



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

Meeting	PLANNING COMMITTEE
Time/Day/Date	6.00 pm on Wednesday, 30 November 2022
Location	Council Chamber, Council Offices, Coalville
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 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 1 November 2022.	3 - 10
4.	PLANNING APPLICATIONS AND OTHER MATTERS	
	Report of the Head of Planning and Infrastructure.	

Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
A1	<p>22/01140/VCIM: Erection of up to 400 dwellings with associated roads and service infrastructure, drainage ponds, landscaping and open spaces (outline- all matters other than part access reserved) approved under planning permission 16/01200/VCUM without complying with Condition numbers 4, 7, 9, 10, 15, 17, 27 and 28, so as to allow for a maximum of 150 dwellings to be accessed via Highfield Street, an amended access design to Highfield Street, amendments to proposed culverts, non-compliance with the Code for Sustainable Homes, and removal of the requirement to submit a Design Code</p> <p>Land North Of Standard Hill And West Of Highfield Street Hugglescote Coalville LE67 3BP</p>	PERMIT, subject to a Section 106 agreement:	11 - 24
A2	<p>22/01126/OUT: Erection of a building to include 1 no. unit of tourist accommodation and ancillary uses and the erection of 3 no. lodges to be used for tourist accommodation (outline, access only)</p> <p>Roseville Outwoods Lane Coleorton Coalville Leicestershire LE67 8PA</p>	PERMIT	25 - 60

MINUTES of a meeting of the PLANNING Committee held in the Council Chamber, Council Offices, Coalville on TUESDAY, 1 November 2022

Present: Councillor R L Morris (Chairman)

Councillors R Boam, D Bigby, J Bridges, D Everitt, D Harrison, J Hoult, J Legrys and J G Simmons

In Attendance: Councillors K Merrie MBE, R Canny and A C Saffell

Officers: Mr C Elston, Mr D Jones, Mrs C Hammond, Ms D Wood, Mr J Arnold, Ms J Wallis and Miss S Hoffman

26. APOLOGIES FOR ABSENCE

Apologies were received from Councillor M Wyatt.

27. DECLARATION OF INTERESTS

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

Councillor R Morris declared a registerable interest in Item A1 “22/00691/REMM: Erection of a road related storage, maintenance and management facility and associated site works (reserved matters to outline planning permission ref. 17/01081/OUTM) (revised scheme)” having received several emails with regard to this matter, which it was confirmed had been sent to all members of the committee.

Councillor D Harrison declared a registerable interest in Item A1 as the ward councillor and sought advice on how best to proceed. It was agreed that Councillor D Harrison leave the room during discussion of this item.

Councillor D Bigby declared a registerable interest in Item A1 as a member of Ashby Town Council’s Planning Committee but had come to the meeting with an open mind.

Councillor J Hoult declared a registerable interest in Item A1 and also Item A3 “22/01288/FUL: Erection of detached garage (retrospective)” as a member of Ashby Town Council Planning Committee.

Councillor J Legrys declared a registerable interest in Item A1 as he had been lobbied by the developer.

28. MINUTES

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

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

RESOLVED THAT:

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

29. PLANNING ENFORCEMENT UPDATE Q2 2022/23

The Planning and Development Team Manager presented the report, giving members an update on the performance of the team for the second period of the financial year. On average the report showed the number of new cases remained pretty similar at the same

point last year. It was confirmed that the majority of the investigations carried out by the team continued to be unauthorised works at dwelling houses. Non compliance with planning permission was also noted as one of the main issues which the team had been called upon to deal with.

Officers wished to draw members' attention to issues within the team, currently only having two permanent enforcement officers as opposed to three. It was noted issues may take longer to investigate due to staffing numbers, however it was noted that work is being carried out to recruit more staff although there is a shortage of enforcement staff across the county, so this could potentially be a lengthy process.

Member questions were invited, and a member asked why there were difficulties in recruiting and retaining staff. Officers advised that there were generally less people seeking to become enforcement officers and that the role of planner seemed to be more popular. It was noted that salaries did have an impact but that this was also a countrywide problem.

Another member wished to thank officers for a useful report and for the team's prompt response and regular updates when contacted with any planning issues.

It was asked if there had been a reason that an increase in breach of planning conditions had occurred and officers responded that was cyclical in nature. Officers noted that the authority had no control over what members of the public do and that there had been no discernible apparent reason for the increase in numbers.

Councillor D Bigby enquired whether it would be possible to know if these breaches had been by individuals undertaking a small extension or if had it been large developers taking advantage of the lack of enforcement staff and deliberately not complying. Officers responded that members of the public do not regularly break their conditions intentionally and tend to do so in error, whereby it would be a distinct possibility that some of the larger developers had been actively ignoring some of the conditions which had been imposed. It was confirmed that officers were aware of and pursuing such cases.

A member disagreed that this would be likely as larger developers are involved with insurance companies and bound by regulations which require them to comply with planning conditions.

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

RESOLVED THAT:

The information contained within the report be noted

30. PLANNING APPLICATIONS AND OTHER MATTERS

Consideration was given to the report of the Head of Planning and Infrastructure.

- 31. A1**
22/00691/REMM: ERECTION OF A ROAD RELATED STORAGE, MAINTENANCE AND MANAGEMENT FACILITY AND ASSOCIATED SITE WORKS (RESERVED MATTERS TO OUTLINE PLANNING PERMISSION REF. 17/01081/OUTM) (REVISED SCHEME)
 Flagstaff Island Lountside Ashby De La Zouch Leicestershire LE65 1JP
Officer's Recommendation: Permit

Councillor D Harrison removed himself from the meeting prior to discussion of this item.

Officers outlined the application, including the amendments which had been made to the scheme. It was confirmed that the plans were recommended for approval subject to conditions.

It was noted that during the committee briefing, questions had been raised which officers wished to clarify. Firstly, was a question which pertained to the gap on the western elevation; it was confirmed that this would measure 12.13 metres. A further question related to the ownership of the road. It had been confirmed by the Land Registry that it belonged to Euro Garages Ltd, who own the site.

Mr Page, objector, stated that he was a representative of Whitbread Plc, owner of the Premier Inn Hotel. He raised concerns that should the application be permitted, a gas main would be redirected towards the Premier Inn Hotel, and would be located within a few metres of the nearest bedroom. He also raised concerns with regard to access for construction and maintenance. The potential for the derogatory effect on customers of noise and the reduction of lighting was raised, and asserted that although this was considered at the outline stage, no technical assessments were submitted at that time.

The 24 hour access of HGVs to the site was also outlined as a concern to Whitbread Plc, given the proximity of the flow of traffic to the hotel bedrooms and seating areas. A concern was raised surrounding the potential for harm to the River Mease and Mr Page asked the decision be deferred until such a time that the applicant would be able to submit the technical information which Whitbread felt was lacking.

Mr Gray, agent for the applicant, was invited to make his representation, and noted that outline planning permission approved the principle of the site. The reserve matters being access, appearance, layout and landscaping. It was noted that the height of the buildings had been reduced from what they had been in the original application, the siting of the building would be reorientated and the service yard would be reduced, in addition to significantly improved landscaping proposals.

Mr Gray highlighted the significant planting which would be carried out and emphasised that this would exceed the footprint of the proposed building.

Officers clarified that National Grid had been consulted in relation to the diversion of the gas main and had chased them for a response, however National Grid had not provided a response to date and therefore the planning application had to be considered on its merits whilst this information remained outstanding. Officers confirmed what the reserve matters would be and stated that other issues which Mr Gray had raised were not viable for consideration at this stage.

Councillor Harrison, Ward Member, commented that he had used the appeal document in order to structure his representation, particularly in relation to design associated with development in the countryside. It was asserted that given the limited gap between the land and the road it would not be possible to introduce meaningful landscapes to mitigate the impact of the proposed west elevation and therefore that the scheme would be out of keeping.

It was also stated that the development would be visually harmful conflicting with the surrounding area which conflicted with planning policies.

Councillor D Harrison informed the meeting that the site lies in the catchment area of the River Mease which is a site of special scientific interest therefore an assessment of whether the proposal would have significant effect on this area would be required.

The aspect of the vehicles and the landscaping were also raised as concerns, with an estimated 22 lorries per hour accessing the site. The potential of air pollution for those

using the hotel and restaurant was raised, with concerns that lorries having their engines running could cause a serious problem. Councillor D Harrison issued a concern that there was an inadequate environmental impact report and a lack of evidence.

Following presentation of his representation, Councillor D Harrison left the Chamber while the item was discussed.

Officers responded that the appeal decision was quite specific and in terms of landscaping and design, officers were satisfied that amendments to the application had been significant enough to overcome the initial objections of the planning inspector. In terms of pollution and traffic, officers noted that the site had previously been granted outline permission as a roadside service area which would have been considered at an earlier stage and was therefore not appropriate for reserve matters.

Officers informed the meeting that in respect of the River Mease, the planning inspector was looking only at the specific reserve matters issues however the River Mease issues were resolved as part of the outline. In terms of an environmental impact assessment for this scheme, officers confirmed that one had not been required under the regulations.

The Chair reminded the meeting that the committee had refused the original application in November 2021 and it had been taken to appeal and that the applicant had attempted to address the points raised from the original decision.

A member asked whether the issues which the inspector had raised had been addressed by the applicant within the appeal and it was confirmed that they had. Officers advised that should this item go back for a further appeal, it would be highly unlikely to be turned down as it is a very different scheme to which had already been submitted and featured extensive amendments.

A member noted that the applicants had addressed issues previously raised but raised concerns that by changing the design of the building they had introduced a new problem which had not been addressed, this being the significant reduction in the size of the service yard which may lead to a potential lack of parking. Officers responded, quoting the County Highways Authority's response in relation to this scheme and noted that at no time had they objected to this scheme and that it would be acceptable in highway safety terms.

Members questioned the amendments of the design, regarding the reduction in height and asked if there were any sight lines for these drawings. Officers responded that there were not, however they had the plans from the other phase which allowed measurement and comparison.

A member asked whether the topographical survey was relevant to this application and officers advised that this had been checked and confirmed that it was.

A member noted that the M42 was in similar proximity to the Premier Inn and restaurants to that which the site would be, should permission be granted. It was suggested that there is already a heavy flow of traffic in the vicinity.

A member raised concerns over the cladding, as it was out of context of the service area, that the yard was not big enough to accommodate vehicles randomly which in turn would lead to parking on the private road and that the size and mass of the building was over bearing.

A motion to permit the application in accordance with the officer's recommendation was moved by Councillor R Morris, seconded by Councillor R Boam.

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

The motion was LOST

A discussion was had and advice was given to the committee members on the voting procedure, as a decision on the application had to be made at the meeting.

A motion to defer the decision to allow the applicant to provide additional information including clear levels and sight lines and how it would affect the areas and, a proper analysis of a swept path for the service yard and the tracking programme that was used was moved by Councillor J Bridges 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 deferred to allow the applicant to provide additional information including clear levels and sight lines and how it would affect the areas and, a proper analysis of a swept path for the service yard and the tracking programme that was used

Motion to permit the application in accordance with the officer recommendations (Motion)	
Councillor Ray Morris	For
Councillor Russell Boam	For
Councillor Dave Bigby	Against
Councillor John Bridges	Against
Councillor David Everitt	Against
Councillor Dan Harrison	Conflict Of Interests
Councillor Jim Hault	Abstain
Councillor John Legrys	Against
Councillor Jenny Simmons	For
Rejected	
Motion to defer the application to allow officers to seek further information from the applicant (Motion)	
Councillor Ray Morris	For
Councillor Russell Boam	For
Councillor Dave Bigby	For
Councillor John Bridges	For
Councillor David Everitt	For
Councillor Dan Harrison	Conflict Of Interests
Councillor Jim Hault	For
Councillor John Legrys	Against
Councillor Jenny Simmons	For
Carried	

**32. A2
21/01615/FUL: CHANGE OF USE TO A SHOP (USE CLASS E) AND ASSOCIATED WORKS**

Former Castle Donington Library Delven Lane Castle Donington Derby DE74 2LJ

Officer's Recommendation: Permit

Councillor D Harrison was welcomed back to the meeting.

Officers presented the report, relating to retrospective planning permission for a change of use.

Parish Councillor Rogers was invited to make a representation on behalf of Castle Donington Parish Council and confirmed that they did not support the application and were disappointed to see changes to the building, landscape and the removal of trees. It was asserted that local residents are disappointed that the shop would seemingly be a permanent fixture. The meeting was informed that the site is next to a nursing home and a veterinary practice and there had been occasions where customers, deliveries and staff had parked inconsiderately and caused traffic problems. It was suggested that a parking management plan would be beneficial and issues around litter and rubbish not being cleared away was also raised. The Parish Council stated that they would prefer a refusal to this application, however it was suggested that if permission were to be granted, then it would be beneficial to put a parking management plan and also a plan for the storage of waste and litter in place.

Councillor A C Saffell was invited to make his representation as ward member and cited the need for a convenience store nearer to the new housing, as opposed to allowing an additional store to be sited at this location. It was asserted that the available floor space was smaller than that of the proposed store. The roller shutter door was also raised as an issue, as this type of door is not allowed in the conservation area in which it is situated and several similar properties had had applications for this type of door declined. He asserted that should the committee permit the application then there would be areas which need addressing as a proviso to this permission.

The Chair referred members to the conditions outlined within the report and invited officer responses.

Officers informed the meeting that they were unable to take enforcement action against a premises which had a live planning application underway. Officers advised the meeting that the issue around retail floor space was based on an old document and a new retail survey had been commissioned which did suggest there was now a need in the area. In terms of staff and customer parking it was acknowledged that this was possibly due to inconsiderate parking as opposed to insufficient parking for the development. As such this would be a matter for the store owner or affected private land owners to address.

It was confirmed that a delivery management plan would be agreed with the applicant, in terms of times of and how often deliveries happen. With regards to litter management, officers agreed to suggest this as an additional planning condition.

With regards to the HSBC bank, the applicant offered the front part of the bank, however this building is no longer available for part of the sequential test.

Officers responded to concerns with regards to the roller shutter door by advising that the policy on shop fronts does allow 'see through' roller doors in conservation areas provided that they are see through, which the doors in question were and therefore they would be permissible. It was noted that the colour did not meet the criteria and therefore the authority would ask that these doors be changed to green in order to match the shop front, as part of the planning conditions. It was also noted that additional tree planting was part of the conditions.

It was noted that the advertisements on the building front were cluttered but members were advised that this would be dealt with by a case officer as a separate issue and that this was not for consideration by the committee.

Member questions were invited. A member noted his disappointment that the authority had not been contacted by the applicant prior to carrying out the alterations.

Officers informed the meeting that the building in question was not a historical building and was on the edge of the residential area. A member suggested that the appearance of the building would be improved with sensitive landscaping and acknowledged the difficulty in reaching a decision in regards to this item.

A motion to permit the application in accordance with the officer's recommendation with, an additional condition relating to a litter management plan and the detail of the conditions be agreed in consultation with the ward member was moved by Councillor D Harrison 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 recommendation of the Head of Planning and Infrastructure, with an additional condition relating to a litter management plan and the detail of the conditions be agreed in consultation with the ward member.

Motion to permit the application in accordance with the officer's recommendation (Motion)	
Councillor Ray Morris	For
Councillor Russell Boam	For
Councillor Dave Bigby	For
Councillor John Bridges	For
Councillor David Everitt	For
Councillor Dan Harrison	For
Councillor Jim Houlton	For
Councillor John Legrys	For
Councillor Jenny Simmons	For
Carried	

33.

A3

22/01288/FUL: ERECTION OF DETACHED GARAGE (RETROSPECTIVE)

15 Money Hill Ashby De La Zouch Leicestershire LE65 1JA

Officer's Recommendation: Permit

It was noted that this item had been brought to committee due to the family relationship between the agent for the scheme and a serving officer of the council.

Councillor D Harrison left the room preceding discussion of this item.

Officers presented the application for a detached garage which had been partially constructed but required planning permission due to its height. The main issues with the development would be the impact on neighbours and on the character of the area. Officers considered that the impact would be limited given the revised plans and the application had been recommended for approval.

A member noted that the development was imposing and asked for clarification whether it would be reduced by 2 metres in length or merely moved back 2 metres and retain its current footprint. Officers responded that it would be reduced by 2 metres.

A motion to permit the application in accordance with the officer's recommendation was moved by Councillor J Houlton and seconded by Councillor J Simmons

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

RESOLVED THAT:

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

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

The meeting commenced at 6.00 pm

The Chairman closed the meeting at 7.47 pm

Erection of up to 400 dwellings with associated roads and service infrastructure, drainage ponds, landscaping and open spaces (outline- all matters other than part access reserved) approved under planning permission 16/01200/VCUM without complying with Condition numbers 4, 7, 9, 10, 15, 17, 27 and 28, so as to allow for a maximum of 150 dwellings to be accessed via Highfield Street, an amended access design to Highfield Street, amendments to proposed culverts, non-compliance with the Code for Sustainable Homes, and removal of the requirement to submit a Design Code Land North Of Standard Hill And West Of Highfield Street Hugglescote Coalville Leicestershire LE67 3BP

**Report Item No
A1**

**Application Reference
22/01140/VCIM**

**Grid Reference (E) 441903
Grid Reference (N) 313425**

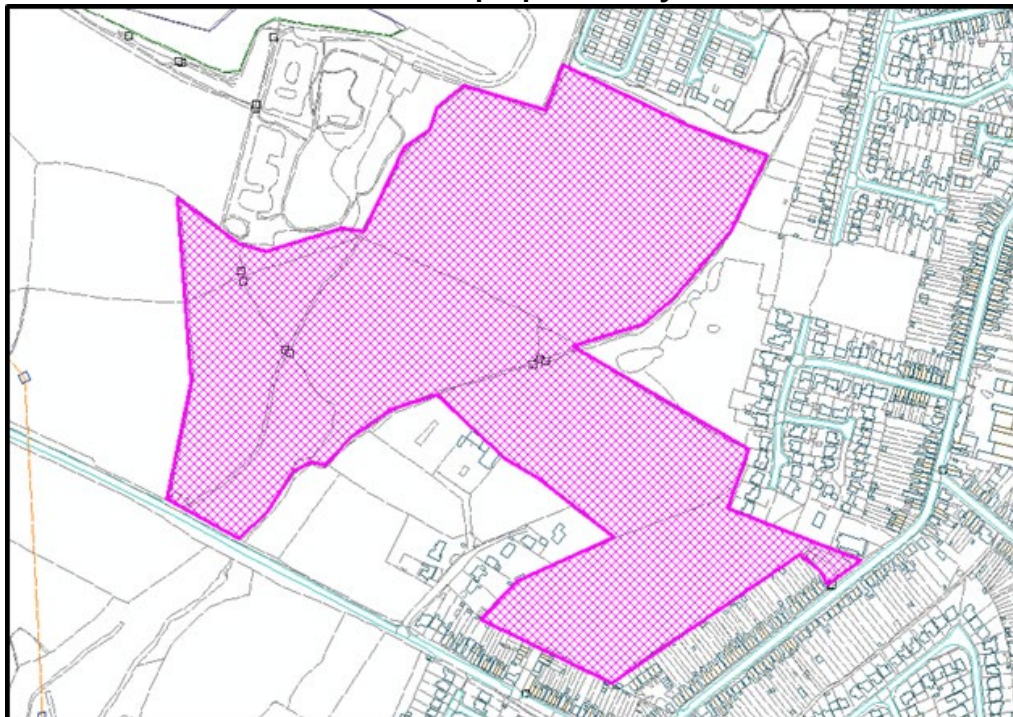
**Date Registered:
12 July 2022
Consultation Expiry:
17 August 2022
8 Week Date:
30 November 2022
Extension of Time:
30 November 2022**

**Applicant:
Mr Mitesh Rathod**

**Case Officer:
Adam Mellor**

**Recommendation:
PERMIT subject to S106 Agreement**

Site Location - Plan for indicative purposes only



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

RECOMMENDATION - PERMIT, subject to the following condition(s) and Section 106 agreement:

1. Approval of reserved matters.
2. Submission of reserved matters.
3. Time limit for submission of reserved matters.
4. Approved plans.
5. Phasing of development.
6. Pumping station not approved (except vehicular access).
7. Compliance with flood risk assessment.
8. Foul and surface water drainage proposals.
9. Detailed design of mammal passage culvert and mammal guidance fencing.
10. Construction surface water management.
11. Land contamination assessment.
12. Verification investigation.
13. Highfield Street vehicular access delivered before development commences on site.
14. Standard Hill vehicular access delivered before development commences on site.
15. Total number of dwellings served by Highfield Street access.
16. Construction vehicle management plan.
17. Residential travel plan.
18. Archaeological mitigation.
19. Archaeological archive deposition.
20. Ecological and landscape management plan.
21. Breeding birds mitigation.
22. Compliance with breeding bird mitigation.
23. Additional badger and otter surveys.
24. Protection and re-use of existing soils.
25. No more than 400 dwellings constructed.

This application is brought to Planning Committee at the request of Councillor Geary due to the proposals resulting in highway safety concerns.

MAIN REPORT

1. Proposals and Background

This is an application under Section 73 of the Town and Country Planning Act to "vary" conditions 4, 7, 15 and 17 and "remove" conditions 9, 10, 27 and 28 of planning permission 16/01200/VCUM for the erection of up to 400 dwellings with associated roads and service infrastructure, drainage ponds, landscaping and open spaces (outline - all matters other than part access reserved) approved under planning permission 12/00007/OUTM without complying with condition numbers 4, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26 and 28, so as to allow for the development to commence on the provision of the site accesses at land to the north of Standard Hill and west of Highfield Site, which was approved on the 15th March 2017, subject to a Section 106 Agreement.

On the 17th April 2015, outline planning permission was granted for the erection of up to 400 dwellings with associated road and service infrastructure, drainage ponds, landscaping and open spaces (outline - all matters other than part access reserved), under application reference 12/00007/OUTM, which was subsequently varied (Section 73 application) by the above permission (16/01200/VCUM). Reserved matters approval for the formation of site accesses to Standard Hill and Highfield Street submitted in respect of the original outline permission (12/00007/OUTM) was approved on the 8th December 2016 under application reference 16/01198/REMM. A subsequent reserved matters approval for the erection of 400 dwellings, submitted in respect of the varied outline permission (16/01200/VCUM) was approved on the 8th March 2022 under application reference 18/00707/REMM.

Section 73 relates to development of land without complying with conditions subject to which a previous planning permission was granted. The Council, in considering this application, is only entitled to consider the question of the conditions subject to which planning permission should be granted. Conditions 4, 7, 15 and 17 which the applicant wishes to vary, and conditions 9, 10, 27 and 28 which the applicant wishes to remove, are associated with the following matters:

Condition 4

Approved Plans.

Condition 7

Compliance with Flood Risk Assessment (FRA).

Condition 9

Detailed Design of 7 Culverts referred to in FRA.

Condition 10

Working Method Statement for Construction of 7 Culverts referred to in FRA.

Condition 15

Delivery of Highfield Street Access Junction.

Condition 17

Only 100 Dwellings served by Highfield Street Vehicular Access.

Condition 27

Compliance with Code for Sustainable Homes.

Condition 28

Design Code.

A letter submitted in support of the application indicates that the changes to the conditions would be as follows:

- Vary conditions 4 and 15 so as to refer to an amended Highfield Street junction design;
- Vary condition 7 to remove the reference to the provision of the 7 additional culverts as identified in the approved FRA;
- Delete conditions 9 and 10 as they would no longer be applicable as the 7 additional culverts would not be constructed;
- Vary condition 17 so as to allow the vehicular access off Highfield Street to serve 150 dwellings; and
- Delete conditions 27 and 28 as they are no longer applicable.

Further details and plans associated with the application can be viewed on the District Council's website including a transport technical note which has been submitted in support of the application. Following the receipt of the consultation response from the County Highways Authority additional information was submitted by the applicant and re-consultation undertaken.

Other relevant planning history associated with the site is as follows:

- 16/00406/REMM - Erection of 79 dwellings and associated roads, infrastructure, drainage ponds, landscaping and open spaces (reserved matters of part access, appearance, landscaping and layout and scale to outline planning permission 12/00007/OUTM) - Withdrawn 18th July 2022.
- 17/00351/NMA - Non-material amendment to reserved matters approved ref. 16/01198/REMM so as to relate to amended outline planning permission 16/01200/VCUM - Approved 4th April 2017.
- 17/00514/CLE - Certificate of Lawful Existing Development for the undertaking of works to Highfield Street road access as approved by planning permission 16/01200/VCUM for the erection of up to 400 dwellings with associated roads and service infrastructure, drainage ponds, landscaping and open spaces (and associated reserved matters approval reference 16/01198/REMM and non-material amendment 17/00351/NMA) - Approved 31st May 2017.
- 22/00598/NMA - Non-material amendment to planning permission ref 16/01200/VCUM to allow for amended trigger points for submission of details in respect of conditions 8 and 12 - Approved 18th May 2022.
- 22/00807/NMA - Non-material amendment to reserved matters approval ref. 18/00707/REMM (outline permission ref. 16/01200/VCUM) to allow for phased submission of details in respect of condition 18 - Approved 9th June 2022.
- 22/01141/VCIM - Formation of site accesses approved under reserved matters approval ref. 16/01198/REMM (as amended) (outline planning permission ref. 16/01200/VCUM) without complying with conditions 2 and 3 so as to allow for the implementation of updated landscaping plans - Approved 19th October 2022.
- 22/01315/VCUM - Erection of 400 dwellings approved under reserved matters approval ref. 18/00707/REMM (outline planning permission ref. 16/01200/VCUM) without complying with condition 2 so as to enable implementation of an alternative internal layout (including severing of connecting vehicular through route) - Pending Consideration.

2. Publicity

23 neighbours notified.
Site Notice displayed 20 July 2022.
Press Notice published Leicester Mercury 27 July 2022.

3. Summary of Consultations and Representations Received

The following summary of representations is provided. All responses from statutory consultees and third parties are available to view in full on the Council's website.

Objections from:

Councillor Geary (Ward Member) who has objected on the following summarised grounds:

- I am strongly opposed to the increase in the number of units that will be served from Highfield Street and have serious concerns on Highway Safety grounds and the impact this will have on the quality of life of all residents on not only Highfield Street but all the surrounding streets that this extra traffic will generate.
- Outline planning permission was originally granted in 2012 and varied in 2016, both restricted access from Highfield Street to 100 units. In February this year reserved matters permission was granted with the restriction of 97 units.
- Permission was granted on the information that has been submitted, if the applicant had failed to make sure all their information was complete when they submitted their application then the decision to permit should be cancelled and the process should start again.
- It is outlined in the applicant's report that technical work has demonstrated that the proposed vehicular link cannot be delivered due to topographical constraints. Yet on the reserved matters application plans clearly showed a bus route running through the site across the brook from Standard Hill to Highfield Street. It would appear that the decision on the reserved matters application was made without knowing all the facts given the omission of the technical information.
- The applicant's report also informs us that the omission of the vehicle link will generate 'significant planning benefits' which will result in a higher quality of development but at what cost to local residents that live on and use Highfield Street?
- Whilst the applicant tries to justify that the cost involved in facilitating the 'link' would be disproportionate to the construction of 53 units, they should not be excused from forming a vehicle route to serve the 53 units as they should have priced such works in and therefore would be able to afford such works with the brook originally being bridged so as to provide a bus route. Alternatively the 53 units should not be constructed.
- The applicant's report outlines that residents of Highfield Street who back onto the development will be provided with the opportunity to access rear parking to their properties. This statement is misleading due to 14 homes not being able to gain access to their own land from the proposed road.
- I also object to the removal of condition 27.

No Objections from:

Environment Agency.
Leicestershire County Council - Ecology.

Leicestershire County Council - Highways Authority.
Leicestershire County Council - Lead Local Flood Authority.

Third Party Representations

Four representations have been received objecting to the application with the comments raised summarised as follows:

Highway Safety

- Highfield Street cannot already cope with the amount of 'through traffic' at present with traffic conditions considerably worse than the prevailing road conditions in 2012 and the developer wants to increase the number of dwellings served from Highfield Street by 50%.
- Highfield Street is an unfit route and would be unsafe for existing and new residents with the access being on a 'blind bend'.
- There are no 'passing' laybys to accommodate the additional traffic and parking is present on both sides of Highfield Street for the entirety of its length, removing the existing parking would create insufficient parking for existing residents with double yellow lines also being introduced.
- The exit onto Standard Hill should be reconsidered given the other developments which have occurred in the area which have dramatically altered road conditions since the initial traffic surveys were conducted. Speed checks should also be undertaken, and the introduction of a roundabout considered.
- The estimate of cars exiting and entering Highfield Street is unrealistic as Coalville has no rail service and the nearest bus stops are a 20 minute walk away.
- The traffic survey does not account for the increase in vehicles from the Frearson Road estate and was conducted when Cadent were replacing gas main pipes on a large section of Highfield Street thereby traffic would avoid the highway.

Drainage and Flood Risk

- In winter months much of the site is under water with other areas badly waterlogged. The culverts therefore need to be complied with and the several streams which run through the site should be left open as they all flow into the River Sence.
- The inclusion of the streams (one which flows under Coalville and is the cause of town centre flooding) would add a considerable feature, improve ecological diversification and be less likely to flood thereby improving the quality of life for residents.
- Video evidence has previously been provided to Councillor Geary showing water running down Standard Hill and into the fields where the development is proposed.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2021)

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

Paragraphs 8 and 10 (Achieving sustainable development);
Paragraphs 11 and 12 (Presumption in favour of sustainable development);

Paragraph 34 (Development contributions);
Paragraphs 38, 39, 40, 41, 42, 44 and 47 (Decision-making);
Paragraphs 55, 56, 57 and 58 (Planning conditions and obligations);
Paragraphs 60, 61, 62, 63, 65, 68, 73, 74, 75 and 77 (Delivering a sufficient supply of homes);
Paragraphs 92, 93, 98 and 100 (Promoting healthy and safe communities);
Paragraphs 107, 108, 110, 111, 112 and 113 (Promoting sustainable transport);
Paragraphs 119, 120, 124 and 125 (Making effective use of land);
Paragraphs 126, 128, 129, 130, 131 and 134 (Achieving well-designed places);
Paragraphs 152, 153, 154, 159, 167 and 169 (Meeting the challenge of climate change, flooding and coastal change);
Paragraphs 174, 180, 183, 184 and 185 (Conserving and enhancing the natural environment);
and
Paragraphs 189, 194, 195, 197, 199 and 205 (Conserving and enhancing the historic environment).

Local Policies

Adopted North West Leicestershire Local Plan (2021)

The application site is within Limits to Development and is identified as a housing allocation under Policy H1 (site H1d) of the adopted North West Leicestershire Local Plan. The following policies of the adopted local plan are consistent with the policies of the NPPF and should be afforded full weight in the determination of this application:

Policy S1 - Future Housing and Economic Development Needs;
Policy S2 - Settlement Hierarchy;
Policy D1 - Design of New Development;
Policy D2 - Amenity;
Policy H1 - Housing Provision: Planning Permissions;
Policy H4 - Affordable Housing;
Policy H6 - House Types and Mix;
Policy IF1 - Development and Infrastructure;
Policy IF3 - Open Space, Sport and Recreation Facilities;
Policy IF4 - Transport Infrastructure and New Development;
Policy IF7 - Parking Provision and New Development;
Policy En1 - Nature Conservation;
Policy En3 - The National Forest;
Policy En6 - Land and Air Quality;
Policy He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment;
Policy Cc2 - Flood Risk; and
Policy Cc3 - Sustainable Drainage Systems.

Other Policies

National Planning Practice Guidance.
Good Design for North West Leicestershire Supplementary Planning Document - April 2017.
Leicestershire Highways Design Guide (Leicestershire County Council).
The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations').
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System).

5. Assessment

The principle of the proposed development was assessed and found to be acceptable under the original outline consent (12/00007/OUTM), and its subsequent variation (16/01200/VCUM), as well as the reserved matters consents granted under application references 16/01198/REMM and 18/00707/REMM. In these circumstances the only matters to consider are whether the proposed variation to conditions 4, 7, 15 and 17 and removal of conditions 9, 10, 27 and 28 would be acceptable in relation to highway safety (conditions 4, 15 and 17), surface water drainage flood risk (conditions 7, 9 and 10) and design (conditions 27 and 28).

Conditions 4 (Approved Plans) and 15 (Delivery of Highfield Street Access Junction)

The applicant's supporting information outlines that as part of the consideration and approval of reserved matters application reference 18/00707/REMM the originally proposed bus gate was omitted from the scheme as there was no prospect of a bus service being provided through the site. In such circumstances the County Highways Authority (CHA) required the Highfield Street site access to be downgraded so as to reflect the fact that it was no longer required to accommodate buses.

Such amendments included reducing the entrance radii and deleting the pedestrian refuge. The applicant therefore considers it necessary for conditions 4 and 15 to be varied so that they refer to amended access drawings for Highfield Street which reflect the alterations required by the CHA.

As part of the consideration of the application the CHA have been consulted and their consultation response has taken into account the recommendations within the Leicestershire Highways Design Guide (LHDG).

The CHA have advised that the amended access design would include waiting restrictions on Highfield Street which would be provided for the full extent of the visibility splays (2.4 metres by 43 metres in both directions), as required by the CHA. It is also noted by the CHA that such waiting restrictions would require a Traffic Regulation Order (TRO), for which a financial contribution was previously secured in a Section 106 agreement, and which would be a separate process dealt with directly by the CHA.

In their original consultation response the CHA also stated that as the Highfield Street access was no longer proposed to be served by buses then it may not be necessary to include waiting restrictions on both sides of Highfield Street. This, however, would need to be demonstrated by the provision of swept path analysis which indicated that the Council's waste vehicles could still enter and exit the site safely.

Subsequent information supplied by the applicant has demonstrated that the Council's waste vehicles would still be able to enter and exit the site safely, even with the presence of parked vehicles on the south-eastern side of Highfield Street opposite the site access, and this is therefore acceptable to the CHA.

The request from the CHA for tactile paving to be provided on the site access road, so as to enable pedestrians to cross the site junction, has also been addressed by the applicant and this is acceptable to the CHA.

Overall the CHA have no objections to the variation of conditions 4 and 15 and in such circumstances it is considered that the proposal would remain compliant with Policy IF4 of the adopted Local Plan, the LHDG and Paragraphs 110 and 111 of the NPPF.

Condition 17 (Only 100 Dwellings served by Highfield Street Vehicular Access)

The applicant's supporting information identifies that the original outline permission (12/00007/OUTM) and its subsequent variation (16/01200/VCUM) were subject to a condition which restricted access via the Highfield Street entrance to 100 units. Such a condition being as required by the County Highways Authority (CHA).

As part of the reserved matters approval under application reference 18/00707/REMM it was indicated that 97 dwellings would be served from Highfield Street.

Whilst technical work to support the delivery of the scheme was ongoing parallel with the reserved matters application such work was not concluded until after the reserved matters permission had been granted. It is, however, the case that such technical work has demonstrated that the proposed vehicular link across the brook is not deliverable due to topographical constraints. Consequently 53 units are left without any means of vehicular access.

The applicant's supporting statement also outlines that in order to provide a gradient on the 'link road' which would meet the standards outlined in the LHDG such a 'link road' would need to be significantly elevated above the level of the brook in the valley (which runs through the middle of the site). Such works would require a significant length of the brook (around 20 metres) to be culverted to a depth of between 2 to 3 metres, and the applicant considers that such engineering works would be disproportionate to facilitate 53 dwellings whilst also adversely impacting on the brook as a wildlife corridor and recreational resource. It would also result in this area of the site being heavily engineered and a largely unusable space.

A transport statement (TS) has also been submitted in support of the application and concludes that an increase from 100 to 150 dwellings being served from Highfield Street would not result in any highway safety or capacity concerns, whilst also advising that no ghost island right turn would be required. The TS also concludes that no issues would arise from the narrow nature of Highfield Street and the presence of parked cars, with it also being emphasised that those residents of Highfield Street who 'back on' to the development would be provided with the opportunity to take advantage of rear access parking to their properties. This would assist in easing parking pressures along Highfield Street.

As part of the consideration of the application the CHA have been consulted and their advice has taken into account the guidance within the LHDG.

In their original consultation response the CHA concluded that the principle of a simple priority junction would be acceptable, subject to the submission of a Stage 1 Road Safety Audit (RSA) and satisfactory accompanying Designers Response. The CHA also required the applicant to give consideration to the impact of the proposal on the Highfield Street junction with Standard Hill and Ashburton Road given that the proposed increase in vehicular activity via the Highfield Street site access (proposed to serve 150 dwellings) would result in an increase in 30 two-way trips in the AM peak period and 35 two-way trips in the PM peak period, when compared with the consented scheme (access serving 100 dwellings).

It was determined by the CHA within their original consultation response that the proposed site

access junction with Highfield Street would operate well within capacity, even with the additional vehicular movements, and that such additional vehicular movements would not exacerbate any existing highway safety concerns given the limited number of personal injury collisions (PICs) within the last five years (a total of four).

A RSA subsequently submitted by the applicant identified a total of five 'problems' which are as follows:

1. Obstruction to junction visibility resulting in side swipes;
2. Northbound bus stop obstructing visibility resulting in side swipes;
3. Insufficient space to manoeuvre in or out of the proposed access;
4. Risk of collisions involving pedestrians; and
5. Risk of collisions involving pedestrians.

In terms of the applicant's designers response to the Stage 1 RSA this seeks to address such 'problems' as follows:

1. The problem arising from on-street parking within the visibility splays was accepted and would be designed out by the provision of waiting restrictions upon Highfield Street for the extent of the visibility splays.
2. The problem arising from stationary buses in close proximity to the proposed access junction at the bus stop to the north-east was not accepted by the designer in the circumstances that the frequency of the 159 bus service, which only stops two times a day Monday to Friday, would lead to the visibility splays only being obstructed on an infrequent basis and for a short period of time, with such a bus service operating outside of peak hours. Consequently the relocation of the bus stop was not considered to be justified as part of the vehicular access arrangement.
3. The CHA recommended that there should be sufficient space for large vehicles to manoeuvre in and out of the site access junction without impeding other turning movements or through traffic on Highfield Street, and which took into account parked vehicles. Vehicle tracking associated with the designers response shows that vehicles do not require the full width of Highfield Street to manoeuvre in and out of the site with the geometry of the site access being fully compliant with the LHDG.
4. The RSA identified that no pedestrian crossing facilities were proposed across the site access road and the omission of such crossing facilities could result in pedestrians crossing at inappropriate locations. This problem is addressed by the provision of pedestrian crossing facilities, including appropriate tactile paving, across the site access road.
5. The RSA identified that there is likely to be increased pedestrian movements to the southbound bus stop located on the opposite side of Highfield Street and in the absence of any pedestrian crossing facilities it could result in pedestrians crossing at inappropriate locations (i.e. between parked vehicles). Whilst pedestrian crossing facilities were recommended by the RSA this problem is not accepted within the designers response given that the frequency of the bus service serving the southbound bus stop (as identified under point 2 above) would lead to the demand for pedestrian crossing facilities being low. The designers response also identified that providing pedestrian crossing facilities along the desire line would be limited due to existing driveways and the bus stop itself, with such a crossing point also impacting on the existing on-street parking provision.

Following a review of the RSA and designers response the CHA have advised that they agree with the recommendations and have no objections.

A junction capacity assessment (JCA), for the Highfield Street junction with Standard Hill and

Ashburton Road, has also been submitted by the applicant which is based on the 2027 future year with development scenario.

The JCA demonstrates that the Highfield Street junction with Standard Hill and Ashburton Road would continue to operate within capacity in the future assessment year, and consequently the CHA have no objections to the variation of condition 17 so as to enable 150 dwellings to be served from the Highfield Street access.

In the circumstances that the variation of condition 17 would not result in any unacceptable impacts on highway safety, with the cumulative impacts with other development on the highway network not being severe, it is considered that the proposal would remain compliant with Policy IF4 of the adopted Local Plan, the LHDG and Paragraphs 110 and 111 of the NPPF.

It is also considered that some 'benefits' arise as a result of the omission of the 'link road' as it would remain possible to ensure cycle/footpath connectivity between the Standard Hill and Highfield Road sites, given that such access could be accommodated by using an existing small culvert, and would enable more of the existing tree cover to be retained. It would also enable the creation of a more extensive area of usable public open space between the two sites and enable the approved locally equipped area of play (LEAP) to be set away from any main roads. Such a proposal would also not require significant alterations to the ground levels around the brook course, thereby avoiding negative impacts on wildlife. From the perspective of ecology the County Council Ecologist has advised that the omission of the 'link road' would benefit biodiversity.

In terms of the suitability of the design alterations associated with the omission of the 'link road' this is a matter to be considered and assessed as part of application reference 22/01315/VCIM.

Conditions 7 (Compliance with Flood Risk Assessment (FRA)), 9 (Detailed Design of 7 Culverts referred to in the FRA) and 10 (Working Method Statement for Construction of 7 Culverts referred to in the FRA)

The applicant's supporting information highlights that condition 7 requires the development to be carried out in accordance with the Flood Risk Assessment (FRA) submitted as part of the original outline application (12/00007/OUTM) but also sets out 4 specific criteria which needs to be addressed. The third criterion references the provision of 7 additional 450mm diameter culverts under Standard Hill.

Originally such culverts were required to address a problem of flooding on the western corner of the site adjacent to Standard Hill. However, additional work undertaken in this area of the site, including the 'clearing out' of the existing Standard Hill culvert and the upstream and downstream drainage ditches, has enabled efficient water flow through the existing system. Revised modelling work undertaken has consequently identified that the additional 7 culverts are no longer required and the omission of the culverts forms part of the drainage design submitted to discharge condition 8 (foul and surface water drainage schemes) of 16/01200/VCUM.

The applicant therefore proposes that condition 7 be varied so as to remove reference to the need to provide the additional 7 culverts. Should the omission of the additional 7 culverts be accepted then the applicant also indicates that conditions 9 and 10 should be removed as they would no longer be necessary.

As part of the consideration of the application the Environment Agency (EA) and Lead Local

Flood Authority (LLFA) have been consulted and no objections are raised by either organisation to the proposed variation to condition 7 and the removal of conditions 9 and 10.

It is also the case that the discharge of condition 8 has been approved, on the 19th August 2022, under discharge of condition application reference 22/00921/DIS.

In the circumstances that the acceptance of the removal of the 7 culverts has been considered acceptable as part of the overall surface water drainage strategy, with it being the case that neither the EA or LLFA have any objections to this application, it is considered that the variation to condition 7 and removal of conditions 9 and 10 would be acceptable and would ensure the development remains compliant with Policies Cc2 and Cc3 of the adopted Local Plan as well as Paragraphs 167 and 169 of the NPPF.

Conditions 27 (Compliance with Code for Sustainable Homes) and Condition 28 (Design Code)

The applicant's supporting information outlines that whilst the Code for Sustainable Homes was in place when the original outline planning permission (12/00007/OUTM) was granted this code was subsequently withdrawn by the Government on the 22nd April 2015. In such circumstances condition 27 no longer has any relevance and should be deleted.

In terms of condition 28, the applicant highlights that this condition was applied at the outline stage so as to essentially cover a situation whereby the detailed design for the development might have been brought forward in phases and at different times. Consequently the design code would ensure that all future applications were guided by the aspirations of the design code. In this circumstance, however, the detailed design of the site has been developed through a single reserved matters application (18/00707/REMM) and consequently the requirement for a design code has fallen away. In such circumstances the applicant requests that condition 28 be deleted.

Paragraph 56 of the NPPF highlights that planning conditions should be *"kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects."*

Given that the Code for Sustainable Homes is no longer applicable Government guidance it is considered that the removal of condition 27 would be acceptable as such a condition is no longer necessary or reasonable.

It is also considered that condition 28 would no longer be necessary or reasonable in the circumstances that the detailed design of the scheme has been approved under a single reserved matters application (18/00707/REMM) and whereby it was ensured that the development was compliant with the aims of Policy D1 of the adopted Local Plan as well as Paragraphs 126 and 130 of the NPPF.

On this basis the removal of conditions 27 and 28 is considered acceptable.

Conclusion

The site has the benefit of planning permission for residential development which remains extant. It is considered that the variation of conditions 4 (approved plans), 7 (compliance with flood risk assessment), 15 (delivery of Highfield Street access junction) and 17 (number of dwellings served by Highfield Street access), along with the removal of conditions 9 (detailed

design of 7 culverts referred to in FRA), 10 (working method statement for construction of 7 culverts referred to in FRA), 27 (code for sustainable homes) and 28 (design code), would be acceptable for the reasons outlined above. There are no other material planning considerations that indicate a variation to the approved permission should not be granted and accordingly the proposal, subject to relevant conditions and securing of a deed of variation (legal agreement), is considered acceptable for the purposes of the above mentioned policies.

It is therefore recommended that the application be permitted.

The proposed changes will require alterations to conditions 4, 7, 15 and 17 (which would now be conditions 4, 7, 13, 15) and the deletion of conditions 9, 10, 27 and 28 to reflect the approved changes.

Conditions 8, 11, 12, 13, 18, 19, 20, 21, 22, 23, 25 and 26 (now conditions 8, 9, 10, 11, 16, 17, 18, 19, 20, 21, 23 and 24) have been updated to reflect that they have been discharged under application reference 22/00921/DIS with conditions 1, 2, 3, 5, 6, 14, 16, 24 and 29 (now conditions 1, 2, 3, 5, 6, 12, 14, 22 and 25) remaining the same as imposed on planning permission 16/01200/VCUM.

This page is intentionally left blank

Erection of a building to include 1 no. unit of tourist accommodation and ancillary uses and the erection of 3 no. lodges to be used for tourist accommodation (outline, access only)

Report Item No
A2

Roseville Outwoods Lane Coleorton Coalville Leicestershire
LE67 8PA

Application Reference
22/01126/OUT

Grid Reference (E) 440180
Grid Reference (N) 317896

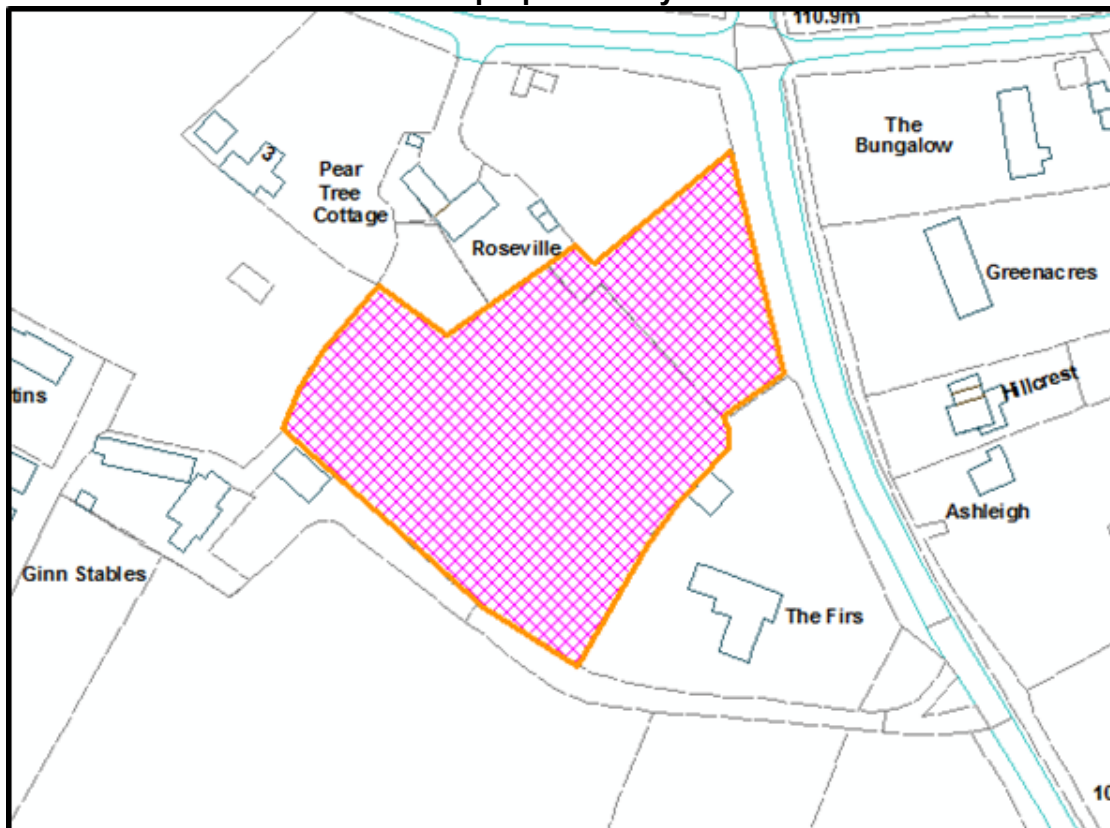
Date Registered:
11 July 2022
Consultation Expiry:
16 November 2022
8 Week Date:
2 December 2022
Extension of Time:
2 December 2022

Applicant:
Mr Darren Betteridge

Case Officer:
Chris Williams

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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

RECOMMENDATION - PERMIT subject to the following conditions:-

- 1 Time Limit for Submission of Reserved Matters
- 2 Reserved Matters
- 3 Plans (access only)
- 4 Levels to be submitted at Reserved Matters
- 5 Mature landscaping details to be submitted at Reserved Matters
- 6 Archaeological Written Scheme of Investigation
- 7 Highways - Access standards
- 8 Highways - Visibility Splays
- 9 Coal Authority - Site Investigations, Remedial Works and Mitigation Measures
- 10 Coal Authority - Declaration/statement
- 11 Trees - Submission of Method Statement for Access Drive
- 12 Protection of retained hedgerows during construction
- 13 External Lighting
- 14 Lodges limited to single storey only
- 15 No development to the front portion of the site (outlined on attached plan – see appendix 1 for further details)
- 16 Retail use to be ancillary
- 17 Bin collection/storage point agreed prior to first use
- 18 Surface water drainage during construction
- 19 Surface water drainage for development
- 20 Holiday accommodation only and 28-day stay period limitation
- 21 No more than 4 no. lodges
- 22 Submission of Biodiversity Net Gain scheme

The application is brought to the Planning Committee in line with the requirements of the constitution as the agent for the application is related to a senior officer of the Council, and the Council is in receipt of objections in relation to this proposal. It must be emphasised that the Senior Officer who is the relative of the Planning Agent for this case has not been involved in any way or form with the consideration of this application.

Main Report

1. Proposals and Background

This application seeks planning permission for the erection of a building and the erection of three lodges to be used for tourist accommodation (outline with the principle of development and access only for consideration) at Roseville, Outwoods Lane, Coleorton. The application is a re-submission of the previously refused application under 22/00145/OUT.

The proposed access would be located adjacent to Lower Moor Road, nearby to the crossroads with Outwoods Lane.

Whilst plans have been provided to demonstrate the proposed scale, layout, landscaping and design of the site, it is noted these are for illustrative purposes only and precise details of the design would be submitted at a later stage in a reserved matters application.

The application site is located outside limits to development on land identified as Countryside as per Policy S3 of the Adopted Local Plan.

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

Recent Planning History

17/00129/FUL Erection of two dwellings at Land of Lower Moor Road REFUSED on 12.05.2017 and APPEAL DISMISSED on 08.11.2017.

19/02496/FUL Remodelling of existing cottage and the formation of a new access PERMITTED on 25.02.2020

20/01357/CLE Certificate of lawful existing use of land as residential garden REFUSED on 09.11.2020

22/00145/OUT Erection of a building to include 1 no. unit of tourist accommodation and ancillary uses and the erection of 3 no. lodges to be used for tourist accommodation (outline, access only) REFUSED on 06.05.2022.

2. Publicity

27 Neighbours have been notified.
Site Notice displayed 1 August 2022.

3. Summary of Consultations and Representations Received

Coleorton Parish Council - Objection to the application on multiple grounds and maintain this objection following the receipt of additional information and re-consultation period

Worthington Parish Council - Support concerns of residents and Coleorton Parish Council and maintain this objection following the receipt of additional information and re-consultation period

Conservation Officer - No objections.

Historic England - No advice offered and refers case officer to conservation and archaeological advisors for comments.

Environmental Protection - No objection subject to appropriate conditions.

County Archaeologist - No objection subject to the imposition of conditions.

Coal Authority - No objection subject to the imposition of conditions.

Airport Safeguarding - No objection subject to the inclusion of an advisory note.

LCC Ecology - Request for biodiversity net gain onsite. Following the review of the submitted Biodiversity Net Gain metric during the application, it was confirmed there were no objections subject to the imposition of a condition to secure a Biodiversity Net Gain plan as part of any decision on the application.

LCC Highways - No objection subject to the imposition of conditions.

LCC Mineral Planning Authority - No objections.

The Gardens Trust - No comment at this stage.

National Forest Company - General comments regarding landscaping, design and fit with National Forest Company policies but no comment to make on suitability of site for the proposed development.

Severn Trent - No comments received.

Tree officer - No objections at this stage.

All responses from statutory consultees and third parties are available to view in full via the Council website. Only comments which raise material planning issues can be taken into account.

Neighbouring properties were consulted during the lifetime of the application and a site notice was posted and 66 no. objections were received during the initial consultation period. The following material planning comments are summarised below:

Grounds of objection	Description of impact
In principle	The proposal fails to address the LPA's objections to the previous application.
	The changes contained within this proposal are not sufficiently different in principle from the original application 22/00145/OUT. Therefore, the reasons for refusal summarised

PLANNING APPLICATIONS- SECTION A

	in document Refusal of Outline Planning Permission and in much greater detail in the Officers Report are still valid.
	The development would conflict with Policies S3, EC13 & NPPF.
	Concerns the proposal does not satisfy any of the three overarching objectives of the NPPF.
	Concerns that the new positioning of the lodges results in a further encroachment into the countryside and an increased density of development.
	The proposals are located outside of limits and do not reuse land and / or buildings.
Sustainability of the location and access to sustainable transport	The site is in an unsustainable location
	There would be a lack of sustainable and a choice of accessible transport options
	New tourist attractions should be directed to limits of development.
	The proposed economic benefits of the proposal have been inflated above what would result from the scheme.
	No justification or needs assessment has been provided.
	Surrounding footpaths are not tourist destinations and the attractions noted are not easily accessed by sustainable transport.
	The site is totally unsuitable for holiday accommodation. It is a residential area with most people retired.
	Insufficient public transport options.
Classification of the land	Concerns regarding the use of the description of the land as “informal garden”.
Design and character impacts	The proposal would adversely affect and diminish the present open character of the area and would be an unwarranted and incongruous intrusion.
	The siting of the lodges in this location would be inappropriate.
	The development is on an elevated field exacerbating any resultant impacts.
	The proposals unnecessarily increase the urbanisation of the countryside
Highways Impacts	Concerns that proposed parking provision would be insufficient for the proposed development.

PLANNING APPLICATIONS- SECTION A

	Concerns regarding the accuracy of the speed survey and requests for additional surveys to be carried out.
Ecology Impacts	Lack of enhancement to the site's biodiversity.
Residential Amenity Impacts	Concerns regarding impacts on the amenity of the neighbours and their quiet enjoyment. These concerns include overlooking and overbearing impacts, along with unacceptable levels of noise and disruption.
	Concerns that the lodges could be occupied on a permanent basis.
Coal	The site contains many coal deposits and ancient mine workings which need to be given due consideration.
Other Matters	The application contains contradictions and/or inaccuracies.

In addition, throughout the course of the application, 36 no. letters of support were received. The following material planning comments are summarised below:

Grounds of support	Description
In principle	The site has the potential to become a small yet successful operation which will contribute to the local economy and facilities.
	Consider the planning amendments address any concerns the council previously had
	This is an ideal location, centrally located in the National Forest, the proposal would provide convenient access to many local attractions and facilities.
	The North West Leicestershire Planning Policy (S3) supports tourism and therefore this application
Sustainability of the location and access to sustainable transport	The site is well placed in respect of local footpaths and cycling.
Ecology	The addition of a detailed landscaping strategy would enhance the biodiversity and ecology.
Design, character and heritage impacts	The proposal would not result in any unacceptable impacts on the natural, built or historic environment
	The proposed site plans appear to minimise any visual impact, setting the single level properties within the confines of the partially screened site.
Other matters	Concerns that objections contain few to little material considerations.

--	--

Following the receipt of additional information including a Biodiversity Net Gain Metric and further information relating to economic benefits of the proposal, a re-consultation period was carried out. During this period, a further 26 no. objections were received with the relevant material planning considerations summarised below:

Grounds of objection	Description of impact
In principle	Additional information does not address or negate the facts that the proposal is outside of limits and contrary to Policy S3
	The proposal would erode the sporadic and open character of the area
	Additional information provided does not address the additional requests from the LPA
	The proposal is contrary to the requirements of policy EC13
	There is a weak economic case for the development and a lack of a viable business plan
	Any benefits are vastly outweighed by the harm that would result from the proposal
	No evidence has been provided in relation to the ongoing viability of the existing site nor evidence of a demand for holiday use.
	Confused as to why the Council is offering further advice/assistance given the conflict identified with the local plan and NPPF and previous refusal for a similar proposal
	No evidence has been provided to provide evidence of social sustainability
	It does not and cannot overcome the Council's objections.
	Objection - Policy Ec13 (2) states "Outside of the Limits to Development preference would be for tourism and tourism related development to re-use land and/or buildings".
	Policy Ec13 (4) states "When assessing new provision for rural tourism or the expansion of facilities, consideration will be given to whether needs can be met by existing facilities".
	Compliance with EC13 has not been validated by consultees
	The development would not be an example of sustainable development and would fail on the environmental criteria and have limited social and economic benefits

PLANNING APPLICATIONS- SECTION A

	The development would result in unacceptable consolidation of development to the western side of Lower Moor Road. As such, the proposal would be contrary to criterion (iii) of policy S3 of the Local Plan.
	The proposal would result in the loss of agricultural land and the applicant has incorrectly described the land as informal garden land. Why has the LPA allowed the applicant to reclassify the land as informal garden
	Approval of the scheme would be contrary to the previously dismissed application for 2 no. dwellings
	The proposal fails to address the LPA's objections to the previous application.
Sustainability of the location and access to sustainable transport	The proposal would not be located in a sustainable location
	Bus services are infrequent, inconsistent and commencing and ceasing at inappropriate times
	There would be a lack of sustainable and a choice of accessible transport options
	New tourist attractions should be directed to limits of development.
	Surrounding footpaths are not tourist destinations and the attractions noted are not easily accessed by sustainable transport.
	The site is totally unsuitable for holiday accommodation. It is a residential area with the vast majority of people retired.
	Bus stops are on or over a sustainable walking distance from Roseville
	The proposal would increase the dependence on private motor vehicles
	Concerns regarding the accuracy of Planning Policy advice given planned re-classification of Coleorton
	Discrepancies between the distances identified to bus stops under the assessment of the tourist lodges and previous applications on the site (in relation to the bus stop opposite Angel Inn)
Design and character impacts	No topographical survey has been provided to assess visibility
	Relocating the building which houses accommodation and facilities, exacerbates the situation, as it encroaches further into and increases the density of development on a field in the countryside

PLANNING APPLICATIONS- SECTION A

	The hedges are deciduous and not 2m high around the whole site, therefore the view of the site for 6 months of the year is far more visible from several vantage points.
	The proposal would adversely affect and diminish the present open character of the area and would be an unwarranted and incongruous intrusion.
	The proposals unnecessarily increase the urbanisation of the countryside
	The siting of the lodges in this location would be inappropriate.
	The development is on an elevated field exacerbating any resultant impacts.
Trees	It maintains a green frontage that would be significantly eroded and the access that would lead to an urbanisation of the site. This would in turn impact on the general character of this area of Coleorton.
Highways Impacts	Application contains contradictions between different documents - form states '8' parking spaces but the Planning statement states '6'.
	Concerns regarding the validity of the speed survey
	Concerns regarding a potential second survey and questions regarding why results were not published
	Concerns regarding why the speed survey was conducted by a third party
Ecology Impacts	Concerns regarding the accuracy of the BNG metric, particularly in relation to the classification of the field as amenity grassland
	Use of a ground source heat pump would conflict with the ability to meet BNG calculations provided in the application
	Concerns regarding the validity of the BNG calculations (in relation to the classification of amenity grassland garden and unvegetated garden).
	The BNG plan provided in the report does not include additional hardstanding etc associated with the lodges.
Residential Amenity Impacts	The lodges would result in detrimental neighbour amenity impacts
Other Matters	Curtilage extension concerns.
	The LPA wishes to avoid the case being considered through the appeal process.

In addition, 1 no. additional comment in support of the scheme was received. This is summarised below:

Grounds of support	Description
In principle	In favour of the proposals and cannot see any downsides
	The tourist accommodation will enhance facilities and opportunities of the area.

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.

Paragraphs 8 and 10 (Achieving sustainable development);
 Paragraphs 11 and 12 (Presumption in favour of sustainable development);
 Paragraphs 38, 39, 40, 41, 42, 44 and 47 (Decision-making);
 Paragraphs 55, 56 and 57 (Planning conditions and obligations);
 Paragraphs 81, 83 and 84 (Building a strong, competitive economy);
 Paragraphs 92, 93 and 100 (Promoting healthy and safe communities);
 Paragraphs 105, 107, 108, 109, 110, 111, 112 and 113 (Promoting sustainable transport);
 Paragraphs 119, 120 and 124 (Making effective use of land);
 Paragraphs 126, 128, 130, 132 and 134 (Achieving well-designed places);
 Paragraphs 152, 154, 157, 159, 161, 162, 163, 164, 165, 167 and 169 (Meeting the challenge of climate change, flooding and coastal change);
 Paragraphs 174, 180, 183, 184, 185, 186 and 187 (Conserving and enhancing the natural environment); and
 Paragraphs 189, 194, 195, 197, 199, 201, 202, 203, 205, 206 and 207 (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:

Policy S2 - Settlement Hierarchy
 Policy S3 - Countryside;
 Policy D1 - Design of New Development;
 Policy D2 - Amenity;
 Policy Ec13 - Tourism development;
 Policy IF4 - Transport Infrastructure and New Development;
 Policy IF7 - Parking Provision and New Development;
 Policy En1 - Nature Conservation;
 Policy En3 - The National Forest;
 Policy He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment;
 Policy Cc2 - Water - Flood Risk; and
 Policy Cc3 - Water - Sustainable Drainage Systems.

Other Policies and Guidance

National Planning Practice Guidance.

Leicestershire Highways Design Guide (Leicestershire County Council)

Good Design for North West Leicestershire SPD - April 2017.

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

Natural Environment and Rural Communities Act 2006.

North West Leicestershire Economic Growth Plan 2019 - 2021.

Tourism Strategy for Leicester and Leicestershire 2011-2016.

Draft North West Leicestershire Tourism Strategy.

National Forest Guide for Developers & Planners.

The National Forest Tourism Growth Plan 2017-2027.

LCC Planning Obligations Policy (2019).

5. Assessment

Principle of Development

The site is located outside of the limits to development, as defined by the adopted Local Plan. The site is therefore located within the Countryside and is subject to assessment under Local Plan Policy S3.

Policy S3 sets out a range of uses (listed a-s) which will be supported subject to considerations set out within criteria i-vi of this same policy.

The application proposes the erection of holiday accommodation, and therefore it is considered that the scheme would accord with criterion n of Policy S3. On this basis, the principle of tourism accommodation on this site is considered to be acceptable, subject to the scheme according with the below criteria.

- (i) the appearance and character of the landscape, including its historic character and features such as biodiversity, views, settlement pattern, rivers, watercourses, field patterns, industrial heritage and local distinctiveness is safeguarded and enhanced; and
- (ii) it does not undermine, either individually or cumulatively with existing or proposed development, the physical and perceived separation and open undeveloped character between nearby settlements either through contiguous extensions to existing settlements or through development on isolated sites on land divorced from settlement boundaries; and
- (iii) it does not create or exacerbate ribbon development; and
- (iv) built development is well integrated with existing development and existing buildings, including the re-use of existing buildings, where appropriate; and
- (v) the development will not seriously undermine the vitality and viability of existing town and local centres; and
- (vi) The proposed development is accessible, or will be made accessible, by a range of sustainable transport.

The above criteria considered relevant to this application include, (i), (iii), and (vi) as the scheme is not considered to undermine the physical and perceived separation and open undeveloped character between nearby settlements either through contiguous extensions to existing settlements or through development on isolated sites on land divorced from settlement boundaries (ii), nor is it considered to seriously undermine the vitality and viability of existing

town and local centres (v). In addition, given the outline nature of the application with design and layout being considered on an illustrative level only, it is not considered criteria (iv) that built development is well integrated with existing development and existing buildings can be considered at this outline stage. Nevertheless, despite design and layout not being under consideration at this stage, it is noted that with the imposition of appropriately worded conditions that officers consider that a suitable scheme could be achieved at Reserved Matters stage.

Criteria (i) and (iii)

The above criteria state that developments will be supported where the appearance and character of the landscape, including its historic character and features such as biodiversity, views, settlement pattern, rivers, watercourses, field patterns, industrial heritage and local distinctiveness is safeguarded and enhanced.

The site is located within the National Forest and within the Leicestershire and South Derbyshire Coalfield National Character Area. NCA profile 71 notes that "although mining and urban features dominate the landscape, there are areas that remain rural. There are small villages, particularly in the coalfield in the south, and there are some areas of very distinctive character such as the landscape around Coleorton where small pasture fields, overgrown hedges, with frequent hedgerow trees and small copses are linked to a dispersed pattern of cottages and small groups of houses along winding lanes with a network of paths and tramway."

Coleorton is a dispersed settlement with ribbons of sporadic houses separated by 'green gaps' with the occasional cluster of more dense development. It is a characteristic quite unique to the settlement. Residential properties lie to the east on Lower Moor Road with other land surrounding the plot as extensive gardens and paddocks contributing to the sense of the open countryside although this is occasionally punctuated by individual residential properties on surrounding road.

The application proposes the principle of three lodges and one building to include tourist accommodation and ancillary uses.

In terms of visibility of the site, due to the boundary vegetation which surrounds the application site and the positioning of the adjacent property which directly fronts onto Lower Moor Road (the Firs), there would be limited views of the site from the south and southeast of the application site. However, it is also noted that the land increases in elevation to the southwest (rear of the site), whilst it sits at a lower elevation to the front of the site adjacent to Lower Moor Road. As such, partial views of the site would be afforded from Outwoods Lane and both the lower and upper portions of the site would be visible within the public realm from Lower Moor Road.

Of relevance in this case is the previous refusal for 2 no. dwellings on the front portion of the site adjacent to Lower Moor Road (under application ref no. 17/00129/FUL). In determining this application, the case officer noted that the proposed development of two dwellings on this site would "adversely affect and diminish the present open character of the environment resulting in significant harm to the character and rural appearance in which it would be set and would represent an unwarranted and incongruous intrusion into the countryside." Importantly, it was noted that whilst the scheme was respectful to the architectural styles of the area, ultimately it was determined that "the gradual creep into the "green gaps" of Coleorton would erode the settlement's character and, therefore, the appearance of the wider area particularly when passing through; the space between properties is being infilled, limiting the separation between the dwellings and resulting in the roads becoming dominated by houses."

In the subsequent appeal following on from this refusal (ref no. APP/G2435/W/17/3178633), the inspector noted that "despite some new development having been permitted and constructed along Lower Moor Road, its western side remains relatively free from development, and it has retained its intrinsic rural character." In addition, it was noted that "a substantial built form would be introduced onto a site whose undeveloped nature currently contributes significantly to maintaining the dispersed and rural character of this part of Coleorton. The proposed development would open up the site's frontage, and the dwellings would be a dominant suburban built form within an otherwise relatively undeveloped road frontage." Concluding, the inspector notes that they "have found that the proposal would result in substantial harm to the character and appearance of the area" and that the "economic and social benefits that would flow from two new dwellings would not significantly or demonstrably outweigh the environmental harm".

The upper portion of the application site has also been subject to a previous certificate of lawful existing use application for use of this land as residential garden for Roseville which was refused under application reference no. 20/01357/CLE. Therefore, whilst it is noted that the land is described as "informal garden" within the submitted planning statement, the LPA considers this not to be the case and considers the land paddock land.

The proposal would therefore result in the loss of agricultural land. Best and Most Versatile (BMV) agricultural land is defined as that falling within Grades 1, 2 and 3a of the Agricultural Land Classification (ALC). Information is not available at a local level to indicate what Agricultural Land Classification the site would fall under. However, data available at a regional level (East Midlands region) suggests that the site would fall under Grade 4 which would not be classified as BMV. Nevertheless, this map represents a generalised pattern of land classification grades only and any enlargement of the scale of the map would be misleading. As such, the LPA will assess the land on the basis of an unknown classification for the agricultural land.

Whilst the NPPF does not suggest that the release of smaller BMV site is acceptable, the magnitude of loss of agricultural land is considered to be low where less than 20 hectares of BMV would be lost. Therefore, given the relatively limited extent of the potential loss of the site (around 0.53 hectares), it is considered that this is not sufficient to sustain a reason for refusal in this case.

The previous application for the same proposal under consideration in the current application (under 22/00145/OUT) was refused on the basis of identified conflict with policy S3, criterion (i) and (iii) along with policies D1, the Good Design SPD and advice contained within the NPPF. The current proposal represents a resubmission of an application for outline planning permission for a building to include one unit of tourist accommodation and ancillary uses and the erection of three lodges to be used for tourist accommodation. At this stage, the design shown is illustrative only and the proposal seeks permission for access only.

Consideration has been given to this illustrative design as well as the supporting information submitted as part of the application submission. It is noted that compared to the previous illustrative design under application ref no. 22/00145/OUT, the lodge shown to the northeast portion of the site (located in the same positioning as the dismissed application under 17/00129/FUL) has been re-sited so that the three lodges and one building to include tourist accommodation and ancillary uses would be situated in the upper portion of the field (to the southeast). The footprint of the lodges has also been reduced and the applicant has also noted that they are amenable to a condition which prevents development to the front portion of the site (the area subject to the previously refused application 17/00129/FUL and dismissed appeal APP/G2435/W/17/3178633).

The applicant's intention is for these to remain as single storey lodges and a single storey building only, and it is noted the applicant is amenable to a condition to ensure the proposed lodges would be limited to single storey in scale.

The illustrative site layout also demonstrates the inclusion of a new access drive which leads to the centre of the site which would include a central carpark. To incorporate these alterations, it is noted that there would need to be the removal of boundary vegetation to the front of the application site (fronting onto Lower Moor Road) and between the upper and lower parcels of land forming the overall application site. However, compared to the previously refused tourist scheme, illustrative landscaping has been added to the plans. Whilst landscaping is not a matter for approval at this stage, the applicant is amenable to a condition to ensure that any landscaping scheme to be submitted in a reserved matters application should be limited to mature specimens only to limit any potential visual impacts in the local area.

Throughout the course of the application, a number of comments were received citing design and character and appearance concerns among other things. Given that the specifics of any design are not under consideration at this stage, this discussion will focus on the principle of three lodges and one building for tourist accommodation and ancillary uses. It was noted that in consideration of the proposal for 2 no. dwellings to the lower portion of the site, the inspector (under ref no. APP/G2435/W/17/3178633) described this area of land as having a "verdant appearance, with a mature mixed hedgerow forming its boundary to Lower Moor Road, and ornamental and fruit trees clearly visible in the backdrop to it." It is considered the upper (rear) portion of the application site (which was not under consideration in 17/00129/FUL and the subsequent appeal) shares this green appearance bordered by hedgerows at the boundaries and forms a distinct "green gap" which provides a sense of separation between the sporadic housing on the western side of Lower Moor Road.

It is noted that previous developments have been approved on the western side of Lower Moor Road including an area 220m to the south of this application site and north of Primrose Cottage (15/01148/OUT) for four detached dwellings in outline and an area 80m to the north of this application site and south of Highwinds was granted permission (16/00352/FUL) for three detached dwellings.

In the determination of application reference 15/01148/OUT (land at Lower Moor Road, Coleorton) it was highlighted that an approval of that development would act as a bookend in terminating development on the western side of Lower Moor Road. The 'bookend' in many respects was seen as a way of preventing further development between the site by Coleorton Methodist Chapel (15/01148/OUT) and the junction with Outwoods Lane as the land between these points is more sparse, less developed, and sits on higher ground which would lead to any development being more prominent. In the determination of application reference 16/00352/FUL, it was considered that as the character changes at the most northern part of Lower Moor Road, with development and dwellings becoming more concentrated, that the proposal would not detract from the visual amenity of the wider area. The case officer also identifies that the "plans also identify that native tree planting would be provided adjacent to the southern boundary of the site which would ensure that there would remain a defensible barrier in resisting further ribbon forms of development."

Concerns were raised under the previously refused application on the site (under 22/00145/OUT) that the development, when combined with the associated widening of the site access (to at least 5.25m in width) and associated partial removal of hedgerows currently delineating the lower and upper portions of the site would result in the introduction of a

substantial built form to the site and the loss of the undeveloped nature of these "green gaps", resulting in an erosion of the distinct open and sporadic character of the western side of Lower Moor Road.

In the current case, development would be limited to the rear portion of the site, which, whilst at an elevated position (as demonstrated on site photos), would have a reduced visibility relative to the front portion of the site due to the lay of the land and the presence of intervening neighbouring development. Therefore, whilst it was considered the scheme would be unacceptable under 22/00145/OUT due to the development of the front (lower portion) of the application site and resultant ribbon development impacts, it is noted that development to the front portion of the site has been omitted and instead re-sited to the rear portion of the site. Additionally, the footprint of the lodges has been reduced when compared to the previously refused submission.

Considering the above, and that the applicant would be willing to accept conditions to ensure no development would take place to the front portion of the site, to limit any development to single storey in scale and to ensure the submission of a mature planting scheme at reserved matters stage, whilst the development would result in the loss of a greenfield site, it is considered that the verdant appearance of the lower portion of the site would be maintained and an appropriate mature planting scheme would provide a "green barrier" to development from occurring directly adjacent to Lower Moor Road (in the most publicly visible area), therefore limiting the potential visual impacts from the public vantage points identified above.

Further, whilst objections have been received in relation to the new siting of the lodges, particularly in relation to the density of development, it is noted that appearance and layout of the development would be matters for consideration at reserved matters stage and it is considered that there is sufficient space to the rear of the site to accommodate a design which would be more in keeping with the sporadic form of development on this side of Lower Moor Road.

Overall, on balance, it is considered the proposal would not result in unacceptable ribbon development impacts, and it is not considered that the proposed lodges and one building would have an unduly harmful effect on the dispersed character of the settlement to warrant the refusal of the application on these grounds. Whilst it is acknowledged the development would result in some harm, it is considered this would not result in significantly harmful levels which would warrant the refusal of the application when considered alongside the agreement which with the applicant to suitably worded conditions to minimise the visibility of the development. As such, the application is considered to accord with criterion (i) and (iii) of Policy S3.

Assessment of the objections received in relation to compliance with Policy S3 criteria (i) and (iii).

Objection	Response
<p>The proposal would adversely affect and diminish the present open character of the environment resulting in significant harm to the character and rural appearance in which it would be set and would represent an unwarranted and incongruous intrusion into the countryside</p>	<p>See above assessment. This concludes that whilst there would be some harm, it is not considered this would be to levels to warrant the refusal of the application when considered alongside the agreement to suitably worded conditions.</p>
<p>It maintains a green frontage that would be</p>	

<p>significantly eroded and the access that would lead to an urbanisation of the site. This would in turn impact on the general character of this area of Coleorton</p>	
<p>The proposals unnecessarily increase the urbanisation of the countryside</p>	
<p>The development would not be an example of sustainable development and would fail on the environmental criteria and have limited social and economic benefits</p>	<p>In terms of compliance with the three strands of sustainable development, it is noted that there would be some positive economic and social benefits resulting from the proposed scheme.</p> <p>Whilst these are limited, they are nonetheless benefits which need to be considered alongside the assessment of the scheme. In terms of environmental impacts, the above assessment concludes that whilst there would be some harm, this would not warrant the refusal of the application given the agreement by the applicant to suitably worded conditions to control the development.</p>
<p>The development would result in unacceptable consolidation of development to the western side of Lower Moor Road. As such, the proposal would be contrary to criterion (iii) of policy S3 of the Local Plan.</p>	<p>See above assessment which outlines how this concern has been overcome in the current application.</p>
<p>It maintains a green frontage that would be significantly eroded and the access that would lead to an urbanisation of the site. This would in turn impact on the general character of this area of Coleorton</p>	<p>See above assessment which outlines how this concern has been overcome in the current application.</p>
<p>The proposal would result in the loss of agricultural land and the applicant has incorrectly described the land as informal garden land</p> <p>Why has the LPA allowed the applicant to reclassify the land as informal garden?</p>	<p>See above assessment which outlines this in further detail.</p>
<p>Approval of the scheme would be contrary to the previously dismissed application for 2 no. dwellings</p>	<p>See above assessment which outlines this in further detail.</p>
<p>The proposal fails to address the LPA's objections to the previous application.</p>	<p>See above assessment which outlines how previous objections have been overcome.</p>

Criteria (vi)

Criterion vi requires proposed developments to be accessible, or be made accessible, by a range of sustainable transport.

The site is located outside of the limits to development, but approximately 200m distance to the part of Coloerton identified as a sustainable village benefitting from a limited range of services and facilities within Local Plan Policy S2.

Consideration has been given to paragraph 105 of the NPPF which states that '*...opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.*

In terms of local amenities, the post office/shop on Lower Moor Road has now closed, as has the Farm Shop referred to in the Planning Statement. Several supermarkets on the eastern side of Ashby are around 4km from the site. There are several pubs in the vicinity, including The George Inn on Loughborough Road (approximately 1.1km) and The Gelsmoor Inn on Rempstone Road (approximately 800m) both of which offer dining opportunities. There is also a network of countryside footpaths in the vicinity of the site. These routes could be used for countryside walks from the site and reduce the walking distance to the George Inn and Gelsmoor Inn however they would not provide the most attractive route for visitors to the site during winter months, poor weather or in the dark. However, future visitors would not be solely reliant on these pathways and could access these services via Lower Moor Road. It is however accepted that the facilities and services within Coleorton itself would not provide future visitors with shops and other facilities required to accommodate for day-to-day needs.

The closest bus stops to the site are on Loughborough Road, which provide access to the hourly 29 service (every 30 minutes at peak times) to Coalville and Ashby. It is around 800m to The Moor bus stop (Coalville bound) and around 1.1km to the George Inn bus stop (Ashby bound). Therefore, whilst it is noted there is no shop in within walking distance, large supermarkets are available on the eastern side of Ashby. These supermarkets can be accessed by bus, albeit that the bus stop for Ashby is over 1km from the site.

It is considered that the nature of the development as a tourism site would mainly attract visitors from outside of the area to the site who would travel there via their own private transport which would lower the reliance on sustainable transport for visitors who wish to access the site. Consideration is also given to the fact that the nature of the proposed use will result in a reduced reliance for visitors to access day to day services and facilities as frequently or readily when compared with the requirements of permanent residential development. Further, the NPPF makes it clear under paragraph 85 that "planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport."

The application also proposes the erection of one building to include ancillary uses which would include an onsite shop which would reduce the reliance on private journeys to access nearby facilities.

Whilst this would be a benefit as part of the scheme, it is not considered this would be a necessity to result in compliance with criteria (vi) given the small scale of the proposal (limited to three lodges and one building to including tourist accommodation and ancillary uses) and that

the NPPF makes it clear (under paragraph 85) that such proposals may need to be located adjacent to or beyond settlement boundaries in areas which have limited public transport provision. Therefore, in this instance, it is not considered reasonable to apply a condition to ensure the shop is provided as part of the scheme and remains onsite in perpetuity.

The site is located in the National Forest which is considered a tourist destination in its own right. The location would allow visitors to travel around the surrounding countryside and whilst this may be by means of the private car, it is noted that this would involve different travel patterns to permanent residents in the surrounding area.

Given the site's location in the National Forest; the fact that the site offers access to an extensive public right of way network and the ability for future visitors to access some facilities by foot or bicycle, as well as the provision of an on-site shop, together with consideration of the nearby bus connections which would allow access to a wider range of services, it is considered that the application would not conflict with criterion vi of Policy S3.

Assessment of objections received in relation to compliance with Policy S3 criteria (vi).

Objection	Response
Bus services are infrequent, inconsistent and commencing and ceasing at inappropriate times	<p>See the above assessment which outlines the assessment of access to sustainable transport.</p> <p>Whilst comments in relation to sustainable walking distance are noted, there is no set distance set out within policies or guidance. Nevertheless, this has been considered within the overall assessment of compliance with Policy S3 (vi).</p> <p>The above assessment also outlines that the nature of development would mainly attract visitors from outside of the area to the site who would travel to the site via their own private transport.</p> <p>Importantly, paragraph 85 of the NPPF states that “planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.”</p>
There would be a lack of sustainable and a choice of accessible transport options	
New tourist attractions should be directed to limits of development.	
Surrounding footpaths are not tourist destinations and the attractions noted are not easily accessed by sustainable transport.	
The site is totally unsuitable for holiday accommodation. It is a residential area with the vast majority of people retired.	
Bus stops are on or over a sustainable walking distance from Roseville	
The proposal would increase the dependence on private motor vehicles	
Concerns regarding the accuracy of Planning Policy advice given planned re-classification of Coleorton	<p>The Local Plan Review is at an early stage in its preparation and cannot be afforded weight. Notwithstanding this, the adopted Local Plan and the NPPF make it clear that tourism accommodation can be acceptable in countryside locations.</p>

<p>Discrepancies between the distances identified to bus stops under the assessment of the tourist lodges and previous applications on the site (in relation to the bus stop opposite Angel Inn)</p>	<p>Whilst this is noted, this section relating to distances to sustainable transport options has been taken from planning policy advice (uploaded onto the portal for reference) and they have noted that the development would be acceptable in terms of compliance with Policy S2 criteria (iv). It is unclear why a larger distance was quoted under 17/00129/FUL and the LPA is unable to comment on the assessment of previous applications.</p>
---	---

Local Plan Policy Ec13 (Tourism Development)

As the proposal is for the erection of holiday accommodation, Local Plan Policy Ec13 is also relevant to the determination of the application.

Criterion d of Policy Ec13 states that the Council will maximise the potential of tourism in the district and increase tourist opportunities for visitors by supporting the development of attractions and accommodation that are well connected to other tourist destinations and amenities, particularly by public transport, walking and cycling.

The policy further states that new tourist accommodation will be directed to the Limits to Development where it can make use of existing infrastructure. It is recognised however that there may be instances where an initiative requires a countryside location or setting or is directly related to a specific tourist destination. It further states that outside of the Limits to Development preference would be for tourism and tourism related development to re-use land and / or buildings.

The Policy also sets out that tourism in rural areas, which benefits business, communities and visitors, and respects the character of the countryside, will be supported. Its scale should be appropriate to the local landscape and its surrounding environment and not adversely affect local transport infrastructure.

The Policy goes on to state that when assessing new provision for rural tourism or the expansion of facilities, consideration will be given to whether needs can be met by existing facilities.

The site is located within the National Forest, and the site provides access to an extensive public right of way network. Access from the site is provided to New Lount Nature Reserve, Hough Windmill and Califat Spinney and Coal Mine and these sites can be accessed by walking and cycling.

It is considered that the proposal is directly related to a specific tourist destination, indeed the site is located within the National Forest itself. The site does not re-use land or buildings, although Policy Ec13 confirms this is only a preference and it is noted that Policy Ec13 does not state that permission should be refused for developments which are located on greenfield sites.

Due consideration has also been given to the Council's Tourism Strategy for Leicester and Leicestershire (2011-2016) which is now out of date, however, it represents the most up to date strategy with the Council's latest strategy being in draft form.

The strategy states that *'occupancy levels suggest that there is enough capacity in the current supply. But to improve the earning potential of the county continued growth in accommodation provision is necessary.'* The strategy expands and states that *'future growth, however, needs to be focused on attracting established and high-profile brand names that will draw in new audiences and allow existing meeting and event venues to improve their performance through expanded accommodation.'*

The Council's draft tourism strategy states that the Council's priorities will focus on *'working with partners to develop opportunities to grow the National Forest as a tourism destination.'*

The NFC have referred to their Tourism Growth Plan which is a 10-year strategic plan (covering 2017-2027). The plan sets out that a thriving tourism sector in the Forest needs to *'deliver more accommodation to allow The National Forest to grow overnight tourism, while recognising that day visitors remain an important core market.'* It is therefore clear that the new tourism strategy will be focussed on expanding tourism opportunities within the National Forest and that the NFC have a strategic plan to grow overnight tourism, which is consistent with Local Plan Policy Ec13.

The submitted Planning statement refers to the Council's Economic Growth Plan (2019-2021) which states that one of the Council's objectives is to *'support proposals for increased investment within the National Forest to develop the tourism offer and support the rural economy.'*

Whilst concerns were raised during the course of the application in relation to the feasibility of the proposed tourism business, further details were provided to provide further clarification on these points including comments from the National Forest Tourism Consultant:

"Our experience shows that at maturity the local supply chain would receive approximately 50% of the overall revenues generated by the operation at the site which could be up to £70,000 per annum. In addition to this due to the self-catering nature of the properties, the guests staying would spend in local restaurants, cafes and attractions which would average at around £155 per stay, at maturity this could deliver a further £60,000 per annum to local businesses. This is in addition to the employment created as part of the operation with the full-time manager, administration role, maintenance and housekeeping teams which are accurate projections in our experience."

Additionally, examples have been provided in relation to local suppliers who would be involved in the scheme. In terms of economic impacts to the surrounding area including 4 no. full and part time positions for local people in the surrounding areas, as well as noting nearby examples of local services that would benefit from visits by guests of the accommodation. Given the information provided, it is considered the proposal would have a positive, albeit small impact on the local economy and would be consistent with the economic and social objectives of the NPPF.

Overall, it is considered the scheme would not adversely affect local transport infrastructure and would be located within the National Forest where tourist destinations and amenities can be accessed by public transport, walking and cycling. The principle of overnight tourism accommodation is supported by Local Plan Policy Ec13 and is further supported by the Council's Tourism Strategy for Leicester and Leicestershire (2011-2016), the Council's draft tourism strategy, the NFC's Tourism Growth Plan (2017-2027) and the Council's Economic Growth Plan (2019-2021). Additionally, as set out above, it is considered the proposal would result in acceptable impacts on the character and appearance of the local area and countryside.

Therefore, it is considered the application would accord with the requirements of Local Plan Policy Ec13.

Assessment of objections received in relation to compliance with EC13

Objection	Response
The proposal would not comply with policy EC13	See above assessment
Objection - Policy Ec13 (2) states "Outside of the Limits to Development preference would be for tourism and tourism related development to re-use land and/or buildings".	Policy EC13 confirms this is only a preference and it is noted that Policy Ec13 does not state that permission should be refused for developments which are located on greenfield sites outside of development limits.
Policy Ec13 (4) states "When assessing new provision for rural tourism or the expansion of facilities, consideration will be given to whether needs can be met by existing facilities".	See above assessment
No evidence has been provided in relation to the ongoing viability of the existing site nor evidence of a demand for holiday use.	A test for the viability of a new business use is not required under policy EC13 of the local plan. Paragraph 84 of the NPPF makes it clear that the sustainable growth and expansion of all types of businesses in rural areas through either the conversion of existing buildings or by providing new buildings should be supported to provide a prosperous rural economy. Part c of paragraph 84 specifically supports tourism and leisure uses in the countryside and there is no requirement to justify the use on its ongoing viability in the future when granting permission or the need to provide evidence of demand for the use.
Compliance with EC13 has not been validated by consultees	Compliance with EC13 was established under the previous application. The Planning Policy consultation response has been uploaded to the portal along with additional correspondence confirming that the advice has not altered in relation to the current application.

Principle of development conclusions

As outlined above, it is considered the proposal would comply with Policy S3 criteria (i) and (iii) and Policy Ec13, and as such, the principle of the proposed development is considered acceptable.

The impacts of the development shall be discussed in further detail below.

Character and heritage impacts

The site is located adjacent to Coleorton Hall gardens which is a Grade II star registered landscape. As such, throughout the course of the application the Conservation Officer, Historic England and the Gardens Trust were consulted.

Paragraph 197 of the NPPF states that planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. It further indicates (at paragraph 199) that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Policy He1 of the Local Plan states that in order to ensure the conservation and enhancement of the historic environment, proposals for development should:

- a) conserve or enhance the significance of heritage assets within the district and their settings;
- b) retain buildings, settlement patterns, features and spaces, which form part of the significance of the heritage asset and its setting;
- c) contribute to the local distinctiveness, built form and scale of heritage assets through the use of appropriate design, materials and workmanship; and
- d) demonstrate a clear understanding of the significance of the heritage asset and of the wider context in which the heritage asset sits.

Whilst no comments were received from Historic England or the Gardens Trust, the Conservation Officer provided the following comments:

"The register of parks and gardens of special historic interest includes Coleorton Hall, "parkland and a range of pleasure grounds around a country house developed in the early nineteenth century".

The "gardens and pleasure grounds" are on the west side of Rempstone Road. The register entry refers to a "park-like grassland" on the east side of Rempstone Road ('the paddock'). The paddock was not the post-medieval deer park; this was "immediately to the north-west of the registered area". The landscape was "presumably laid out ... in the early nineteenth century"; there is evidence of earlier coal mining activity on the land. If the landscape was laid out by Sir George Beaumont then it seems unlikely that it extended onto land outside his lordship and parish.

Between 2012 and 2014 we granted planning permission for development at Ginn Stables including a "new farmhouse" within the registered landscape (our references 12/00357/FUL, 13/00053/FUL and 14/00404/FUL). In each case no objections were raised by the conservation officer, the Garden History Society (now the Garden Trust) or English Heritage (now Historic England). In each case we identified an "acceptable impact" on the significance of the registered landscape. Taking into account the above, I have identified no harm arising from the proposed development."

As such, it is considered the proposal would result in acceptable impacts to the nearby heritage asset.

Letters of objection from Coleorton Parish Council and third-parties have been received relating to design, character and appearance impacts and impacts on the countryside.

Whilst these comments have been noted, under the current application at outline stage, only the principle of development and access are under consideration with further matters, such as appearance, landscaping, layout and scale being considered at Reserved Matters stage. Therefore, a full assessment of design, character and appearance impacts cannot be undertaken at this stage. However, as outlined in the principle section above, officers are of the opinion that this revised scheme together with the imposition of appropriately worded conditions would allow a suitable scheme to come forwards at Reserved Matters Stage which would be acceptable in terms of compliance with Policies D1, EN3, the Council's Good Design Guide and relevant paragraphs of the NPPF.

Overall, it is considered the principle of the proposed holiday accommodation and lodges along with ancillary uses would be compliant with Section 66 of the 1990 Act and the proposal is considered to comply with Local Plan Policy D1, guidance set out within the Council's Good Design Guide, and the advice set out within the NPPF subject to the imposition of appropriately worded conditions.

Assessment of objections received in relation to character and heritage impacts

Objection	Response
The proposal would adversely affect and diminish the present open character of the area and would be an unwarranted and incongruous intrusion.	The above assessment identifies acceptable heritage impacts resulting from the proposal. The Local Planning Authority is of the view that with the imposition of appropriately worded conditions, an acceptable form of development could be achieved at Reserved Matters stage.
The proposals unnecessarily increase the urbanisation of the countryside	
The siting of the lodges in this location would be inappropriate.	It has been established earlier that the principle of siting lodges on this site is acceptable and in line with both local and national policy. Details of the physical siting of the lodges is a matter for consideration at Reserved Matters. However, it is considered the overall size of the rear portion of the application site would allow for an acceptable layout of development which would accord with the sporadic character of development in this part of Coleorton.
The development is on an elevated field exacerbating any resultant impacts.	Whilst this is noted, the siting of the lodges shown is illustrative only at this stage. Officers consider that with conditions applied at this stage, an acceptable form of development could be achieved at Reserved Matters.
No topographical survey has been provided to assess visibility	This was not considered necessary as the Local Planning Authority has visited the site and assessed visibility from public vantage points.
Relocating the building which houses accommodation and facilities, exacerbates the situation, as it encroaches further into and increases the density of development on a field in the countryside	The site plan at this stage is illustrative only and density of development would be considered under a Reserved Matters application. It is considered there would be sufficient space to the rear of the site to allow

	for a development that would not result in a cramped appearance or represent overdevelopment of the site.
The hedges are deciduous and not 2m high around the whole site, therefore the view of the site for 6 months of the year is far more visible from several vantage points.	Whilst it is considered there would be a slight increase in visibility in the winter months, the lodges would be limited to single storey in scale and it is considered that through a combination of a prevention of development to the front of the site and an appropriate mature planting scheme, there would be sufficient space to the rear of the site to create a development which would minimise any potential visual impacts. Further, specifics in relation to the appearance of the lodges would be considered at reserved matters stage and discussions would ensure these would harmonise with the material palette, colour and design of surrounding development.
It maintains a green frontage that would be significantly eroded and the access that would lead to an urbanisation of the site. This would in turn impact on the general character of this area of Coleorton	It should be noted that an access (albeit at a slightly smaller width of 4.8m) was previously approved on site under app ref no. 19/02496/FUL. This, taken into consideration with the imposition of conditions to limit visual impacts resulting from the scheme, importantly including the prevention of development to the front of the site (subject to the previously dismissed appeal), it is considered that the green frontage and verdant appearance of the site could be maintained.

Residential Amenities

Third party letters of objection have been received relating to the impact of the proposal on residential amenity, by way of overbearing impacts, noise, overlooking/loss of privacy and increases in ingoing and outgoing traffic and activity on the site.

As previously noted, at this stage, only the principle of development and access are under consideration and the layout shown on the submitted plans is for illustrative purposes only.

Throughout the course of the application, Environmental Protection were consulted on the proposal and they commented as follows:

"At reserved matters stage, the Environmental Protection Team would wish further details regarding the hours of use for the 'Common Central Area' and further details on what facilities, if any, will be provided in the 'Private Amenity Area' shown on the indicative site layout submitted as part of the application. The Environmental Protection Team also request a condition is applied in regards to lighting: 'Any external lighting shall be provided only in accordance with an

external lighting scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. Details shall include the position, height, luminance and type of lights and maximum lux levels. The external lighting shall be installed and operated in accordance with the agreed scheme. It is recommended that only low-level bollard lighting should be incorporated into the scheme so as to not affect the intrinsically dark nature of the surroundings. All external lighting should be switched off at 23:00hrs' This is to ensure no light spillage, in the interests of residential amenities."

Whilst the above is noted, the common central area as shown on the illustrative plans in the previous application under 22/00145/OUT has been removed in the current application. In any case, it is considered there would be scope for the principle of three lodges onsite and one building for tourist accommodation and ancillary uses subject to a satisfactory layout and the imposition of appropriate conditions to mitigate any potential impacts.

Overall, it is considered that, subject to the imposition of conditions, the application would accord with Local Plan Policy D2 and the advice contained within the NPPF.

Assessment of objections regarding impacts on residential amenities

Objection	Response
<p>Concerns regarding impacts on the amenity of the neighbours and their quiet enjoyment. These concerns include overlooking and overbearing impacts, along with unacceptable levels of noise and disruption.</p>	<p>It should be noted that at this stage, only the principle of development and access are under consideration and the layout shown on the submitted plans is for illustrative purposes only.</p> <p>Throughout the course of the application, there has been a lack of objections raised by the Environmental Protection Team and it is noted that the rear of the site is spacious and can accommodate the development whilst providing a sufficient buffer to surrounding occupants e.g. the development would be approximately 8m to the boundary line with The Firs but 20m to its side elevation, approximately 10m distance to the rear boundary of the site (adjacent to an access lane), approximately 42m distance to the side elevation of The Ginn Stables to the rear of the site and approximately 38m to the neighbour at Peartree Cottage attached to Roseville,</p> <p>Given the above, together with that the lodges would be limited to single storey in scale along with consideration to the submission of an appropriate mature landscaping scheme at reserved matters stage, it is considered that subject to the imposition of conditions, there is scope for an acceptable scheme which should minimise its impacts on the living conditions of neighbouring occupiers.</p>

Potential for permanent occupation of the lodges	This has been considered in the assessment of the scheme and conditions would be imposed to restrict occupancy as part of any decision on the application.
---	--

Highway Safety and Parking

Objections have been received throughout the lifetime of the application citing concerns in relation to the potential for an increase in traffic generated by the proposals and the potential impact this could have on highway safety given the positioning of the access nearby to a crossroads.

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

During the course of the application, Leicestershire County Council Highways were consulted. The Highway Authority commented as follows:

"The LHA has reviewed the revised proposals, as shown on the Indicative Site Layout drawing dated June 2022, submitted to the Local Planning Authority on 11th July 2022 and the submitted Planning Statement. It is understood that the number of units and access proposals remain as proposed under 22/00145/OUT. The LHA therefore have no further comments to make, and continue to advise the conditions below, previously advised in respect of 22/00145/OUT.

The Local Highway Authority Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to the conditions and/or planning obligations outlined in this report."

It is noted throughout the course of the application that comments were raised stating that the results of the speed survey may have been inaccurate which were also raised during the previous application. As outlined in the previous report, County Highways were contacted to review the data in 22/00145/OUT and to confirm if they wish to amend their comments. The following further comments were provided:

"...the data shows 85th percentile speeds of 37.6mph in the northbound direction. This is an average of 85th percentile speeds over the 7-day survey period. It is important to note that the recorded 85th percentile speeds for Saturday 26th and Sunday 27th March were 37.1mph and 36.4mph respectively.

The survey identifies recorded southbound 85th percentile speeds of 39.6mph. Again, this is an average over the 7-day period. The recorded southbound 85th percentile speeds for Saturday 26th and Sunday 27th March were 38.1mph and 37.6mph respectively.

I am therefore satisfied that the weekend speeds, where there were no cars present, were slightly lower speeds than in the weekday scenario, where parked cars were present. Based on this, I am satisfied that the presence of parked vehicles did not have an unacceptable impact on

the survey.

I have also considered traffic flows; the survey identifies that average northbound flows for weekdays were 273 and for weekends, 249 vehicles. For southbound vehicles, the average weekday flow was 299 and weekend average was 269. This therefore demonstrates that there is little variation between weekend and weekday flows.

It should be noted that the survey was carried out in an acceptable location, and a permit had been issued by Leicestershire County Council for the survey to take place on the highway. Based on the above, I can confirm that the data presented is acceptable."

Given the above and that County Highways has previously reviewed the data and confirmed this to be acceptable, it is not considered reasonable to request an additional speed survey in this instance.

Additionally, whilst concerns have been raised in relation to the number of proposed onsite parking spaces, these details would be confirmed should the application be approved in a subsequent reserved matters application.

Overall, subject to the imposition of planning conditions, the application is considered to be in accordance with the guidance set out within the Leicestershire Highway Design Guide and the application is considered to be acceptable when having regard to Local Plan Policies IF4 and IF7 as well as the guidance set out within the NPPF.

Assessment of objections received in relation to highway safety and parking

Objection	Response
Concerns regarding the validity of the speed survey	It is noted throughout the course of the application that comments were raised stating that the results of the speed survey may have been inaccurate which were also raised during the previous application. As outlined above the County Highways were contacted in relation to this specific query and they confirmed they had no objections to the scheme and that the data was accurate and appropriate for the intended use of the site.
Concerns regarding a potential second survey and questions regarding why results were not published	Concerns were raised by objectors in relation to a potential second speed survey having been carried out on site. Comments also raised that the results from the submitted speed survey includes data from one but not both surveys. Therefore, concerns were raised that the applicant was omitting some of the data to receive a positive recommendation. Concerns in relation to the above were forwarded to the County Highway Authority to consider alongside the overall review of the validity of the survey. In regard to whether a second survey had occurred, LCC Highways

	<p>confirmed that they could not comment on this as they are unaware of the existence of a second survey.</p> <p>The validity of the findings was investigated and it should be noted that LCC Highways sought external advice on the matter. Furthermore, the Highway Authority has confirmed that the presence of parked vehicles did not have an unacceptable impact on the survey. Overall, the results of the survey were deemed to be valid and LCC has advised that they do not have any objections to this scheme.</p>
<p>Concerns regarding why the speed survey was conducted by a third party</p>	<p>When additional surveys are requested such as in this case, it is standard within the application process to be carried out by third parties though it should be noted that any surveys need to be carried out by firms who are registered to professional bodies. Further, as outlined above, the validity of the survey was investigated, and LCC Highways sought external advice on the matter. No issues were raised as a result of these investigations.</p>
<p>Concerns regarding inconsistencies between the number of parking spaces proposed/concerns regarding insufficient parking provision</p>	<p>Whilst these concerns are noted, at this stage, the layout is shown for illustrative purposes only and parking layout and considerations will be considered in any subsequent reserved matters application.</p>

Ecology

Paragraph 174 of the NPPF states, amongst other things, that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

Paragraph 180 of the NPPF states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

During the course of the application, Leicestershire County Council Ecology were consulted who reviewed the submitted ecological survey report. From this, the following comments were provided which directed the LPA to the previous comments provided under 22/00145/OUT.

"The Ecological Survey Report (Turnstone Ecology, November 2021) is satisfactory and confirms that the development site is dominated by regularly mown amenity grassland. No protected species or species of note were identified on the site.

Trees and hedgerows on the site should be retained. I note from the plans that there will be a sufficient buffer strip provided between the proposed lodges and the existing hedgerows.

The NPPF (180. d)) states that 'opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate'. A landscape plan should be provided which demonstrates how biodiversity net gain will be achieved on the site. Planting should be of locally native species."

Given the above request for biodiversity net gain on the site, a completed biodiversity net gain metric was requested and reviewed during the course of the application. The submitted metric demonstrates that a net gain of 14.65% is achievable on this site. Following a review of this by LCC Ecology, they confirmed no objections subject to the imposition of the below condition:

"No development shall take place (including ground works or vegetation clearance) until a Biodiversity Net Gain Plan (the Plan) has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be based on the Biodiversity Net Gain metric spreadsheet completed by Turnstone Ecology (Keiran Marriott 29/09/2022) and shall provide a minimum of 10% net gain on the reported baseline habitat loss. The Plan shall include the following details:

- A) Location plan of the areas to be used for Biodiversity Net Gain;*
- B) Description of existing habitats on site;*
- C) Description of planned habitat creation/enhancement, including species to be planted/sown;*
- D) Timetable for implementation of habitat creation/enhancement;*
- E) Habitat management and monitoring plan including timetable for management routines and reviews, and strategy for any remedial measures, if and when required.*

The Plan shall be supported by an up to-date Biodiversity Net Gain metric calculation using the latest DEFRA version of the metric. The Plan shall be implemented in accordance with the approved details".

Subject to the imposition of the above condition, the application is considered to be in accordance with ecology requirements in paragraph 180 of the NPPF.

Assessment of objections received in relation to BNG calculations

Objection	Response
Use of a ground source heat pump would conflict with the ability to meet BNG calculations provided in the application	At this stage, only the principle and access for the development are under consideration with the site plan for the lodges at an illustrative level only. As such, the plan shown in the BNG report is not a final plan and the development would only be acceptable on the basis of compliance with the above condition to provide a BNG Plan which demonstrates a minimum 10% net gain. Once approved, the development will need to accord with the approved details.

<p>Concerns regarding the validity of the BNG calculations (in relation to the classification of amenity grassland garden and unvegetated garden)</p>	<p>LCC Ecology were consulted following the receipt of BNG supporting information and they confirmed there were no objections based on the provided information and raised no issues with the validity of the results.</p>
<p>The BNG plan provided in the report does not include additional hardstanding etc associated with the lodges.</p>	<p>At this stage, only the principle and access for the development are under consideration with the site plan for the lodges at an illustrative level only. As such, the plan shown in the BNG report is not a final plan and the development would only be acceptable on the basis of compliance with the above condition to provide a BNG Plan which demonstrates a minimum 10% net gain. Once approved, the development will need to accord with the approved details.</p>

Trees

Throughout the course of the application, the tree officer was consulted who commented as follows:

"I've no arboricultural objections to this latest outline application for this site. The proposed site access has been previously approved under 19/02496/FUL with required mitigation of the potential impacts to trees conditioned in that consent (currently the subject of a discharge application 22/01167/DIS). The other arboricultural implications from this proposed site use, as shown in the indicative layout, do not appear to significant and so it would be acceptable for them to be considered during any future reserved matters application."

As outlined above, full consideration of impacts on nearby trees can only be established once details of design and layout are secured under a subsequent reserved matters application should the application be approved.

Subject to the imposition of a condition to provide a method statement for the drive as per 19/02496/FUL, the proposal would therefore accord with Policy En3 of the adopted Local plan as well as the guidance set out within the NPPF.

Assessment of objections received in relation to Trees

Objection	Response
<p>Concerns regarding the lack of a tree survey</p>	<p>The Arboricultural Officer has been consulted throughout the course of the application who established that the imposition of tree protection conditions attached under 19/02496/FUL would suffice at this stage until full details of design and layout are established under subsequent applications. As such, a request for a tree survey was not considered necessary in this instance</p>

Archaeology

Where proposals are likely to have a detrimental impact upon any heritage assets present, NPPF paragraph 199, states that developers are required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development, and to make this evidence (and any archive generated) publicly accessible.

The proposed development lies close to the Coleorton Hall Gardens (HER ref: MLE4506) and Rose cottage just outside the application area is on the historic mapping of 1881-1890 suggesting it is at least 19th century in origin. Potential features are seen in the LiDAR (Light Detection and Ranging) survey, suggesting perhaps an old Holloway or trackway leading from one part of Coleorton which correlates with the 19th century mapping and the character of the village being a dispersed population with many different routeways between buildings. The wider landscape shows evidence of medieval coal and iron ore mining (HER ref: MLE4931) and there is the potential that more historic mining could have happened within the development area.

The villages of Rutland, in common with Leicestershire or Leicestershire and the wider English Central Midlands, appear to have evolved alongside their open field systems, during the later 1st millennium AD. Buried archaeological evidence, constituting one or more as yet unidentified heritage asset(s) (National Planning Policy Framework (NPPF) Section 16, paragraph 194-195 and Annex 2), spanning the period from the earliest evolution of the village to its more recent past can be expected within the development area. Consequently, there is a likelihood that buried archaeological remains will be affected by the development.

As such, LCC Archaeology recommend that should any planning permission be granted, this should be subject to an appropriate written scheme of investigation (informed by paragraph 37 of Historic England's Managing Significance in Decision-Taking in the Historic Environment GPA 2), to safeguard any important archaeological remains potentially present.

Subject to the imposition of this condition, the LPA is satisfied that the proposal would be acceptable for the purposes of paragraphs 189-199 of the NPPF.

Coal

Paragraph 183 of the NPPF states that planning policies and decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

Throughout the course of the application, the Coal Authority were consulted due to the development falling within a Development High Risk Area for coal mining. The provided consultation response was as follows:

"The Coal Authority records indicate that the site is likely to have been subject to historic unrecorded underground shallow coal mining. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases. The site also lies within a Surface Coal Resource Zone.

The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site. This information has been used to inform a Coal Mining Risk Assessment (or equivalent) (October 2021, prepared by Ivy House Environmental) to accompany the planning application.

The report is able to identify that there is a significant risk posed to part of the development from historic underground mining.

An initial programme of rotary drilling in the western part of the site is recommended by the report, which should include three 35m boreholes to determine the presence of coal seams, determine whether coal has been extracted and determine the depth and thickness of seams in order to assess stability. Pending the findings, remedial measures, which could include a programme of drill and grout works, may also be required.

The report also indicates that due to the potential presence of unrecorded mine entries, opencast workings, subsided ground and made ground, it has been recommended that a watching brief is undertaken by a competent person during the foundation and ground works.

The intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development and inform any remedial works and/or mitigation measures that may be necessary.

The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site."

The Coal Authority therefore has no objection to the proposed development subject to the imposition of 2 no. conditions to include intrusive site investigations and remediation works/mitigation measures along with a pre-occupation condition for a signed statement or declaration that the site has been made safe and stable.

On the basis of the above, and subject to imposition of relevant conditions, the proposal would accord with Policy En6 of the adopted Local Plan and relevant paragraphs of the NPPF.

Assessment of objections relating to Coal

Objection	Response
The site contains many coal deposits and ancient mine workings which the development would impact	The above sections have demonstrated acceptable impacts subject to conditions.

Minerals and Waste

Throughout the course of the application, the Mineral Planning Authority was consulted on the

application due to the application site's location within a Mineral Consultation Area (MCA) for coal. The comments are included below for reference:

"Having reviewed the submitted Coal Mining Risk Assessment dated October 2021 which identifies and assesses the risks to the proposed development from the coal mining legacy of the local area, it is noted that the central and southern sections of the site are recorded as disturbed ground, which are illustrated as an area of ill-defined surface and shallow mine workings, including areas of subsidence and made ground. The site is specifically underlain by an unnamed but individually mapped sandstone unit and therefore we have no objection to the proposed development."

As such, the proposed development would comply with Policy M11 of the of the Leicestershire Minerals and Waste Local Plan and relevant paragraphs of the NPPF.

Flood Risk and Drainage

The site is situated within Flood Zone 1, an area at lowest risk from fluvial flooding, as well as an area not impacted by a low, medium or high risk surface water flooding, as defined by the Environment Agency's Surface Water Flood Maps.

Insofar as foul drainage is concerned, the application indicates that foul waste would be disposed of via the mains sewer. The application form states that surface water would be disposed of via a sustainable urban drainage system which is considered to be acceptable in this location. This would be conditioned as part of any decision on the application.

Subject to the imposition of a condition on any permission granted, it is considered that the proposal would not result in flooding or surface water drainage issues and consequently would accord with the aims of Policies Cc2 and Cc3 of the adopted Local Plan, as well as the guidance set out within the NPPF.

Assessment of objections raising other matters

Objection	Response
Curtilage extension concerns	Representations have been received throughout the course of the application citing concerns that the proposal shows an extended curtilage for Roseville and it is noted that an application for an extended residential curtilage was recently refused on the site under app ref no. 20/01357/CLE. Whilst this is noted, this is sited within the blue line which is not the subject of this application, and an advisory note could be included as part of any decision to confirm that the application does not permit any extensions in residential curtilage.
The LPA wishes to avoid the case being considered through the appeal process	It should be stressed that each application is assessed on its own merits and the above sections highlight how officers came to a positive recommendation. It should also be noted that the presence of a previous refusal

	<p>does not guarantee the same outcome in a resubmission should revised proposals lead to an acceptable scheme as was the case in this instance.</p> <p>Taking the solutions put forward by the agent and applicant along with consideration to the differences between the current submission and previous refusal, officers considered that they could not sustain the reasons for refusal outlined in the previous scheme.</p>
--	---

Conclusion

Paragraph 8 of the NPPF states that "achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective - to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

In terms of compliance with the three strands of sustainable development, it is noted that there would be some positive economic and social benefits resulting from the proposed scheme and the agent, throughout the course of the application has provided further clarification on these aspects of the proposal.

It is noted that under the previous refusal, 22/00145/OUT, the application was not deemed to conflict with the economic and social stands of sustainable development and during the course of the current application, examples have been provided in relation to local suppliers who would be involved in the scheme. In terms of economic impacts to the surrounding area including 4 no. full and part time positions for local people in the surrounding areas, as well as noting nearby examples of local services that would benefit from visits by guests of the accommodation.

This, in turn needs to be weighed up against any environmental impacts and it is noted that the previous refusal under 22/00145/OUT was considered unacceptable in this regard.

Paragraph 10 goes onto state that "so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development

(paragraph 11). Paragraph 12 of the NPPF states that "The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making." Paragraph 11 goes on to state that for decision-taking, this means "approving development proposals that accord with an up-to-date development plan without delay

The application site is situated outside the defined Limits to Development and it is considered the proposal would comply with Policy S3 criteria (i) and (iii) and Policy Ec13, and as such, the principle of the proposed development is considered acceptable.

Whilst it was considered the scheme would be unacceptable under planning application 22/00145/OUT due to overall impacts to the countryside setting in addition to the development of the front (lower portion) of the application site and resultant ribbon development impacts, in this application, development to the front portion of the site has been omitted (the area subject to the previously dismissed appeal) and instead re-sited to the rear portion of the site. Additionally, the footprint of the lodges has been reduced when compared to the previously refused submission.

Therefore, whilst the development of the rear portion of the site would result in the loss of a greenfield site, Policy Ec13 does not state that permission should be refused for developments which are located on greenfield sites. Therefore, the acceptability of the loss of a greenfield area for a tourism scheme is tied to the specific site circumstances in conjunction with consideration of the overall environmental impacts of the scheme. In terms of visibility of the site, due to the boundary vegetation which surrounds the application site and the positioning of the adjacent property which directly fronts onto Lower Moor Road (the Firs), there would be limited views of the site from the south and southeast of the application site. However, it is also noted that the land increases in elevation to the southwest (rear of the site), whilst sits at a lower elevation to the front of the site adjacent to Lower Moor Road. As such, partial views of the site would be afforded from Outwoods Lane and both the lower and upper portions of the site would be visible within the public realm from Lower Moor Road.

Whilst the development of the rear portion of the site could be considered to be encroachment into the countryside, this in itself would not be a reason for refusal and an assessment needs to be undertaken to establish the harm resulting from the proposed development. It is noted the upper portion of the site is elevated relative to the lower section but would have a reduced visibility in the public realm due to the lay of the land and the presence of intervening neighbouring development. It is also noted that the applicant would be willing to accept conditions to ensure no development would take place to the front portion of the site, to limit any development to single storey in scale and to ensure the submission of a mature planting scheme at reserved matters stage. As such, whilst the development would result in the loss of a greenfield site, it is considered that the verdant appearance of the lower portion of the site would be maintained and an appropriate mature planting scheme would provide a "green barrier" to development from occurring directly adjacent to Lower Moor Road (in the most publicly visible area), therefore limiting the potential visual impacts from the public vantage points identified above.

As such, whilst it is considered there would be limited harm resulting from the development of the site, it is noted that this should be considered alongside the commitment to a mature planting scheme and the demonstration that biodiversity net gains in excess of 10% can be achieved onsite.

On balance, it is considered the proposal would not result in unacceptable ribbon development

impacts, and it is not considered that the proposed lodges and additional building would have an unduly harmful effect on the dispersed character of the settlement to warrant the refusal of the application on these grounds. As such, it is considered the proposal would result in acceptable character and appearance impacts as well as impacts on the surrounding countryside.

The above, considered together with the economic and social impacts of the scheme, is considered to accord with the overarching principles of sustainable development enshrined within the NPPF and would accord with Policy S3, policy D1 of the adopted Local Plan (2021) as well as the Council's Good Design SPD.

It is therefore recommended that the application be approved, subject to conditions.

Date: 14 Nov 2022