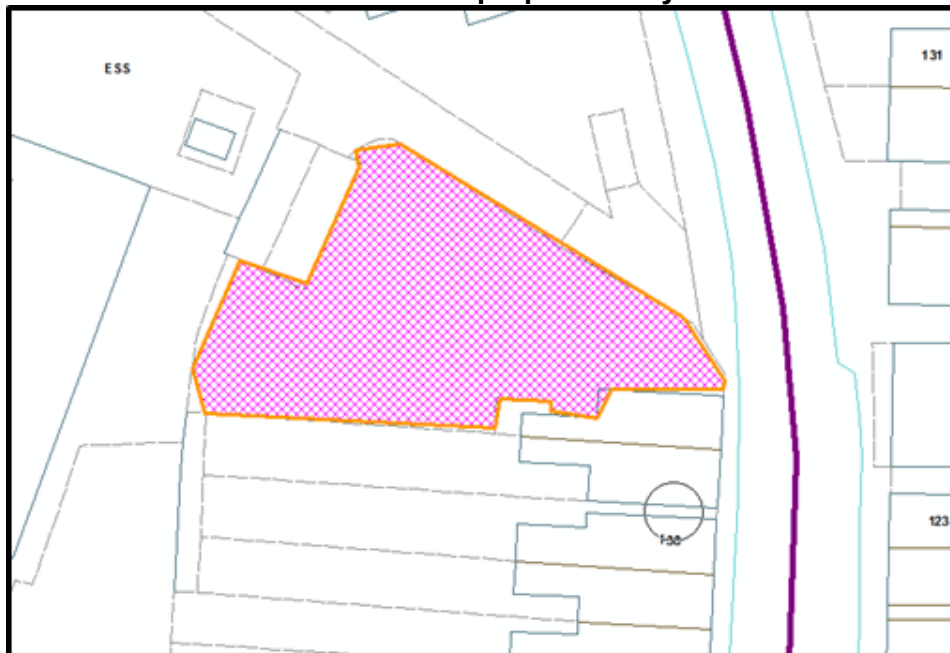
**Case Officer:  
Joe Mitson**

**8 Week Date:  
31 July 2020  
Extension of Time:  
21 August 2020**

**Recommendation:  
PERMIT**

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



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

### **Call In**

The application has been called in by Councillor Clarke on the basis of highway safety and because the land owner is a close relative of a serving Councillor and objections have been received.

### **Proposal**

Full permission is sought for the erection of a detached dwelling, detached garage and associated access and parking at 142 Melbourne Road, Ibstock.

### **Consultations**

One objection has been received. All statutory consultees who have responded have raised no objections subject to the imposition of conditions.

### **Planning Policy**

The site lies within the Limits to Development as defined in the adopted Local Plan.

### **Conclusion**

The principle of development is acceptable. The proposal would not adversely impact on residential amenity, design or highway safety. The development would comply with the relevant policies in the adopted Local Plan and the NPPF.

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

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies 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 erection of a single storey two-bedroom dwelling with detached garage and associated off street parking at 142 Melbourne Road, Ibstock.

No. 142 Melbourne Road is a two-storey end terrace property situated on the western side of the highway and is within the Limits to Development. The surrounding area is predominantly residential in nature with St Denys Church of England School being set to the north-west of the site.

The proposed dwelling has been considered previously and was refused under ref. 19/00148/FUL on visual grounds but subsequently allowed at appeal. This application proposes a dwelling identical to that previously approved but with the addition of a detached single garage to the north-east of the dwelling. The dwelling comprises a two-bed single storey detached dwelling which would cover a ground area of 69.5 square metres and utilise a pitched hipped roof with a ridge height of 5 metres. Vehicular access is proposed from Melbourne Road and partially over public right of way (PROW) Q69. Off-street parking and vehicle manoeuvring facilities would be provided within the confines of the site.

A materials schedule, construction management plan, drainage plan, construction method statement, boundary plan and highways report have been submitted in support of the application. During the course of the application an amended layout plan was submitted which altered the siting of the proposed garage, relocating the garage to the north-east of the proposed dwelling.

### Planning History

19/00148/FUL Erection of detached dwelling with associated off-street parking - Refused and allowed at appeal (APP/G2435/W/19/32314).

19/00669/FUL Two storey rear extension (retrospective application) - Permitted.

20/00693/DIS Approval of details reserved by conditions 3 (External Materials), 4 (Soft Landscaping), 6 (Hard Landscaping), and 9 (Construction Method Statement) relating to planning permission ref. 19/00148/FUL - Permitted.

### 2. Publicity

16 Neighbours have been notified.  
Site Notice displayed 26 June 2020.

### 3. Summary of Consultations and Representations Received

**Ibstock Parish Council** No comments received.

**County Highway Authority** No objection subject to conditions.

**Environmental Protection** No objection.

**County Ecology** No objections subject to conditions

**Third Party Representations** One representation objecting on the grounds that although the application has been improved to make vehicle safety better, as the vehicle access is less than 250 metres from St Denys CE Infant school main access and also the access to Ibstock Junior School there could still be some serious issues. The Infant school is for children of 4 to 7 years old who will have no sense of danger as they approach the property which could lead to serious accidents. Suggest that vehicles cannot enter or leave at the main school times at the start of the day 8.30 to 9.00 and at the end of the day 3.00 to 3.30 in term time.

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

Paragraphs 8 and 10 (Achieving sustainable development);  
Paragraphs 11 and 12 (Presumption in favour of sustainable development);  
Paragraphs 38, 39, 40, 41, 42, 44 and 47 (Decision-making);  
Paragraphs 54 and 55 (Planning conditions and obligations);  
Paragraphs 59, 60, 61, 68, 73, 74 and 76 (Delivering a sufficient supply of homes);  
Paragraph 98 (Promoting healthy and safe communities);  
Paragraphs 105, 108, 109 and 110 (Promoting sustainable transport);  
Paragraphs 117, 118, 122 and 123 (Making effective use of land);  
Paragraphs 124, 126, 127 and 130 (Achieving well-designed places);  
Paragraph 163 (Meeting the challenge of climate change, flooding and coastal change); and  
Paragraphs 175, 178, 179 and 180 (Conserving and enhancing the natural environment).

#### **Adopted North West Leicestershire Local Plan**

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

S1 - Future Housing and Economic Development Needs  
S2 - Settlement Hierarchy  
D1 - Design of new development  
D2 - Amenity  
IF4 - Transport Infrastructure and new development  
IF7 - Parking provision and new development  
En1 - Nature Conservation  
En3 - The National Forest  
En6 - Land and Air Quality  
Cc2 - Water - Flood Risk and  
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

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System).

## **5. Assessment**

### **Principle of Development**

The site is located within the Limits to Development where the principle of residential development is considered acceptable subject to compliance with relevant policies of the adopted Local Plan and other material considerations. Within the NPPF (2019) there is a presumption in favour of sustainable development and proposals which accord with the development plan should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies as a whole or if specific policies in the NPPF indicate development should be restricted.

The sustainability credentials of the scheme would need to be assessed against the NPPF and in this respect Policy S2 of the adopted Local Plan highlights that Ibstock is a Local Service Centre which is a settlement that provides some services and facilities primarily of a local nature and meeting day-to-day needs and where a reasonable amount of new development will take place.

On the basis of the above the application site would be considered a sustainable location for new development due to it benefitting from a range of local services and being readily accessible via public transport; as such, future residents would not be heavily reliant on the private car to access the most basic of services.

It is also acknowledged that the site has the benefit of an extant approval for the erection of a dwelling that was allowed on appeal.

The application site predominately formed part of the residential garden associated with the former host property, 142 Melbourne Road, with only the area where the previous garage was sited being considered previously developed land on the basis of its association with a business. Garden land in built up areas is excluded from the definition of previously developed land as set out in the NPPF and it therefore effectively constituted a greenfield site. However, whilst the land is not the most sequentially preferable on which to provide new development, it is within the Limits to Development and is bordered by residential and educational buildings. Therefore, from a principle perspective it is considered that the loss of this greenfield site for a residential development remains acceptable and circumstances since the dwelling was allowed on appeal have not materially altered.

### **Siting and Design and Impact on Character of Area**

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

There is a significant degree of variety in dwelling types and plot layouts in the surrounding area, including terraced, semi-detached, detached and bungalow style dwellings. Whilst many of the surrounding dwellings face directly onto Melbourne Road and have only on-street parking, there are notable exceptions to this, including the dwellings at 113 and 113a Melbourne Road which are orientated perpendicular to the Road. Further variety in the street scene and building line is provided by the detached bungalow at 2A Central Avenue, the car dealership buildings to

the south of 128 Melbourne Road, and by Ibstock Junior School.

The proposed dwelling is a hip-roofed bungalow which would be visible from Melbourne Road and its frontage, whilst set back, would form part of the street scene. The dwelling would not particularly reflect the scale, design or building line of the adjacent terraces. However, permission for the bungalow has already been allowed at appeal and this application seeks a dwelling of identical size, design and location. The only exception is the addition of a detached single garage which is addressed below.

The scale of the proposed garage is subservient in relation to the main dwelling and the roof design and materials match those of the main dwelling to give a compatible appearance. The re-sited garage means it would be better related to the dwelling than the originally proposed siting and would be set back from the highway. It is not considered the proposed garage would lead to significant visual harm.

Overall, given the existing mixed character of the area and the dwelling allowed on appeal, it is considered the proposal would respect the character of the surrounding area. The addition of a detached single garage is not considered to adversely affect the character and appearance of the area. In view of the above the proposal is considered to comply with the provisions of Policy D1 of the adopted Local Plan and the Council's Good Design SPD. Furthermore, it would support the aims of the National Planning Policy Framework which promotes high quality in design and requires development to be sympathetic to local character.

### **Impact upon Residential Amenity**

It is considered that the properties most immediately impacted on as a result of the development would be 140 and 142 Melbourne Road, set to the south-east of the site, and 144 Melbourne Road, set to the north-east of the site.

140 and 142 Melbourne Road comprise two-storey terrace dwellings (142 being an end terrace) and it is proposed that the dwelling would be set 5 metres, at its closest point, from what would become a shared boundary with no. 142 and 15.2 metres, at its closest point, from its western (rear) elevation. The dwelling would also be 5.9 metres from the boundary with no. 140 and 16 metres from its western (rear) elevation. The size, design and siting of the dwelling is identical to that previously approved. The proposed garage would be sited adjacent to the side elevation of the dwelling, away from these neighbouring properties.

Taking into account the separation distances to nos. 140 and 142, as well as the positioning of the dwelling and garage to the north-west of these properties, it is considered that no adverse overbearing or overshadowing impacts would arise. It is also considered that no adverse overlooking impacts would arise given that the provision of a suitable boundary treatment would prevent direct views from ground floor windows in the proposed dwelling.

In terms of No. 144 Melbourne Road (a two-storey end terrace) it is proposed that a separation distance from the dwelling of 7.8 metres would be provided to the boundary and 13.8 metres to the south-eastern (side) elevation. The proposed detached garage would be to the north-east of the dwelling immediately adjacent to the public right of way. The garage would be single storey and have a hipped roof and would be well screened by the proposed boundary treatment. Taking into account the separation distances, scale of the proposal and ground floor position of windows it is considered that no adverse overbearing, overshadowing or overlooking impacts would arise.



With regards to the future amenities of any occupants of the proposed dwelling it is considered that an acceptable relationship would be established on the basis of the separation distances referred to above. Any future occupants would also be aware of these relationships prior to their purchase.

The Council's Environmental Protection Team have been consulted on the application and have raised no objections. On this basis it is considered that the relationship the dwelling would have with St Denys Church of England Infant School would not result in noise detriment to the amenities of any future occupants with vehicular movements undertaken to the rear of nos. 140 and 142 not resulting in noise detriment to existing residential amenities particularly given the low number of vehicular movements associated with one dwelling.

Overall, the proposal would be compliant with Policy D1 of the adopted Local Plan and Paragraph 180 of the NPPF.

### **Highway Considerations**

The County Council Highways Authority have been consulted on the application and have raised no objections subject to the imposition of conditions on any permission granted. Their advice is based on an assessment against the Leicestershire Highways Design Guide (LHDG).

An objection has been raised by a third party in relation to highway safety including the movement of vehicles upon public right of way (PROW) Q69 which serves as a route to the neighbouring schools (St Denys Church of England Infant School and Ibstock Junior School), residential properties and a new community library.

The current planning application seeks approval for a scheme which has identical access and similar parking arrangements to that permitted by the Planning Inspectorate, with the addition of a detached garage at the site. The proposals continue to be for a two-bed dwelling, as with 19/00148/FUL.

The location of the proposed garage and parking space within the site have been amended during the course of the application. As a two-bed dwelling it would be necessary for two off-street parking spaces to be provided so as to accord with the LHDG and Council's adopted Good Design SPD. The submitted plans show that a sufficient level of off-street parking would be provided within the site with these spaces having adequate dimensions in accordance with the LHDG and Council's adopted Good Design SPD. Whilst no off-street parking would be provided for no. 142 Melbourne Road the Highway Authority raised no objections to the application in this respect with there being restrictions in the highway (single yellow line and white zig-zags) which would prevent the parking of vehicles in a manner which would disrupt the free and safe flow of traffic along Melbourne Road.

It is noted that the submitted Construction Method Statement states that "Between the hours of 8:30 - 9:30 and 14:30 - 15:30 on any school day there will be no deliveries allowed". This is welcomed.

In summary, on the basis of the above the highway safety aspects of the scheme are considered acceptable. Accordingly, the proposal would accord with Policies IF4 and IF7 of the adopted Local Plan, the Leicestershire Highways Design Guide and the NPPF.

## Ecology

The County Council Ecologist has no objections to the application and stated no ecological mitigation would be required as part of any permission granted. Whilst they have suggested conditions in respect of when vegetation is removed on the site it is noted that the permission would not be required for the removal of the hedge, with or without the development, and consequently the imposition of such a condition would be unreasonable and would not meet the tests outlined in Paragraph 55 of the NPPF. Furthermore, work has commenced under the previous permission.

Overall, it is considered that the proposal would be compliant with Policy En1 of the adopted Local Plan as well as Paragraph 175 of the NPPF and Circular 06/05.

## Drainage and Flood Risk

The site lies within Flood Zone 1 (which has the lowest risk of flooding) and is not within an area impacted by surface water flooding as defined on the Environment Agency's Surface Water Flood Maps. It is proposed that surface water run-off would be addressed by the provision of a soakaway and given the location of the development this surface water solution would not result in drainage or flooding issues. It is considered the proposal is compliant with Policies Cc2 and Cc3 of the adopted Local Plan and Paragraph 163 of the NPPF.

Insofar as foul drainage is concerned, it is indicated that this would be discharged to the mains sewer via a new foul connection to the existing system for No. 142. No representation to the application has been received from Severn Trent Water advising that this would not be appropriate and as such it is considered that the drainage can be met by the existing sewerage system in place. On this basis the proposed development would accord with Paragraph 180 of the NPPF.

## Conclusion

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

## RECOMMENDATION - PERMIT, subject to the following conditions:

1. Time limit
2. Approved plans
3. Materials
4. Boundary treatment and hard landscaping
5. Landscaping
6. Highways
7. Construction method statement

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**Formation of new vehicular access (retrospective)**

**Report Item No  
A6**

**Willow House Rempstone Road Griffydam Coalville LE67 8AP**

**Application Reference  
20/00689/FUL**

**Grid Reference (E) 440501  
Grid Reference (N) 318424**

**Date Registered:  
11 May 2020**

**Applicant:  
Mr S Cleaver**

**Consultation Expiry:  
15 June 2020  
8 Week Date:  
6 July 2020**

**Case Officer:  
Anna Edwards**

**Extension of Time:  
None Agreed**

**Recommendation:  
REFUSE**

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



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

### **Call In**

The application has been called in by Councillor Boam for the highway safety aspects of the proposal to be considered further.

### **Proposal**

Full permission is sought for formation of new vehicular access (retrospective) at Willow House, Rempstone Road, Griffydam.

### **Consultations**

No objections have been received from members of the public. Leicestershire County Council Highways Authority advised refusal of the application. Worthington Parish Council did not respond during the course of the application.

### **Planning Policy**

The site lies outside the Limits to Development as defined in the adopted Local Plan.

### **Conclusion**

The principle of development is acceptable. The proposal would not adversely impact on residential amenity or design, however, the formation of a new vehicular access in this location is considered to have an unacceptable impact upon highway safety and would conflict with the NPPF, Policies IF4 and IF7 of the North West Leicestershire Local Plan and the advice contained within the Leicestershire Highways Design Guide. 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

Planning permission is sought for the formation of a new vehicular access at Willow House, Rempstone Road, Griffydam. The access has already been formed and completed and is therefore retrospective. Submission of this application is a result of a planning enforcement investigation. The site is located outside Limits to Development, as defined by the Local Plan. Rempstone Road is a classified B road.

The subject dwelling was granted planning permission under references 13/00825/OUT and 14/00085/REM. The dwelling is for the sole use of employees (and their dependents) of the adjacent public house, The Gelsmoor Inn, Rempstone Road. The existing access arrangements at the site utilised the existing access to the Gelsmoor Inn and access to the dwelling was/is via the public house carpark.

It is noted that pre application advice was sought from the Local Highway Authority (LHA) by the applicant in 2015. The response from the LHA sent on 11th May 2015 detailed the LHA objection to the creation of a new access onto Rempstone Road, stating, 'the highway authority seeks to resist new accesses onto high speed A and B roads, as evidence shows us that turning traffic on high speed roads leads to accidents. Indeed our records indicate there have been 2 injury accidents close to the site'.

The proposal seeks retrospective approval for direct access onto the B5324 Rempstone Road, which is subject to a 50mph speed limit. Precise measurements of the proposal are available to view on the submitted plans.

### Relevant Planning History

13/00825/OUT- Erection of manager's dwelling together with offices and ancillary staff accommodation in association with adjoining Gelsmoor Inn (Outline Application - All Matters Reserved). Permitted

14/00085/REM- Erection of managers dwelling together with offices and ancillary staff accommodation (Reserved Matters to Outline Planning Permission 13/00825/OUT). Permitted

14/000647/VCU- Variation of condition 2 of planning permission 14/00085/REM to provide a detached garage and store. Permitted

17/00619/FUL - Single storey rear extension and balcony. Permitted

E/20/00034/UDDOM -Enforcement Enquiry

### 2. Publicity

1 Neighbours have been notified.  
Site Notice displayed 22 May 2020.

### 3. Summary of Consultations and Representations Received

No representations have been received from members of the public.

**Worthington Parish Council** No response has been received from the Parish Council at the time of writing this report.

**Leicestershire County Council Highway Authority** have advised refusal of the application based on highway safety grounds.

#### **4. Relevant Planning Policy**

##### **National Policies**

*National Planning Policy Framework (2019)*

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

##### **Adopted North West Leicestershire Local Plan (2017)**

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

S3 - Countryside

D1 - Design of new development

D2 - Amenity

IF4 - Transport Infrastructure and new development

IF7 - Parking provision and new development

##### **Other Policies and Guidance**

National Planning Practice Guidance - March 2014

Leicestershire Highways Design Guide (Leicestershire County Council)

Good Design for North West Leicestershire SPD - April 2017

#### **5. Assessment**

##### **Principle of Development**

The application site is located outside the limits to development in the adopted Local Plan. Policy S3 of the adopted Local Plan states that extensions and alterations to dwellings are considered to be acceptable in principle within the countryside, subject to all other planning matters being addressed.

##### **Design and Impact upon Character**

The application details the formation of a vehicular access constructed from tarmac and block pavers. A 1.9 metre high, curved top, timber boarded gate has also been erected to the access (set back from the highway). The access and gate arrangement is considered to be acceptable and appropriate in relation to the visual amenity of the existing dwellinghouse and the surrounding area.

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

##### **Impact on Residential Amenities**

Consideration has been given to the impact of the development on surrounding residential properties. The surrounding residential properties are considered to be a sufficient distance away from the development and are therefore unlikely to be significantly affected in terms of impact upon residential amenity.

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

##### **Highway Considerations**

Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the

residual cumulative impacts on the road network would be severe.

The County Highway Authority has recommended that the application is refused on the grounds that the proposal, if permitted, could lead to an unacceptable increase in turning traffic using an access onto a busy, high-speed, Class B road where the turning manoeuvres could be an additional source of danger to road users, which would not be in the interests of highway safety.

The proposal seeks direct access onto B5324 Rempstone Road, which is subject to a 50mph speed limit. The following is taken from Section IN5 of the Leicestershire Highway Design Guide (LHDG (available at <https://resources.leicestershire.gov.uk/lhdg>)):

*Figure 1: Extract from Section IN5 of the Leicestershire Highway Design Guide*

#### **Access to A- and B-class roads**

1.30 We will normally apply restrictions on new accesses for vehicles and the increased use of existing accesses on:

- roads with a speed limit above 40 mph (that is 50mph, 60mph or 70mph) or where measured vehicle speeds are in excess of 40mph;
- roads with a speed limit of 40mph or less which are essentially rural in nature;
- routes where the access would affect bus-corridor or bus-priority measures being put in place;
- roads that are at or near capacity (cannot carry more traffic); and
- roads where there is an existing problem with road safety.

This development proposal is therefore contrary to Section IN5 of the LHDG, which seeks to resist new accesses onto a high-speed class B road, or any site which raises concerns regarding highway safety.

It is noted that Conditions 5 and 6 of 13/00825/OUT restrict the occupation of Willow House to employees of The Gelsmoor Inn, and their dependents and prevents the dwelling being severed from the wider site, or it being sold, subdivided or occupied independently; both conditions cite highway safety as reasons for these restrictions.

The formal LHA observations submitted in connection with 13/00825/OUT did not advise refusal of that application; it would have been unreasonable to do so on the basis that all trips associated with that proposal could have feasibly occurred at the then existing access to The Gelsmoor Inn. Therefore, that proposal would not have resulted in an intensification of trips, nor was an additional access onto the public highway proposed.

The alternative access arrangement under this application, seeking direct access onto the B5324, rather than through the public house car park, does not appear to be conducive with the intended purpose of 13/00825/OUT. In addition to this it is noted that the plans associated with the 14/00085/REM indicate that there are five beds at the property, two of which are detailed to be for staff, in addition to an office area. It would therefore not be unreasonable to anticipate that the property would generate a greater level of trips than a typical single dwelling.

In addition to the proposal being contrary to Policy IN5, the access is not designed in accordance with the standards set out within the LHDG. Paragraph 3.218 of Part 3 of the LHDG states

that gates should be set back at least 5m from the highway boundary and should open inwards only. The submitted, unnumbered access drawing, demonstrates that the gates are setback approximately 2.5m from the highway boundary and open outwards, towards the highway. This therefore leaves insufficient space for a vehicle to wait whilst the gate is being operated, without obstructing the highway, therefore posing an unnecessary risk to highway safety.

The drawing also demonstrates that the access is 4.75m in width and bound on both sides. Whilst Figure DG21 of Part 3 of the LHDG states that a single dwelling requires a minimum access width of 2.75m, given that Willow House is, as outlined above, a manager's dwelling together with offices and ancillary staff accommodation, the access would be required to permit two-way vehicular movements, particularly when located on a high speed, classified road. Therefore, the access would require a minimum effective width of 4.25m, however as it is bound on both sides, this would need to be increased by 1m, therefore being 5.25m.

It is noted that the submitted Site Plan proposes that the existing access via the public house car park is to remain, therefore providing two points of access which the LHA does not consider to be necessary.

No visibility splays, parking or turning facilities have been demonstrated. It is noted that there was a recorded personal injury collision within 100m of the site in 2018, which was recorded as 'slight' in severity and involved a right-turning vehicle.

Whilst it is noted that the gates could be repositioned and access width and geometry could be set out in accordance with the LHDG. No assessment of visibility splays has been carried out. Data from 2009 shows speeds of up to 59 mph on Rempstone Road, therefore 2.4 by 215 metre visibility splays would need to be demonstrated. A directional sign to the north of the access would also need to be repositioned. However, given the fundamental objection to the access in relation to Policy IN5 and the highway safety concerns associated with right hand turning manoeuvres on a high speed Class B road, it is considered that any suggested amendment or visibility splay demonstration would not overcome the objection.

Paragraph 108 of the National Planning Policy Framework 2019, states that it should be ensured that a safe and suitable access to the site can be achieved for all users. In this case, the applicant has not demonstrated that the access is safe and suitable, and the proposal is contrary to Section IN5 of the LHDG. As such, the LHA advises refusal of this planning application.

On balance, the proposal is therefore considered to be unacceptable in relation to Policies IF4 and IF7 of the adopted Local Plan as well as the Leicestershire Highways Design Guide and paragraphs 108, 109 and 110 of the NPPF.

### **Conclusion**

The principle of the development is acceptable. However, the formation of a new vehicular access is considered to have an unacceptable impact upon highway safety and conflict with the NPPF, Policies IF4 and IF7 of the North West Leicestershire Local Plan and the advice contained within the Leicestershire Highways Design Guide. It is therefore recommended that the application be refused.

### **RECOMMENDATION - REFUSE, due to the following reasons;**

- 1 The proposal could lead to an unacceptable increase in turning traffic using an access onto a busy, high-speed, Class B road where the turning manoeuvres could be an additional source of danger to road users, which would not be in the interests of highway safety. The proposal therefore conflicts with the NPPF, Policies IF4 and



IF7 of the North West Leicestershire Local Plan and the advice contained within the Leicestershire Highways Design Guide.

- 2 The proposal fails to achieve highway safety standards relating to gates and access width and fails to demonstrate acceptable visibility splays. The access could therefore result in an obstructed and obscured view of passing vehicles and pedestrians and therefore the proposal conflicts with Policies IF4 and IF7 of the North West Leicestershire Local Plan and the advice contained within the Leicestershire Highways Design Guide.

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