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Meeting	PLANNING COMMITTEE
Time/Day/Date	6.00 pm on Tuesday, 2 August 2022
Location	Council Chamber, Council Offices, Coalville
Officer to contact	Democratic Services (01530 454529)

Item	AGENDA	Pages
1.	APOLOGIES FOR ABSENCE	
2.	DECLARATION OF INTERESTS	
	Under the Code of Conduct members are reminded that in declaring interests you should make clear the nature of that interest and whether it is a disclosable pecuniary interest, registerable interest or other interest.	
3.	MINUTES	
	To confirm and sign the minutes of the meeting held on 5 July 2022.	3 - 8
4.	PLANNING ENFORCEMENT UPDATE Q1 2022/23	
	Report of the Head of Planning and Infrastructure.	9 - 16
5.	PLANNING APPLICATIONS AND OTHER MATTERS	
	Report of the Head of Planning and Infrastructure.	17 - 20

Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
A1	22/00126/OUT: Erection of three dwellings (Outline - access and layout only) Land To The Rear Of 68 And 70 Fairfield Road Hugglescote LE67 2HG	Permit	21 - 28
A2	22/00311/FUL: Proposed front and rear extensions, raising of existing eaves and ridge height. Single storey rear extension, new garage with studio over, new dormer windows to front and rear of property 2 The Toft Mill Lane Belton Loughborough Leicestershire LE12 9UL	Permit	29 - 36

MINUTES of a meeting of the PLANNING Committee held in the Council Chamber, Council Offices, Coalville on TUESDAY, 5 July 2022

Present: Councillor R L Morris (Chairman)

Councillors R Boam, J Bridges, D Everitt, D Harrison, J Hoult, J Legrys, J G Simmons and S Sheahan (Substitute for Councillor D Bigby)

In Attendance: Councillors R Johnson, K Merrie MBE and R Canny

Officers: Mr C Elston, Mrs C Hammond, Mr S Smith, Ms S Booth, Mr J Knightley, Mr J Arnold and Mr C Colvin

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors D Bigby and M Wyatt.

2. DECLARATION OF INTERESTS

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

Councillor D Harrison declared a registerable interest in item A1, application number 20/01662/REMM, as the ward member.

Councillor J Hoult declared a registerable interest in item A1, application number 20/01662/REMM as the chairman of the Planning Committee at Ashby Town Council, who had previously considered the application, but that he had come to the meeting with an open mind

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

Councillor R Morris advised that he and all the members of the Planning Committee had received two emails from Chave Planning in relation to item A1, application number 20/01662/REMM, but that all members of the committee had come to the meeting with an open mind.

Item A1, application number 20/01662/REMM

Councillor J Legrys

3. MINUTES

Consideration was given to the minutes of the meeting held on 4 May 2022

It was moved by Councillor J Legrys, seconded by Councillor J Hoult and

RESOLVED THAT:

The minutes of the meeting held on 4 May 2022 be approved and signed by the Chairman as a correct record.

4. **PLANNING ENFORCEMENT UPDATE Q4 2021/22**

The Senior Planning Enforcement Officer presented the report to members.

In response to a question from a member, the Head of Planning and Infrastructure advised the committee, that due to unforeseen circumstances, the briefing for members on the Planning Enforcement Team and its work had been cancelled but advised that there was currently a vacancy within the team for a principal enforcement officer and that the work was being picked up by agency staff. He also noted that any decision on whether or not a case needed to be considered by the courts, would be taken by himself in consultation with the enforcement team and the Council's Planning solicitor.

A member noted that it was helpful to have the quarterly reports as it was useful for members to see the types of cases that were being dealt with.

In relation to a request from a member, officers outlined how members of the public could report a planning breach and the process that was followed to deal with the report. It was noted that depending on the seriousness of the breach would depend on how soon action was taken within the 21 days.

It was moved by Councillor J Legrys, seconded by Councillor S Sheahan and

RESOLVED THAT:

The Planning Enforcement Update Q4 be noted.

5. **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.

6. **A1**

20/01662/REMM: ERECTION OF 605 DWELLINGS, CONSTRUCTION OF CAR PARK AND INTERNAL ACCESS ROADS AND FORMATION OF PUBLIC OPEN SPACES (RESERVED MATTERS TO OUTLINE PLANNING PERMISSION REF. 15/00512/OUTM)

Money Hill Site North Of Nottingham Road And South Of A511 Ashby De La Zouch
Leicestershire

Officer's Recommendation: Permit

Having declared a pecuniary interest in the item, Councillor D Harrison stepped away from the committee and took a seat in the public gallery.

The Principal Planning Officer presented the report to members.

Ms L Kirk, objector, addressed the committee asking why developers did not put solar panels on the roofs to be more eco-friendly.

Ms C Chave, agent, addressed the committee highlighting that the developers had already made considerable commitment to the development including work to the access roundabout on the A511 and that the granting of the application before the committee would allow them to ensure that work stayed on track to enable the first homes to be ready in earlier 2023. This in turn would then trigger the delivery of community facilities through the S106. It was highlighted that there were no technical objections and that the only concern outstanding from the Town Council was the off-street public right of way connection to North Street, which was not a material consideration for the committee.

Members were advised that funds would be brought forward earlier to allow LCC to kick start the enhanced connectivity project.

Councillor D Harrison, ward member, addressed the committee expressing his deep concern over the lack of connectivity from the car park on the development through to the town, which would have benefited the town through the green eco element. He hoped that NWLDC would work with LCC to ensure that the route to the town centre was brought forward. He highlighted that the traffic was significantly increasing along Nottingham Road and that the route that was in place was not safe to take young children along, urging the developer to take the need of suitable connectivity to town away to be considered again.

Councillor D Harrison then left the meeting and took no part in the debate and voting thereon.

In determining the application some members expressed concerns over the connectivity of the site to the town, as when considering the original application, promises were made that it would be done correctly, and the plans before them did not meet the expectations of the Town Council or residents. It was requested that a new surface was considered to ensure that it was in a safe state for users to walk along. Concerns were also raised over the maintenance of the bus gates and the highways in the estate, along with the management and enforcement of the recycling points.

Members had regard to the fact the Head of Planning and Infrastructure had been in contact with an Assistant Director of Highways to impress on them the importance of seeking a positive outcome to the connectivity concerns but noted that the consideration of the footpath was not a material consideration for the application before them. It was noted that the condition in the report was in relation to the connections within the site, the bus gates and recycling points would be managed and maintained by a management company, and it was proposed that the main roads through the site would be adopted and then some edge lanes that would fall under a management company but would have public access.

The recommendation to permit the application in accordance with the officer's recommendation was moved by Councillor J Hoults and seconded by Councillor J Bridges.

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

RESOLVED THAT:

The application be permitted in accordance with the recommendations of the Head of Planning and Infrastructure.

Motion to permit the application in accordance with the officer's recommendation (Motion)	
Councillor Ray Morris	For
Councillor Russell Boam	For
Councillor John Bridges	For
Councillor David Everitt	For
Councillor Dan Harrison	Conflict Of Interests
Councillor Jim Hoults	For
Councillor John Legrys	Against
Councillor Jenny Simmons	For
Councillor Sean Sheahan	For
Carried	

Councillor D Harrison returned to the meeting.

7. **A2**
21/00438/OUT: DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF UP TO THREE DWELLINGS (OUTLINE - DETAILS OF ACCESS AND LAYOUT FOR APPROVAL)

49 Chapel Street Oakthorpe Swadlincote Derby DE12 7QT

Officer's Recommendation: Permit

The Senior Planning Officer presented the report to members and noted the change to the recommendation detailed in the update sheet.

Mr J Henderson, agent, addressed the committee highlighting that the application was within the Limits to Development and that throughout the process the agents had worked proactively with the Council to resolve any concerns. It was noted that the application would not have a detrimental impact on the community, that the Local Highway Authority had no objections to the application and that the Lead Local Flood Authority were also satisfied with the application following the submission of the flood risk assessment. He urged the committee to support the application.

In determining the application, a member expressed concerns over flooding and outlined previous flooding issues. He noted that the LLFA had stated that the development would not make the situation worse, but it would, should the conditions not be written correctly. He suggested that the conditions 11 and 12 be written using the exact wording of the LLFA consultation response and sought assurance that the conditions would be strictly enforced. It was also requested that the Head of Planning and Infrastructure write to LCC asking them to give the highest priority to their planned flood alleviation scheme in the area.

The recommendation to permit the application in accordance with the officer's recommendation as amended in the update sheet and subject to the wording of conditions 11 and 12, and subject to the comments made by Councillor Sheahan in relation to requesting that LCC gave the area the highest priority in their planned flood alleviation scheme, was moved by Councillor J Legrys and seconded by Councillor J Hoult.

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

RESOLVED THAT:

The application be permitted in accordance with the recommendations of the Head of Planning and Infrastructure as amended in the update sheet and subject to the wording of conditions 11 and 12, and subject to the comments made by Councillor Sheahan in relation to requesting that LCC gave the area the highest priority in their planned flood alleviation scheme.

Motion to permit the application in accordance with the officer's recommendation as amended in the update sheet and subject to the wording of conditions 11 and 12, and subject to the comments made by Councillor Sheahan (Motion)	
Councillor Ray Morris	For
Councillor Russell Boam	For
Councillor John Bridges	For
Councillor David Everitt	For
Councillor Dan Harrison	For
Councillor Jim Hoult	For
Councillor John Legrys	For
Councillor Jenny Simmons	For
Councillor Sean Sheahan	For

Carried

The meeting commenced at 6.00 pm

The Chairman closed the meeting at 7.10 pm

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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

PLANNING COMMITTEE – TUESDAY, 3 AUGUST 2022



Title of Report	PLANNING ENFORCEMENT UPDATE Q4 2021/22	
Presented by	Dylan Jones Planning and Development Team Manager	
Background Papers	None	Public Report: Yes
Financial Implications	None	
Staffing and Corporate Implications	None	
	Signed off by the Director: Yes	
Legal Implications	None apparent from this report. Legal advice is provided on enforcement matters on a case-by-case basis.	
	Signed off by the Legal Advisor: Yes	
Purpose of Report	To provide an update to Members on the work of the planning enforcement team. To provide an overview of the compliance and monitoring cases within the planning enforcement service.	
Recommendations	PLANNING COMMITTEE NOTE THE INFORMATION CONTAINED WITHIN THE REPORT.	

1 BACKGROUND

- 1.1 This report is to update Planning Committee members on the performance of the Planning Enforcement Team during Quarter 1 of the 2022/23 financial year.

2 Harm Scoring of Cases

- 2.1 Harm scoring is a process that the team uses to prioritise its workload. Below is Table 1 showing the results of the harm scoring process with the different priority levels given to the cases listed along the left hand side of the table. Following an initial site visit, each case is given a harm score which determines the priority that should be given to the case, and this defines the timescale and process that the team will follow to

investigate and resolve the matter. Please note that cases received regarding works to listed buildings and trees that have Tree preservation Orders are treated as urgent priority.

- 2.2 To clarify, the first heading under the urgent case/not required category is where a harm scoring exercise is not carried out as it's not necessary. This will be due to either the case falling into the high priority category where we investigate immediately, or no breach is found on site and there isn't a case to investigate.
- 2.3 The first part of the table shows that which was achieved in the last financial year and it can be seen that a similar number of cases were harm scored in Q1 of this financial year in comparison for the same period in the previous financial year.

Table 1 – Harm Scoring

	2021/2022					2022/2023				
	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total
Urgent Case/Not Required	37	12	43	59	151	36				
High Priority cases (score over 5)	36	34	17	8	95	11				
Standard Priority case (score under 5)	28	10	27	12	77	14				
No update (awaiting harm score)	3	11	24	19	57	3				
Pending consideration (visit arranged but not completed or awaiting visit to be made)	13	18	31	14	76	32				
Annual Total	117	85	142	112	456	96				

3 PLANNING ENFORCEMENT CASE STATISTICS

Table 2 – Number of New Cases Opened

2021/2022				
Months/Year	No. of new cases opened	No. of cases older than 6 months	No. of cases older than 1 year	Total no. of live cases within each quarter
Q1	117	67	105	289
Q2	85	54	100	239
Q3	142	60	120	322
Q4	112	46	120	278
Total in year	456	227	445	N/A
2022/23				
Months/Year	No. of new cases opened	No. of cases older than 6 months	No. of cases older than 1 year	Total no. of live cases within each quarter
Q1	96	72	112	307
Q2				
Q3				
Q4				

- 3.1 Table 2 above shows the number of new cases opened by the team and the number of those that have been with the team for over six months and over a year which have been carried over from the previous financial year.
- 3.2 The figures show that the team opened less new cases in Q1 of this financial year yet the number of older cases has grown slightly compared to the same period in the previous year. This is the result of a number of older complex cases with the team which take time to resolve. This will be monitored moving forwards to ensure that cases are actively worked on and closed when appropriate to do so.
- 3.3 The types of breaches investigated during Quarter 1 of the current financial year summarised in Table 3 below.

Table 3 – Types of Breaches Investigated

2020/22					2021/23				
Type of breach	Q1	Q2	Q3	Q4		Q1	Q2	Q3	Q4
Breach of planning condition	17	6	23	17		17			
Unauthorised works in conservation area	10	2	4	5		1			
High hedges	2	2	0	0		0			
Unauthorised works on a listed building	4	2	6	4		3			
Not in accordance with approved plans	15	8	23	15		11			
Unauthorised works on a protected tree	2	3	3	4		2			
Unauthorised development – Domestic	37	27	30	24		23			
Unauthorised development – Non domestic	7	10	23	20		18			
Untidy land	0	0	0	2		2			
Unauthorised advertisement	1	0	3	2		5			
Material change of use	16	17	5	10		6			
Advice	3	6	18	9		7			
Breach of Section 106	0	1	4	0		0			
Development Monitoring	3	1	0	0		1			
Totals	117	85	142	112		96			

3.4 This table shows the different types of cases that the team deal with. The statistics show that the highest number of cases dealt with continue to be those relating to investigating unauthorised works at private dwellings where extensions may have been built to properties without obtaining the relevant planning permission or establishing if permission was required in the first place. Unauthorised works that relate to non residential premises and breaches of conditions are also the types of cases that the team deal with most often.

3.5 The figures also show that the team investigated less cases during Q1 of this year in comparison to Q1 in the previous financial year. However the difference is not

significant and reflects the often cyclical nature of when the team receives the complaints that it investigates.

- 3.6 It should be noted that since Planning Enforcement returned to the Development Management Team, High Hedges and untidy land complaints have remained with the Environmental Protection Team to deal with.
- 3.7 **Prosecutions** - There have been no prosecutions during quarter 1, however the injunctions that are in place continue to be monitored. There are also extant Enforcement Notices in place where the period for compliance is coming to an end and the site will be monitored further and may result in legal action in the future.
- 3.8 It must be emphasised that as the service of an enforcement notice and prosecution for non-compliance with its requirements is a last resort where all other forms of negotiation to resolve the issue has failed. A low number of prosecutions annually is what would be expected in the team and is not indicative of the team not performing as it should do.
- 3.9 **Appeals** - During the period 1st April 2022 to 30th June 2022, there has been no new enforcement appeals lodged with the Planning Inspectorate.

4 Key Cases

- 4.1 Table 4 shows the cases that are complex cases that require more focus and time by the case officer. They may be at appeal stage, notice stage or of public interest.

Table 4 – Key Cases

SITE	DESCRIPTION
Whitegate Stables, Coleorton Lane, Packington	The site has an injunction order in place and an Enforcement Notice. The site has been given temporary approval for water and electricity supplies. Appeal has been lodged against the planning application refusal and the Enforcement Notice. No dates have been given as yet for the Appeal.
Aylesbury Gardens, Newton Road, Sweptstone	Planning application due to be determined, but there is a Judicial Review relating to the users of the site.
Whitney Park, Shorth Heath Road, Moira	This is a gypsy/traveller site and feedback from the Lead Local Flood Authority on the acceptability of the site for the use is awaited before considering the next steps. Also awaited are details of who live on the site. The submitted planning application has been amended to propose that the site can be used for non-travellers and this is still being considered.
Brooks Lane, Whitwick	No travellers on site. Injunction being adhered to, and the site is continuing to be monitored.
Netherfield Lane, Hemington	Injunction being adhered to and continuing to monitor the site past the final compliance date.

5 Member Queries Relating to Enforcement Matters

5.1 Table 5 shows the number of member enquiries received in each quarter.

Table 5 – Member Queries

2021/22						2022/2023				
	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total
Member Enquiries	23	11	18	7	59	7				
Responded to within 10 day timescale	23	11	18	7	59	7				

5.2 When the enquiries are submitted through the Feedback process officers have 10 days to respond back to the query made by the Member and the statistics show that during Q1 of this financial year, only 7 member enquiries were received as opposed to the 23 in the same period in the previous year and all were responded to within the 10 day period. It must however be emphasised that the 10 day timescale relates to responding back to the initial query and is not intended to show that all cases which progress through to detailed investigations were resolved in this period.

6 Investigation of cases in line with the requirements of the Planning Enforcement Policy

6.1 Table 6 shows how the team performed in investigating their cases as per the timeframes as set in the planning enforcement policy.

Table 6 – Performance in line with the requirements of the Planning Enforcement Policy

2021/22					
	Q1	Q2	Q3	Q4	Total
Acknowledged in writing within 3 working days	111	77	102	91	381
Initial site visit carried out within 21 working days of receipt of the initial complaint	105	55	56	79	295

2022/23					
	Q1	Q2	Q3	Q4	Total
Acknowledged in writing within 3 working days	96				
Initial site visit carried out within 21 working days of receipt of the initial complaint	64				

6.2 The table shows that the team are consistent between Q1 of both financial years in acknowledging cases in 3 working days as is required by the enforcement policy. The number of cases investigated in Q1 of this current year is lower than in the previous year but remains consistent with that done throughout the remainder of the last financial year. It must be remembered that the high amount of investigations carried out in Q1 of the last financial year was as a consequence of the country emerging from the last Coronavirus lockdown and as such the lower figure achieved in Q1 of this financial year is not an indicator of the team underperforming and is consistent with what the team was doing in the remaining quarters of the last financial year.

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APPENDIX B

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

2 August 2022

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.

Erection of three dwellings (Outline - access and layout only)

Report Item No
A1

Land To The Rear Of 68 And 70 Fairfield Road Hugglescote
LE67 2HG

Application Reference
22/00126/OUT

Grid Reference (E) 442410
Grid Reference (N) 313054

Date Registered:
24 January 2022

Consultation Expiry:

16 June 2022

8 Week Date:

21 March 2022

Extension of Time:

5 August 2022

Applicant:
Mr K Middleton

Case Officer:
Robin Forrester

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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

- 1 Outline permission / submission of reserved matters
- 2 Plans
- 3 Access / visibility splays
- 4 Parking / turning
- 5 Access surfacing
- 6 Contaminated land
- 7 Surface water drainage

MAIN REPORT

1. Proposals and Background

The site is a triangular shaped parcel of land set to the rear of the gardens to dwellings on Fairfield Road, Crescent Road and Garfield Road in Hugglescote. It is a slightly sloping site believed to be former gardens, and is accessed via a narrow drive between 68 and 70 Fairfield Road. It is within a predominantly residential area with the 3 roads being a mix of traditional terraced housing and more modern semis and detached houses. All the surrounding property is 2-storey in nature. The access track to the site is narrow and is the drive to No 68, No 70 having its own garage and frontage parking.

The proposal is to erect 3 dwellings on the rear land, served from No 68's drive and alternative parking for No 68 would be provided within that dwelling's front garden. The application is in outline form, with access and layout shown, and was originally submitted as 4 dwellings, but was reduced in response to concerns regarding the density of the development. The amended layout shows one 3-bedroomed detached house at the end of the drive with 2 parking spaces to the front, and two further 3/4-bedroomed dwellings served from the side of the drive with separate detached garages and 2 further parking spaces. A bin collection area is provided part-way along the drive for bins on collection days.

The application is accompanied by a Transport Assessment and a Design and Access Statement.

The application is referred to Committee at the request of Cllr Eynon.

Planning History

There is no relevant planning history.

2. Publicity

48 Neighbours have been notified.
Site Notice displayed 26 January 2022.

3. Summary of Consultations and Representations Received

Hugglescote and Donington le Heath Parish Council

Comments in relation to original plans:-

- Fairfield Road is restricted with on-street parking
- New access will result in the loss of a parking space
- Access is a tight hidden access and emergency vehicles will have difficulty in accessing it due to parked cars
- Visibility restricted due to parked cars
- Access problems are contrary to Policy H3(e) of the Neighbourhood Plan
- Policy H3(b) of the Neighbourhood Plan says windfall sites are supported when they help to meet the local need and mix of dwellings
- With in excess of 3,500 dwellings being built in the Parish, 4 dwellings squeezed on this small plot are not assisting housing need and should not be supported
- Traffic survey should be undertaken in term time and at start and end of the day

- If permission is granted, elec vehicle charging-points should be provided as required by Policy H3(g)

Comments in relation to revised plans:

- The Parish Council Planning Group still object
- Application is still stated as 4 but the plans show 3 units
- Topo survey and overlay still shows 4 units - need new topo plan
- Information needed to show how the levels will impact on the two existing properties 68/70 Fairfield Road
- It is noted that plot three is very close to the boundary wall with adjacent properties driveway width is accessible for emergency vehicles but comment that the length of drive to the furthest dwelling would appear to be too long for any fire appliances to reach
- Building Regulations have maximum distances from a fire hydrant - have Building Control been consulted on this development proposal?
- Will it be the intention for homeowners to present bins on Fairfield Road or is it intended to have bin stores?

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

Leicestershire County Council Ecology advises that, as the site has been cleared, bat surveys are not required.

Leicestershire County Council Archaeology has no objections

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

Third Party Representations

9 letters of representation have been received from surrounding neighbours in relation to the initial scheme, which make the following points:-

- Traffic/speed survey does not reflect a true record of how congested this road is. Traffic survey was undertaken during Covid restrictions when traffic flow was low, and at around 11.30am so could not take into account the amount of small children that would be walking past this blind access twice a day.
- Chaos, disruption and pollution caused by construction traffic
- Inadequate visibility at the access
- Vehicles leaving the proposed site would have to navigate an incline giving more loss of privacy into the rear of adjacent property, also the noise pollution with associated vehicles at these dwellings
- Hugglescote & Donington le Heath Neighbourhood Plan states that there is a need for one to two-bedroom homes as the Parish is underrepresented in this area, and this development, therefore, does nothing to meet this need as identified in the NP and should either be re-submitted so as to comply with the NP, or refused
- The need for three-bedroom homes is amply provided for elsewhere in the district
- No benefits to anyone other than the landowners and increased risk and strain to the community
- Neighbours threatened by a narrow, potentially dangerous road pointing directly at their front door
- Loss of wildlife habitat
- The houses in his plans all directly overlook the garden of 72 Fairfield Road and will

- reduce privacy
- Loss of property value
- Neighbour's fence has already been damaged and the replacement is set in from the boundary leaving an inaccessible gap
- Removal of the trees followed by the building of a house will affect natural light to neighbouring garden
- Waste bins will block the pavements on waste collection days with an additional 4 waste bins outside neighbour's property
- Land not suitable for building as it is a sink hole
- Sewage issues due to land height
- Removal of trees and formation of access from Garfield Road undertaken before a planning decision is made
- Danger to traffic, residents, emergency service vehicles and children
- Loss of on-street car parking leading to increased highway danger
- Application form states that there are no trees or hedges, therefore no need for a full tree survey
- Neighbours adjacent to the land will also lose privacy if this application is allowed to go ahead

One letter in relation to the amended scheme states:-

- Amended plans still don't take into account emergency services, children going to school and walking past a blind exit, or parking for existing residence as this will add to existing parking problems along Fairfield Road

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 (2021)

Paragraph 11 (Achieving sustainable development)

Paragraph 111 (Promoting sustainable transport)

Paragraphs 126 and 130 (Achieving designed places)

Paragraph 180 (Conserving and enhancing the natural environment)

Adopted North West Leicestershire Local Plan (2021)

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

S2 - Settlement Hierarchy

D1 - Design of new development

D2 - Amenity

IF4 - Transport Infrastructure and new development

IF7 - Parking provision and new development

Hugglescote and Donington le Heath Neighbourhood Plan (2021)

G1 - Limits to Development

G3 - Design
 H1 - Housing Mix
 H3 - Windfall Sites
 H4 - Brownfield Sites
 ENV6 - Biodiversity and Habitat Connectivity
 T2 - Residential and Public Car Parking

Other

Good Design for North West Leicestershire Supplementary Planning Document (SPD)

5. Assessment

The site falls inside the built-up limits of the settlement and is within a residential area, so the principle is well established and raises no particular policy concerns. The site is considered to be a logical infill plot, and so the key issues are other policy matters, highway safety, visual appearance, impact on neighbours' amenity and biodiversity. These issues are discussed below:

Other Policy Matters

The site contained several buildings and is therefore a brownfield one, and its development is supported by Policy H4 of the Neighbourhood Plan. The site is considered to represent a suitable windfall site and its development is advocated by both the NPPF and Policy S2 of the Adopted Local Plan.

There is a suggestion by the Parish Council and the neighbour representations, that because the dwellings are not 1 or 2 bedroomed units, and there is significant housing development in the Parish, then the development does not meet a local need and preferred housing sizes, and therefore is not supported by Neighbourhood Plan Policy H3. However this is not considered to be the case.

Policy H3 states that windfall sites will be supported where they meet a local housing need, but it does not indicate that other 'need' should be refused. Being part of the Coalville Urban Area, available housing sites within Hugglescote would meet a wider general housing need and not just those originating from the Parish, and a Policy seeking to resist such development would not accord with the Adopted Local Plan or the NPPF, which directs new housing to sustainable locations in urban areas.

Similarly, whilst the greatest housing requirement in Hugglescote Parish is for smaller dwellings, this does not preclude other developments, and the proposal is considered to be an efficient use of land - as required by the NPPF - and provides useful 'family' housing in close proximity to schools and other facilities, and is therefore considered to be an appropriate scale of development.

Highway Safety

The site is accessed via the drive to No 68 Fairfield Road, suitably improved, and whilst it is narrow, the County Highway Authority has indicated that, despite a modest shortfall in visibility, the proposal would be acceptable in highway safety terms. Whilst the widened access and new parking for No 68 may displace an on-street parking space, a visitor space is proposed to be provided within the scheme and adequate parking is provided for the new dwellings, in addition to fire tender parking, and a bin collection point is shown near to the entrance for wheelie-bin storage on collection days. Frontage parking is shown for No.68 and 70 Fairfield Road.

Representations have made reference to a potential conflict with pedestrians, particularly in relation to the nearby school, however this will have been taken into account by the County Highway Authority, and as noted by the NPPF, permission should not be refused unless any impacts would be severe.

Visual Appearance

The site is set back from the highway and public vantage points and so little of the development would be visible, and the proposal is for 2-storey family houses that would not, in principle, appear out of place in the locality. The position of the dwellings on the site would not give rise to any concerns in relation to the ultimate appearance of the development, as the proposal is in 'outline' form at present.

Impact on Neighbours' Amenity

The position indicated for the dwellings, and the distances to other property, is such that no appreciable loss of privacy or other amenity would be considered to result from the proposal. The surrounding dwellings have long gardens, and the orientation of the proposed dwellings is such that any impact would be minimal and would not warrant the refusal of planning permission.

Biodiversity

It is understood that the site previously had some tree cover, which was removed prior to the submission of the application. However this situation is accommodated for by the new Environment Act, and the 'baseline' level for calculating biodiversity net gain would be based on the previous situation. There are areas within the indicated layout where new planting could be achieved and it is expected that any landscaping scheme would be expected to show biodiversity net gain.

Other Matters

It is noted that neighbour objections have suggested that the site includes a sink hole; whilst the agents advise that no detailed ground investigation surveys have been undertaken at this time, they confirm that they are unaware of any subsidence issues in the locality. Whilst any development would be subject to the usual requirements in respect of seeking approval under the Building Regulations at the appropriate time, the principle set out in Paragraph 184 of the NPPF (i.e. that responsibility for securing a safe development in respect of sites affected by contamination or land stability issues rests with the developer / landowner) would apply. To this end, it is noted that the site does not lie within a Coal Authority referral area, and that conditions are recommended to be imposed in respect of assessment (and, where required, remediation) of any contamination affecting the site in accordance with the advice of the District Council's Environmental Protection team.

Conclusions

The site is considered to be a logical one to develop, being a windfall site that is surrounded by residential development. The modest development proposed would provide for useful family housing served from a private drive with adequate parking and, whilst it is narrow and not ideal, the County Highway Authority does not object to the access arrangements.

The development would not have an appreciable impact on residential amenity and visually, would not appear out of place.

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Proposed front and rear extensions, raising of existing eaves and ridge height. Single storey rear extension, new garage with studio over, new dormer windows to front and rear of property
2 The Toft Mill Lane Belton Loughborough Leicestershire
LE12 9UL

Report Item No
A2

Application Reference
22/00311/FUL

Grid Reference (E) 444760
Grid Reference (N) 320929

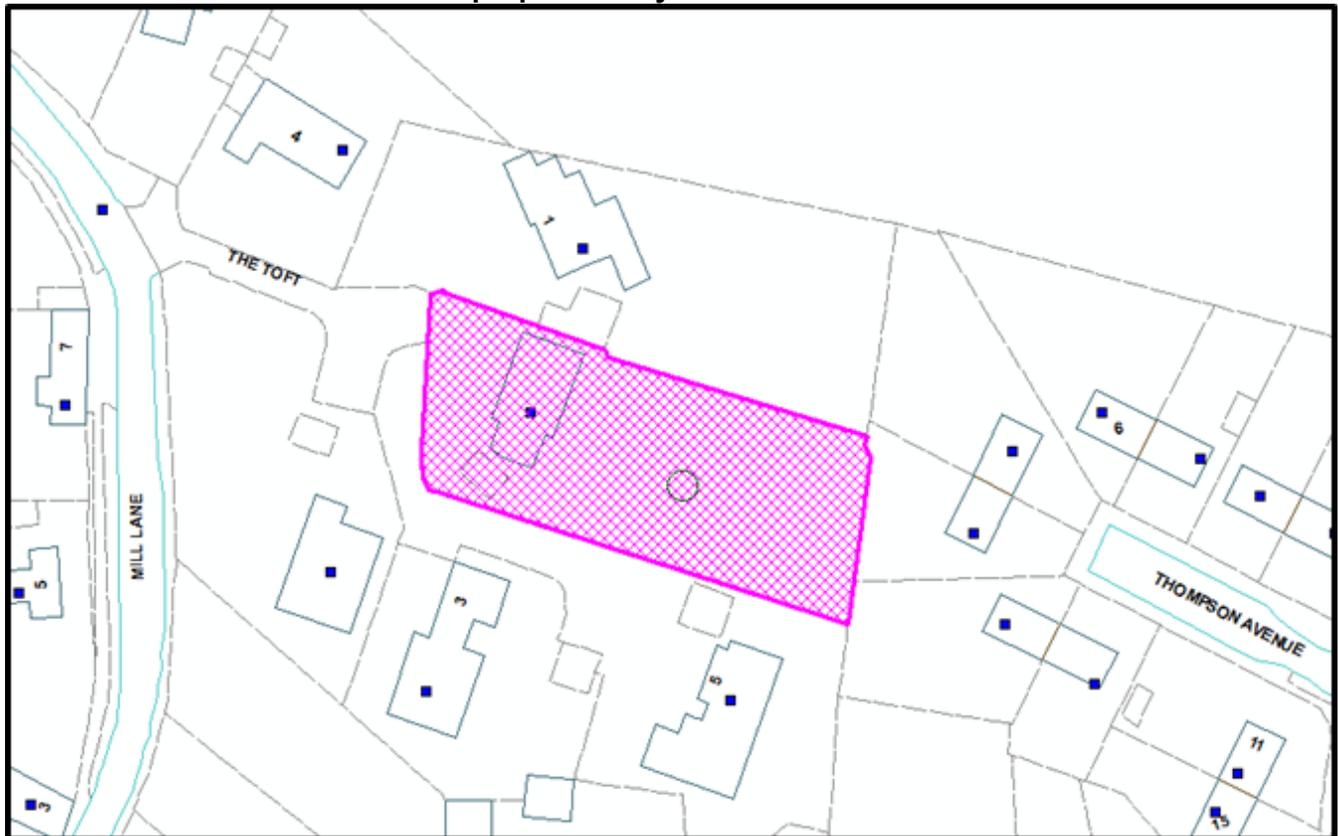
Date Registered:
22 February 2022
Consultation Expiry:
6 July 2022
8 Week Date:
19 April 2022
Extension of Time:
4 August 2022

Applicant:
Mr And Mrs A And E Thomas

Case Officer:
Robin Forrester

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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

- 1 Time
- 2 Plans
- 3 Materials
- 4 Parking / turning
- 5 Studio ancillary use
- 6 No balcony use

MAIN REPORT

1. Proposals and Background

The Toft, off Mill Lane, Belton, is a private drive serving a small cul-de-sac of modern bungalows, each set within substantial grounds. It is situated on the north side of Belton, and The Toft rises slightly from Mill Lane, the drive having been purchased recently from the Crown and upgraded.

The application site - No. 2 The Toft - is visible from Mill Lane. The dwelling currently has bedrooms located within the roof, which are served by a range of rooflights, although there is limited headroom and the applicant wishes to increase the headroom on the upper floor. There is a detached garage to the side.

The proposal is to amend the roof structure to allow full height accommodation within the roof, and the dwelling is to be re-profiled and extended. The dwelling would be rendered - with brick elements to the new extensions - and there would be extensive use of glazing with a feature entrance/staircase. There would be a modest extension to the front of the dwelling and dormers within the roof, and to the rear a further dormer and a covered balcony area, with a flat roof ground floor extension with roof-lantern.

A new garage is to be attached to the side elevation that contains further accommodation / study and is to be attached to the dwelling with a glazed link.

There were initial concerns regarding overlooking from the walk-out balcony, however this has been omitted from the amended plans which now show privacy screens to the sides of the roof structure that covers the glazed doors, and the doors would be fitted with 'Juliet' type balconies to allow light in, but preventing egress on the flat roof extension below.

The application is referred to Committee at the request of Cllr Rushton.

Planning History

There is no relevant planning history.

2. Publicity

9 neighbours notified.

3. Summary of Consultations and Representations Received

Belton Parish Council

Object, Councillors have raised concerns that the application is not subservient to the existing dwelling and that concerns have also been expressed about access during the construction. It has been noted that the design is not in keeping with the character of other dwellings on the site. The plans show an extensive balcony at the rear of the property and there are concerns regarding privacy for the neighbouring properties.

7 letters of objection have been received from local residents and the Beltoft Residents Association Co Ltd in relation to the original submission, which make the following points:-

- The access road is in joint ownership (residents association) and was in a poor state when purchased from the Crown. It is maintained by residents
- Applicant only has a right of way across the first part of the drive, and no request has been made to use the turning head - the applicant has indicated that construction vehicles can reverse up the drive
- Concerned at safety issues associated with delivery and construction parking - 18 vehicles currently use the Toft along with pedestrians and this constitutes a genuine danger
- Conditions on the new bungalows in The Toft required turning such that vehicles did not have to reverse for highway safety reasons
- Site is not flat and a retaining wall for the garage would be needed - it is too close to the association's fence
- Services run in the drive and any subsidence could impact on services and inconvenience for residents
- The Toft is a small cul-de-sac of similar modern bungalows, and the proposal would significantly change this with increased ridge height, steeper pitch, garage with greater accommodation, introduction of front and rear dormers, atrium-style glazing, rear glazing and balcony, and render and zinc cladding materials that differ
- The dwelling would be out of character and not of sympathetic style and scale to other bungalows, and is the first property in The Toft and visible from Mill Lane
- It would dominate the other bungalows
- Contrary to Local Plan policies
- Construction would be a danger and would damage the road surface
- Glazed upper floor doors and balcony would allow views in to neighbouring property home and garden and cause severe overlooking and loss of privacy
- 2-storey glazed link to the garage would allow views of other property and further loss of privacy
- The changed position of the garage is near a bend in the road, and would obstruct the view of vehicles leaving a neighbouring drive
- Development would dominate the Toft and impact on the street-scene
- Planning permission in 2005 on Nos. 5 and 6 The Toft were not allowed roof accommodation due to impact on the neighbours
- Materials out of keeping

One comment has been received in relation to the amended plans, which states:-

- No material difference from the initial application that address original concerns. Remain of the same opinion that there would be loss of privacy and the extension would have an overbearing impact on the street

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 (2021)

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

Adopted North West Leicestershire Local Plan (2021)

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

- S2 - Settlement Hierarchy
- D1 - Design of new development
- D2 - Amenity
- IF4 - Transport Infrastructure and new development
- IF7 - Parking provision and new development

Other

Good Design for North West Leicestershire Supplementary Planning Document (SPD)

5. Assessment

Principle of Development

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

The key issues will be the design, the impact on the neighbours and highway safety.

Scale and Design

The Good Design for North West Leicestershire SPD states that extensions should be subservient additions to the main dwellinghouse that are narrower in width, shorter in depth and lower in height. It also states that the proposed materials should be similar to the existing materials.

The above is however only guidance and whilst a subservient extension can be useful - where it is essential that the host dwelling remain apparent, such as in relation to a listed building - it is not the only design solution as extension can be appropriate if they carefully match the original such that it appears as if the dwelling was always constructed in that manner, or an extension can be a complete contrast. The NPPF indicates that the Local Planning Authority should not seek to impose their views on design, nor stifle innovation. The main factor is that any extension should be visually appropriate for its surroundings and be an acceptable design.

No. 2 The Toft is a modern bungalow similar to the neighbours and is of a modern design with a shallow-pitched roof, that has no particular architectural merit, and is not of a strong character that would be desirable to retain, and therefore the proposed design, whilst different from the host building, is not unattractive, and would create a character of its own. The fact that it is a different design and materials does not necessarily mean that it is harmful.

The alterations to the dwelling would maintain the ridged/pitched roof and gable design of the host dwelling, although the roof is a more appropriate pitch that allows for full height accommodation within the roof. Whilst it will be higher than its neighbours in the cul-de-sac, the area is one that is very mixed with modern bungalows, 2-storey houses and a dormer bungalow.

When viewed from public vantage points, the proposal would not look so out of place that it would be harmful, and the area is not a sensitive site, within a Conservation area or area of other strong character, and the scale and design is considered to be visually acceptable.

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

Impact upon Residential Amenity

During the course of the application, due consideration has been given to the impacts of the proposal on neighbouring properties amenities and the introduction of a walk-out balcony above the ground-floor flat-roof addition would, officers considered, have resulted in an unacceptable loss of privacy for the adjacent dwelling.

The amended plans are considered to resolve this with the use of Juliet balconies around the glazed doors, to allow light to access the bedrooms and ventilation, but without the ability for the occupants to walk out and directly overlook the neighbours. Privacy screens are proposed to be provided to prevent side viewing from the wide glazed doors.

Whilst there are other dormer windows and a glazed link to the garage, due to the distances to other dwellings, it is not considered that any appreciable loss of privacy or overlooking would occur that would warrant a refusal of planning permission. The proposed extensions are not considered to result in any detrimental impacts on the neighbouring property.

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

Highway Considerations

The County Highway Authority is not consulted on domestic extensions due to the scale of the proposal, and the application was assessed against the Leicestershire County Council Highways Standing Advice document.

The site is served by a private drive, however an appropriate level of parking/on-site turning is provided, and the proposal is therefore considered to be acceptable in relation to Policies IF4 and IF7 of the adopted Local Plan as well as the Leicestershire Highway Design Guide.

Whilst some of the points made by objectors relate to potential parking/access problems during the construction, as well as pedestrian safety on The Toft (a private drive), any issues are likely to be temporary, and would be unlikely to spill out on to the public highway nearby on Mill Lane.

Whilst a construction management plan condition would sometimes be imposed on a larger development scheme, given this is a householder development, such control would not be considered proportionate and it will be the applicants' and their contractors' responsibility to manage the project safely.

Other matters

Some of the other objections have referred to private/legal matters such as legal access along The Toft, potential damage to services and structural stability of the road. However such matters are not a material planning consideration as the road is a private one, and private/legal matters are for resolution between the applicant and other road owners; no public interest is involved and protection of private rights is not the concern of the Local Planning Authority.

Conclusions

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

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