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Meeting	PLANNING COMMITTEE
Time/Day/Date	6.00 pm on Tuesday, 13 April 2021
Location	Remote Meeting using Microsoft Teams
Officer to contact	Democratic Services (01530 454529)

	AGENDA	
Item		Pages
1.	APOLOGIES FOR ABSENCE	
2.	DECLARATION OF INTERESTS	
	Under the Code of Conduct members are reminded that in declaring disclosable interests you should make clear the nature of that interest and whether it is pecuniary or non-pecuniary.	
3.	MINUTES	
	To confirm and sign the minutes of the meeting held on 9 March 2021	3 - 6
4.	PLANNING APPLICATIONS AND OTHER MATTERS	
	Report of the Head of Planning and Infrastructure.	7 - 10

Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
A1	<p>19/02453/FULM: Demolition of existing care home and redevelopment of site to erect a new secure residential institution care facility (use class C2A secure hospital) with parking</p> <p>Loudoun House Ridgway Road Ashby De La Zouch Leicestershire LE65 2PJ</p>	<p>PERMIT SUBJECT TO CONDITIONS</p>	<p>11 - 30</p>
A2	<p>20/01638/REMM: Reserved matters approval (access, appearance, landscaping, layout and scale) (outline planning permission 13/00956/OUTM) for enabling works associated with Phases B1, B2, B3, the proposed local centre and primary school, including the demolition of existing buildings; regrading of land; installation of the Beveridge Lane Gateway roundabout; installation of vehicular and footbridge crossings; installation of temporary haul roads; installation of surface and foul water drainage infrastructure; landscaping; and diversion of public Rights of Way</p> <p>Beveridge Lane Coalville Leicestershire LE67 1TB</p>	<p>PERMIT</p>	<p>31 - 44</p>
A3	<p>20/02028/REM: Provision of Locally Equipped Areas of Play (LEAPs) within Phases A1 and A2, and landscaping along the boundary of Phase A2 with the railway line (reserved matters to outline planning permission ref. 13/00956/OUTM)</p> <p>Phase 1A Grange Road Hugglescote Leicestershire LE67 2HN</p>	<p>PERMIT</p>	<p>45 - 52</p>

MINUTES of a meeting of the PLANNING Committee held in the Remote Meeting using Microsoft Teams on TUESDAY, 9 March 2021

Present: Councillor N Smith (Chairman)

Councillors D Bigby, A J Bridgen, R Canny, D Everitt, S Gillard, J Hoult, J Legrys and R Ashman (Substitute for Councillor D Harrison)

In Attendance: Councillors R Boam

Officers: Mr C Elston, Mr J Mattley, Mrs C Hammond, Mrs S Grant, Mr T Delaney and Mrs H Exley

58. APOLOGIES FOR ABSENCE

Apologies were received from Councillors R Boam, D Harrison and M Wyatt.

Councillor R Boam attended the meeting as the Ward Member who had called in both applications.

59. DECLARATION OF INTERESTS

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 20/01823/FUL

Councillors R Ashman, A Bridgen, and S Gillard.

Item A2, application number 20/00689/FUL

Councillors R Ashman, A Bridgen, S Gillard and J Hoult

During the consideration of item A2, Councillor J Hoult confirmed that he only knew the applicant in their capacity as the landlord of the restaurant.

60. MINUTES

Consideration was given to the minutes of the meeting held on 9 February 2021.

It was moved by Councillor J Legrys, seconded by Councillor G Hoult and by affirmation of the meeting it was

RESOLVED THAT:

The minutes of the meeting held on 9 February 2021 be approved and signed by the Chairman as a correct record.

61. 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.

62.

A1

20/01823/FUL: ERECTION OF OFFICE DEVELOPMENT (CLASS E(G)) INCLUDING NEW VEHICULAR ACCESS

Land South Of A512 Between Loughborough Road And Moor Lane Coleorton LE67 8FQ

Officer's Recommendation: Permit

The Senior Planning Officer presented the report to members.

Mr Golby, applicant, addressed the committee highlighting that the application would allow the business to expand whilst ensuring it remained local to key clients, and that there was a shortfall in office provision in the district. He noted that the landscape was central to the location and as such, 87% of the land under their control was being secured as landscape enhancement, adding that the application was to develop on the site what was needed, not what was the most profitable. He advised that there would be no large vehicles accessing the site and no vehicles, machinery or materials stored there. He noted that there were no technical objections and that they were happy to accept a cap on the size of the business in line with the business plan to ensure the vehicle movements did not exceed what had been assessed as acceptable.

Councillor R Boam, Ward Member, addressed the committee highlighting that the site was greenfield and was outside the Limits to Development, that there were other office sites within the area that would have been suitable for the applicants and that there were highway safety concerns, even though there was no objection from LCC. He questioned the number of vehicle movements to and from the site. He noted that both Parishes had objected to the application and the detrimental impact it would have on the visual amenities. He urged the committee to refuse the application.

In determining the application, many members raised concerns over issues relating to highway safety due to the single track road the site was accessed from and then on to the A512. They also raised concerns that the application was contrary to policy S3k, that it was outside Limits to Development and a development, such as the one in front of them, would have a detrimental impact on the local amenities. Some members acknowledged that there were no objections from statutory consultees including the highway authority and that the NPPF allowed for development on greenfield sites and consideration was given to the suitability of the design of the building within the rural context.

Members had regard to the fact that a condition could be included that would limit use to that of an office only, as the application was the first under the new class E use. It was also noted that the current guidance does show a shortfall in small office units, the application was being assessed under policy S3k rather than policy EC2 and that there was no definition as to what a small scale business was in the Local Plan.

A motion to refuse the application on the grounds that the application was contrary to S3k as it did not constitute small scale development was moved by Councillor D Bigby and seconded by Councillor J Legrys.

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

RESOLVED THAT:

The application be refused on the grounds that the application was contrary to policy S3k and authorisation to word the decision notice be delegated to the Head of Planning and Infrastructure.

Motion to refuse the application on the grounds the application was contrary to Policy S3k (Motion)	
Councillor Nigel Smith	Against
Councillor Dave Bigby	For
Councillor Alexander Bridgen	Abstain
Councillor Rachel Canny	Against
Councillor David Everitt	For
Councillor Stuart Gillard	Against
Councillor Jim Hout	For
Councillor John Legrys	For
Councillor Robert Ashman	Against
Councillor Gill Hout	For
Carried	

63.

A2**20/00689/FUL: FORMATION OF NEW VEHICULAR ACCESS (RETROSPECTIVE)**

Willow House Rempstone Road Griffydam Coalville LE67 8AP

Officer's Recommendation: Refuse

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

Mr A Dennison, agent, addressed the committee highlighting that no personal vehicle could arrive or leave the house without passing through the public house car park, which in turn had a severe impact on the amenities of the dwelling, and that the new access would be used by visitors to the house only. He noted that the access met the standards for visibility as set out by the local highways authority and the splays that had been established exceed the requirements. He added that the applicant was willing to accept a condition in relation to the width of the access, and the only reason for refusal was that the application was contrary to Network Access policy IN5. He urged the committee to disregard the highway's objection as the application complied with their standards and that the application site was located in an area where there were many other similar accesses.

Councillor R Boam, adjoining Ward Member, addressed the committee highlighting that the application met all highway standards and the access was a betterment to the occupiers, as it was much safer than the public house access, which was detrimental to the applicant's amenities. He noted that the applicant had addressed all the previous concerns, with the only issue outstanding being the highway authority's objection and that the agent had produced a very substantial report to support the application. He urged the committee to permit the application.

In determining the application, members had regard to the objection that had been raised by Leicestershire County Council Highways. It was noted by some members that the application would not generate any additional traffic and a separate access would be beneficial to the occupiers, however it was also noted that due to the conditions on the original permission for the dwelling, the applicant should have been aware that permission would have been needed for the access.

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

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.

Motion to refuse the application in accordance with the Head of Planning and Infrastructure (Motion)	
Councillor Nigel Smith	For
Councillor Dave Bigby	For
Councillor Alexander Bridgen	For
Councillor Rachel Canny	For
Councillor David Everitt	Abstain
Councillor Stuart Gillard	For
Councillor Jim Hout	Against
Councillor John Legrys	For
Councillor Robert Ashman	For
Councillor Gill Hout	Against
Carried	

The meeting commenced at 6.00 pm

The Chairman closed the meeting at 7.30 pm

APPENDIX B

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

13 April 2021

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 list of the proposed planning 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.

**Demolition of existing care home and redevelopment of site to erect a new secure residential institution care facility (use class C2A secure hospital) with parking
Loudoun House Ridgway Road Ashby De La Zouch
Leicestershire LE65 2PJ**

**Report Item No
A1**

**Application Reference
19/02453/FULM**

**Grid Reference (E) 435137
Grid Reference (N) 316045**

**Date Registered:
19 December 2019
Consultation Expiry:
4 March 2021
8 Week Date:
19 March 2020**

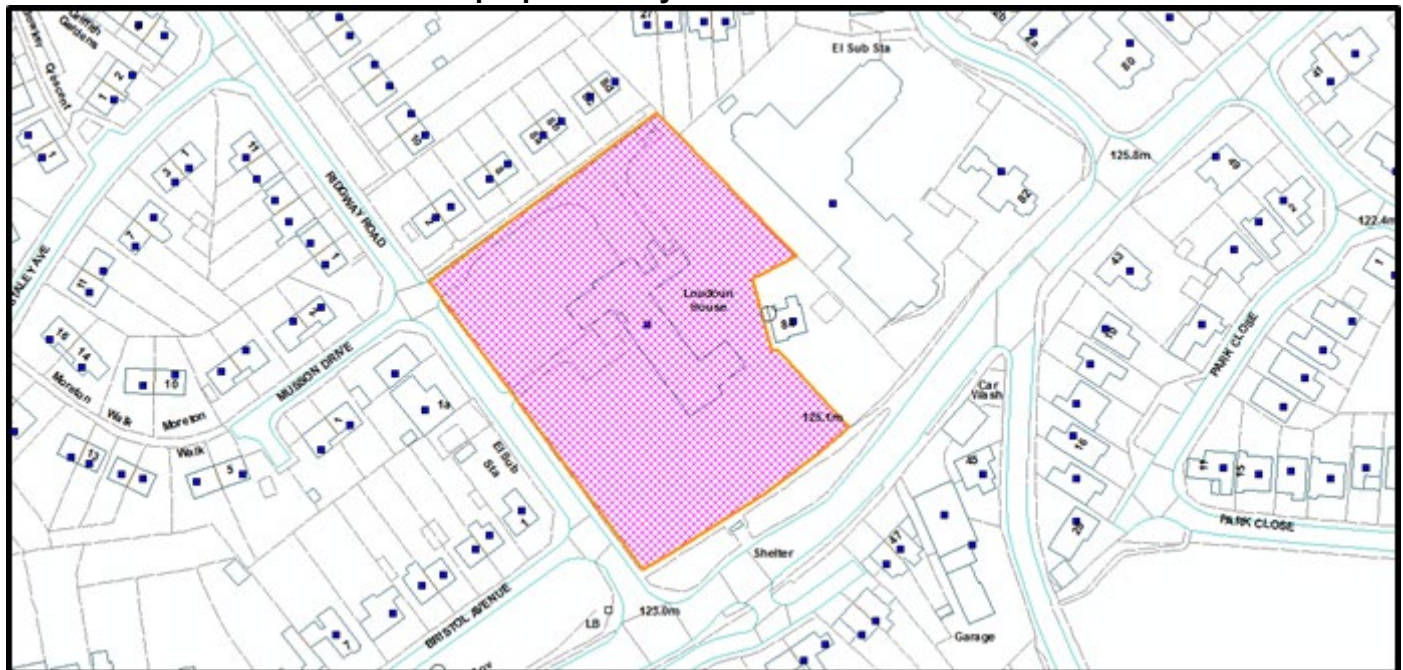
**Applicant:
Rushcliffe Care Ltd**

**Extension of Time:
None Agreed**

**Case Officer:
Sarah Booth**

Recommendation: PERMIT SUBJECT TO CONDITIONS

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application is brought to the Planning Committee as the Ward Member (Councillor Bigby) has requested it to be considered by Planning Committee on the grounds of public safety.

Proposal

The application is for demolition of an existing residential care home and erection of a new secure residential institution care facility (use class C2A) for use as a mental health hospital. This includes additional areas of parking, a main hospital building and a smaller detached two storey 'step down' unit for patients who are recovering and can have more independence.

Consultations

40 letters of neighbour representation have been received raising objection. A petition of with 771 signatures at the time of submission has also been provided in objection to the application. Ashby Town Council also object to the application. No objections on technical issues are raised by statutory consultees.

Planning Policy

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

Conclusion

The principle of development is acceptable. The proposed development is not considered to result in significantly detrimental impacts on neighbouring amenity, safeguarding, design, ecology, trees, highways or the River Mease. 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 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

The application site is located on the corner of Ridgway Road and Tamworth Road in Ashby de la Zouch. Planning permission is sought for the demolition of an existing care home and erection of a new secure residential institution care facility (use class C2A) for use as a secure mental health hospital. This consists of a large hospital building and a smaller detached step down unit as well as additional parking.

The application property has been owned by Rushcliffe Care Ltd for approximately 15 years. It was last in use as a care home for elderly residents and it has space for up to 35 occupants. The existing building on site has been unoccupied for at least 3 years since the former care home closed. The building was closed because its internal layout no longer meets the current registration standards for care homes. The applicant has advised that the redundant building has been the subject of a number of attacks of vandalism and is ready to be demolished.

Information provided by the agent advises that the proposed new mental health secure hospital is purpose built to help, support and guide men and women to improve their mental health and wellbeing in a therapeutic environment. The applicant advises that patients would be between the ages of 18 and 65 years old. The main new facility could accommodate up to 24 patients with a further 4 people able to occupy the step down unit. There are likely to be 18 members of staff on site at night, and 34 members of staff on site during the daytime. The facility would have to be registered under Care Quality Commission (CQC).

40 letters of objection have been received to the application along with a petition with 771 signatures at the time of submission. The applicant has advised that many of residents' concerns are based on a misapprehension of the type of facility that is proposed. The unit is designed to cater for people who require treatment and assistance with their mental health and wellbeing. The applicant advises that the most common mental health problems are depression, generalised anxiety disorder, panic disorder, obsessive-compulsive disorder and post traumatic stress disorder.

Many rumours have been circulating that the development would be used as a prison or a youth offenders institute, however this is not the case. This will be explained further in the following assessment.

It is important to clarify the secure hospital would be a specialist facility which would not be used for prison admissions and the applicant has advised that by law they cannot admit patients coming from prisons. The service would be used to treat people from the local community who may suffer a mental health breakdown and need specialist treatment from doctors / consultants or from full a Multidisciplinary Team (MDT) for rehabilitation before they are discharged back to their families. The applicant advises that patients are ordinary people that may need short term support in hospital before going back to their day jobs and looking after their families.

The site is located within the Limits to Development, as per Policy S2 of the adopted Local Plan.

Amended plans have been received during the course of the application to overcome design concerns and to limit impacts on protected trees. The following assessment is made on the basis of the updated plans.

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

Recent planning history:

05/00822/FUL - Erection of two storey rehabilitation centre (PER 19.08.2005).

2. Publicity

49 neighbours notified.

Press Notice published Leicester Mercury 8 January 2020.

3. Summary of Consultations and Representations Received

40 letters of objection have been received during the course of the application. A petition objecting to the application has also been submitted with 771 signatures at the time of submission. Concerns have been raised on the following grounds:

- Concerns that the development could be used for any C2A use class (such as a prison or youth offenders institution) without the need for planning permission.
- Safeguarding of children and residents
- Impact on Primary School / safety of children.
- Close proximity of the development to elderly care home.
- Security of the site and risk of escape
- Insufficient parking for the proposal / existing parking concerns on Ridgway Road
- Highways safety / Congestion
- Visual impacts of boundary security fencing.
- Council has not discharged its duty under S11 (2) of the Children Act 2004.
- Council has not consulted with the relevant bodies in respect of safeguarding children.
 - 106 agreements do not secure funding for the school to increase its security measures.
- Design is out of keeping with the residential area.
- Adversely changing views of the site from neighbouring properties.
- Devaluation of properties prices
- Concerns that the building would be occupied by criminals and sex offenders.
- Concerns over safety of local residents from occupants, patients and people with mental illnesses.
- Lack of confidence in the competency / reputation of the care provider.
- This development is not suitable for a residential area.
- Impacts on wildlife on site.
- Concerns over nesting birds.
- This would overload demand for local NHS services / GP practices.
- The boundary hedges are overgrown.
- Bin storage too close to properties.
- CCTV overlooking neighbouring properties.

Business Manager for Castle Medical Group -

- The impacts of development on increased demand for local practices and health and social care providers.
- Ashby's increasing housing developments are increasing the demand for health care services.

Ashby Willesley Primary School -

- Risk to safety of school children.
- Causing anxiety and concern to parents.

Concerns surrounding devaluation of property and loss of views are not material planning considerations and cannot not be taken into account during the determination of this application.

Ashby de la Zouch Town Council - object on the following grounds:

"Incompatible and unacceptable use of facility, no risk assessment for planned facility provided as requested, need for facility not identified. Also concerns regarding class C2A meaning owners could use the facility as a detention centre, young offenders institution."

No Objections from:

Leicestershire County Council Minerals And Waste Planning
NWLDC Conservation Officer
Historic England
Leicestershire County Council Archaeology
Leicestershire County Council Development Contributions
NWLDC Safeguarding Team
The Safeguarding Children Partnership Team for Leicestershire

No objections subject to conditions / not to applicant from:

County Highway Authority
Head of Environmental Protection
Leicestershire County Council Ecology
Natural England
NWLDC Waste Service

NHS Clinical Commissioning Group - Requested a developer contribution.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2019)

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

Paragraphs 7, 8, 9, 10, (Achieving sustainable development)
Paragraphs 11, 12 (The Presumption in Favour of Sustainable Development)
Paragraph 56 (Planning conditions and obligations)
Paragraph 91 (Promoting healthy and safe communities)
Paragraphs 108, 109 (Promoting sustainable transport)
Paragraph 117 (Making effective use of land)
Paragraphs 127, 130 (Achieving well-designed places)
Paragraphs 155 (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, 194, 196 and 200 (Conserving and enhancing the historic

environment)

Adopted North West Leicestershire Local Plan (2021)

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:

S2 - Settlement Hierarchy
D1 - Design of New Development
D2 - Amenity
IF4 - Transport Infrastructure and New Development
IF7 - Parking Provision and New Development
En1 - Nature Conservation
EN2 - River Mease Special Area of Conservation
En3 - The National Forest
En6 - Land and Air Quality
He1 - Conservation and enhancement of North West Leicestershire's historic environment
Cc2 - Flood Risk
Cc3 - Sustainable Drainage Systems

Adopted Ashby Neighbourhood Plan (2018)

The Ashby Neighbourhood Plan forms part of the development plan and the following policies of the Neighbourhood Plan are relevant to the determination of the application:

Policy S1 - Presumption in favour of sustainable development
Policy S2 - Limits to Development
Policy S4 - Design
Policy T1 - Traffic Management
Policy T2 - Travel Plan
Policy T3 - Safer Routes to Schools Schemes
Policy NE4 - Nature Conservation
Policy NE5: Trees and Hedgerows

Other Policies/Guidance

Planning Practice Guidance
Leicestershire Highways Design Guide
Good Design for North West Leicestershire SPD - April 2017
Building for a Healthy Life (BHL) - June 2020
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
Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990
Section 11 (2) of the Children Act 2004

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 is located on the corner of Ridgway Road and Tamworth Road in Ashby de la Zouch. Planning permission is sought for the demolition of an existing residential care home and erection of a new secure residential institution care facility (use class C2A) for use as a secure hospital for mental health patients. This also comprises a detached "step down unit" which is a service that enables support and intervention for people well enough to leave acute inpatient mental health care but who require support prior to returning to independent living. The development also includes new boundary treatments, access changes and additional car parking areas.

The applicant is a private company called Rushcliffe Care who are a provider of care home services including various sites throughout Leicestershire. This proposal is for a secure mental health facility to a site where there was previously a registered care home. There are other care home facilities in the vicinity including one directly next door delivered by BUPA.

The application property has been owned by Rushcliffe Care Ltd for approximately 15 years. It was last in use as a care home for elderly residents and it has space for up to 35 occupants. The existing building on site has been unoccupied for at least 3 years since the former care home closed. The building was closed because its internal layout no longer meets the current registration standards for care homes. The applicant has advised that the redundant building has been the subject of a number of attacks of vandalism and is ready to be demolished.

Information provided by the agent advises that the proposed new mental health secure hospital is purpose built to help, support and guide men and women to improve their mental health and wellbeing in a therapeutic environment. The applicant advises that patients would be between the ages of 18 and 65 years old. The main new facility could accommodate up to 24 patients with a further 4 people able to occupy the step down unit. There are likely to be 18 members of staff on site at night, and 34 members of staff on site during the daytime. The facility would have to be registered under Care Quality Commission (CQC).

There have been a high number of objections received to the application where residents have concerns that the development could be used for an alternative use within the C2A use class in the future. This has led many residents to think that the development would be used as a prison or youth offenders institution. The applicant is clear in their submission that this development would only be used as a secure mental health hospital. Should permission be forthcoming, it is recommended to attach a condition to ensure that the application site is only used as a secure hospital and for no other purpose. This would then require the developer to apply for planning permission in the future if the use changes. It is considered that this condition should help to allay these concerns raised by neighbours.

The application site is located within the Limits to Development, as defined by the adopted Local Plan, in the settlement of Ashby de la Zouch. Policy S2 of the adopted Local Plan identifies Ashby de la Zouch as a Key Service Centre where a significant amount of development will take place.

The application site is approximately a 10 minute walk away from the centre of Ashby de la Zouch where bus services are available to various destinations such as Coalville, Measham, Burton on Trent and Swadlincote. As such, it is considered that the site is in a location that could be accessed by members of staff via sustainable transport.

In addition, the application would provide additional jobs and would therefore have some benefits to the local economy.

Members of the public and Ashby Town Council have raised concerns that there is no justified "need" for this facility. There are no policies at local or at national level that restricts the number of mental health facilities that can or should be provided within a certain area. Furthermore as the development is within Limits to Development there are no planning policy requirements that require justification for the "need" for this development. Notwithstanding this, having taken into consideration mounting pressures people are facing from the Covid-19 pandemic it could be reasonable to conclude that there is now an increased demand for such a facility.

It is also noted that there is a lack of local mental health secure hospitals, without having to travel further afield. The applicant has expressed the benefits of having a local facility where it is easier for family members to visit patients more regularly, which can help with their recovery.

The principle of development is therefore considered to be acceptable, subject to all other planning matters being addressed.

Impact upon Residential Amenity

During the course of the application lots of neighbouring properties, and the Town Council have raised a number of concerns over the proposed development and its impact on their residential amenity. These residential amenity matters will be considered in the section below and have been categorised into sections.

Impact on neighbours from the proposed built development

The nearest properties to the application site include 2, 4, 6, 8, 8a, 8b, 8c, 8d Ridgway Road to the north of the site; No.84 Tamworth Road directly to the south-east corner of the site, Ashby Court Nursing Home (run by BUPA) to the eastern boundary and 1a, 1b Ridgway Road and 1 Bristol Avenue on the opposite side of the road (to the south-west).

The new buildings would be 35 metres away from the neighbours on the opposite side of Ridgeway Road (to the south-west), at least 30 metres from 2, 4, 6, 8, 8a, 8b, 8c, 8d Ridgway Road and at least 30 metres from the adjacent Ashby Court Nursing Home as well as the neighbouring properties on the opposite side of Tamworth Road (to the south-east). The nearest property would be No.84 Tamworth Road which has a side elevation that faces the proposed new building that would be approximately 9.8 metres from the proposed development, at its nearest point. The Council's Good Design Guidance advises that a distance of at least 20 metres should be maintained between back to back properties and 12 metres from side to front. On this basis the only part which falls short of this distance is No.84 Tamworth Road. Notwithstanding this No.84 already has a 10 metre separation distance relationship with the existing care home building.

The proposal is also sufficient distance away from the neighbouring properties to ensure it would comply with the Council's 45 degree code of practice, as per the Council's Good Design

Supplementary Planning Document (SPD). As such the development would not result in any detrimental loss of daylight to neighbouring dwellings.

No.84 Tamworth Road is the closest neighbour in proximity to the proposed development. The residents have submitted a representation for this application which brought to the Authority's attention that some of the neighbour's land was included in the red line of development, this has since been corrected.

Residents of No.84 Tamworth Road advised that they had no objections in principle to the new building however they raised concerns with amenities such as drainage, sewers and electricity supplies etc. Drainage will be considered further in a section below, however with regard to the other matters these would be considered under separate legislation such as Building Regulations and / or the applicant would need to liaise with the relevant utility companies.

It is noted that there are two first floor side facing windows on the west elevation of No.84, which look towards the application site. Whilst it is not known what rooms the windows serve it is noted that the existing care home has a large amount of first floor windows on the east elevation which look towards these windows on No.84. As such there is already an overlooking relationship. The submitted plans also show the land levels on site are lower than those at No.84 which would help to reduce the overall impact. Finally in order to prevent overlooking of No.84 and their private garden area it is recommended to attach a condition to ensure some of the first floor windows on the north-east first floor elevation are obscure glazed and fixed shut below an internal floor height of 1.7 metres; this would apply to the quiet lounge, the GP room (which already looks to be above this height), the gym and the activity room. Subject to this condition it is not considered that the development would be harmful to the neighbour's private amenity.

It is noted that the proposed new development would be taller than the existing building. In order to assess any overbearing impacts on neighbouring properties some Local Authorities use a 25 degree guideline rising upwards from the nearest elevation of the neighbouring property towards the proposed development. If the development does not rise about the 25 degree line then it is considered to not have an overbearing impact. Whilst NWLDC do not have this as a set Policy the guidance is useful to initially assess the massing and height impacts. In this case the proposed development would meet the 25 degree guidance which suggests that the height, bulkiness and proximity of the development from the adjacent neighbours would not be significantly overbearing.

Neighbours have mentioned concerns with CCTV cameras on the proposed new buildings and whether these would overlook the neighbouring properties. This level of detailed information has not been provided at this stage however it is considered that a condition could be attached to secure exact CCTV equipment arrangements to ensure it would not be harmful to neighbours.

Adjacent neighbours are also concerned regarding the location of the proposed bin storage. The proposed site plan shows the location of the bin storage as being adjacent to 8 and 8a Ridgway Road. This isn't an ideal position given it would be fairly close to these neighbours. It is considered that the bin storage could be relocated elsewhere within the site and secured via a condition, which would overcome this impact on the neighbours.

Objections have been received by neighbours with regard to general noise and disturbance impacts. It is noted that the number of bedrooms at the property would reduce from the existing care home on site. The Council's Environmental Protection Team have been consulted on this application and they have not objected to the proposal. They have not raised concerns with

noise of the development and they have highlighted that if any noise issues do arise in the future then this can be reported to Environmental protection for them to assess under noise nuisance legislation.

Environmental Protection have advised, however, that a condition should be attached to secure an external lighting scheme to ensure this would have an acceptable impact on the surrounding neighbouring properties.

In view of all the above, subject to conditions, it is considered that the development would not have a harmful impact on residential amenity and the proposal would not result in adverse levels of overlooking, overbearing or overshadowing to neighbouring properties. This would therefore accord with Policy D2 of the adopted Local Plan.

Fear of Crime

Numerous residents have objected to the application on the grounds of fear of crime potentially occurring due to the patients staying at the facility. Paragraph 91 of the NPPF states that new development should not undermine the quality of life or community cohesion through crime and disorder or the fear of crime.

It is clear from the representations received that there is a public perception of fear surrounding the nature of this proposal in terms of its potential impact on residential amenity and the safety and well-being of surrounding residents, including children attending the nearby primary school. Some neighbour letters express fear of the potential for anti-social or criminal patients to reside at the future facility.

There is also a high level of concern that the building could become a prison (or similar use) in the future without the need for planning permission. As mentioned in the Principal section above, it is recommended to condition that the facility is only used as a secure mental health hospital. On that basis the development could not change use without a further planning application.

With regard to the occupants of the secure hospital the applicant has advised that this specialist facility would not be used for prison admissions and by law they cannot admit patients coming from prisons. The service would be used to treat people from the local community who may suffer a mental health breakdown and need specialist treatment from doctors / consultants or from full a Multidisciplinary Team (MDT) for rehabilitation before they are discharged back to their families. The applicant advises that patients are ordinary people that may need short term support in hospital before going back to their day jobs and looking after their families.

Concerns have been raised by residents that occupants would be drug addicts. The applicant has stated that this specialist facility is not a drug and alcohol service. However, they may have patients who may suffer with a dual diagnosis. This is where the primary diagnosis would be mental illness such as depression or early onset dementia, although at times the patient could also have alcohol and / or drug problems which he or she would receive treatment for via the therapy team on site.

Whilst it has been held that fear of crime may be capable of being a material consideration, in order to attract any significant weight, this must be based on some form of evidence rather than conjecture or prejudice. Planning case law has established that unfounded fear in itself would not be a reason to justify the refusal of planning permission. Therefore it is important to consider the evidence when attributing weight to the fears raised in objections.

Although some of the representations have referred to Care Quality Commission reports relating to standards/issues at other similar facilities (run by the same applicant Rushcliffe Care Ltd) these relate to patient treatment and accommodation standards rather than matters relating to incidents of anti-social or criminal behaviour in areas around other hospitals.

Furthermore, the applicant has clarified that security measures would ensure that no-one can enter or leave the building without the staff managing that. CCTV and high level fencing are also proposed to increase the security of the site. All patients would be risk assessed by a multi-disciplinary team before they are allowed leave to the community.

Objectors' concerns and anxiety about the proposed use are acknowledged. However, having regard to the information supplied by the agent, there does not appear to be any meaningful evidence to confirm that new development would undermine residents quality of life or community cohesion through fear of crime. As such, limited weight to this issue should be attached.

Moreover, much of the concern as to the nature of the future occupants appears to be based on a misunderstanding of the form of type of patients who would occupy the proposed development. The unit is design to cater for people who require treatment and assistance with their mental health and wellbeing. The applicant advises that the most common mental health problems are depression, generalised anxiety disorder, panic disorder, obsessive-compulsive disorder and post traumatic stress disorder.

Therefore, based on the nature of the proposed use and the security measures/practices that would be implemented by the operator, it is not considered that the proposal would significantly affect residential amenity in the locality, nor give rise to unacceptable impacts in respect of anti-social or criminal behaviour. In light of this, it is concluded that little weight can be afforded to the perception of fear raised in representation, and that this would not constitute a justifiable reason to refuse permission for the development.

Safeguarding and Community Safety

Members of the public, the Town Council and Ashby Willesley Primary School have objected to the proposal due to its potential to impact on community safety and because they feel it would fail to safeguard local residents particularly children and vulnerable adults especially elderly residents living next door at the BUPA care home.

A high number of objections were also received due to Ashby Willesley Primary School being nearby, approximately 200 metres from the application site, at the end of Packington Nook Lane. Residents have highlighted that this increases the number of children present in the local area, on a regular basis. Ashby Willesley Primary School have also raised their own concerns with the proposal due to its potential to impact on children and parents.

Some neighbouring residents have also mentioned concerns that local safeguarding bodies have not been consulted on the application. In regard to this The Council's Community Safety Team Leader has been consulted on the application as well as The Safeguarding Children Partnership for Leicestershire (based at Leicestershire County Council), their advice is detailed below:

The Safeguarding Children Partnership for Leicestershire:

Has noted objections from members of the public particularly those relating to safeguarding and welfare of children. It is their view that there is no evidence that this development or the client group broadly would have a negative impact of safeguarding or welfare of children in the area. They would expect the organisation running the hospital to have risk management and safeguarding policies and procedures in place to safeguard children as well as adults with care and support needs.

The Council's Community Safety Team Leader:

Considers that there are not any legal objections to this application. Several residents have raised concerns because they do not have confidence in the applicant (Rushcliffe Care). These objections have been considered and the Council's Community Safety Team Leader has reviewed the Care Quality Commission (CQC) reports for other facilities run by Rushcliffe Care Ltd. It's worth noting CQC scoring only has 4 scores- Outstanding, Good, Need improvement and Inadequate.

Rushcliffe Care Ltd run care homes in areas such as Coalville, Castle Donnington, Ibstock and Whitwick and they have a secure hospital in Kegworth. The Council's Community Safety Team Leader confirms that the Council's Community safety team have not had cause to contact Rushcliffe Care Ltd.

The CQC reports have rated one of the facilities as 'needs improving', however this is only 1 property. Most facilities have areas of improvement or are marked as good. Ultimately, all have passed the CQC inspections. The current proposal would be one of their premier sites and their comparable cases to this all currently have 'good' ratings from the CQC.

The Council's Community Safety Team Leader explains that an overall score of needs improvement does not equate to a poorly run facility, it is just that some areas can improve. This is very different to 'inadequate', as this can mean closure and would almost certainly mean that the CQC would mandate the changes.

Looking at the business model, the Community Safety Team Leader advises that they appear to look after low risk cases. This supports the belief that they would not look to expand this location into a care home for low level criminal/residential care home for LAC. (Looked after Children).

The Community Safety Team Leader also advises that from a crime reduction perspective, the onsite security seems to be good, with hedges on 3 sides and 3 meter fence in certain areas.

As per the above assessment the Council has considered the proposal as per its duty under S11 (2) of the Children Act 2004. In conclusion, proposal is not considered to result in detrimental impacts upon surrounding residential amenity that would warrant refusal of planning permission. Therefore, the proposed development is considered to be in accordance with Policy D2 of the adopted Local Plan, the Council's Good Design SPD and Policy S4 of the Ashby Neighbourhood Plan.

Scale and Design

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.

As the application site is located on the corner of Ridgway Road and Tamworth Road it needs to

satisfactorily turn the corner and as such the proposed design ensures that there are two active frontages facing the public highways.

The proposed development involves the demolition of the existing two storey care home and the erection of a new secure mental health hospital building which includes a detached "step down unit".

The detached set down unit would be in a prominent position in the streetscene when viewed from Tamworth Road and would be forward of the general building line of the nearby properties in this location. Notwithstanding this it is noted that planning permission was historically given in 2005 (05/00822/FUL) for a similar sized unit in this area of the site. It is appreciated that this permission has since expired without being built however the principle of some form of development was previously considered acceptable in this location.

The site is well screened externally by high level boundary hedges which surround the site. These would be mostly retained for the new development, with exception of the new access point. It is considered that the siting of the step down unit is acceptable. The proposed height would also be slightly lower than the main new building. Furthermore, amended plans have been received which rotated this building by 90 degrees to match the main building and position it further away from the boundary with Tamworth Road, which has minimised its impact in the streetscene.

Concerns have been raised regarding the flat roof and modern architectural merit of the building and that is at odds within its residential setting. Within the wider setting, there is a care home on an adjacent site, a golf club down the road to the south-west and there is also a Primary school at the end of Packington Nook Road which is across the road. Accordingly, the site sits within a mixed use area. Whilst the dominant style of properties in the area consists of pitched roofs the school building also includes flat roofs in its design, therefore the design would not be entirely out of keeping with other non-residential development in the area.

The Council's Urban Design Officer has been involved in the layout and design discussions from the off-set and has accepted a more contemporary styled building principally on the grounds that a more traditionally styled building with a pitched roof form, would actually increase the bulk of the building. Officers are also aware of the functionality of the building and that there is a required amount of internal floorspace in order to provide all the necessary functions for the facility.

The property is also designed with outdoor courtyards in the centre of the design, which reduces the bulk of the property's footprint.

The variation in one and two storey heights helps in bringing the building 'down' to a more human scale and integrates the development more with the largely residential properties in the immediate locality.

Overall whilst it is acknowledged that the site is immediately bound by residential development, the contrasting contemporary design has been subject to discussion and scrutiny and on balance is considered to provide a juxtaposition, rather than trying to impose a more traditional or pastiche residential style, on to a building with a greater mass, which in this case would be the detriment of the scheme and the surrounding area.

Following negotiations with the planning agent the windows arrangements have become more regular in patterns and amended plans were also requested so that the extent of render could

be reduced due to the dominant material in the locality being brick. The scheme now only proposes render at first floor and also includes some timber cladding, which is in keeping with the design ethos of the wider National Forest area. In the absence of specific samples of materials or boundary treatment details, conditions are recommended to be imposed.

Neighbours have raised concerns that there would be an adverse visual impact from the proposed high level boundary fencing. The Community Safety Team Leader suggests that materials for the high level secure fencing should be carefully considered. This concern has also been mentioned by local residents. For example, 3 meter high palisade fencing is unattractive and results in an appearance which can seem like a prison. The type of fencing has been discussed with the planning agent who has agreed to paladin fencing which is much more discrete in its appearance and is often used for school boundaries. Furthermore, the agent is also happy to agree to the fencing being green in colour so that they are more easily camouflaged with the on site vegetation such as the boundary hedges and large protected trees.

In view of the above it is considered that the development would not be harmful to the character of the area. Accordingly, the scheme would comply with Policy D1 of the adopted Local Plan, S4 of the Ashby Neighbourhood Plan, the Council's Good Design supplementary planning document and the guidance within the NPPF.

Heritage Impacts

The application site is approximately 70 metres away from 82 Tamworth Road which is a Grade II listed building as such the proposed development is within the setting of this listed building. Between No.82 and the application site lies an existing BUPA care home building. It is also noted that both the listed building and the application site are well screened by boundary hedges or trees.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for development which affects a listed building or its setting the council shall have special regard to the desirability of preserving the building or its setting. Caselaw has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations

The Council's Conservation Officer and Historic England have been consulted on this application and they have no objections to the scheme. On that basis the development would not affect or harm the setting of a listed building. The application would therefore comply with Policy He1 of the adopted Local Plan and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Highway Considerations

Neighbours have raised concerns with the development's impact on highway safety and parking in the area. These matters will be considered further below.

As part of this proposal the access has been relocated to the centre of the site frontage. The access is shown to be 6m in width which is in accordance with the standards set out within the Leicestershire Highway Design Guide (LHDG).

The new access would have vehicular visibility splays of 2.4m x 43m, which is in accordance

with LHDG standards. As the existing vehicular access at the western boundary of the site would no longer be used, the County Highway Authority (CHA) advise that a scheme should be agreed by condition to close this access.

The proposed vehicular access is adjacent to the pedestrian access; by virtue of that pedestrian access, a 1m x 1m pedestrian visibility splay is provided to the east, however the access is shown to be bound by a hedge to the west. The CHA therefore advise that appropriate pedestrian visibility splays should be secured by condition. The applicant is advised that these should not contain any obstruction above 0.6m in height.

The applicant advises that it is anticipated there would be 18 members of staff on site at night, and 34 members of staff on site during the daytime. The proposed site layout includes 34 parking spaces, 2 of which are disabled persons parking bays. It is noted that the submitted drawing continues to include provision of cycle racks. The CHA are satisfied with the level of parking proposed.

The access road within the site does narrow to approximately 3m in width in the vicinity of the pedestrian crossing point, therefore preventing two-way vehicular movements at this point. In addition, to the east of this there an additional area of localised narrowing to approximately 3.5m, which appears to be a traffic calming feature. However, considering the location of the narrowing in relation to the site access, the CHA is satisfied that this would not have a detrimental impact on the highway network, nor would this result in any safety concerns.

In view of the above and subject to conditions the CHA have no objections. The proposal is therefore considered to be acceptable in relation to Policies IF4 and IF7 of the adopted Local Plan, Policies T1, T2 and T3 of the Ashby Neighbourhood Plan as well as the Leicestershire Highway Design Guide.

Trees

The application site is protected by a group Tree Preservation Order 459 which protects all trees on site. Neighbour objections have been raised with regard to visual impact over loss of some of the trees on site, including some which have been protected by a Tree Preservation Order. This will be considered further as follows.

The development would increase the footprint of the building and the amount of hard surfacing on site, which would impact on the existing large areas of landscaping. This is not ideal, given that some of the soft landscaping would be lost. The Council's Tree Officer has advised that T1 Birch and T2 Cherry are essential for retention and their importance is verified in the submitted tree survey. T1 was of most concern in respect of amenity for adjacent dwellings when the TPO was originally made.

In view of the comments made by the Tree Officer the overall scheme has undergone a number of amendments to try and accommodate the most important trees and also allow them space to grow in the future. The access road to the site has been redesigned in order to keep T1 (Birch) and the building has been moved further way from T2 as well as G1. Changes have also been made to the parking area to allow for retention of the remaining most significant trees along the site frontage with Ridgway Road (G3).

The Tree Officer advised that ideally G4, which consists of 2no. Scots pine trees, should be retained as a pair with due consideration to ultimate height, crown spread and a sustainable relationship with any new building and parking. This was discussed in with the planning agent

however it was not possible to redesign the scheme in a way that would retain the applicant's minimum footprint scale to provide all the necessary facilities and also keep the trees in G4 without compromising other trees on site.

When assessing the scheme as a whole, whilst the proposal would result in the loss of these two Scots pine trees the applicant has worked with officers to retain the vast majority of prominent and most substantial trees on site. It is also acknowledged that the two pine trees are category B trees rather than the most important category A trees, so they are not as significant as some of the other protected trees on the site. The overall benefits of the proposed facility are also taken into account. Furthermore, the applicant is willing to provide two mature replacement trees to mitigate the loss of the two pine trees. There would be an ideal opportunity for some new planting to the north-east of the step down unit which could further help to screen the high level fencing from views from Tamworth Road.

Therefore, on balance, the development would comply with Policies En1 and En3 of the Adopted Local Plan and Policy NE5 of the Ashby Neighbourhood Plan.

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. Discharge into the river from non-mains drainage systems and from surface water disposal can also result in an adverse impact on the SAC, including in relation to impacts on water quality and flow levels.

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

This proposal seeks to demolish a care home which currently has 35 bedrooms. The proposed new main building would have 24 bedrooms and a further 4 bedrooms in the step down unit, thus creating a 28 bedroom occupancy in total. Therefore, whilst there would be an increase in floor area the total number of occupants would decrease. As such it is considered that the new development could be satisfactorily off-set against the new proposal because there would not be a net increase of foul drainage as a result of this application. Therefore a DCS contribution would not be required in this instance as the development would not result in additional harm to the SAC.

With regard to surface water drainage, the site lies within Flood Zone 1 which has the lowest risk of flooding. In the centre of the site there is an area identified as being impacted by surface water flooding, as defined on the Environment Agency's Surface Water Flood Maps. However, that area is a very small section of the site proportionally to the whole plot. In view of this, it is necessary to consider the impacts of this proposal on surface water runoff.

The new development would be partly sited on land currently occupied by an existing building and / or hardstanding which limits some of the impacts. However, there would be an increase in footprint size and some existing grassed areas would be replaced with hard standing. This would therefore lead to an overall increase of surface water runoff. Given the sizeable plot, it is considered that a sustainable surface water scheme could be implemented, the details for which could be secured and agreed by condition. On that basis it is considered that the development would not lead to any adverse flooding impacts and would not be harmful to the River Mease SAC.

Consequently, 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 Cc2 (flood Risk), Cc3 (Water - Sustainable Drainage Systems) of the adopted Local Plan, NE4 of the Ashby Neighbourhood Development Plan and Paragraph 163 of the NPPF.

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, adopted Policies S2, En1 and En2 and Policy NE4 of the Ashby Neighbourhood Development Plan.

Developer Contributions

Neighbours and the Local Ward Councillor have stated that developer contributions should be considered for this development particularly with regard to contributions for the NHS. This will be reviewed below:

Impacts on the NHS

Members of the public and a local GP practice have objected to the proposal due to its potential to impact on local NHS services and GP practices. The applicant has advised that the care home currently on site can house 35 residents. Whilst it is appreciated that this building has been unoccupied for years, the existing care home could be reinstated and reopened without any need for planning permission. As such this fall-back position must be considered when assessing the current proposal.

The applicant advises that the occupants of the existing care home were elderly and infirm and used high levels of GP time through care home visits, prescriptions and referrals to the NHS. In comparison to this the new facility would house a maximum of 28 patients who are likely to be younger clientele predominantly from the local area. The applicant states that patient management would be delivered from their own in-house team, typically comprising a psychiatrist, psychologist, manager, clinicians and nurses. Though the patients would visit the community GP services (with escorts) as and when required. The applicant mentioned that there would be no expectation of increased prescription charges due to:

- (i) Co-morbidity or frailty of individuals
- (ii) The facility would provide mental health prescriptions and monitor health status internally.

The West Leicestershire Clinical Commissioning Group were consulted on this application. They have taken into consideration the concerns raised by the Castle Medical Group GP practice regarding demand for resources and services and they have advised that a developer contribution should be required to secure additional funds for the NHS services. This has been carefully assessed by the Local Planning Authority. Taking all matters into account the Local Planning Authority must still consider the existing use of the site as a care home and that the new facility would have reduced numbers of occupants. When weighing all matters up it would not be reasonable to request an NHS contribution when bearing in mind the existing care home on site and given that the submitted information states that the new facility would be run with its own staff. As such this request for a contribution would not be CIL compliant. On that basis it is not recommended that this contribution should be required.

Other Contributions

Leicestershire County Council have confirmed that no additional contributions are required for education, waste management or library services.

Ecology

Some residents have raised concerns with the development's impact on local wildlife particularly nesting birds and they have asked for bird boxes to be provided. Leicestershire County Council Ecology have been consulted on this application and they have no objections. They only recommend a condition to secure bat mitigation. Nesting birds are also protected under separate legislation, though a note to applicant could be included for information.

Neighbour concerns relating to overgrown hedges on site that overhang the pavement, this is a matter for the County Highway Authority and is not a reason to refuse the planning application.

On that basis the proposal is considered to comply with Policy En1 of the adopted Local Plan and Policy NE4 of the Ashby Neighbourhood Plan.

Land Contamination

The Council's Environmental Protection team have recommended conditions should be attached to secure details for land contamination. Subject to these conditions the proposal would accord with paragraphs 178 and 179 of the NPPF, Policy En6 of the adopted Local Plan and Policy S4 of the Ashby Neighbourhood Plan.

Conclusion

The principle of development is acceptable. The proposal is considered to be acceptable in terms of residential amenity, design, ecology, safeguarding, trees and highway safety. The development would not be harmful to the River Mease SAC. The proposal is deemed to comply with the relevant policies in the adopted Local Plan, the Ashby Neighbourhood Development 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
- 2) Plans
- 3) Materials
- 4) Levels
- 5) Land contamination
- 6) Verification Assessment
- 7) Tree Protection
- 8) Replacement planting
- 9) Boundary treatment scheme
- 10) CCTV location
- 11) External lighting Scheme
- 12) Surface water drainage scheme
- 13) Access
- 14) Visibility splays
- 15) Pedestrian visibility splays
- 16) Parking
- 17) Closure of existing access
- 18) Bat Mitigation
- 19) Bin storage details
- 20) Obscure Glazing condition
- 21) Restrict use to C2A secure hospital only

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Reserved matters approval (access, appearance, landscaping, layout and scale) (outline planning permission 13/00956/OUTM) for enabling works associated with Phases B1, B2, B3, the proposed local centre and primary school, including the demolition of existing buildings; regrading of land; installation of the Beveridge Lane Gateway roundabout; installation of vehicular and footbridge crossings; installation of temporary haul roads; installation of surface and foul water drainage infrastructure; landscaping; and diversion of public Rights of Way
Beveridge Lane Coalville Leicestershire LE67 1TB

Report Item No
A2

Application Reference
20/01638/REMM

Grid Reference (E) 442754
Grid Reference (N) 312002

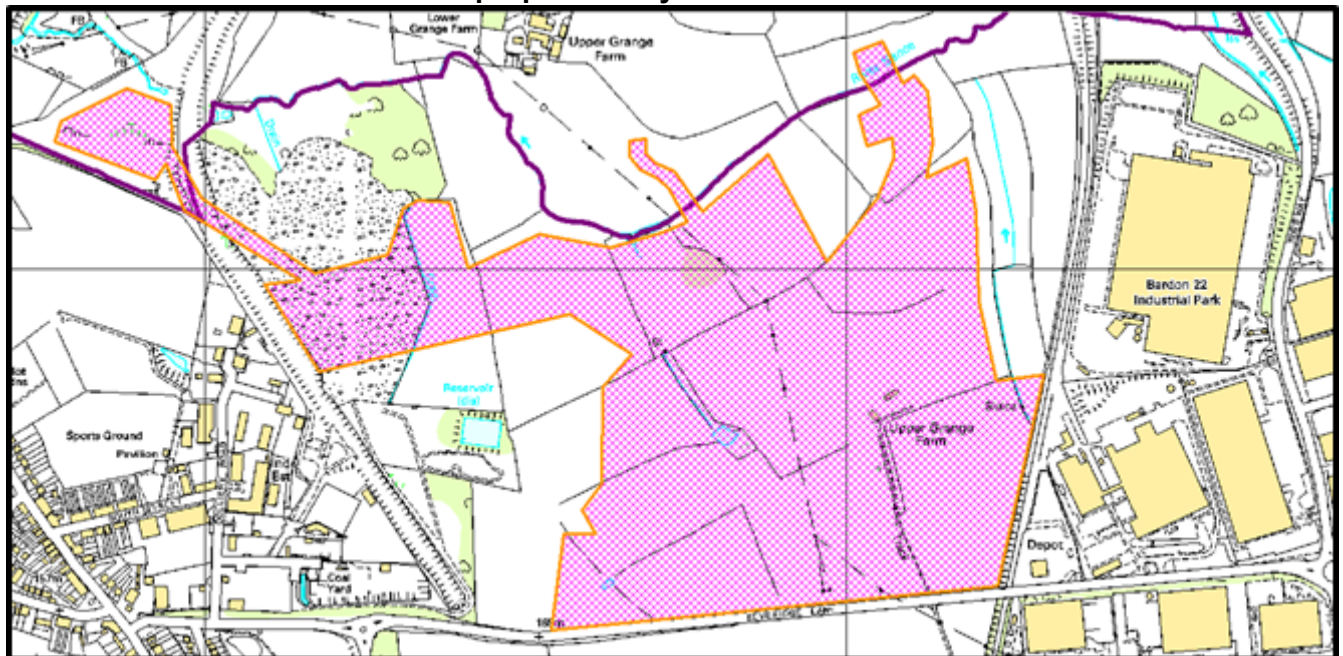
Date Registered:
17 November 2020
Consultation Expiry:
12 April 2021
8 Week Date:
16 February 2021
Extension of Time:
31 March 2021

Applicant:
Harworth Group PLC

Case Officer:
James Knightley

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 a range of enabling works on land forming part of the wider South East Coalville development.

Consultations

No objections have been raised by statutory consultees or third parties (subject to the additional information submitted in order to address the issues raised by the County Ecologist resolving matters to the Ecologist's satisfaction).

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 allow for any future detailed proposals for housing and other uses to be submitted in subsequent reserved matters schemes on the site to provide for an acceptable standard of design to meet the Local Planning Authority's design objectives.

RECOMMENDATION:-

PERMIT, SUBJECT TO CONDITIONS

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

MAIN REPORT

1. Proposals and Background

This is a reserved matters application for a range of enabling works on a site forming part of the wider South East Coalville development. The enabling works proposed include the following:

- Demolition of existing farm buildings;
- Regrading of the land;
- Foul and surface water drainage infrastructure;
- Installation of roundabout access to Beveridge Lane;
- Works to existing public Rights of Way;
- Installation of the River Sence vehicular crossing and associated sections of road north and south of the river;
- Temporary haul roads and construction access;
- Temporary topsoil areas; and
- Strategic landscaping / habitat creation

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 phase 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 (including Masterplan Statement), Design Code and a Vehicular Access Strategy.

The approved Masterplan Statement includes a scheme of phasing; the works to which this reserved matters application principally relate to land to the southern side of the River Sence, and falling within Phases B1, B2, B3, B4, B5, C2 and C3 (together with small sections of vehicular and pedestrian routes to the northern side of the river (in Phases A2 and A3)).

2. Publicity

5 Neighbours have been notified.

Site Notice displayed 27 November 2020.

Press Notice published Leicester Mercury 2 December 2020.

3. Summary of Consultations and Representations Received

East Midlands Airport has no objections

Environment Agency has no objections

Ellistown and Battleflat Parish Council - no comments received

Hugglescote and Donington le Heath Parish Council - no comments received

Leicestershire County Council Ecologist has no objections subject to conditions (subject to the additional details addressing previous issues raised)

Leicestershire County Council Lead Local Flood Authority has no objections

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

Leicestershire County Council Mineral Planning Authority has no objections

Leicestershire County Council Rights of Way - no comments received

National Forest Company has no objections subject to conditions

Network Rail - no comments received

North West Leicestershire District Council Environmental Protection team - no comments received

Severn Trent Water - no comments received

Third Party Representations

None

All responses from statutory consultees and third parties are available to view in full on the Council's website.

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 124, 127, 129 and 130 (Achieving well-designed places)
Paragraph 163 and 165 (Meeting the challenge of climate change, flooding and coastal change)
Paragraphs 170 and 175 (Conserving and enhancing the natural environment)

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

Adopted North West Leicestershire Local Plan (2021)

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 IF1 - Development and Infrastructure
Policy IF4 - Transport Infrastructure and new development
Policy En1 - Nature Conservation
Policy En3 - The National Forest
Policy Cc2 - Flood Risk
Policy Cc3 - Sustainable Drainage Systems

Ellistown and Battleflat Neighbourhood Plan (2019)

Save for the small sections of the application site to the north of the River Sence, the site falls within the Plan area. That part of the application site falling within the Plan area lies within Limits to Development as defined in the adopted Neighbourhood Plan and is also identified as part of the South East Coalville Development Scheme site under Policy S3.

The Ellistown and Battleflat Neighbourhood Plan policies listed below are considered relevant to this application:

Policy S1 - Ellistown Limits to Development
Policy S3 - South East Coalville Development Scheme
Policy NE2 - Biodiversity
Policy NE3 - Trees and Hedgerows

Submission Draft Hugglescote and Donington le Heath Neighbourhood Plan

The District Council is undertaking a six week consultation on the Submission Draft Neighbourhood Plan which will end on 23 April 2021.

Those parts of the application site to the north of the River Sence fall within the draft Plan area. Those parts of the site within the draft Plan area lie within Limits to Development as defined in the emerging Neighbourhood Plan. The draft Hugglescote and Donington le Heath Neighbourhood Plan policies listed below are considered relevant to this application.

The weight to be attached by the decision maker to this submitted version should be in accordance with the approach set out in Paragraph 48 of the NPPF, having regard to the stage

now reached towards adoption, the extent to which there are unresolved objections to the policies relevant to the determination of this application, and the degree to which the emerging policies are consistent with the NPPF. In view of the early stage, only limited weight can be attributed to its policies at this point.

Policy G1 - Limits to Development
 Policy G2 - South East Coalville Development Scheme
 Policy G3 - Design

Other Policies

Good Design for North West Leicestershire SPD

Leicestershire Highways Design Guide (Leicestershire County Council)

5. Assessment

Principle of Development

The principle of development of this site 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 within the relevant parcels (insofar as they relate to the infrastructure works proposed at this time). 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 discharge of condition applications, and the submission requirements under Conditions 5, 8, 11, 16 and 27 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 Design Code (and, in particular, in respect of street typology)

is set out in more detail below.

Condition 31: The condition only applies to any reserved matters application relating to erection of buildings, so no submission is required in respect of this application.

Condition 33: The condition only applies to the first reserved matters application submitted in respect of land to the south of Grange Road, and has already been submitted and approved under application 18/00341/REMM (erection of 49 dwellings) on land further west on Grange Road. The application documents submitted in respect of that application included a copy of the approved Vehicular Access Strategy which contains details indicating that the scheme would provide two continuous routes suitable for bus use through land to the southern side of Grange Road, one of which would connect a proposed new roundabout on Grange Road to a new one on Beveridge Lane (to the north of the Amazon unit). [NB Condition 32 provides for equivalent requirements in respect of land north of Grange Road, and no submission is therefore required in connection with this parcel; this was previously addressed under reserved matters application ref. 18/00375/REMM.]

Proposed Landform and Drainage

Under the provisions of the approved Masterplan, a large area of green infrastructure (and including public open space and SuDS features) is intended to be provided within a proposed "south valley green corridor", and the general form of development proposed in this area complies with the scheme set out on the Masterplan. Under the phasing provisions of the approved masterplan statement, the open space is required to be delivered commensurate with the associated adjacent areas of residential development. The corridor would run northwest to southeast through the southern part of the wider South East Coalville scheme and would incorporate a linear area of public open space, including a children's play area, landscaping and a network of pedestrian and cycle routes, including connections to that part of the wider development to the north of the River Sence. Detailed landscaping proposals are included within the current application for some of these areas.

In terms of site levels, a range of cut and fill type works are proposed in order to provide development plateaus. The extent of the cut and fill would vary throughout the site but the increases or reductions in land levels compared to existing would typically be in the range of approximately 2 to 3 metres (albeit more significant in some places, for example in the vicinity of proposed SuDS features). These works would be considered reasonable in the context of a scheme of this scale, and would be considered to have no unacceptable impacts beyond the site, nor in terms of the likely design quality of the eventual scheme. The development proposals also set out a range of temporary works associated with the construction period of the development, including temporary stockpile areas and haul roads; subject to the precise nature of the stockpile areas being agreed (in terms of height / profile etc.), these would be considered appropriate temporary measures reasonably necessary as part of the construction process.

Insofar as providing a suitable means of attenuation and disposal of surface water is concerned, the outline planning permission is subject to conditions in this regard, and requiring a detailed scheme of surface water drainage to be submitted and approved. As such, the suitability of the features proposed to achieve the required discharge rates etc. is more a matter for the discharge of the outline planning permission conditions than this reserved matters submission. For its part, the Lead Local Flood Authority (LLFA) notes that the surface water drainage scheme is subject to those conditions but nevertheless notes that the intention is to attenuate runoff from site using two proposed attenuation ponds before discharging at a greenfield (QBAR) runoff rate of 79.2 l/s (4.03 l/s/ha) into an existing ditch that ultimately outfalls to the

River Sence to the north of the site. The LLFA notes that the SuDS basins would be located in the centre of the site, with approaching gradients no greater than 1 in 20 and, as such, would be considered suitable in terms of access for maintenance. The LLFA therefore considers that the application documents as submitted are sufficient for the purposes of the current reserved matters application.

Insofar as the amenity impacts of the proposed SuDS features are concerned, the District Council's Good Design for North West Leicestershire SPD provides that careful attention will need to be afforded to the softer design of headwalls to attenuation basins and seeks to avoid steeply sided SuDS features (and which, as a result, would require the use of safety fencing, thus reducing their usefulness as open space). The submitted details indicate that the profile of the proposed SuDS basin would be around 1:4 and, as such, it would appear that safety fencing would be unlikely to be necessary. Insofar as the proposed headwalls are concerned, subject to the proposed features incorporating, for example, a sandbagged appearance as per those already approved to the northern side of the river (i.e. as opposed to plain concrete), the proposed SuDS features would be capable of complying with the guidance in the Good Design for North West Leicestershire SPD.

In terms of foul drainage, and as per surface water drainage above, this matter is controlled under a condition on the outline planning permission. It is noted that the scheme as submitted included a foul pumping station, together with details of the routeing of foul drains (which would discharge to the proposed pumping station (located to the south of the River Sence), before connecting to foul drainage in the northern part of the site. The agent however now advises that the location of the proposed pumping station needs to be amended and, as such, will be dealt with under a separate future application.

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 were reserved. Insofar as those elements of access proposed under this application are concerned, these would, in effect, be the proposed roundabout access to Beveridge Lane and two sections of the principal north - south route through the eastern part of the wider South East Coalville site. The section of the route adjacent to the proposed Beveridge Lane roundabout is identified as "Gateway" in the approved Masterplan and Design Code, and the other section (in effect a short stretch either side of a proposed road bridge crossing the River Sence) is part of the "Eastern Avenue".

Insofar as the specification for the routes proposed under this application is concerned, the Gateway is a specifically defined route typology in the Design Code comprising a 6.75m carriageway with a 2m wide footway to one side and 3m wide combined footway and cycleway to the other; the submitted plans comply with this typology. The Gateway street typology also requires provision of tree-lined verges with hedgerow behind separating the highway from dwelling frontages; the current application details only extend to the back of footway / combined footway and cycleway, and the landscaping elements would therefore need to be included as part of any detailed reserved matters application on the adjacent parcels in due course. In accordance with the requirements of the approved Masterplan Statement and Design Code, an entrance feature is required to be provided at the Beveridge Lane site entrance; the applicant intends to address the details of this by way of condition.

The required carriageway, footway and combined footway / cycleway widths for the Eastern Avenue are proposed east-west route would be of the "Street" typology in the Design Code and, following amendment, the submitted details comply with these dimensions. As per the Gateway

above, landscaping would need to be provided either side at the route at the appropriate time; land either side to the southern side of the river would be proposed for residential development, and land to the northern side has already had reserved matters approval for public open space (and which includes the roadside tree planting specified in the Design Code).

In terms of other highways-related design issues, as set out above, the proposed section of Eastern Avenue would include a vehicular bridge. In terms of its appearance, there is no specified design requirement established in the approved Design Code, and it is proposed to take the form of a simple structure of pre-cast concrete incorporating brick-faced parapets with concrete coping (of total height 1.36m above street level). Subject to the use of appropriate finishes to these materials, the design would be considered appropriate. Whilst officers have queried the potential to use alternative materials to the lower sections of the bridge (i.e. the span over the watercourse itself), it is understood from the applicant that this is not practicable due to the adoption requirements of the Local Highway Authority. Whilst this in itself would not necessarily be considered to represent an overriding reason for accepting the design, it is nevertheless acknowledged that, by virtue of the landscaping proposed to be provided in the vicinity of the watercourse, the exposed concrete elements of the structure would be likely to have only limited visibility from the public realm. On this basis, the view is taken that the proposed bridge would be appropriate in terms of its appearance.

For its part, the County Highway Authority raises no objections to the reserved matters application, and its advice on the various issues is set out below.

Site Access

The County Highway Authority advises that the proposed new roundabout access on Beveridge Lane generally accords with the approved vehicular access strategy and is considered acceptable, subject to technical approval.

Subsequent amendments to the scheme also include the provision of a temporary construction access to be located to the east of the proposed roundabout access; any subsequently received comments on this will be reported on the Update Sheet.

Internal Layout

As referred to above, the dimensions of the section of "Street" have been amended during the course of the application so as to accord with the approved Design Code; following this amendment, the County Highway Authority is content the scheme now provides the required 3m wide shared use footway / cycleway to the eastern side of the route and is acceptable. In terms of swept path analysis and forward visibility relating to a section of the "Street", the County Highway Authority advises that further details will be required to be submitted to demonstrate compliance (and potentially resulting in implications for a bridge parapet and the width of the bridge "deck"), but that this can be dealt with under the Section 38 technical approval process. Similarly, the Section 38 process will also require the developer to demonstrate the appropriateness of the type of structure proposed and its suitability to cater for the volume and loading of vehicles using it.

Public Rights of Way

Two rights of way (footpaths N50 and N52) cross the part of the wider South East Coalville site the subject of the current application. The application proposes the upgrading of the existing pedestrian footbridge on footpath N52, but no further detailed proposals in respect of changes

to the rights of way are set out at this time. The application documents indicate that it would be intended to close part of N52 on a temporary basis during the construction works the subject of this application (and with footpath N52 and bridleway N108 (running alongside Beveridge Lane) acting as the temporary diversion route); this would need to be progressed separately with Leicestershire County Council in the usual way. Based on the approved site-wide masterplan, some minor (permanent) re-routeing of part of footpath N52 would seem likely to be required, but this would need to be addressed at the appropriate time (e.g. as and when detailed schemes for the various development parcels come forward). The County Highway Authority has no objections in respect of rights of way issues subject to conditions.

Other Pedestrian and Cycle Routes

In addition to the impacts in respect of statutory rights of way set out above, the submitted details show a range of non-vehicular routes through the landscaped open space proposed under this application; these generally reflect those indicated in the relevant parts of the site on the wider masterplan.

Residential Amenity

Insofar as this reserved matters application is concerned, there are no immediately affected neighbouring dwellings to the site, and it is therefore considered that the principal residential amenity issues relevant to this application would be in respect of any impacts during the site operations themselves (and including those associated with construction noise and dust etc.). Under the Environmental Statement mitigation measures conditions attached to the outline planning permission, a Construction Environmental Management Plan (CEMP) is required to be approved by the District Council for each phase prior to the commencement of work on that phase. As such, any potential amenity issues arising from the works would be able to be controlled under that mechanism. No comments on the current reserved matters application have been received from the District Council's Environmental Protection team.

Trees and Hedgerows

In view of the need to make significant changes to ground levels in order to deliver development on the site, a number of trees and hedgerows throughout the site would be affected. The application is accompanied by a range of documents in respect of trees and hedgerows (including an Arboricultural Assessment, Arboricultural Method Statement, Hedgerow Technical Note and Hedgerow Mitigation Strategy).

In terms of the affected trees, the Arboricultural Assessment assesses a total of 123 individual trees, 24 groups of trees and 22 hedgerows. These have been categorised in accordance with the BS 5837:2012 criteria, with the results being that; 1 group and 29 individual trees were considered to be of high quality (Category A), 12 groups and 38 individual trees were of moderate quality (Category B), 33 groups and 51 individual trees were of low quality (Category C). 5 individual trees were also considered to be unsuitable for retention (Category U) (and would therefore need to be removed in the near future irrespective of any redevelopment of the site). The District Council's arboricultural consultant confirms that he is content with the categorisation applied and that the report provides a balanced assessment of the quality of the current tree cover. The District Council's arboricultural consultant also comments that, although the site contains a good number of mature hedgerow oaks, none of these would be of veteran or ancient status.

The report's arboricultural impact assessment indicates that a total of 65 individual or groups of

trees would need to be removed to facilitate the proposed works. These include 7 individual and part of 1 group of Category A trees, 13 individual and 4 groups of Category B trees, with the remainder being Category C trees, groups and hedgerows. The District Council's arboricultural consultant considers that this represents the loss of a significant number of high and moderate quality trees, and would result in a considerable loss to the local tree cover. However, on the basis that the excavations to regrade the site would be necessary for the development as proposed (and that, as such, there would be no option to retain the trees), the loss would need to be considered as a negative impact to the development in the overall planning balance. Whilst the precise number of new trees to be planted within the development (including in respect of those provided within public open space and incidental landscaping) is unknown at this stage, this would be considerably more than the 65 trees to be lost and in time would help to mitigate the loss of the trees as part of this proposal.

In terms of this issue, it is also noted that the site has the benefit of outline planning permission, and is an allocated site within the adopted Local Plan. Whilst loss of some trees would seem inevitable in delivering development of a greenfield site of this scale (and, in particular, an undulating site such as this where the site's levels require alteration in order to provide suitable development parcels), it is considered that, overall, the impacts on trees would be minimised as far as reasonably practicable and that an appropriate balance between tree retention and reasonable development of the site would be achieved.

With regards to hedgerows, the District Council's arboricultural consultant notes that the proposals include translocation of important hedgerows which would otherwise be lost to alternative positions within the site (in effect, principally a measure intended to retain the biodiversity benefits of hedgerows rather than for arboricultural purposes). The application is accompanied by a hedgerow mitigation strategy identifying those hedgerows proposed to be removed, retained or translocated. Of the total length of 4,855m of hedgerows within the site the subject of this reserved matters application, 2,518m would be retained in situ and protected during construction, 835m would be translocated to a new hedgerow translocation receptor area established along the eastern side of the site, and 1,502m would be lost to the development. To mitigate for the hedgerow lost to the scheme, new hedgerow planting of approximate total length 3,600m is proposed to be provided within the current application's site area (some under this reserved matters application, and some under future applications for landscaping within the site area). It is considered that this would represent an acceptable balance in terms of the impacts of the proposed hedgerow works (and in respect of not only landscape / visual impacts, but also biodiversity).

It is also noted that, as a result of the detailed design evolving to address levels issues, the proposed development would affect trees and hedgerows originally identified as retained on illustrative material submitted at the outline stage (and, in particular, within the proposed south valley green corridor). Having regard to the conclusions of the original Environmental Statement, a technical note has been submitted to address the potential issues arising (and with particular reference to hedgerows), and assessing the impacts of these changes and any potential implications on environmental impact and significant environmental effects. Having regard to the content of the technical note and the scheme's overall impacts in respect of matters such as landscape and ecological effects, it is accepted that material changes to the previously identified significant environmental effects would be unlikely, and the current reserved matters application has been screened as not requiring a further Environmental Statement.

Ecological Issues

Whilst ecological and biodiversity issues were addressed in the outline planning application (and including within the Environmental Statement), the current reserved matters application is accompanied by a range of ecological reports, including an Ecological Appraisal, an Ecology Timetable and Mitigation document, habitat reports, and species-specific reports in respect of bats, breeding birds, water voles and otters, great crested newts and reptiles. The proposed habitat measures include the creation of an open mosaic habitat (OMH) within the "triangle" formed by the former railway line routes in the north western part of this site; under the provisions of the approved phasing details, the works to the former railway lines (including provision of pedestrian routes) are required to be provided commensurate to the residential development within which the various sections are located.

Whilst ecological and biodiversity issues are in effect addressed under the outline planning permission and associated Environmental Statement mitigation, and various ecological requirements need to be satisfied prior to commencement on the relevant phase under the Environmental Statement mitigation measures, the County Ecologist has nevertheless assessed the submissions, and has sought additional information, including in respect of retained vegetation and new landscaping. In addition, she has requested minor amendments to the species indicated on the proposed landscaping plans so as to enhance the proposed habitat creation; the scheme has subsequently been amended, and the revised proposals are understood to be considered acceptable by the County Ecologist, subject to the imposition of conditions. Whilst an amendment made to the scheme during the application's consideration would result in the loss of one of the trees the County Ecologist had initially sought to retain (a Category B oak adjacent to the proposed construction access), she does not raise objection to its loss as it would not be of Local Wildlife Site standard; the District Council's arboricultural consultant raises no objection to the removal of this particular tree.

In response to the submission of the additional information, the County Ecologist confirms that previous concerns have been addressed and that, subject to the provision of acceptable details in respect of aquatic landscaping proposals, translocation of open mosaic habitats, and compensation for hedgerow loss, no objections to the proposals are likely to be raised. These details have been submitted, and the further views of the County Ecologist are awaited; having discussed the additional information with the applicant's ecologist prior to submission, the County Ecologist anticipates all remaining matters will be addressed by that information, but any further comments received will be reported on the Update Sheet.

As such, subject to the submitted details addressing the matters as anticipated by the County Ecologist, the scheme would be considered to be acceptable in terms of its ecological and biodiversity impacts, and would meet the requirements of Local Plan Policy En1.

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 would be considered to represent an appropriate (and proportionate) set of proposals necessary in order to enable the site to come forward for development in accordance with the outline planning permission.

RECOMMENDATION- PERMIT, subject to Leicestershire County Council's Ecologist confirming that no objections are raised, and subject to the following condition(s):

- 1 Compliance with outline planning permission
- 2 Approved plans
- 3 Landscaping (on and off-site, including timetable for implementation)
- 4 Tree and hedgerow protection
- 5 Strategy / timetable for hedgerow mitigation
- 6 Details of proposed soil storage areas
- 7 Pedestrian and cycle connections (including details of proposed footbridge together with any works to public rights of way and other routes)
- 8 Ecology
- 9 Flood risk and drainage (where not covered under the outline planning permission)
- 10 Boundary treatment
- 11 Site accesses and associated works
- 12 Highways materials (including means of surfacing and the finish of the proposed road bridge parapets)
- 13 Details of any amendments required to the proposed road bridge
- 14 Roundabout Entrance Feature
- 15 Pumping station not included within the approval (for clarification purposes only)

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Provision of Locally Equipped Areas of Play (LEAPs) within Phases A1 and A2, and landscaping along the boundary of Phase A2 with the railway line (reserved matters to outline planning permission ref. 13/00956/OUTM)
Phase 1A Grange Road Hugglescote Leicestershire LE67 2HN

Report Item No
A3

Application Reference
20/02028/REM

Grid Reference (E) 443399
Grid Reference (N) 312592

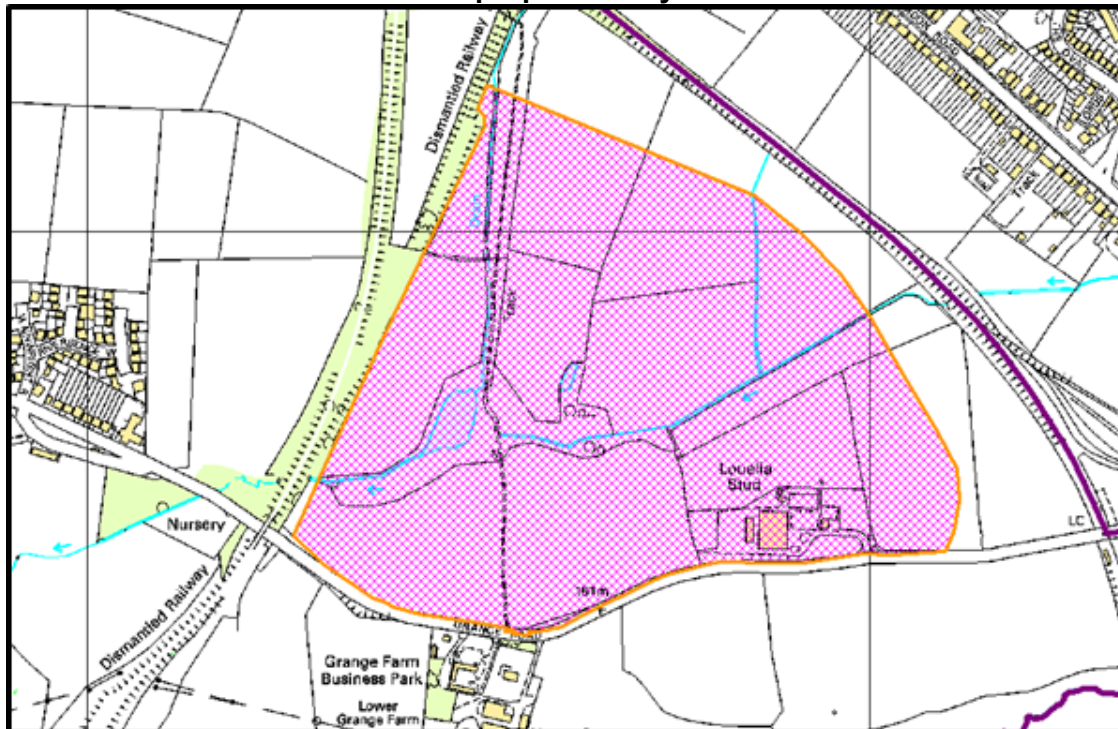
Date Registered:
29 December 2020
Consultation Expiry:
19 March 2021
8 Week Date:
23 February 2021
Extension of Time:
None Agreed

Applicant:
Harworth Group

Case Officer:
James Knightley

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 formation of two Locally Equipped Areas of Play (LEAPs) and buffer landscaping, forming part of the wider South East Coalville development.

Consultations

Subject to the issues set out below in respect of the comments of Hugglescote and Donington le Heath Parish Council, no objections are raised by statutory consultees or any other third party.

Planning Policy

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

Conclusion

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

RECOMMENDATION:-

PERMIT, SUBJECT TO CONDITIONS

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

MAIN REPORT

1. Proposals and Background

This is a reserved matters application for the formation of two Locally Equipped Areas of Play (LEAPs) and buffer landscaping on three parcels of land totalling 0.45 hectares forming part of the wider South East Coalville development. The proposed LEAPs would be located in Phases A1.2 and A2 of the wider development; the proposed landscaped area would be located between an area of proposed housing and the existing railway at the eastern end of Phase A2.

Whilst reserved matters approval is sought for the general form and layout of the proposed play areas, it is noted that separate approval (and including in respect of detailed equipment specification etc.) is nevertheless required under the provisions of the wider development's Section 106 agreement.

2. Publicity

No neighbours notified.
 Site Notice displayed 15 January 2021.
 Press Notice published Leicester Mercury 20 January 2021.

3. Summary of Consultations and Representations Received

Hugglescote and Donington le Heath Parish Council originally raised a number of queries / concerns regarding the proposed play areas layouts, including the need to provide appropriate benches, outward opening gates and safe surfacing. In response to subsequent submissions, the Parish Council acknowledges the comments and changes made following its original comments response, and confirms that a further response will be provided in due course after a detailed review of the amendments.

Leicestershire County Council Highway Authority has no comments

Leicestershire County Council Rights of Way - no comments received

National Forest Company considers the proposed play equipment to be suitable and makes a number of recommendations in respect of associated landscaping

Network Rail has no comments

Third Party Representations

None

All responses from statutory consultees are available to view in full on the Council's website.

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

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

Adopted North West Leicestershire Local Plan (2021)

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 IF3 - Open Space, Sport and Recreation Facilities

Policy En3 - The National Forest

Submission Draft Hugglescote and Donington le Heath Neighbourhood Plan

The District Council is undertaking a six week consultation on the Submission Draft Neighbourhood Plan which will end on 23 April 2021.

The site lies within Limits to Development as defined in the emerging Neighbourhood Plan. The draft Neighbourhood Plan policies listed below are considered relevant to this application.

The weight to be attached by the decision maker to this submitted version should be in accordance with the approach set out in Paragraph 48 of the NPPF, having regard to the stage now reached towards adoption, the extent to which there are unresolved objections to the policies relevant to the determination of this application, and the degree to which the emerging policies are consistent with the NPPF. In view of the early stage, only limited weight can be attributed to its policies at this point.

Policy G1 - Limits to Development

Policy G2 - South East Coalville Development Scheme

Policy G3 - Design

Other Policies

Good Design for North West Leicestershire SPD

5. Assessment

Principle of Development

The principle of development of this site was established by the grant of the original outline planning permission in September 2016. The submission for reserved matters approval being considered by members is related to two Locally Equipped Areas of Play (LEAPs) and buffer landscaping on three parcels of land totalling 0.45 hectares forming part of the wider South East Coalville development. The reserved matters relate to access, appearance, landscaping, layout and scale (such as they are, given that no buildings are involved in this instance) of the LEAPS and buffer landscaping only. Assessment of this application should therefore relate to the implications only of the matters above which have been submitted within 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 discharge of condition applications, and the submission requirements under Conditions 5, 8, 11, 16 and 27 have, in effect, already been complied with. In terms of the remaining conditions referred to above, Condition 31 only applies to any reserved matters application relating to erection of buildings, and Conditions 32 / 33 have previously been addressed under the first reserved matters applications submitted in respect of land to the north and south of Grange Road respectively.

Insofar as Condition 9 is concerned, and in accordance with this 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. In particular, it identifies that the landscaping proposed complies with the range of species suggested in the approved Design Code. This position is accepted, and it is considered that, overall, the scheme would conform to the principles set out in the Design Code (and associated site-wide masterplan).

Design and Appearance

Given the scope of the matters reserved for approval under the outline planning permission, the key issues to be taken account of in this instance are considered to be issues such as general form and layout of the LEAPs, and how they would sit within their surroundings. Under the provisions of the Section 106 agreement, the developers are required to agree details of the open space within each phase prior to commencement within the phase in question.

As per the principles established in the approved masterplan statement, the play areas are indicated as being of a "natural" type (i.e. with a timber finish), and considered to be appropriate to the site's National Forest setting.

Under the provisions of the approved site-wide masterplan, the two play areas are required to be LEAPs (two of a total of ten across the site as a whole; in addition, a Neighbourhood Equipped Area for Play (NEAP) is to be provided within the central open space area to the south). The proposed play areas the subject of the current reserved matters application would provide a range of equipment / activities, together with associated landscaping, and would be considered to provide a suitable approach in terms of allowing overlooking from nearby proposed dwellings whilst not being likely to lead to undue disturbance etc. to occupier of those properties. In response to the original submission, Hugglescote and Donington le Heath Parish Council had raised a number of queries / concerns regarding the proposed play areas layouts, including the need to provide appropriate benches, outward opening gates and safe surfacing. In response, alterations to the scheme have been made; the applicant has also considered comments regarding surfacing, but takes the view that bark safety surfacing would be appropriate in this National Forest setting. The Parish Council acknowledges the comments and changes made in response to its consultation response, and intends to provide a further detailed response once it has had an opportunity to consider them fully; any further comments made will be reported on the Update Sheet.

Insofar as the proposed Phase A2 buffer planting is concerned, this would be located at the eastern end of an area of proposed residential development, and is in effect a buffer zone to provide an off-set for proposed housing from the adjacent railway (and would be in accordance with noise mitigation requirements established at the outline stage). Whilst a 1.8m close boarded fence is proposed to be erected along the eastern boundary with the railway, the landscaping to the western side would serve to screen the fence from the public realm. Whilst the National Forest Company comments that woodland buffer planting would normally be expected to be of a minimum depth of 15m, it is noted that, in this instance, the buffer accords with details approved pursuant to the outline planning permission and relates to the adjacent railway rather than, say, open countryside where a buffer would be expected to screen the new built development, and is therefore considered appropriate in this location. In response to National Forest Company comments regarding size of trees at planting, the scheme has been amended to include larger trees which the National Forest Company advises is welcomed.

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 proposed LEAPs and landscape buffer area proposed under this reserved matters application are reserved matters scheme considered to be acceptable, and approval is recommended.

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

- 1 Compliance with outline planning permission
- 2 Approved plans
- 3 Landscaping
- 4 Tree Protection (in respect of existing trees in the vicinity of the proposed fencing)

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