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Meeting	PLANNING COMMITTEE
Time/Day/Date	6.00 pm on Tuesday, 5 December 2023
Location	Forest Room, Stenson House, London Road, Coalville, LE67 3FN
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 7 November 2023	3 - 10
4.	PLANNING APPLICATIONS AND OTHER MATTERS	
	Report of the Head of Planning and Infrastructure.	11 - 14

Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
A1	23/00933/FUL: Proposed conversion of former chapel into nine residential flats and associated development Kegworth Wesley Methodist Church High Street Kegworth	Permit	15 - 40
A2	23/01048/OUT: Erection of three self-build detached dwellings (outline application with all matters reserved except for access) 67 Loughborough Road Coleorton Coalville Leicestershire LE67 8HJ	Permit	41 - 64
A3	23/00905/FUL: Demolition of existing nursery, and erection of building comprising children's nursery, and 5 residential apartments, together with associated parking, landscaping, bin and cycle store 8 Forest Road Coalville Leicestershire LE67 3SH	Permit	65 - 84
A4	23/01148/FUL: Erection of two storey side and rear extension, single storey rear extension and replacement windows Hemingford South Street Ashby De La Zouch LE65 1BR	Permit	85 - 106

MINUTES of a meeting of the PLANNING Committee held in the Forest Room, Stenson House, London Road, Coalville, LE67 3FN on TUESDAY, 7 November 2023

Present: Councillor R Boam (Chair)

Councillors R L Morris, D Bigby, R Canny, D Everitt, J Legrys, P Moul, C A Sewell, J G Simmons, M B Wyatt (Substitute for Councillor M Burke) and N Smith

In Attendance: Councillors

Officers: Mr C Elston, Mr D Jones, Mrs C Hammond, Ms S Booth, Mr T Devonshire, Mrs H Exley and Mr C Unwin-Williams

34. APOLOGIES FOR ABSENCE

Apologies were received from Councillor M Burke.

35. DECLARATION OF INTERESTS

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

Councillor J Legrys declared a registerable interest in item A1 – Application number 22/00819/FULM as he was speaking on the application as Ward Member. During the consideration of this application, Councillor D Cooper would join the committee as a substitute for Councillor J Legrys.

Councillor R Boam declared a registerable interest in item A4 – application number 23/00306/FUL as the Ward Member and item A5 – application number 23/00740/OUT as he was related to the applicant. He would leave the meeting during discussion and voting thereon. During the consideration of these items, Councillor A Woodman would join the Committee as a substitute for Councillor R Boam.

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

Item A1 – application number 22/00819/FULM: Councillor R Canny, Councillor C Sewell, Councillor J Simmons, Councillor and D Everitt. Councillor D Cooper made his declaration once he had joined the committee as a substitute.

Item A5 – application number 23/00740/OUT: Councillor D Bigby, Councillor R Canny, Councillor C Sewell, Councillor J Simmons, Councillor M Wyatt, Councillor R Morris and Councillor P Moul. Councillor A Woodman made his declaration once he had joined the committee as a substitute.

36. MINUTES

Consideration was given to the minutes of the meeting held on 3 October 2023.

It was moved by Councillor J Legrys, seconded by Councillor N Smith and

RESOLVED THAT:

The minutes of the meeting held on 3 October 2023 be approved and signed by the Chairman as a correct record.

37. TO CONSIDER AN OBJECTION MADE BY BTA PARTNERSHIP IN RESPECT OF NWLDC TREE PRESERVATION ORDER T509 - LAND REAR OF 47-49 MARKET STREET, ASHBY DE LA ZOUCH

The Planning and Development Team Manager presented the report.

Several Members praised the qualities of Birch Trees and suggested that the tree in question was not responsible for the problems with the wall; they therefore supported the Officer's recommendation to make the Tree Preservation Order.

It was moved by Councillor R Canny, seconded by Councillor M Wyatt and

RESOLVED THAT:

The Tree Preservation Order be confirmed.

38. PLANNING APPLICATIONS AND OTHER MATTERS

Consideration was given to the report of the Head of Planning and Infrastructure, as amended by the update sheet circulated at the meeting.

The Chair advised the Committee that item A3 – application number 23/00565/FUL had been withdrawn and therefore would not be considered.

39. CONSTRUCTION OF 28 1-BEDROOM RESIDENTIAL APARTMENTS WITH ASSOCIATED COMMUNAL AREAS, PARKING AND BIN STORAGE. CONSTRUCTION OF LEISURE BUILDING TO INCLUDE A BOWLING ALLEY, RESTAURANT WITH SECOND FLOOR TERRACE AREA, MINI GOLF AND GAMING AREAS. PART-DEMOLITION OF 75-81 BELVOIR ROAD AND CHANGE OF USE FOR RETAIL INCLUDING ASSOCIATED EXTERNAL ALTERATIONS AND PARKING, DEMOLITION OF 83 BELVOIR ROAD, ALTERATIONS TO EMPORIUM NIGHTCLUB INCLUDING PART DEMOLITION TO THE REAR, TOGETHER WITH NEW ACCESS ONTO BELVOIR ROAD AND CREATION OF ASSOCIATED PUBLIC AMENITY AREAS APPLICATION REFERENCE 22/00819/FULM

Land Off Belvoir Road, Coalville, Leicestershire, LE67 3PD

Officer's recommendation: Permit, subject to conditions and S106 agreement

Having declared an interest in the item, Councillor J Legrys removed himself from the Committee to join the public gallery prior to being invited to speak as Ward member. Councillor D Cooper joined the Committee as his substitute.

The Senior Planning Officer presented the report.

Councillor J Legrys, Ward Member, addressed the Committee. He noted that this application crossed two wards, and the Committee should regard his contribution as representing the views of Councillor J Geary as well. They welcomed the substantial investment although they noted that there was some scepticism amongst residents. The two Ward Members hoped landscaping would be well considered, and the two Members would also be clearly communicated with throughout the process. Nevertheless, the

concerns they had were considerably outweighed by the need for regeneration in the area.

Several Members of the Committee echoed the Ward Member's thoughts. It was generally held that Officers had produced a comprehensive report, and that the development was one which had manifold strengths and consequently should be approved. They did have concerns around parking provision; the loss of trees; and antisocial behaviour and crime at the development, which a Member suggested could be safeguarded against with the installation of CCTV. Nevertheless, they all felt that the regenerative potential of the development strongly outweighed any minor concerns which they had.

A Member hoped the developers would contribute some money to the local charity as a gesture of good will.

The Senior Planning Officer clarified some of the minor concerns that Members did have. Further parking provisions on the site were not considered possible, and sustainable travel schemes were encouraged. Meanwhile, the lighting condition placed on the development should help with any anti-social behaviour concerns, although a request for CCTV to be provided could not be added as a note to applicant.

The recommendation to permit the application in accordance with the officer's recommendation was moved by Councillor M Wyatt and seconded by Councillor R Morris.

The Chair 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.

At the conclusion of the item, Councillor J Legrys returned to the Committee. Therefore, as no longer required as a substitute, Councillor D Cooper left the meeting.

Motion to permit application in accordance with officer's recommendation (Motion)	
Councillor Russell Boam	For
Councillor Ray Morris	For
Councillor Dave Bigby	For
Councillor Rachel Canny	For
Councillor Doug Cooper	For
Councillor David Everitt	For
Councillor John Legrys	No vote recorded
Councillor Peter Mout	For
Councillor Carol Sewell	For
Councillor Jenny Simmons	For
Councillor Michael Wyatt	For
Councillor Nigel Smith	For
Councillor Andrew Woodman	No vote recorded
Carried	

40. ERECTION OF TWO DWELLINGS (RESUBMISSION OF 20/00699/FUL) APPLICATION REFERENCE 23/01127/FUL

Land adjacent to 5 Cedar Grove, Moira, Derby

Officer's recommendation: Permit

The Senior Planning Officer presented the report.

A Member hoped that if the development was approved then safeguards would be provided so that residents would not be too adversely affected during the development phase.

The Planning and Development Team Manager stressed that as this was a Council Development the Council had greater control over the development anyhow and there was no need for excessive formal conditions, such as a Construction Management Plan.

The recommendation to permit the application in accordance with the officer's recommendation was moved by Councillor R Canny and seconded by Councillor R Morris.

The Chair 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 application in accordance with officer's recommendation (Motion)	
Councillor Russell Boam	For
Councillor Ray Morris	For
Councillor Dave Bigby	For
Councillor Rachel Canny	For
Councillor Doug Cooper	Abstain
Councillor David Everitt	For
Councillor John Legrys	For
Councillor Peter Mout	For
Councillor Carol Sewell	For
Councillor Jenny Simmons	For
Councillor Michael Wyatt	For
Councillor Nigel Smith	For
Councillor Andrew Woodman	No vote recorded
Carried	

41. CHANGE OF USE OF LAND FOR PARKING OF HEAVY GOODS VEHICLE (HGV) FOR A TEMPORARY PERIOD OF 36 MONTHS INCLUDING ERECTION OF FENCING/GATES AND A MOBILE BUILDING APPLICATION REFERENCE 23/00565/FUL

This application had been withdrawn from the agenda and was not considered but will be reported to a future meeting.

42. ERECTION OF A RURAL WORKERS DWELLING AND SECURE AGRICULTURAL STORE APPLICATION REFERENCE 23/00306/FUL

Rainbow Crescent, 7 The Moorlands, Coleorton, Coalville, Leicestershire, LE67 8GG

Officer's recommendation: Permit, subject to conditions

Having declared an interest in the item, Councillor R Boam left the Committee for the remainder of the meeting. Councillor A Woodman took his place on the Committee and Councillor R Morris took his place in the Chair.

The Senior Planning Officer presented the report.

Mr Harris-Watkins, agent, addressed the Committee. He noted this was not an item which would typically go before the Committee if not for the relationship of the developer to a sitting Councillor. He detailed the strong agriculturally centred reasons why the development was needed, referred to the many consultees which had offered no objection to the development, and noted that the only objection was from the Parish Council. He urged Members to permit the application in accordance with the officer's recommendation.

A couple of Members discussed the need to balance limits to development considerations against examples where there was a clear need for development, in accordance with policies in the Local Plan. They felt in this case the concrete agricultural need weighed in favour of development, but they sought assurances from Officers that rules would not be undermined in the future at this location. Concern was also raised about the future conversion of the agricultural building using permitted development rights.

The advice of the Planning and Development Team Manager was that a recommended condition meant the farmer could retire in the property, their widow or widower and their dependents, but then must be sold on as an agricultural workers dwelling should none of those listed relatives exist in the future or they would need to apply to have the condition removed. Members asked whether an application could be submitted by one of the family members in the future for a second tied house on site and the team manager advised that could potentially be the case, but that would be a significant number of years into the future and that case would need to be considered on its own planning merits at that time.

With regard to the potential future permitted development conversion of the agricultural buildings on site, advice was provided that this would need to accord with the provisions of the relevant legislation including the need to have used the building for agricultural purposes for a period of ten years or over. Members were advised that agriculturally tied dwellings had been a part of national and local planning policy for a considerable number of years and are a potentially acceptable exception to adopted policy.

The recommendation to permit the application in accordance with the officer's recommendation was moved by Councillor R Canny and seconded by Councillor N Smith.

The Chair 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 application in accordance with officer's recommendation (Motion)	
Councillor Russell Boam	No vote recorded
Councillor Ray Morris	For
Councillor Dave Bigby	For
Councillor Rachel Canny	For
Councillor Doug Cooper	No vote recorded
Councillor David Everitt	For
Councillor John Legrys	For
Councillor Peter Moutt	For
Councillor Carol Sewell	For
Councillor Jenny Simmons	For
Councillor Michael Wyatt	For
Councillor Nigel Smith	For
Councillor Andrew Woodman	For
Carried	

43. ERECTION OF 5 NO SELF BUILD DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS) APPLICATION REFERENCE 23/00740/OUT

Land at Main Street, Swannington, Coalville, Leicestershire, LE67 8QL

Officer's recommendation: Permit, subject to conditions and S106 agreement

The Senior Planning Officer presented the report.

Ms Stafford, Parish Councillor, addressed the Committee. She argued that the development contravened every policy of the Council's Local Plan and Swannington's Neighbourhood Plan. This reflected a growing national issue that the self-build category was being unscrupulously misused by developers. She set out the reasons behind this claim. She added that this application was only being recommended to meet the Council's self-build quota, and advised Members that there was no precedent for Planning Committees having their decisions successfully appealed when the application so clearly contravened the Local Plan. Alternatively, she felt that the Committee would be setting an unwise precedent if this application was approved.

The Planning and Development Team Manager advised the Committee that National Government requires all councils to provide self builds in their area. It was explained that the judgement on whether self-build applications were to be supported or not was based on a judgment of the impact of the scheme on the surrounding area and their impacts on policy weighted against the positive impact that they deliver self-build housing in line with national requirements.

A few Members of the committee expressed strong criticisms of the proposed development and the wider concept of self-build. Members felt that permitting the application would be overruling the wishes of the Parish Council, which had selected other sites in the Parish to be developed in their Neighbourhood Plan of March 2023; that it would clearly violate three of the five criteria of Policy S3 of the Local Plan; and that it was outside the limits to development. Relatedly, but more generally, Members felt that the concept of self-build as currently used was highly misleading; and permitting the application would send a poor message about the value of Local Plans.

The Planning and Development Team Manager clarified the distinction between self-build and custom-build and noted that this development was an example of the latter. He added that some concerns raised were addressed in the conditions and would be reflected later in the process. He also advised the Committee that the quota discussed would be combined with the following year if it was not met and this was something Members should bear in mind.

Due to the nature of the discussions, the Head of Planning and Infrastructure reminded the Committee that material planning reasons were required if they were minded to go against the Officer's recommendation. Further debate was had on possible reasons to refuse the application.

Members stated the following reasons: it was contrary to Policy S3 of the Local Plan being outside limits to development, was considered to form a suburban form of development and would harm the character of the settlement and contrary to the Neighbourhood Plan Policy H2 agreed in March 2023

The recommendation to refuse the application on the grounds that it was contrary to Policy S3 of the Local Plan in relation to the fact that it is outside of the limits to development, a suburban form of development, and it would be harmful to the character of

the settlement and the requirements of Policy H2 of the Neighbourhood Plan was moved by Councillor R Canny and seconded by Councillor D Bigby.

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

RESOLVED THAT:

The application be refused on the grounds that it was contrary to Policy S3 of the Local Plan, and Policy H2 of the Neighbourhood Plan agreed in March 2023.

Motion to reject application, contrary to officer's recommendation (Motion)	
Councillor Russell Boam	No vote recorded
Councillor Ray Morris	For
Councillor Dave Bigby	For
Councillor Rachel Canny	For
Councillor Doug Cooper	No vote recorded
Councillor David Everitt	For
Councillor John Legrys	For
Councillor Peter Moulton	For
Councillor Carol Sewell	For
Councillor Jenny Simmons	For
Councillor Michael Wyatt	For
Councillor Nigel Smith	For
Councillor Andrew Woodman	For
Carried	

The meeting commenced at 6.00 pm

The Chairman closed the meeting at 7.34 pm

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APPENDIX B

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

5 December 2023

PLANNING & DEVELOPMENT REPORT

PLANNING COMMITTEE FRONT SHEET

1. Background Papers

For the purposes of Section 100(d) of the Local Government (Access to information Act) 1985 all consultation replies listed in this report along with the application documents and any accompanying letters or reports submitted by the applicant, constitute Background Papers which are available for inspection, unless such documents contain Exempt Information as defined in the act.

2. Late Information: Updates

Any information relevant to the determination of any application presented for determination in this Report, which is not available at the time of printing, will be reported in summarised form on the 'UPDATE SHEET' which will be distributed at the meeting. Any documents distributed at the meeting will be made available for inspection. Where there are any changes to draft conditions or a s106 TCPA 1990 obligation proposed in the update sheet these will be deemed to be incorporated in the proposed recommendation.

3. Expiry of Representation Periods

In cases where recommendations are headed "Subject to no contrary representations being received by [date]" decision notices will not be issued where representations are received within the specified time period which, in the opinion of the Head of Planning and Infrastructure are material planning considerations and relate to matters not previously raised.

4. Reasons for Grant

Where the Head of Planning and Infrastructure report recommends a grant of planning permission and a resolution to grant permission is made, the summary grounds for approval and summary of policies and proposals in the development plan are approved as set out in the report. Where the Planning Committee are of a different view they may resolve to add or amend the reasons or substitute their own reasons. If such a resolution is made the Chair of the Planning Committee will invite the planning officer and legal advisor to advise on the amended proposals before the a resolution is finalised and voted on. The reasons shall be minuted, and the wording of the reasons, any relevant summary policies and proposals, any amended or additional conditions and/or the wording of such conditions, and the decision notice, is delegated to the Head of Planning and Infrastructure.

5. Granting permission contrary to Officer Recommendation

Where the Head of Planning and Infrastructure report recommends refusal, and the Planning Committee are considering granting planning permission, the summary reasons for granting planning permission, a summary of the relevant policies and proposals, and whether the permission should be subject to conditions and/or an obligation under S106 of the TCPA 1990 must also be determined; Members will consider the recommended reasons for refusal, and then the summary reasons for granting the permission. The Chair will invite a Planning Officer to advise on the reasons and the other matters. An adjournment of the meeting may be necessary for the Planning Officer and legal Advisor to consider the advice required

If The Planning Officer is unable to advise at Members at that meeting, he may recommend the item is deferred until further information or advice is available. This is likely if there are technical objections, eg. from the Highways Authority, Severn Trent, the Environment Agency, or other Statutory consultees.

If the summary grounds for approval and the relevant policies and proposals are approved by resolution of Planning Committee, the wording of the decision notice, and conditions and the Heads of Terms of any S106 obligation, is delegated to the Head of Planning and Infrastructure.

6 Refusal contrary to officer recommendation

Where members are minded to decide to refuse an application contrary to the recommendation printed in the report, or to include additional reasons for refusal where the recommendation is to refuse, the Chair will invite the Planning Officer to advise on the proposed reasons and the prospects of successfully defending the decision on Appeal, including the possibility of an award of costs. This is in accordance with the Local Planning Code of Conduct. The wording of the reasons or additional reasons for refusal, and the decision notice as the case is delegated to the Head of Planning and Infrastructure.

7 Amendments to Motion

An amendment must be relevant to the motion and may:

1. Leave out words
2. Leave out words and insert or add others
3. Insert or add words

as long as the effect is not to negate the motion

If the amendment/s makes the planning permission incapable of implementation then the effect is to negate the motion.

If the effect of any amendment is not immediately apparent the Chairman will take advice from the Legal Advisor and Head of Planning and Infrastructure/Planning and Development Team Manager present at the meeting. That advice may be sought during the course of the meeting or where the Officers require time to consult, the Chairman may adjourn the meeting for a short period.

Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of. The amendment must be put to the vote.

If an amendment is not carried, other amendments to the original motion may be moved.

If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendment, or if there are none, put it to the vote.

8 Delegation of wording of Conditions

A list of the proposed planning conditions are included in the report. The final wording of the conditions, or any new or amended conditions, is delegated

to the Head of Planning and Infrastructure.

9. Decisions on Items of the Head of Planning and Infrastructure

The Chairman will call each item in the report. No vote will be taken at that stage unless a proposition is put to alter or amend the printed recommendation. Where a proposition is put and a vote taken the item will be decided in accordance with that vote. In the case of a tie where no casting vote is exercised the item will be regarded as undetermined.

Proposed conversion of former chapel into nine residential flats and associated development

Report Item No
A1

Kegworth Wesley Methodist Church High Street Kegworth

Application Reference
23/00933/FUL

Grid Reference (E) 448505
Grid Reference (N) 326745

Date Registered:
21 July 2023

Applicant:
Mr Leigh Morris

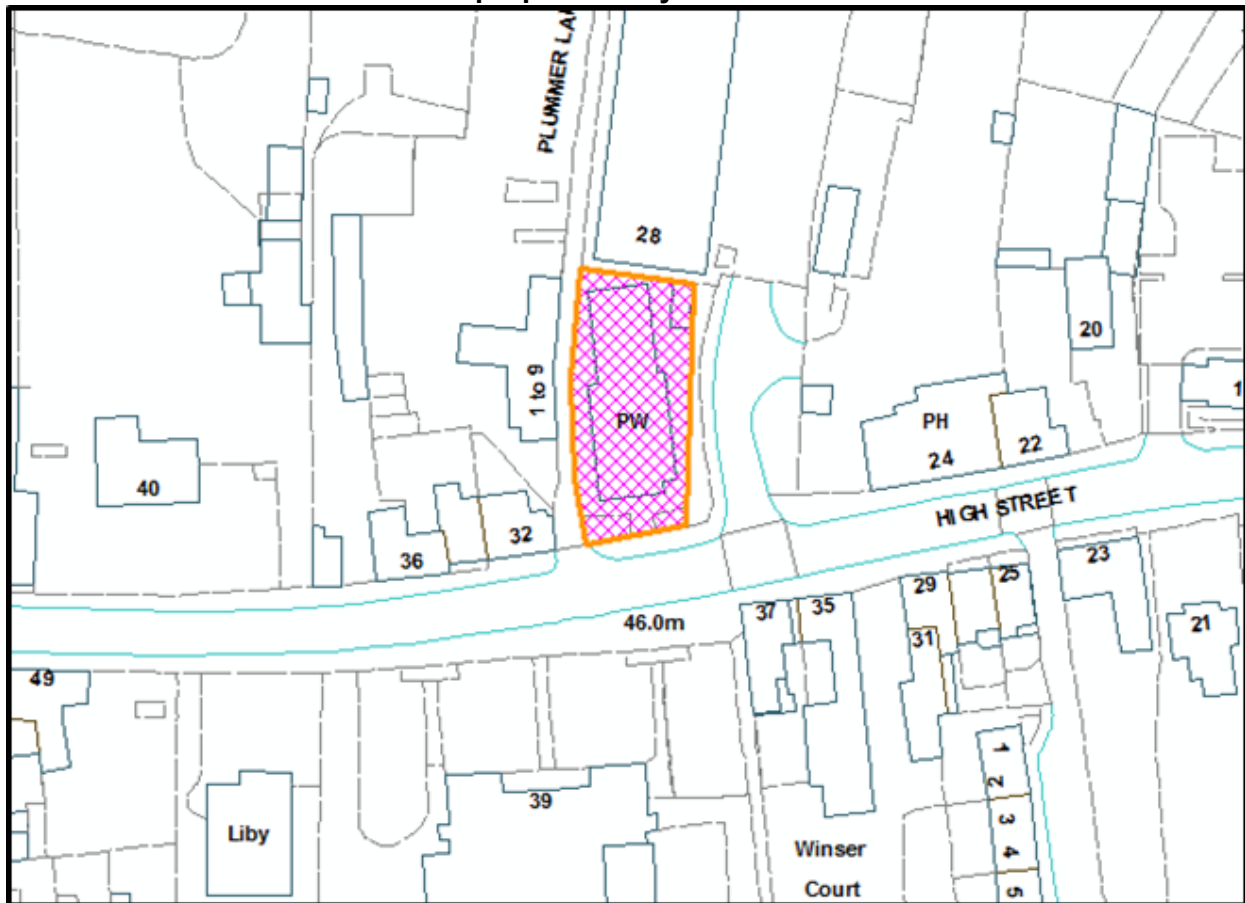
Consultation Expiry:
9 October 2023
8 Week Date:

Case Officer:
Donnella Wood

15 September 2023
Extension of Time:
None Agreed

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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Reasons the case is called to the Planning Committee

The application is brought before Planning Committee as the application has been requested to be 'called in' by Councillor Sutton on the grounds of lack of parking and highway safety and a high proportion of residential properties on High Street are given over to Houses in Multiple Occupation, flat accommodation and Air bed and breakfast facilities.

RECOMMENDATION - PERMIT, subject to the following conditions;

- 1 Standard Time Limit -3 years
- 2 Approved Plans - received 6 September 2023
- 3 Historic Building Recording – Details to be provided in relation to any artefacts of archaeological value to be submitted to and agreed prior to any commencement of development on site.
- 4 Construction Environment Management Plan to minimise the impact of the scheme on passenger flights from EMA – to be submitted to and agreed prior to any commencement (East Midlands Airport)
- 5 Aviation Perspective Glint and Glare Assessment to be submitted to and agreed prior to any installation of the proposed solar panels (East Midlands Airport)
- 6 External Materials - details to be submitted to and agreed post damp proof course installation
- 7 New external windows and doors and any alteration to existing openings - details to be submitted to and agreed post damp proof course
- 8 Cycle Parking Provision – details to be submitted to and agreed prior to first occupation
- 9 Landscaping and Boundary Treatments – to be provided on site prior to first occupation
- 10 Conservation Style Rooflights - to be installed as part of the scheme.
- 11 Obscure Glazing - to be installed for the ground and first floor windows serving bathrooms on the east and west side elevations
- 12 Removal of Permitted Development Rights for extensions and alterations to the property
- 13 Netting of Solar Panels to prevent birds from accessing to prevent issues with passing aeroplanes (East Midlands Airport)
- 14 No Reflective Materials, including solar panels other than clear or obscure glass shall be added to the building so as not to impact negatively on aviation (East Midlands Airport)
- 15 Exterior Lighting to be capped at the horizontal with no upward light spill (East Midlands Airport)

MAIN REPORT

1. Proposals and Background

Full planning permission is sought for the conversion of the former Chapel into nine residential flats and associated development.

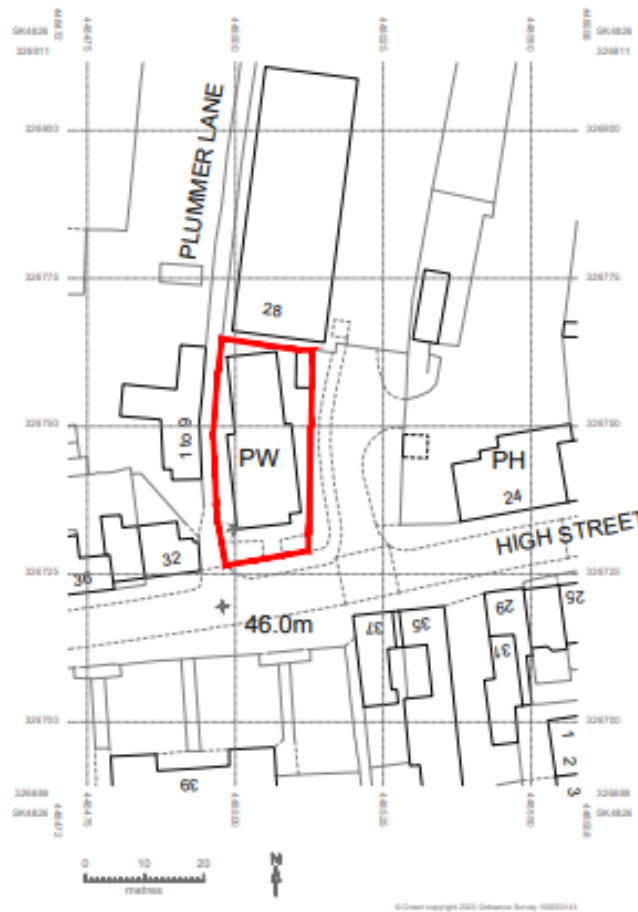


The site is adjoined to the west by flats 1-4 (32 High Street) and Plum Cottage and the Flat Plum Cottage on Plummer Lane. There are no immediate residential properties to the east or north of the site, and the site is located directly opposite the Kegworth County Primary School.

The site is located off the High Street which is a classified C road subject to a 30mph speed limit with double yellow lines to the frontage.

The site falls within the Kegworth Conservation Area and the Limits to Development, as defined by the policy map to the adopted Local Plan. The site location plan is shown below.

Site Location Plan



The site does not benefit from an existing vehicular access and the proposals do not propose the construction of one particularly as there is no room on the site to facilitate a vehicle access or car parking spaces. The site will therefore remain as pedestrian access only in the same way that it was when it was an operating chapel.

The scheme proposes to construct a total of nine apartments comprising 2 x 2 bed apartments and 7 x 1 bed apartments.

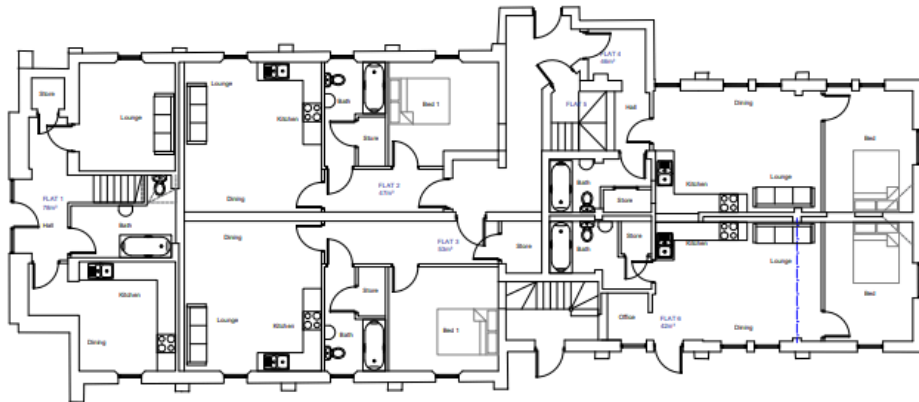
Details of the proposed development are shown below.

Site Layout Plan Showing Proposed Development

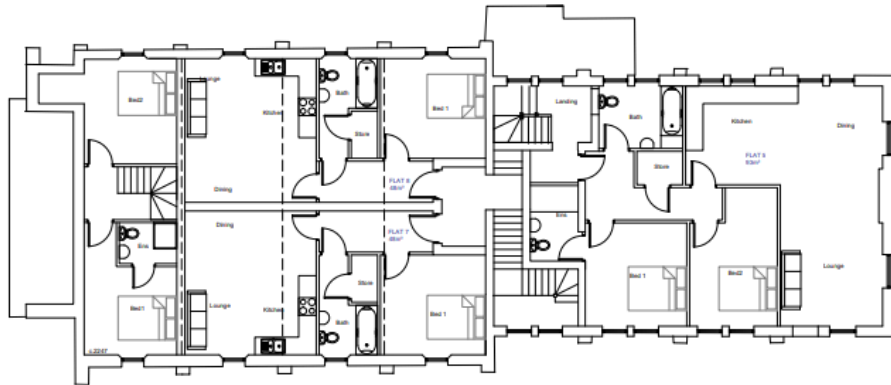


Proposed Floor Plans

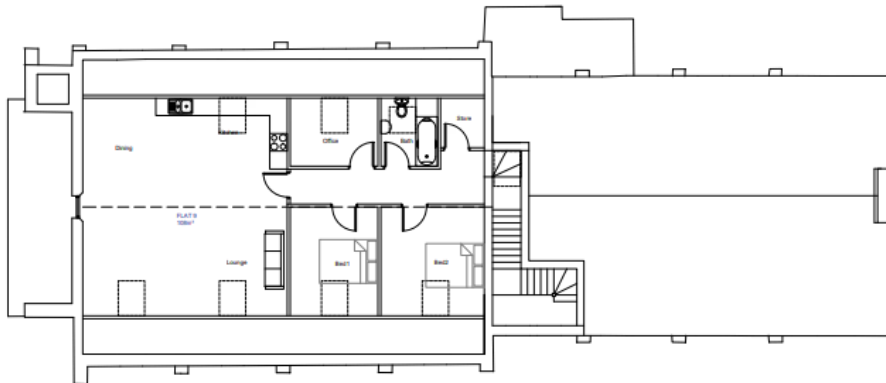
Ground Floor



First Floor



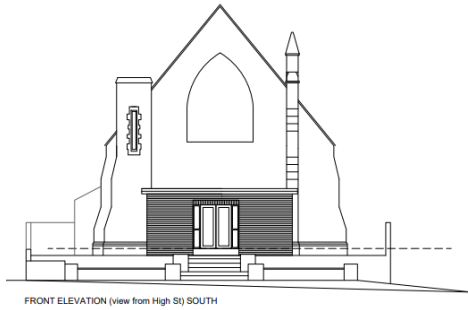
Second Floor



Roof Plan



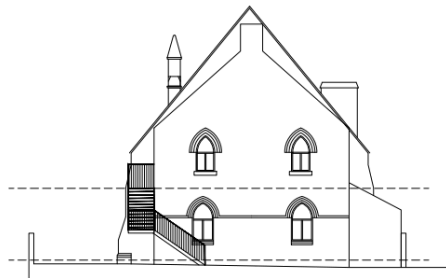
Existing Front Elevation



Proposed Front Elevation



Existing Rear Elevation



Proposed Rear Elevation



Existing Side Elevation (West)



Proposed Side Elevation (West)



Existing Side Elevation (East)



Proposed Side Elevation (East)



Existing views of the site



View looking east on the High Street standing outside no. 34



View looking directly to the frontage of the church



View looking west from the High Street



View of the publicly visible east elevation of the church

Recent Planning History

No relevant planning history

2. Publicity

34 Neighbours have been notified.
Site Notice displayed 03 August 2023.
Press Notice published 09 August 2023.

3. Summary of Consultations and Representations Received

Councillor Sewell – As the neighbouring ward Councillor she **objects** to the application on the basis that no-off road parking is available and on-road parking is extremely limited, especially at School drop-off and collection time and that there are no public car parking spaces on the Croft and endorses the comments made by the Community Focus Officer and Conservation Officer.

Kegworth Parish Council - Objects to the application on the following grounds:

“The planning proposal does not provide any off-road parking. There are already significant issues with parking and safety on the roads in the area, which cause sensitivities. The school safety zone is very close by, Skylink buses use the route, and large vehicles park regular to make deliveries. Commuters and users of East Midlands Airport also use the area for parking and there are HMOs in the area, all of which add to the problem.

LCC Highways have suggested the use of The Croft as a suitable parking place. There are no public parking spaces on the Croft as this is a private, unadopted road. The Market Place area nearby will also be subject to parking restriction limits once the NWLDC Public Realm Project is completed next year, so this should not be considered to be an alternative, nearby parking area.

Councillors disagreed with the Edwards & Edwards analysis given in the LCC Highways response that the site is currently "operating with a shortfall of 71 spaces". Comments about hypothetical previous use are irrelevant for the proposed use. The building has not been used actively for some time as there was no viable congregation and, therefore, the statement is misleading.”

No objection from: -

NWLDC Environmental Protection

No objection subject to condition/note to applicant from

NWLDC Conservation Officer
Leicestershire County Council Ecology
Leicestershire County Council Highway Authority (Local Highway Authority)
Leicestershire County Council Archaeology

Third Party Representations:

18 letters of neighbour representation have been received raising objections on the following grounds:

Subject	Reason for Objection
Lack of Parking and Highway Safety	High Street parking is overwhelmed together with the primary school traffic and the safety zone taking up a large area, double yellow lines, and bus stop for the secondary school children and Skylink bus stop and inconsideration parking from airport uses.
	High Street already has significant parking problems with several HMOs and the recent commercial business Gateway Apartments which offers rooms to rent with no parking. This parking problem is illustrated by the council's own property - the library - blocking its car park off due to illegal parking. In addition the nursery does not provide parking for its staff.
	Side roads are being used for parking which in turn is causing more problems, especially on Broadhill.
	No parking provided for 9 dwellings could lead to an additional 20 cars, added to the existing in the area.
	It is optimistic in the extreme to anticipate that residents in the flats will use public transportation and / or bicycles.
	Highly unlikely that the residents of the flats will not own cars or have visitors.
	Will lead access to the school to be very dangerous and significant risk to residents.
	Parking provision should be included within the application and apartments here would parking is a disaster waiting to happen.
	The proposal will lead to illegal parking on pavements and tensions between residents.
	Cycle travel is dangerous in the area, rat runs from the M1, and other main roads combined with the lack of safe cycleways compound this problem.
	Nearest parking is Market Square which is restricted and ingress and egress from this carpark is also unsafe as buildings block the line of sight for drivers.
	Access for articulated dray deliveries to the Red Lion is required at all times, as is access for IGEM parking for its workforce and visitors.
CCTV enforcement would be required.	
The assessment of a theoretical 71 spaces to meet current parking	

	standards is absurd and excessively high – most walked to and from the church and does not accord with actuality and to compare a building that had occasional use to full time residential use is not reasonable.
	The planners are requested to carry out a site visit between 8.30 and 9.00 or 3.15 and 3.45 on a week day during term time so that an informed assessment of the difficulties regarding parking at the proposed location can be undertaken.
	Where are the builders skips going to be put is anyone’s guess.
Other	Kegworth needs a proactive community hub in this building due to its historic context and not just more residential development.
	Kegworth has had no additional resources as a village, despite hundreds of new houses and families in the last few years.
	Disruption during development and noise during the working day on lessons at the Primary School.

Six letters of neighbour representation have been received in support of the application on the basis that: -

- This is an attractive building in a Conservation Area and the proposal makes good use of a large building and keeps the church in its original form by sympathetically converting it.
- The church wasn’t used in the community and housing is desperately needed.
- If the proposal is not granted what will happen to this building? It will simply become derelict and unsafe building in not many years’ time.
- The proposal to convert to residential would cause less issues with parking than if it was to be made into something else such as commercial.
- The issue with parking near the church is people dropping their children off at school and parking dangerously- the conversion of the church has no impact on the school and the issue with parking.
- A community hub whilst a lovely idea is a non-starter unless the village has a benefactor with extremely deep pockets.

Two letters of neighbour representation are in support of the application on the basis that it is a good use of the building and would help preserve the character of the street and to ensure that the boundary wall is repaired, but still raise concerns and objections over the lack of any car parking for the proposed use.

4. Relevant Planning Policy

National Planning Policy Framework (2023)

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

Paragraphs 8 and 10 (Achieving sustainable development);
 Paragraph 11 (Presumption in favour of sustainable development);
 Paragraphs 55, 56 and 57 (Decision-making);
 Paragraphs 60, 69, 74 and 75 (Delivering a sufficient supply of homes);
 Paragraph 93 (Promoting health and safe communities);
 Paragraphs 104, 105, 110, 111 and 112 (Promoting sustainable transport);
 Paragraphs 119, 120, 123 and 124 (Making effective use of land);
 Paragraphs 126, 130, 132 and 134 (Achieving well-designed places);
 Paragraphs 152, 154, 157, 159 and 167 (Meeting the challenge of climate change, flooding, and coastal change);
 Paragraphs 174, 182, 183, 184, 185 and 186 (Conserving and enhancing the natural environment); and
 Paragraphs 197 and 199-202 (Conserving and enhancing the historic environment).

Adopted North West Leicestershire Local Plan (2021)

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

S1 - Future Housing and Economic Development Needs;
 S2 - Settlement Hierarchy;
 D1 - Design of New Development;
 D2 – Amenity;
 IF2 – Community and Cultural Facilities;
 IF4 - Transport Infrastructure and New Development;
 IF7 - Parking Provision and New Development;
 En1 - Nature Conservation;
 En6 - Land and Air Quality;
 He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment;
 Cc3 - Water - Sustainable Drainage Systems; and
 Ec5 - East Midlands Airport: Safeguarding.

Other Guidance

Good Design for North West Leicestershire SPD - April 2017
 Kegworth Conservation Area Appraisal
 Leicestershire Highways Design Guide (Leicestershire County Council)
 Highway Requirements for Development (HRfD) (Leicestershire County Council)
 National Design Guide - October 2019
 National Planning Practice Guidance
 Planning (Listed Buildings and Conservation Areas) Act 1990
 The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations').

5. Assessment

Principle of Development

Policy S2: Local Service Centre

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2021).

The site is located within Limits to Development, as defined by the adopted Local Plan. Policy S2 defines Kegworth as a 'Local Service Centre' which provides some services and facilities primarily of a local nature meeting day-to-day needs and where a reasonable amount of new development will take place.

As the application site is within the defined Limits to Development and relates to the conversion of existing building to residential development, it would accord with Policy S2 of the adopted Local Plan.

Given the sites' sustainable location, the Local Planning Authority are satisfied that the application would accord with Local Plan Policy S2, and the sustainability aims on the NPPF.

Accordingly, there is no objection in principle to the proposal, subject to all other matters being adequately addressed.

Policy IF2: Loss of a Community and Cultural Facility

In respect of the loss of the building as a community and cultural facility, Paragraph 93 of the NPPF states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs as well as ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.

Policy IF2 of the adopted Local Plan states that the loss of key services and facilities will be resisted unless an appropriate alternative is provided, or there is demonstrable evidence that the facility is no longer required and/or viable and that suitable alternative community uses have been considered.

The accompanying Planning Statement states that the building is a disused Methodist Chapel which was recently sold after the use as a place of worship ceased. The building had also been used as a music room, school rooms and hall, however the accommodation was deemed surplus to requirements by the church hence the recent sale.

The Planning Statement sets out: -

“The church determined that the building was no longer needed which has led to the recent sale. The National Forest East Methodist Circuit run several churches in the area with the nearest in Castle Donington. This demonstrates both that the church was no longer viable to operate as the decision was taken by the church and that they consider suitable alternative provision is available in the locality. Furthermore, there are two more churches in the village of Kegworth which are the Baptist Church and St Andrews Parish Church. In addition, Kegworth is

well served by community facilities. These include two churches, Kegworth Community Library, Kegworth Heritage Centre, Kegworth Primary School, Kegworth Village Hall together with several pubs and cafes that provide accommodation for community purposes.”

It is considered that it has been demonstrated that the facility is no longer required as a religious building that there is evidence of other existing, similar uses in the vicinity.

Both letters of objection and support have been received in relation to the future use of the building. Letters of objection have referenced the need for a community hub, whilst letters of support have stated that this is a non-starter without financial backing.

Officers acknowledge the significant scale of the building, together with the need for repair work and future maintenance. However there isn't a proposal in place to repair and make use of the building as a community facility with this proposal currently being the only option for consideration. Therefore this case has must be considered under its own planning merits having regards to the above.

As such, on the basis that there are existing community uses in Kegworth and the conversion to the residential use would enable the building to be retained and refurbished/repared, on balance, the loss of the building as a community use, could not be resisted in this case.

Asset of Community Value

Following a nomination from Kegworth Players Youth Arts (KPYA), the Wesley Methodist Church was designated as an Asset of Community Value (ACV) on 12 September 2022. The nomination was accompanied by letters of support from Kegworth Neighbourhood Watch and One Kegworth.

The nomination as an asset of community value and the letters of support that had been received noted the contribution, they felt that the facility had made to the community's social well-being/interests in the past and its potential future community use.

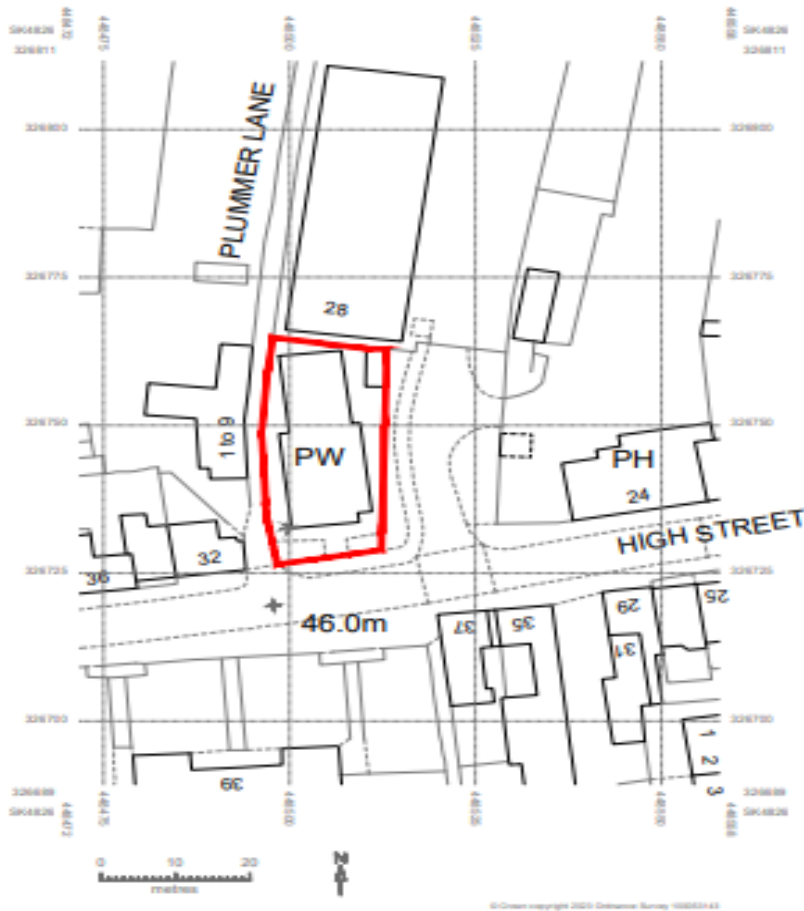
The Methodist Church informed North West Leicestershire District Council (NWLDC) of its intention to dispose of the asset on 13 September 2022, which triggered the ACV disposal process. KPYA notified NWLDC of its intention to bid on 21 October 2022, with the full moratorium set as 30 December 2022.

As no community bid was received by this date, the property was subsequently sold and following its sale the ACV designation was removed as per the ACV legislation.

Overall, it is considered that the proposal would represent a sustainable form of development and would accord with the policy aims of the adopted Local Plan and would be acceptable in relation to the NPPF. Therefore the development is acceptable in principle, subject to other material considerations.

Design and Impact upon Heritage Assets

The site is located within the Kegworth Conservation Area and is adjoined to the west by No. 32 (flats -1-4) High Street which a Grade II Listed Building.



The need for good design in new residential development is outlined in Policy D1 of adopted Local Plan and the Council's Good Design Supplementary Planning Document (SPD) and also in the NPPF. Policy He1 of adopted Local Plan is concerned with the conservation and enhancement of the historic environment.

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.

It is a statutory requirement that any new development should at least preserve the character of the Conservation Area and significant weight has been given to preserving the setting of Listed Buildings.

The scheme proposes to construct a total of nine apartments comprising two x 2 bed apartments and seven x 1 bed apartments. Five apartments are proposed on the ground floor, three on the first floor (with Flats 1 and 6 are split between the ground and first floor) and one flat at second floor level, within the roof space.

Following concerns raised by the Council's Conservation Officer amended plans have been received to address the issues raised by reducing the number of external door openings to be formed, the retention of a pair of window openings on the first floor west elevation, removal of an external door opening and fire escape stair and removal of solar panels to the east roof slope.

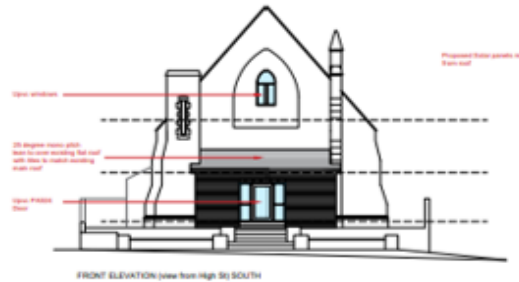
Following amendments to the scheme, the external works proposed to the building are: -

- To the front elevation, facing High Street, the existing single storey flat roof is proposed to gain a lean-to with tiles to match the main roof, replacement central doors and a single high level window is proposed;
- To the east (side elevation) 4 no. conservation rooflights are proposed, an existing doorway re-instated replacement windows into existing openings, solar panels to the rear roof part and existing external staircase removed;
- To the west (side elevation) 4 no. conservation rooflights are proposed, solar panels to both roofs and replacement windows into existing opening; and
- To the rear elevation the existing external staircase removed.

Existing Front Elevation



Proposed Front Elevation



Existing Rear Elevation



Proposed Rear Elevation



Existing Side Elevation (West)

Proposed Side Elevation (West)



Existing Side Elevation (East)

Proposed Side Elevation (East)



The proposed lean-to to the front elevation is modest in scale and proposes appropriate roof tiles to match the main roof and whilst the scheme proposes some external alterations to facilitate the conversion, these are considered to be minimal. Planning conditions are recommended to be imposed requiring the submission of materials, window and door details and conservation style rooflights.

The Council's Conservation Officer states that the scheme still introduces several rooflights and misses an opportunity to remove a single storey side extension and to restore the gable above the front door opening, however he concludes that the degree of harm would be less than substantial and as these matters are relatively small scale. A refusal of the application could not be defended on these grounds.

Having regard for the level of harm identified above, the benefits of the proposal are required to outweigh the harm in order to be acceptable having regard for Paragraph 202 of the NPPF. It is considered that the proposal would provide a viable opportunity to utilise the building ensuring its long term survival and therefore continue to positively contribute to the setting of the Conservation Area. Furthermore, the economic and social benefits of the proposal, through the contribution of additional residential accommodation to the Council's housing supply and the economic benefits arising from additional expenditure on local facilities and services would provide modest benefits and the scheme would also make a renewable energy contribution from the solar panels, also weigh in favour of the proposal. Overall therefore the public benefits of the proposal are considered to outweigh the less than substantial harm and the scheme therefore accords with Paragraph 202 of the NPPF.

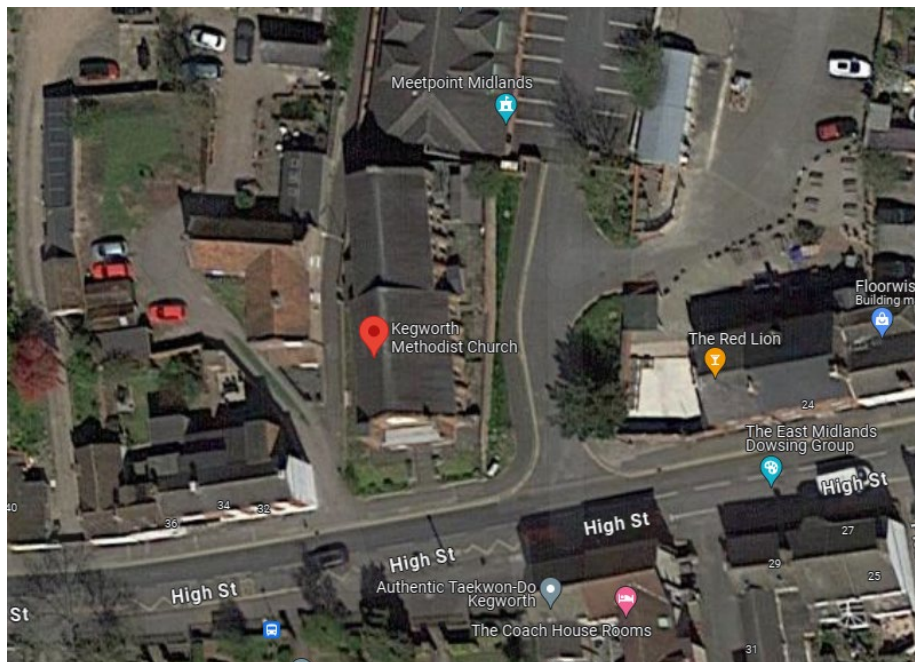
The Leicestershire County Council Archaeology team considers that the building is, or has the potential to constitute a heritage asset (or assets) with an archaeological and heritage interest and recommends that a condition is imposed requiring an appropriate level of building survey and recording, prior to any alteration. A historic building recording condition is recommended to be imposed to address this issue.

Overall it is considered that the scheme proposes minimal external changes and those proposed are considered to have an acceptable design that would be in keeping with the character and appearance of the existing building, would not harm the setting of the adjoining Listed Buildings and would preserve the character and appearance of the Conservation Area. Therefore, the proposal is considered to be in accordance with Policies D1 and He1 of the adopted Local Plan, the Council's Good Design SPD, the advice contained in the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon Residential Amenity

Policy D2 of the adopted Local Plan outlines that development proposals will be supported where they do not have a significant adverse effect on the living conditions of existing and new residents through loss of privacy, excessive overshadowing, and overbearing impacts, which is supported by the Council's Good Design SPD.

Paragraph 185 of the NPPF states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.



There are no immediate residential properties to the west or north of the site, and the site is located directly opposite Kegworth County Primary School. The residential dwellings most immediately impacted upon as a result of the proposal would be those to the west of the site, flats 1-4 (32 High Street) and Plum Cottage and the Flat Plum Cottage on Plummer Lane.

The building is physically separated from the residential properties by Plummer Lane and as the scheme relates to a conversion, there would not (except for the lean-to, to the frontage) be any other additional extensions or alterations that would lead to any loss of light, overshadowing, or overbearing impacts, over and above that of the existing arrangement. To the west elevation, facing Plummer Lane there would not be any new additional openings (with the existing windows to be replaced only) apart from 4 no. rooflights in the side roof slope.

Given the minor external works to facilitate the conversion of the building given the siting of the other neighbouring dwellings it is not considered that any other neighbouring dwellings would be directly impacted upon because of the proposed conversion.

Objections have been raised about disruption during development and noise during the working day on lessons at the adjacent Primary School. It is considered that this is an inevitable temporary manifestation of any development project, which is not the concern of the planning system. The Council's Environmental Protection Team has not raised any objections to the application in this respect, nor has it requested that conditions be imposed so as to mitigate any impacts. It is therefore their opinion that the impacts arising from the construction of the scheme would not be significantly adverse to the adjacent Primary School to request limitations on the working hours of the construction of the scheme and in any case this would be impractical as it would restrict works at the site during the working day and would potentially defer them to other less attractive times of the day for the surrounding residential occupiers. It is also the case that if a statutory nuisance issue was to arise then the Council's Environmental Protection Team would be able to address this matter under their own legislation.

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

Highway Considerations

Policy IF4 of the adopted Local Plan requires that development takes account of the impact upon the highway network and the environment, including climate change, and incorporates safe and accessible connections to the transport network to enable travel choice, including by non-car modes, for residents, businesses and employees. Policy IF7 of the adopted Local Plan (requires that development incorporate adequate parking provision for vehicles and cycles in order to avoid highway safety problems and to minimise the impact upon the local environment.

The Leicestershire Highways Design Guide (LHDG) and Highway Requirements for Development (HRfD) provides guidance on the standards expected for access, parking and manoeuvrability.

Objections have been received from Kegworth Parish Council and neighbouring properties on insufficient parking, the siting of the scheme in relation to the school opposite and related highway safety grounds.



The site is located lies off the High Street which is a classified C road subject to a 30mph speed limit with double yellow lines to the frontage. The site does not benefit from an existing vehicular access and the proposals do not propose the construction of one. The site will therefore be pedestrian access only.



View of the site looking west showing the existing parking restrictions in place



View looking east along the High Street showing the extent of the parking restrictions in place

The scheme, including a Highway Report dated June 2023 produced by Edwards and Edwards Consultancy has been considered by the Local Highway Authority (LHA).

The LHA confirm that parking for residential dwellings where car ownership may be low, such as town centres and other locations where services can easily be reached by walking, cycling or public transport can be provided based on one space per dwelling and based upon the development site specific circumstances, the LHA would therefore consider that the proposals represent a shortfall in nine spaces.

The LHA, however, has considered this shortfall in comparison to the site's extant use, (in accordance with Highway Requirements for Development (HRfD) Part 4) and agree with the accompanying Highway Report that a minimum of 71 car parking space would be required based upon a floor space of 430sqm.

The LHA state that no parking provision is currently provided for the site's extant use as a place of worship, the site therefore operates with a shortfall of 71 car parking spaces which represent a significant reduction in the shortfall of parking provision in comparison to the proposed shortfall of nine spaces, because of this development. The LHA therefore conclude that it would be unreasonable to seek to resist the proposal based on no parking provision, in this case.

The LHA has also requested a condition be imposed to secure the details of cycle parking on the grounds of the site for the use of the residents and to offer a sustainable travel option to them.

Overall, therefore, subject to the imposition of a cycle storage condition, the highway safety aspects of the scheme are considered to be acceptable. The proposal is considered to comply with the aims of Policies IF4 and IF7 of the adopted Local Plan, LHDG, HRfD and the NPPF.

Ecology and Biodiversity Net Gain

Policy En1 of the adopted Local Plan supports proposals that conserve, restore or enhance the biodiversity of the district.

During the application process a Preliminary Ecological Appraisal has been submitted which identified that the chapel is of a low bat roost potential due to a small number of external roost features associated with the slate tiled roof.

Leicestershire County Council Ecologist has been consulted on the application and concur with the findings of the report confirming that the Preliminary Ecological Appraisal has demonstrated a reasonable conclusion as to why these locations will not be impacted by the proposals and why no further nocturnal presence/absence surveys are required. Accordingly, the County Ecologist raises no objection to the application, subject to a note to applicant detailing the appropriate actions to take if a bat is found during the works.

In terms of Biodiversity Net Gain (BNG), the mandatory requirement for 10% Biodiversity Net Gain on this scale of residential development has not yet been enacted through the Environment Bill (expected in April 2024 for non-major applications). At present, Paragraph 174(d) of the NPPF sets out a requirement to minimise impacts on biodiversity and provide net gains in connection with the schemes.

Whilst no metric calculations have been provided the proposed development would relate to the conversion of an existing building which is of low biodiversity value. Existing areas of greenery, planting and a tree are to be retained and the scheme shows new areas of grassland around the site which would have a biodiversity gain from the existing situation.

Overall, having considered the nature of the proposal and the scale of the development, it is not considered that the application would result in any unacceptable ecology impacts. The proposal would accord with Policies En1 and En3 of the adopted Local Plan the aims of Paragraphs 174-175 of the NPPF and The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations').

Airport Safeguarding

The site is within the safeguarded area of East Midlands Airport. The Safeguarding Authority for East Midlands Airport has assessed this proposal and its potential to conflict with aerodrome Safeguarding criteria and confirm that they have no objection, subject to the imposition of conditions and informatives, including a Construction Environment Management Plan (CEMP) which relates specifically to ensuring that the construction works on site have no impact or as little impact as possible on aviation, a Glint and Glare Assessment for the proposed installation, no reflective materials, and all exterior lighting shall be capped at the horizontal with no upward light spill.

Subject to the imposition of the aforementioned conditions it is considered that the scheme would be compliant with Policy Ec5 of the adopted Local Plan.

Drainage and Flood Risk

The site is located within Flood Zone 1 which is land at least risk of flooding from fluvial sources. Given that the proposals relate to the conversion of an existing building, and the scheme shows new areas of grassland around the site it is considered that the proposal would not lead to an increase of surface water run off over and above the existing arrangement and would not therefore exacerbate any localised flooding.

Conclusions

In conclusion, the site lies within the Limits to Development of Kegworth where the principle of residential development and the conversion of an existing building is considered acceptable. Subject to the imposition of conditions, the proposed development would not give rise to any significant impacts regarding residential amenity, heritage, design and visual amenities, flood risk and drainage, ecology, safeguarding issues, or highway safety. There are no other material impacts identified, that would indicate that the proposal is not in compliance with the NPPF or local development plan policies. Accordingly, the application is recommended for planning permission, subject to the imposition of planning conditions.

Erection of three self-build detached dwellings (outline application with all matters reserved except for access)

Report Item No
A2

67 Loughborough Road Coleorton Coalville Leicestershire
LE67 8HJ

Application Reference
23/01048/OUT

Grid Reference (E) 441580
Grid Reference (N) 317512

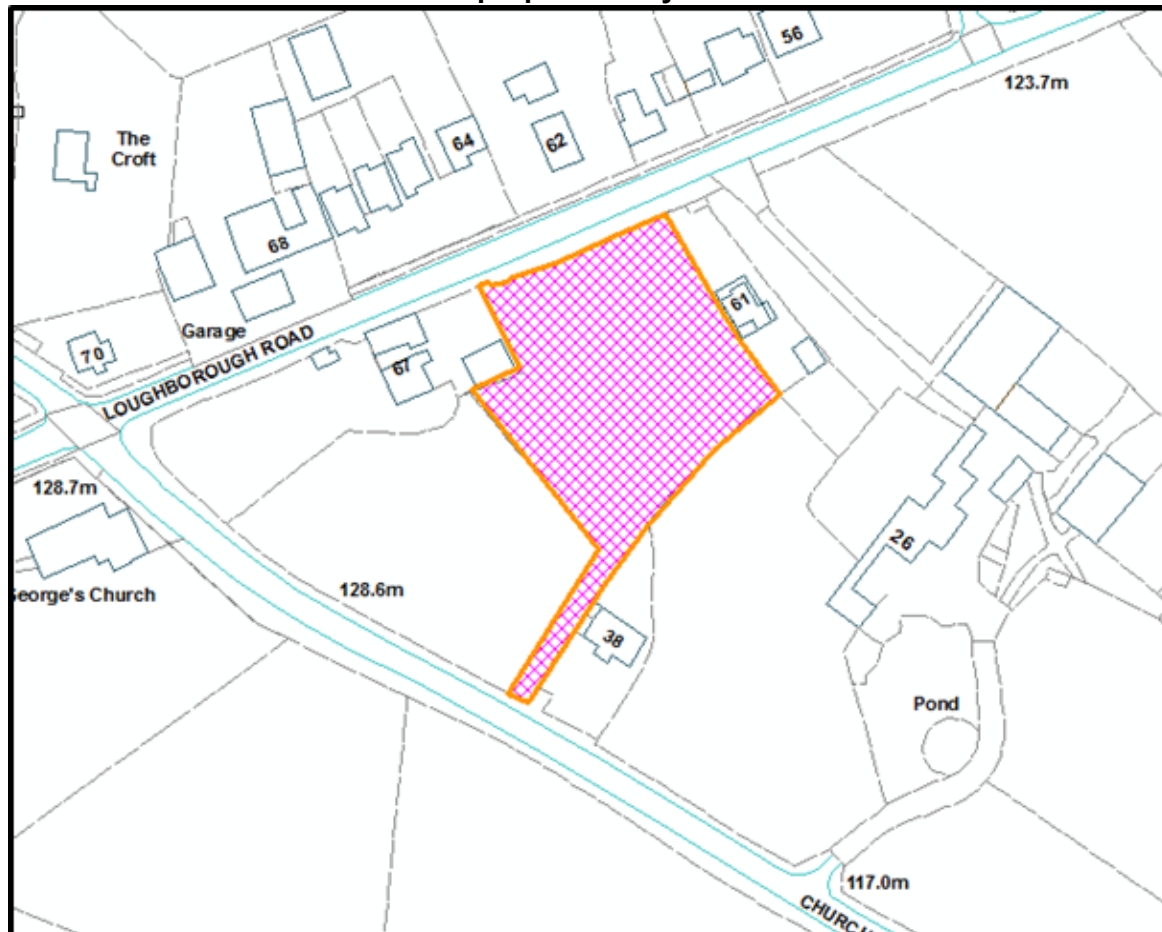
Date Registered:
11 August 2023
Consultation Expiry:
25 October 2023
8 Week Date:
12 December 2023
Extension of Time:
12 December 2023

Applicant:
Specht

Case Officer:
Chris Unwin-Williams

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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The application is referred to the Planning Committee in line with the requirements of the council's constitution as the agent is a relative of a serving Councillor and an objection has been received against the proposal.

RECOMMENDATION - PERMIT, subject to a S106 which relate to the following requirements:

- **agreement limiting the occupation of the dwellings as self-build properties**

and subject to the following conditions:

- 1 Time Limit for Submission of Reserved Matters (Application for approval of the reserved matters to be made before the expiration of three years and the development to begin before the expiration of two years from the date of approval of the last of the reserved matters)
- 2 Reserved Matters (prior to commencement of development approval of reserved matters shall be obtained).
- 3 Approved Plans (access only)
- 4 Levels details including details of finished ground levels across site to be submitted at Reserved Matters
- 5 The first reserved matters application in respect of the development shall be accompanied by a detailed biodiversity and habitat creation net-gain assessment and improvement / management plan (in line with the completed Defra metric received by the Local Authority on 25.08.23), including full details of all measures proposed in respect of the enhancement of the biodiversity of the area, details of future maintenance and a timetable for the implementation of the relevant measures for approval.
- 6 Access width shall be a minimum 4.25m, gradient shall be no more than 1:20 for a distance of at least 5m behind highway boundary and shall be surfaced in a hard bound material.
- 7 Prior to occupation, the proposed offsite highway works shall be implemented in general accordance with the Proposed Site Plan by Andrew Large Surveyors (Rev A). Details shall first be submitted and agreed on in writing.
- 8 Prior to occupation, vehicular visibility splays of 2.4 metres by 65 metres and pedestrian visibility splays of 1 metre by 1 metre have been provided at the site access with no obstructions within the splays greater than 0.6m in height.
- 9 No development shall commence on the site until such time as a Construction Traffic Management Plan has been submitted and approved in writing.
- 10 Construction Environment Management Plan for biodiversity shall be submitted and approved in writing prior to commencement of development.
- 11 Findings of updated Great Crested Newt survey shall be submitted and approved in writing prior to commencement of development.
- 12 Landscape and Ecological Management Plan to be secured prior to commencement of development.
- 13 Prior to commencement of development, a surface water drainage scheme shall be submitted and approved in writing.
- 14 Prior to commencement of development, details in relation to the long-term maintenance of the sustainable surface water drainage system within the development shall be submitted and approved in writing.
- 15 Permitted development rights removal (Classes A, AA, B, C and E).

- 16 Statement to be submitted for review to outline how initial owners of each of the homes will have primary input into its final design and layout in line with the requirements of the Self Build Act 2015 to be submitted at Reserved Matters stage.

1. Proposals and Background

The application seeks outline planning permission with all matters reserved except for access for the erection of three self-build dwellings.

The application site relates to an existing area of grassland which is overgrown with brambles, and bare scrub. The main boundaries to the site comprise of post and rail fence to the west and mature hedgerows to the north, east and south.

Additional information has been provided throughout the course of the application including updated visibility, a road safety audit and speed report data. As such, re-consultation has been carried out with Leicestershire County Council Highways for 14 days.

The application site is located outside limits to development, being situated within the small village of Peggs Green which is identified as a “Settlement with very limited services and where development will be restricted to conversions of existing buildings or the redevelopment of previously developed land (as defined in the National Planning Policy Framework) or affordable housing in accordance with Policy H5 (Rural Exceptions Sites for Affordable Housing).”

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

Site Location Plan and Aerial Image (north indicated by arrow):



Relevant Planning History

- **12/00153/OUT** - Erection of five dwellings (outline - all matters reserved) - Withdrawn 04.04.12.
- **12/00347/OUT** - Erection of five dwellings (outline - all matters reserved) - Refused 30.5.12 and dismissed at appeal on 05.03.13.
- **16/00198/OUT** - Erection of three detached dwellings with garages (Outline - Part access for approval) – Application Permitted 13.5.16.
- **17/00427/REM** - Reserved matters application for the erection of 3 no. dwellings following outline planning permission 16/00198/FUL (Matters for approval: access, appearance, landscaping, layout and scale) - Permitted 02.08.17.
- **20/00676/FUL** - Erection of three detached dwellings with garages - Application refused 07.0720.

To provide context to the application history of the site, in 2012, an outline application was refused because of the previous local plan (prior to the adoption of the current local plan) due to a lack of compliance with historic green wedge and housing land release policies. An appeal was subsequently lodged which was dismissed.

In 2016, outline planning permission (with details of access only) was granted for the erection of three detached dwellings with garages under application reference 16/00198/OUT. A subsequent reserved matters application was permitted including approval of details of access, appearance, landscaping, layout and scale under application reference 17/00427/REM. This outline/reserved matters planning permission has lapsed and therefore, is no longer extant.

A later full application was also submitted in 2020 which was subsequently refused at committee, given the material change in circumstances between the assessment of the 2020 application and 2016/17 applications where the authority was previously unable to demonstrate a 5-year supply of housing whilst under the 2020 application this was not the case. Concerns were also raised within the 2020 application regarding a reduction in the sustainability of the site given the closure of the local shop at the nearby garage. It is also noted that under the 2020 application, self-build dwellings were also proposed, although at this time the District Council was meeting its statutory obligations with respect to the duty under Section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended). Further, concerns were raised regarding whether the scheme (which was a full application) would meet the self and custom build definition, given that this previous application included all design details, therefore, not allowing for an input from the prospective occupiers.

3. Publicity

6 Neighbours have been notified.
 Site Notice displayed 21 August 2023.
 Press Notice published Leicester Mercury 23 August 2023.

3. Summary of Consultations and Representations Received

Swannington Parish Council - raises an objection as the site is outside of the settlement limits as well as in relation to highway safety concerns regarding the proximity of the access to a central reservation.

LCC Highways – No objections subject to conditions.

LCC Ecology – The submitted BNG metric is acceptable. The grassland has declined in terms of botanical value over many years due to a lack of management. Further detail will be needed regarding the created habitats around the new ponds/wetland area, and how they will be managed, this can be as a Landscape Management Plan. Great Crested Newts are likely to be in the area, and the Preliminary Ecological Appraisal report by Heatons recommends that eDNA testing is undertaken next spring of the nearest pond, approx. 100m from the site within a residential garden. No evidence of other protected species was found, although the site is suitable for use by reptiles. As such, no objections are raised subject to the imposition of conditions to include a construction environmental management plan for biodiversity, an updated great crested newt survey and a landscape and ecological management plan.

NWLDC Tree Officer - No objection

NWLDC Environmental Protection - No objection

NWLDC Waste Services – No comments at the time of writing.

Third Party Letters of Representation

Neighbouring properties were consulted during the lifetime of the application and 5 no. objections have been received raising the following comments –

- The existing land is unkempt and has “re-wilded” and contains various wildlife that would be lost because of the proposals.
- The Great Crested Newt survey is out-of-date.
- The provided highway speed survey is out-of-date and not relevant to the current application.
- Concerns regarding ongoing maintenance and management of the site should the application be approved.
- Concerns regarding feasibility and plans for construction traffic and/or deliveries
- Concerns regarding the timescale of the build if approved.
- Concerns regarding accuracy of traffic survey data provided.
- Concerns regarding visibility and highway safety.
- Concerns regarding the sustainability of the location.
- Concerns regarding proposed rainwater disposal method.
- Need for self builds is erroneous and unsubstantiated.
- Requests that the previous history on the site is taken into consideration.

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

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2023)

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The following sections of the NPPF are considered relevant to the determination of this application:

Paragraphs 8, 11, 14 (Achieving sustainable development);

Paragraphs 47, 48, 55, 56 and 57 (Decision-making);
Paragraphs 78, 79, 80 (Delivering a sufficient supply of homes)
Paragraphs 83,84 (Supporting a prosperous rural economy);
Paragraphs 55, 56 (Planning conditions and obligations);
Paragraphs 92 and 93 (Promoting healthy and safe communities);
Paragraphs 104, 105, 110, 111 and 112 (Promoting sustainable transport);
Paragraphs 119, 120 and 124 (Making effective use of land);
Paragraphs 126, 130, 131, 132 and 134 (Requiring good design);
Paragraphs 152, 154, 157, 159, 162-165 and 167 (Meeting the challenge of climate change);
Paragraphs 174, 180, 183, 184, 185 and 187 (Conserving and enhancing the natural environment).

Adopted North West Leicestershire Local Plan (2021)

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

S2 - Settlement Hierarchy
S3 - Countryside
D1 - Design of New Development
D2 - Amenity
En1 - Nature Conservation
En3 – The National Forest
IF1 - Development and Infrastructure
IF4 - Transport Infrastructure and New Development
IF7 - Parking Provision and New Development
Cc2 - Water - Flood Risk
Cc3 - Sustainable Drainage Systems

Swannington Neighbourhood Plan (2023)

Policy H2: Settlement Boundary
Policy H3: Housing Mix
Policy H4: Design Quality
Policy H6: Windfall Sites
Policy Env 3: Sites and Features of Natural Environment Significance
Policy Env 4: Protecting and Enhancing Biodiversity
Policy Env 5: Sites and Features of Historic Environment Significance
Policy Env 8: Footpaths, Bridleways and Byways
Policy Env 9: Flood Risk Resilience and Climate Change

Other Policies/Guidance

National Planning Practice Guidance
Leicestershire Highways Design Guide (LHDG)
National Design Guide (2019)
Good Design SPD (2017)
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System)
The Self-Build and Custom Housebuilding Act 2015

5. Assessment

Principle of Development

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase

Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2021).

As of 21st November 2022, the adopted Local Plan became five years old and therefore an assessment is required as to whether the most important policies in the determination of the application are up to date having regard for their consistency with the National Planning Policy Framework. The most important policies in the determination of the matter of principle are Policies S2 and S3 as they relate to the provision and distribution of housing. The Council can demonstrate a five-year housing land supply and has performed well against the Government's Housing Delivery Test. It is considered that Local Plan Policies S2 and S3 are effective, not out of date and carry significant weight.

The site is located on land falling outside the defined limits to development, designated as countryside within the adopted Local Plan and Neighbourhood Plan. On sites falling outside the defined limits to development, residential development is not a form of development that is permissible by Policy S3 save for limited exceptions as specified in the policy (e.g. re-use or adaptation of an existing building or the redevelopment of previously developed land). The proposal does not fall within any of these exceptions.

Further, Policy H2 of the Swannington Neighbourhood Plan states that land outside the settlement boundary will be treated as open countryside, where development will be carefully controlled, or supported as appropriate, in line with local and national strategic planning policies.

The NPPF defines '*Previously Developed land*' (PDL) as land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. However, this excludes land in built-up areas such as residential gardens. In this instance, the application site is an existing greenfield site and would not fall under the NPPF's definition of PDL. As such, this development would not be supported under Policy S3 (e).

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within paragraphs 7 and 8 of the NPPF. Policy S2 is consistent with the core principle of the National Planning Policy Framework (the Framework) to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

The site is located within the small village of Peggs Green, located approximately 650 metres from the defined limits to Development of Swannington. It is also noted that whilst Policy S2 identifies Swannington as a sustainable village, this specifies that any 'growth' should be proposed on land within the Limits to Development. As such this proposal would not accord with the details listed in the hierarchy of settlements as per Policy S2 of the Local Plan.

For the reasons set out above, the proposal would not accord with the provisions of Policies S2 and S3 of the adopted Local Plan and Policy H2 of the Swannington Neighbourhood Plan.

Development on land within the countryside is also required to be assessed against subparagraphs (i) - (vi) of Policy S3. An assessment of these subparagraphs is listed below:

(i) The appearance and character of the landscape, including its historic character and features such as biodiversity, views, settlement pattern...

The application site relates to an existing greenfield site which consists of grassland and is

overgrown with brambles, existing as bare scrub. The site is not a local wildlife site although it is noted it is a historic wildlife site as woodland as outlined in Figure 8 (page 30) of the Swannington Neighbourhood Plan. The main boundaries to the site comprise of post and rail fence to the west and mature hedgerows to the north, east and south.

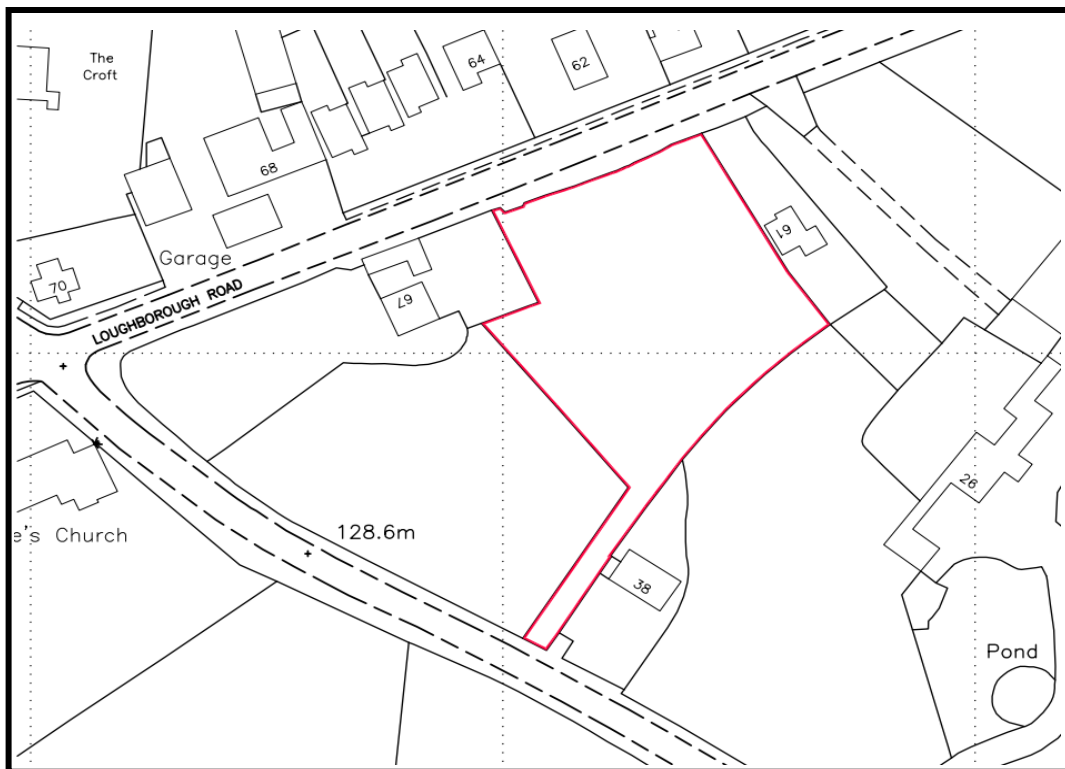
As discussed within the later ecology and trees section of the report the proposals would result in onsite net gains the proposals would result in onsite net gains in excess of 10% with mature hedgerows being reinforced and retained as part of the proposals and the inclusion of a wetland area to promote biodiversity.

In terms of the character and appearance of the landscape, the application site would be located on the southern side of Loughborough Road which is characterised by sporadic buildings punctuating the rural landscape. The site has a rural appearance and provides a wide gap between the only two houses on the southern side of the road, and slopes away from Loughborough Road towards the rear of the site. The proposal would result in a suburban form of development that would fail to respond to or enhance the built and natural character of the settlement thus would harm its immediate and wider landscape setting.



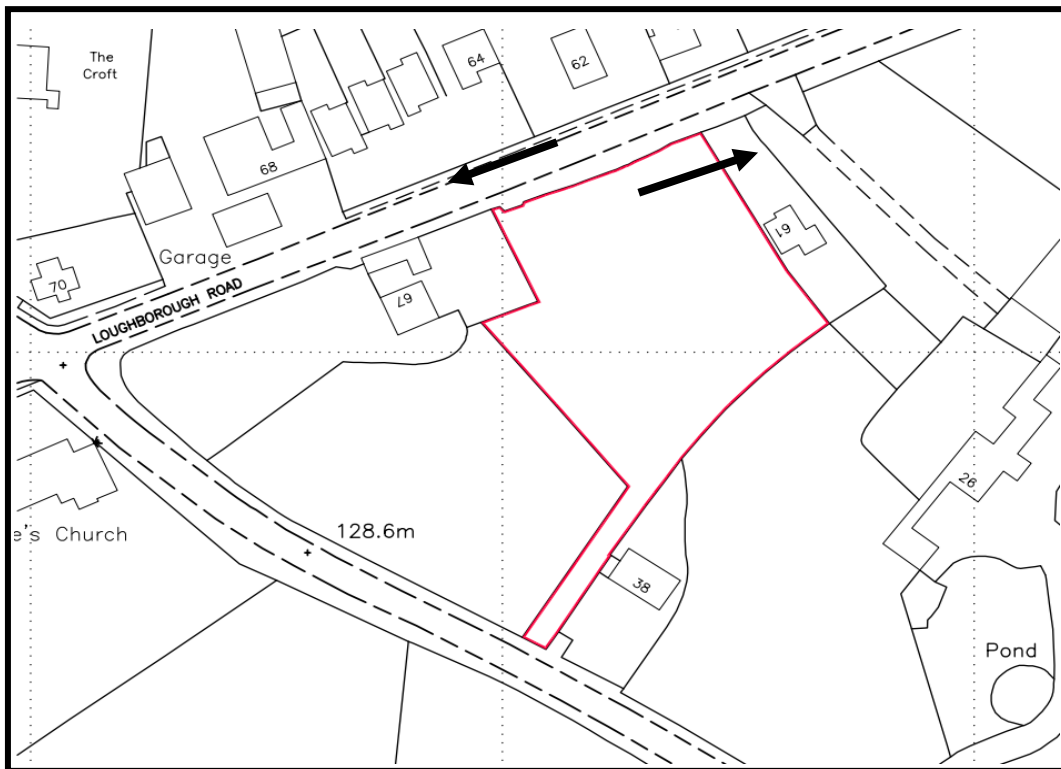
(ii) It does not undermine, either individually or cumulatively with existing or proposed development, the physical and perceived separation and open undeveloped character between nearby settlements...

Whilst the proposed development would result in the infilling of an existing undeveloped site outside of the defined limits to development, given that this would be sited between two existing plots on the southern side of Loughborough Road and would not result in the development of Peggs Green further to the east of No. 61 or west of No. 67, it is not considered the development of the site would undermine the physical and perceived separation and open undeveloped character between nearby settlements.



(iii) it does not create or exacerbate ribbon development;

It is noted that the Planning Portal defines 'ribbon development' as "development, usually residential, extending along one or both sides of a road but not extended in depth" with the dictionary definition being "the building of houses along a main road, especially one leading from a town or village."



The proposals, whilst only illustrative, would result in additional development across this section of Loughborough Road. Nevertheless, given the size of the application site along with that the adjacent no. 61 Loughborough Road is set far back from the adjacent highway within its plot in comparison to No. 67 which directly fronts onto Loughborough Road, as well as having consideration to the sloping and enclosed nature of the application site which is surrounded by a large amount of boundary screening, it is considered that a development could be designed within the site which would not result in unacceptable ribbon development impacts across this section of Loughborough Road.

(iv) built development is well integrated with existing development and existing buildings;

The proposed development would involve the erection of 3 no. new dwellings, but it is considered a form of development could be secured at reserved matters stage that would be well-related to existing development along Loughborough Road and the wider settlement of Peggs Green.

(v) the development will not seriously undermine the vitality and viability of existing town and local centres;

Given the residential nature of the proposal, this criterion is not considered to be relevant.

(vi) the proposed development is accessible, or will be made accessible by a range of sustainable transport;

Since the determination of the previous applications, the shop that previously existed at the local garage has closed and the nearest convenience store would be the Coop in Thringstone which is not within a reasonable walking distance of the site and would be accessible via

Church Hill/Talbot Lane which have an undulating topography, and which do not have footways or street lighting for much of the route. However, within Peggs Green itself, there are some limited facilities within walking distance of the application site including public houses (the New Inn and The George), a local church (St George), village hall (Beaumont Centre) and a recreation ground. These services/facilities are within 500-1000m (preferred maximum walking distance) of the site.

This application site is also located approximately 0.65km from the defined limits to Development of Swannington as well as being sited approximately 1.1km to the development limits of Thringstone and 1.3km from the sustainable part of Coleorton.

It is also noted that Policy S2 identifies Swannington as a sustainable village. Services available in Swannington include a public house, primary school, and village hall. However, it is noted that the walking distance to these facilities would exceed the preferred maximum walking distance.

Nevertheless, future occupants of the application site would also have access to public transport including being able to access a bus service from Zion Hill (approximately 500m distance) which would connect the occupants of any dwellings to Ashby De La Zouch, Belton, Shepshed and Loughborough on a two hourly basis. Notwithstanding this, there would also be the hourly bus service which is located on the opposite side of the nearby roundabout on Loughborough Road (approximately 0.5km distance) which would connect the occupants of the dwellings to Ashby De La Zouch, Coalville and Whitwick. As such, a wider provision of facilities and services would be able to be accessed via sustainable forms of travel.

Given the above, there would be limited opportunities for accessing an array of services and facilities via public footpaths or cycling to meet the needs of day-to-day requirements other than the services outlined in Peggs Green above. However, given the variety of public transport links in close proximity of the site, future occupants of the properties would not necessarily be dependent on the private car to access the most basic of services and would support the approach to a low carbon economy. The provision of this dwelling would also assist in sustaining these services, which is a key intention of Paragraph 79 of the NPPF.

As such, on balance, whilst the development would be located approximately 0.65km to the nearest defined limits to development, given there would be some access to services in the immediate area and the application site would be well-sited in terms of access to public transport links, in order for any future occupants to be able to access a wider range of facilities and services without over reliance on private transport, it is considered that the proposed development would accord with the aims of Policy S3 (vi).

The site is not considered to be in an isolated location given its proximity to other dwellings and development within Peggs Green itself, as well as considering the distance from services and facilities in Swannington and further afield in Coalville and Ashby.

There would also be some limited economic benefits associated with employment in the construction trade and future residents helping to maintain local services in the area.

Whilst the development is compliant with five of the criteria set out under the second part of Policy S3, it conflicts with the criterion (i). The development is also not supported in principle by Policies S2 and S3, as well as Policy H2 of the Swannington Neighbourhood Plan. The proposal would therefore conflict with the broad objective of containing new residential development within the settlement limits.

Self-Build and Custom Housing

It is recognised that self-build and custom housebuilding is a key element of the government's agenda to increase the supply of housing, both market and affordable and gives more people the opportunity to build their own homes as set out in Paragraph 62 of the NPPF.

The applicant has provided arguments in support of a self-build unit, including but not limited to that the Council has not satisfactorily demonstrated that it has granted enough permissions to meet the identified need and that the relevant policies of the Local Plan are failing to secure sufficient permissions in this regard.

The Council's Planning Policy Team has confirmed that the applicant is currently on the Council's self-build register.

Self and custom building is defined as the building or completion by individuals, an association of individuals or persons working with or for individuals, of houses to be occupied as homes by those individuals. This is an outline application for the erection of 3 no. Self-Build Dwellings, and the proposal would meet this 'definition' and would contribute towards the delivery of self-build and custom housebuilding in the District.

The District Council has a duty under Section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended), to give suitable development permissions in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the area of North West Leicestershire arising in each base period. This District Council's Self-Build Register was established in April 2016. As of 10th October 2023, there are 126 individuals on the self-build register. For the area of North West Leicestershire, this demand equates to providing a specific number of permissions for plots.

The demand is split into different base periods as outlined in the table below. As of October 2022, there was a shortfall of four self-build permissions. Two applications have been granted (22/01054/FUL and 22/01547/FUL) and four applications have resolutions to permit, subject to the signing of a S106 agreement and so the permissions have not yet been issued.

However, as of October 2023, this shortfall has increased by a further 20 plots which therefore means there is a current deficit of 22 dwellings needed for the Council to meet its self build obligation as contained in the 2015 Self Build Act. Therefore, it is acknowledged that this proposal for three dwellings (subject to a legal agreement securing it as a self-build dwelling) would make a contribution to addressing this existing and future shortfall and this is a material consideration in the determination of the application to be given significant weight.

Table 1: North West Leicestershire Register (April 2016 – 30 October 2023)

Base Period	Number of new registrations	Date the demand is to be met
April 2016 – 30 October 2016 (7 months)	6	October 2019
31 October 2016 – 30 October 2017	10	October 2020
31 October 2017 – 30 October 2018	8	October 2021
31 October 2018 – 30 October 2019	14	October 2022
31 October 2019 – 30 October 2020	20	October 2023
31 October 2020 – 30 October 2021	14	October 2024
31 October 2021 – 30 October 2022	20	October 2025
31 October 2022 – 30 October 2023	37	October 2026

The adopted Local Plan is silent on the matter of self-build housing and in these circumstances, Paragraph 11 of the NPPF would apply which states that 'plans and decisions should apply a presumption in favour of sustainable development'.

For decision taking, it sets out in criterion (d) that '*where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

Paragraph 14 of the NPPF also states that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is "*likely*" to significantly and demonstrably outweigh the benefits, provided all of the following apply;

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
- c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and
- d) the local planning authority's housing delivery was at least 45% of that required over the

previous three years.

The Swannington Neighbourhood Plan was adopted in 2023 and is therefore less than two years old. The Swannington Neighbourhood Plan contains a housing allocation within Policy H1 and therefore seeks to meet housing needs. The Local Planning Authority can demonstrate in excess of five years housing land supply and has consistently exceeded 45% of the housing delivery test.

In this instance, whilst the above criteria would be met, it is noted that wording of paragraph 14 refers to a “*likelihood*” that the adverse impact of allowing development that conflicts with the neighbourhood plan would demonstrably outweigh the benefits. Therefore, in light of this shortfall that derives from the Self Build Register, this need has to be balanced against planning considerations in coming to a view on the suitability of the proposal.

Neighbours also have raised concerns that this application is similar to application 20/00676/FUL which was refused due to the officer concluding that the development would represent unwarranted development of a greenfield site in the countryside and that the development would not represent sustainable development.

It is noted that under the 2020 application, self-build dwellings were also proposed, although at this time the District Council was meeting its statutory obligations with respect to the duty under Section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended). Further, concerns within the previous application were raised regarding whether the scheme (which was a full application) would meet the self and custom build definition, given that this previous application included all design details, therefore, not allowing for an input from the prospective occupiers.

Crucially, in the assessment of the current application, there is now an unmet need for self-builds, which changed in October 2022 (where the Local Authority is failing to meet its statutory obligations) and as such, there is a material change in circumstances between the two proposals. Further, whilst concerns were raised regarding whether the previous full application scheme would meet the self and custom build definition, given that the current proposal is at outline stage only (with access for consideration), a condition could be included as part of any decision on the application to outline how initial owners of each of the homes will have primary input into its final design and layout at Reserved Matters to meet the definition of self and custom build defined by the Self-Build and Custom Housebuilding Act 2015 (as amended).

Therefore, it is considered there has been a material change in circumstances between the current and previously determined applications where there is now a need for the Council to provide self-build properties as set out above.

Considering this shortfall that derives from the Self Build Register, this need has to be balanced against planning considerations in coming to a view on the suitability of the proposal. This balancing exercise will be undertaken upon completion of the consideration of all planning matters at the end of this report.

Design and Impact upon Character

Policy D1 of the Local Plan (2021) requires that all developments be based upon a robust opportunities and constraints assessment and be informed by a comprehensive site and contextual appraisal. It also requires that new residential developments must perform positively against Building for Life 12 and that developments will be assessed against the Council's

adopted Good Design SPD.

The recently updated NPPF includes several new measures to improve design quality. This includes a test at paragraph 134 which directs that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

The Council's Good Design SPD and the government's National Design Guide/National Model Design Code therefore carry substantial weight. The site is also located within the National Forest and is therefore subject to the requirements of policies En3. Policy H4 of the Swannington Neighbourhood Plan states that new development should enhance and reinforce the local distinctiveness and character of the area in which it is situated.

The application does not seek approval of the layout, scale, appearance, or landscaping therefore the submitted plan shows only the layout and scale indicatively.

The application site would be located on the southern side of Loughborough Road which is characterised by sporadic buildings punctuating the rural landscape. The site has a rural appearance and provides a wide gap between the only two houses on the southern side of the road, which is characterised by a sloping topography, which slopes away from Loughborough Road towards the rear of the site.

Whilst the proposals would result in the development of greenfield land, given the sloping and enclosed nature of the site itself, the overall harm resulting from the loss of the greenfield site could be mitigated through appropriate controls on appearance, landscaping, layout, and scale which would be considered in further details at reserved matters stage to limit the visual impacts of the development.

With the above in mind, whilst it is considered the loss of the site to built development would result in some harm to local character, when the overall context of the scheme is considered (outline with access for consideration only at this stage) and that the impacts of such a development could be controlled through appropriate use of conditions and during any further reserved matters applications, on balance, it is considered the proposals would accord with policy D1 of the Local Plan and Policy H4 of the Neighbourhood Plan as well as relevant paragraphs of the NPPF.



Impact upon residential amenity

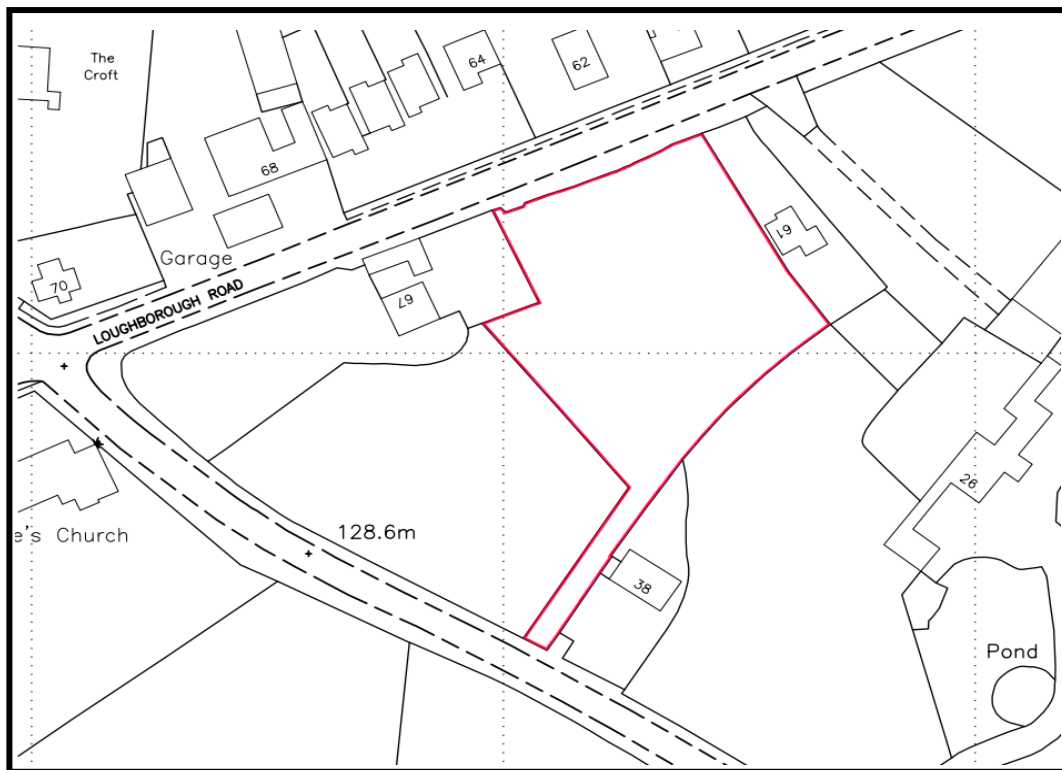
Policies D2 of the Local Plan (2021) requires that proposals for development should be designed to minimise their impact on the amenity and quiet enjoyment of both existing and future residents within the development and close to it. Policy H4 of the Neighbourhood Plan states that proposals should minimise the impact on general amenity and careful consideration given to noise, odour and light.

Given that the submitted plans provided are indicative, it is not possible to assess the impacts upon the residential amenity of surrounding dwellings in detail. Impacts, particularly in terms of privacy, loss of sunlight and daylight and overbearing impacts would be a primary consideration at the reserved matters stage, when details of the scale and appearance of the proposal are presented for approval. How the proposed landscaping, including details of proposed ground levels and boundary treatments will impact or preserve amenity will also be considered carefully at the reserved matters application stage. However, the submitted layout and indicative plans provide a high degree of confidence that a scheme is capable of being delivered that would accord with policy D2.

Furthermore, it is considered that the future occupiers of the proposed units could be provided with a high standard of amenity in terms of light, outlook, noise and private amenity space.

Overall, the proposal is not considered to result in significant impacts upon existing surrounding or future occupier residential amenity.

Therefore, the proposal is considered to be in accordance with Policy D2 of the adopted Local Plan, Policy H4 of the Neighbourhood Plan, the Council's Good Design SPD, and relevant sections of the NPPF.



Highway Considerations

Policy IF4 of the Local Plan (2021) requires that development takes account of the impact upon the highway network and the environment, including climate change, and incorporates safe and accessible connections to the transport network to enable travel choice, including by non-car modes, for residents, businesses and employees.

Policy IF7 of the Local Plan (2021) requires that development incorporate adequate parking provision for vehicles and cycles to avoid highway safety problems and to minimise the impact upon the local environment.

Objections have been received throughout the lifetime of the application in respect of highway safety concerns. Comments were also raised regarding the accuracy of the submitted speed data. In respect of highway safety concerns, this is covered in further detail below and it should be noted that in respect of the speed data submitted, LCC Highways were consulted and have confirmed that they have no objections or concerns in relation to the accuracy and/or validity of the data.

The Local Highway Authority (LHA) has been consulted to establish if there would be acceptable highway impacts resulting from the proposal and following a re-consultation in relation to further requested information including visibility splays and speed data, no objections were raised subject to conditions.

The site is proposed to be accessed off the A512 Loughborough Road which is subject to a speed limit of 40mph. The siting of the access is demonstrated on the included photos below. The LHA acknowledges that the access arrangements proposed are commensurate with those approved under previous planning permission 16/00198/OUT. However, the access proposals will be reassessed as part of this consultation based on the LHA's current design standards, the Leicestershire Highway Design Guide (LHDG). As such, speed survey data was requested during the application which demonstrated 85th percentile speeds of 35mph eastbound and 37mph westbound. It is noted that these speeds are below the 40mph posted speed limit on Loughborough Road. Therefore, visibility splays of 2.4m x 65m would need to be provided which have been demonstrated on the updated plans.

A road safety audit was also undertaken at the request of LCC Highways which included a proposed central refuge island on Loughborough Road and a dropped crossing across to the northern side of the road. It was noted that the Local Highway Authority raised no objections to these proposals, with further details being secured either via a planning condition or a future S278 highway application to the LHA.

In terms of parking and turning, the site is large enough to provide sufficient space, which would be subject to a later reserved matters application. The site is also considered to be accessible in terms of the limited local amenities but with access to public transport links to meet day to day needs. Notwithstanding this, the access is considered safe and suitable, and therefore the proposal accords with policy IF4 and IF7.

As such, 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 (as outlined by paragraph 111 of the NPPF) and therefore a refusal of the proposal on highway safety grounds would not be defensible.

Overall, 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 Policy IF4 and IF7 and relevant paragraphs of the NPPF.



Heritage Assets

The nearest corner of the application site would be located approximately 85m to the east of the Church of St George, which is a Grade II listed building. There is intervening land with buildings and vegetation between the site and this heritage asset and as such the proposed development would not harm the setting of the church. It is noted that this was the same conclusion also reached in the consideration of the most recent application on the site (under 20/00676/FUL).

As a result, no further consideration of the impact of the development on heritage impacts is required and the proposal would not conflict with Policy He1 of the adopted Local Plan or the relevant provisions of the NPPF.

As per the responses to earlier applications on the site, no archaeological mitigation would be required in connection with the development and in these circumstances, archaeology would not act as a constraint on the development. As such, the Local Planning Authority is satisfied that the proposal would be acceptable for the purposes of paragraphs 189-199 of the NPPF.

Ecology and Trees

Policy EN1 of the Local Plan supports proposals that conserve, restore or enhance the biodiversity of the district. Policy ENV3 of the Swannington Neighbourhood Plan identifies the application site as a historic wildlife site, although it should be noted that the site itself is not designated as a Local Wildlife Site in the plan. Existing photos of the site, including relevant viewpoints can be viewed in the figure below.

The application is accompanied by a Great Crested Newt Habitat Suitability Index Survey, Biodiversity Report, Preliminary Ecological Appraisal, Biodiversity Impact Assessment and completed biodiversity metric.

In respect of biodiversity and ecology, it is noted that the submitted Design and Access statement states that the site is predominantly screened with mature hedgerows which will be reinforced and retained as part of the proposals and that a wetland area to promote biodiversity would be included at the rear. The site itself is not a Local Wildlife Site, however it is noted that the Swannington Common Grassland 6 Local Wildlife Site is located on the opposite side of Church Hill. Therefore, as a precautionary measure, the provision of a Construction Environment Management Plan is included within the report's recommendations.

Throughout the course of the application, objections were received stating that the existing land is unkempt and contains various wildlife that would be lost if this scheme was to be granted permission. Further concerns were raised that the provided Great Crested Newt survey is out-of-date.

LCC Ecology were consulted throughout the course of the application and provided the following comments:

“The grassland has declined in terms of botanical value over many years due to a lack of management. Further detail will be needed in regard to the created habitats around the new ponds/wetland area, and how they will be managed, this can be as a Landscape and Ecological Management Plan.

Great Crested Newts are likely to be in the area, and the PEA report by Heatons recommends that eDNA testing is undertaken next spring of the nearest pond, approx. 100m from the site within a residential garden.

No evidence of other protected species was found, although the site is suitable for use by reptiles.”

As such, LCC ecology confirmed that they had no objections to the development of the site subject to securing the following conditions:

1. *A Construction Environment Management Plan for biodiversity to include identification of potentially damaging construction activities, biodiversity protection zones, practical measures and sensitive working practices to avoid or reduce impacts during construction on reptiles and amphibians, timing of works to avoid harm to nesting birds, responsible persons for overseeing sensitive works and use of protective fencing where required.*
2. *An updated Great Crested Newt Survey to be submitted for approval.*
3. *A Landscape and Ecological Management Plan (LEMP) for the new wetland area to include a description and evaluation of the features to be created/managed, aims and*

objectives of management, appropriate management options for achieving aims and objectives, prescriptions for management actions, work schedule, species/seed mixes to be planted/sown and ongoing monitoring and remedial measures.

As such, it is recommended that these conditions be imposed should the application be permitted.



It is noted that within the submitted Design and Access Statement that existing hedgerows and trees will be retained as part of the proposals with additional planting proposed to the rear of the site. Further, the Council’s Tree Officer was consulted throughout the course of the application and raised no objections to the proposals and *“consider{s} that {the} development of the site as proposed will be possible without raising any unresolvable arboricultural issues.”*

Whilst the mandatory requirement for 10 percent BNG has not yet been enacted through the Environment Bill (expected in January 2024), paragraph 174(d) of the NPPF sets out a

requirement to minimise impacts on and provide net gains for biodiversity. According to current guidance, self-build developments are exempt from Biodiversity Net Gain. Nevertheless, the NPPF still requires a measurable net gain for biodiversity.

It is noted that the submitted biodiversity metric demonstrates a 14.26% increase in habitat units and a 38.41% increase in hedgerow units which would be secured onsite, and therefore exceeds the 10% net gain target on both accounts. A condition will be included as part of any decision on the application, should the application be permitted, to secure a net gain plan to demonstrate the above in any future reserved matters application.

FINAL RESULTS		
Total net unit change (Including all on-site & off-site habitat retention, creation & enhancement)	Habitat units	0.23
	Hedgerow units	0.34
	Watercourse units	0.00
Total net % change (Including all on-site & off-site habitat retention, creation & enhancement)	Habitat units	14.26%
	Hedgerow units	38.41%
	Watercourse units	0.00%

Subject to the securing of the above conditions, the proposals would secure enhancements to local biodiversity and would therefore accord with Policy En1 of the Local Plan, Policies Env3 and Env4 of the Neighbourhood Plan and relevant paragraphs of the NPPF.

Flood Risk and Surface Water Drainage

Objections have been raised throughout the lifetime of the application in respect of concerns regarding proposed rainwater disposal method and drainage issues.

The site is situated within Flood Zone 1, an area at lowest risk from fluvial flooding, and the site is not in an area at risk of surface water flooding.

The previously approved reserved matters permission (under application reference 17/00427/REM) was subject to two drainage conditions covering surface water drainage details and drainage maintenance. The site still lies within Flood Zone 1 and is not identified as a site with a critical drainage issue on the Environment Agency's Surface Water Flooding Map. However, given the drainage concerns raised in relation to the site by surrounding neighbours and having consideration to previous drainage conditions applied in relation to the site and advice from the Local Lead Flood Authority, it is not considered that there have been any significant changes in policy or site circumstances that would justify an alternative view being taken now. As such, it is considered reasonable to apply conditions in respect of securing a surface water drainage scheme and maintenance plan should the application be permitted.

Insofar as foul drainage is concerned, it is indicated on the application forms that this would be discharged to the main sewer with such discharge being agreed with Severn Trent Water under separate legislation.

As such, subject to conditions, 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, Policy Env9 of the Neighbourhood Plan as well as the guidance set out within the NPPF.

Conclusions and Planning Balance

As set out above, the proposed development would contribute towards the supply of self-build plots when there is an identified shortfall, and the Local Planning Authority is failing in its statutory duty to provide enough self-build plots in order to meet demand. It should also be acknowledged that, in terms of technical matters, the scheme would be acceptable. Nevertheless, the scheme would result in residential development on land located outside the Limits to Development.

The most important policies in the determination of this application are Policies S2 and S3 of the Local Plan and Policy H2 of the Swannington Neighbourhood Plan which support development within the settlement limits and restrict development in the countryside. As set out earlier in this report, these policies are of greatest importance in this case, and are effective, not out of date and carry significant weight.

However, the adopted Local Plan is silent on the matter of self-build housing and in these circumstances, as set out earlier in this report, paragraph 11(dii) of the NPPF would apply which states *that 'where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

Paragraph 14 of the NPPF is also engaged which states that any conflict arising with the neighbourhood Plan, where criteria (a-d) are met, would *"likely"* constitute significant and demonstrable harm. Policy H2 of the Neighbourhood Plan restricts development in the countryside in line with national and local planning policies and as such does not support residential development outside of the settlement limits. Therefore, any harm arising from conflict with policy H2, and by association Policies S2 and S3 of the Local Plan needs to be weighed up to determine if this would be significant and demonstrable and whether or not this is outweighed by the benefits of 3 no. self-build units as proposed.

Limited harm would arise from the loss of greenfield land located within the countryside. The site would result in some character and appearance impacts contrary to criterion (i) of the second part of Policy S3.

Moderate harm would arise from the granting of a permission that is in conflict with Policies S2 and S3 of the Local Plan and Policy H2 of the Swannington Neighbourhood Plan.

Balanced against the harms, the provision of additional housing in a sustainable location is afforded positive weight, with additional significant positive weight given to the provision of self-build plots where there is currently an identified District wide shortfall. The benefits of the self-build dwellings can be secured by way of a legal agreement that requires the self-builder to occupy the property for the first three years following construction and a condition could be included, should the application be permitted, to ensure that the developer would evidence how the proposals would meet the self and custom build definition. In addition, the economic expenditure both during construction and through additional expenditure by future occupants within the local area which is of benefit to the local economy is a benefit.

The application site is located a reasonable distance from the settlement boundary (Limits to Development) however it would still be near to some local services and public transport links. This location is more acceptable when compared to remote locations in the countryside where there would be more adverse environmental and social sustainability impacts. In this case the proposal would not constitute 'isolated' dwellings, and they would be close to other dwellings and some services.

The application site is not an existing Local Wildlife site but is a Historic Wildlife Site as classified under Neighbourhood Planning Policy Env3 which has declined in terms of botanical value over many years due to a lack of management and the scheme would secure biodiversity net gains for the site in excess of 10% which would be afforded positive weight.

Whilst the previous refusal under application 20/00676/FUL is noted, this was a full application with all relevant matters for consideration which was determined prior to the material consideration of an unmet need for self-builds, which changed in October 2022, with this need having increased as of October 2023 by an additional 20 plots. Additionally, unlike under application 20/00676/FUL where it was unclear if the development would meet the self build and custom build definition, given that the current application is at outline stage (with access for consideration only), a condition could be included as part of any decision on the application to outline how initial owners of each of the homes will have primary input into its final design and layout at Reserved Matters to meet the definition of self and custom build defined by the Self-Build and Custom Housebuilding Act 2015 (as amended).

Therefore, on balance, whilst criteria (a-d) as set out in Paragraph 14 of the NPPF are met in respect of the neighbourhood plan, when the scheme is considered as a whole and a balancing exercise undertaken, it is not considered that the harms identified above, when considered individually or cumulatively, would significantly and demonstrably outweigh the identified benefits.

It is therefore recommended that planning permission be granted subject to a Section 106 obligation and the recommended conditions.

Demolition of existing nursery, and erection of building comprising children's nursery, and 5 residential apartments, together with associated parking, landscaping, bin and cycle store
8 Forest Road Coalville Leicestershire LE67 3SH

Report Item No
A3

Application Reference
23/00905/FUL

Grid Reference (E) 442616
Grid Reference (N) 313082

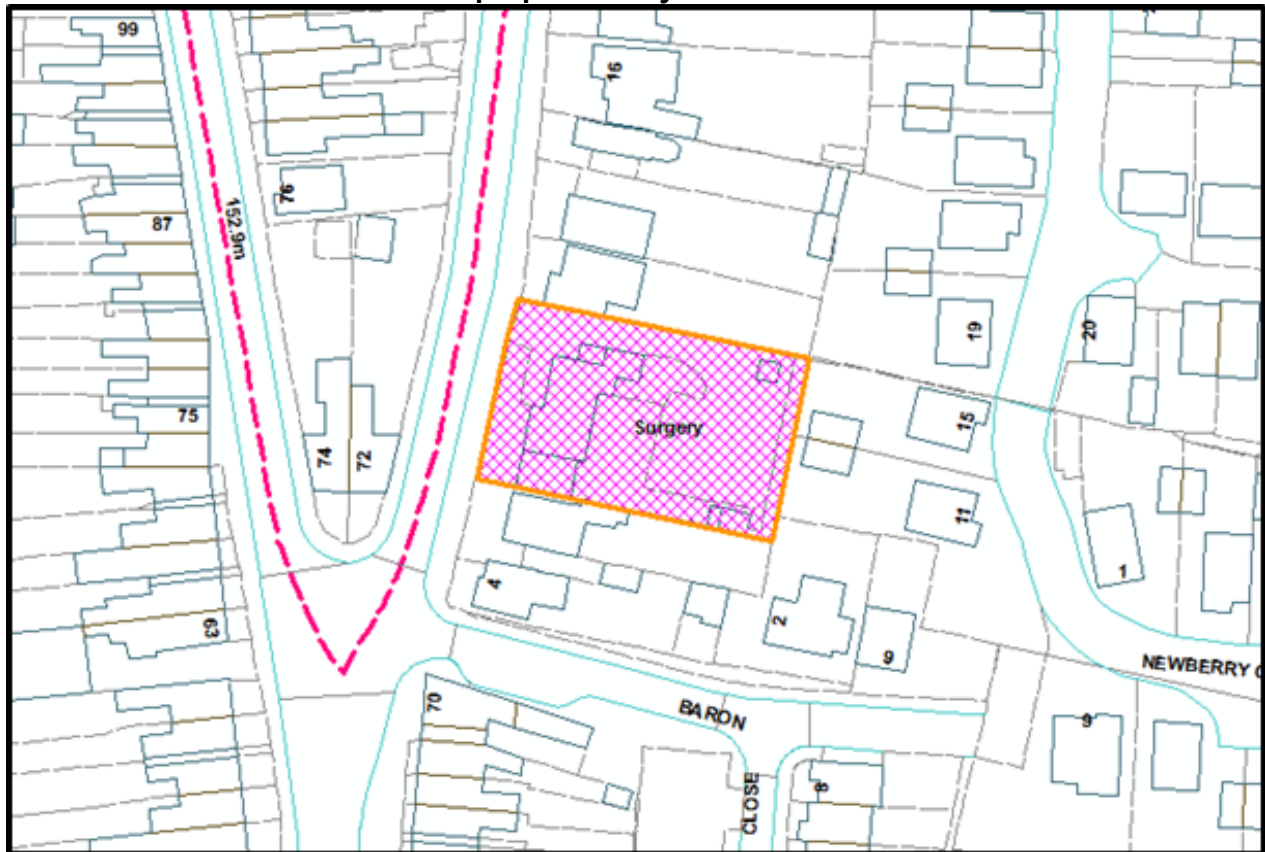
Date Registered:
18 July 2023
Consultation Expiry:
21 September 2023
8 Week Date:
8 December 2023
Extension of Time:
8 December 2023

Applicant:
Dr Tariq Gauhar

Case Officer:
Sarah Booth

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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Reasons the case is called to the Planning Committee

The application is brought to Planning Committee at the request of Councillor Johnson due to Highway safety concerns and impacts on neighbouring properties.

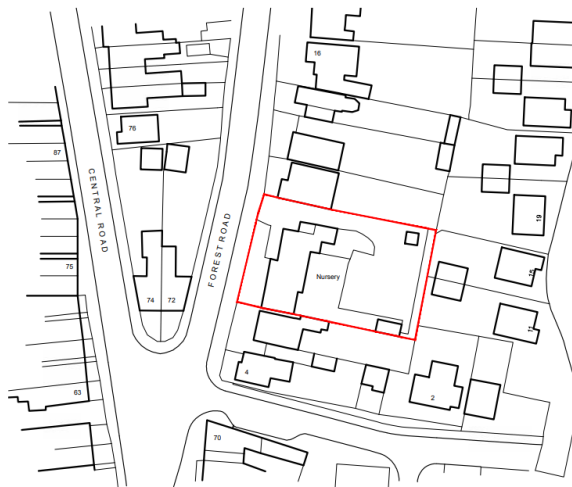
RECOMMENDATION - PERMIT, subject to the following conditions;

- 1 Standard time limit (3 years).
- 2 Approved Plans.
- 3 Materials details to be agreed.
- 4 Levels as per the submitted details.
- 5 Risk based land contamination assessment prior to commencement to be submitted, approved and implemented.
- 6 A verification investigation relating to the land contamination to be submitted prior to first use of the development for approval.
- 7 Noise Insulation Scheme to be submitted and agreed to prevent noise impacts on future occupants of the flats.
- 8 Hard and soft landscaping and boundary treatments and timescale for their implementation to be submitted and agreed prior to occupation. Replacement planting to be provided if any should die within 5 years.
- 9 Tree protection measures to be in place during construction.
- 10 Highways - Delivery of access arrangements in accordance with submitted plans.
- 11 Highways - Provision of 2m x 2m pedestrian visibility splays.
- 12 Highways - Provision of 2.4 x 43 metre visibility splays.
- 13 Highways - Delivery of off-street parking and turning arrangements in accordance with submitted plans.
- 14 Highways - Access management strategy and Travel Plan to be submitted and agreed.
- 15 Obscure glazing to be secured for the first floor windows and roof lights on the north and south side elevations of the proposed development.
- 16 To secure biodiversity enhancements e.g. Bird and bat boxes.

MAIN REPORT

1. Proposals and Background

The application seeks full planning permission at 8 Forest Road Coalville for the demolition of an existing nursery and erection of a new building comprising of a children's nursery and 5 residential apartments. The development also includes associated parking, landscaping and bin and cycle storage. The site location plan is included below.



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01 SITE LOCATION PLAN 1:1250

The existing building is a mid-twentieth century two storey rendered property with uPVC windows, chimneys and a tiled, hipped roof. There are some two and single storey projecting parts to the front elevation including a single storey front bay window.



To the northern side of the property is an access driveway leading to the nursery's car parking at the rear of the property. There is also a timber-clad side extension attached to the northern side of the existing building.



The building is currently occupied by the Den Farmside nursery. To the rear of the building is an external play area, two outbuildings and car parking. The topography of the site is relatively flat, with a modest 0.5m fall from Forest Road towards the eastern boundary.

Details of the proposed development are shown below.



01 FRONT ELEVATION



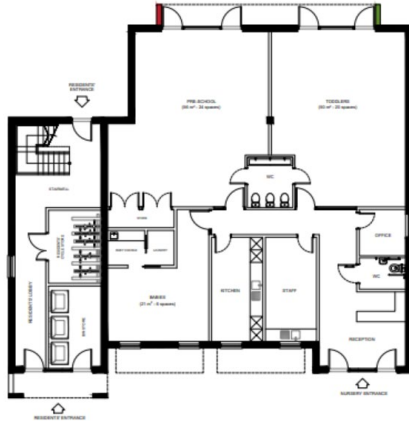
01 SIDE ELEVATION (SOUTH)



02 REAR ELEVATION



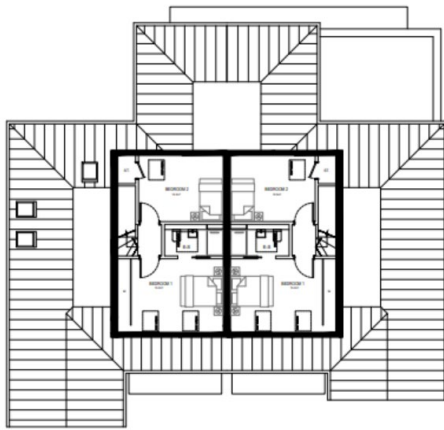
02 SIDE ELEVATION (NORTH)



01 GROUND FLOOR PLAN



01 FIRST FLOOR PLAN



01 SECOND FLOOR PLAN

Amended plans have been received during the application to include chimneys which reflect the design of the new building so that it would be more in keeping with the character of the area.

Relevant Planning History

22/01340/FUL Demolition of existing nursery, and erection of building comprising children's nursery, and 5 duplex apartments, together with associated bin and cycle store (Withdrawn 07.10.2022).

2. Publicity

9 Neighbours have been notified.
Site Notice displayed 24 July 2023.

3. Summary of Consultations and Representations Received

Hugglescote and Donington Le Heath Parish Council raise the following concerns:

- Highway safety.
- Insufficient parking.
- Lack of available drop off points for the nursery.
- Likely to lead to on-street parking problems / parking hazards.
- Traffic will be worse at peak times.
- Likely that most staff will need to drive to work, despite promotion of sustainable transport.
- The database used from the TRICS Consortium Ltd is not representative for this area and local data should be used.
- The car parking provision is less than that required by the Neighbourhood Plan.
- Not enough space for cars to enter the site.
- Lack of turning space.
- Overdevelopment of the site.
- Not in keeping with the street scene.
- Loss of privacy to neighbouring residents.
- No electric charging points.

NWLDC Urban Designer – Initially received advice to improve the design of the development. Amended plans were received which addressed the issues raised by the Urban Designer.

No objections subject to conditions:

County Highway Authority
 NWLDC Environmental Protection
 NWLDC Tree Officer
 LCC Ecology

No comments received:

LCC Fire and Rescue
 NWLDC Waste Service

Third Party Representations

Two letters of neighbour representation have been received raising objection on the following grounds:

Grounds of objection	Description of Impact
Residential Amenity	Impacts on No.6 Forest Road.
	Too close to the boundary with No.6 Forest Road.
	Loss of privacy to No.6 Forest Road and No.11 Newberry Close.
	Noise and disturbance.
	The bedroom window to R4 will overlook No.6 Forest Road.
	Overlooking of rooflight for No.6 Forest Road.
	Loss of existing trees will reduce privacy.

	Noise from parking next to boundary with No.11 Newberry Close.
	Loss of security to No.11 Newberry Close due to loss of trees.
	Incompatible uses between the nursery and residential uses.
Highway Safety	Traffic.
	Insufficient parking provision for flats and nursery.
	Exacerbating existing on-street parking problems in the area.
	Problems with nursery traffic and traffic associated with the flats all leaving at peak times.
	Hazardous parked cars.
	No pedestrian footpath for access drive.
	Health and safety.
	The access drive is too narrow.
Ecology	Loss of vegetation / biodiversity/ wildlife corridor.
Design	Overdevelopment of the site.
	No residential amenity space for the new flats.
Non Material Planning Matters	Reduction in neighbour's property prices.

4. Relevant Planning Policy

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

Paragraphs 8, 11 (Achieving sustainable development)

Paragraphs 55 and 56 (Planning conditions and obligations);

Paragraphs 60, 61, 62, 69, 74, 75 and 77 (Delivering a sufficient supply of homes);

Paragraph 86 (Ensuring the vitality of town centres);

Paragraph 93 (Promoting healthy and safe communities);

Paragraph 100 (Promoting healthy and safe communities);

Paragraphs 104, 107, 110, 111 and 112 (Promoting sustainable transport);

Paragraphs 124, 127(Requiring good design);

Paragraphs 119, 120, 124 and 125 (Making effective use of land);

Paragraphs 148, 150, 153 and 163 (Meeting the challenge of climate change)

Paragraphs 174, 180, 182, 183, 184, 185, 186 and 187 (Conserving and enhancing the natural environment)

Adopted North West Leicestershire Local Plan (2021)

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

S2 - Settlement Hierarchy
D1 - Design of New Development
D2 - Amenity
IF1 - Development and Infrastructure
IF4 - Transport Infrastructure and New Development
IF7 - Parking Provision and New Development
En1 - Nature Conservation
En3 - The National Forest
Cc2 - Water - Flood Risk
Cc3 - Sustainable Drainage Systems

Hugglescote and Donington le Heath Neighbourhood Plan

Policy G1: Limits to Development
Policy G3: Design
Policy CF1: Community Facilities and Amenities
Policy Env 6: Biodiversity and Habitat Connectivity

Other Policies/Guidance

National Planning Practice Guidance
Leicestershire Highways Design Guide (LHDG)
Leicestershire Highway Requirements for development (HRfD)
Good Design SPD (2017)

5. Assessment

Principle of Development

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, comprises the adopted North West Leicestershire Local Plan (2021).

The application site is located within the Hugglescote St Mary's Ward and this area is located within the Coalville Urban Area according to Policy S2 of the adopted Local Plan. Policy S2 states that this area has an extensive range of services and facilities, and new development is supported in principle in this location. The site is located within the Limits to Development, as per the adopted Local Plan and, therefore there is no objection in principle to this application.

Policy G1 of the Hugglescote and Donington le Heath Neighbourhood Plan also supports development such as this in principle, as it would be located within Limits to Development.

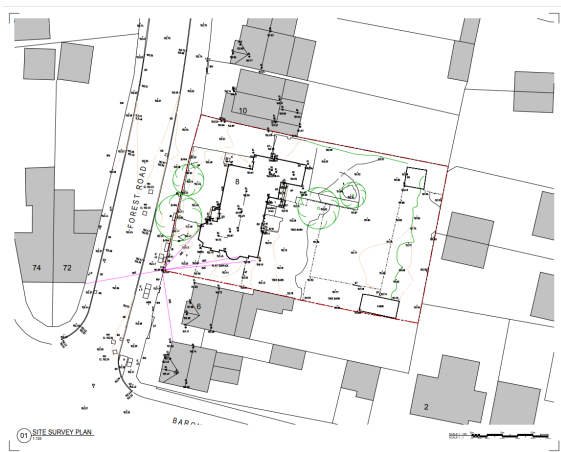
In respect of the proposed demolition, the existing building is of no architectural or heritage significance and there is no objection in principle to its demolition.

Impacts on Amenity

Policy D2 of the Local Plan (2021) requires that proposals for development should be designed to minimise their impact on the amenity and quiet enjoyment of both existing and future residents within the development and close to it.

Neighbour and Parish Council objections have been received with regard to impacts on neighbouring properties, these matters will be considered in this section below.

The application site is located within a primarily residential area with residential properties surrounding the site. The adjacent properties to the site consist of No.6 Forest Road to the South, No.10 Forest Road to the north and No. 10 and 11 Newberry Close to the rear (east) of the application site.



Existing site plan



Proposed site plan

The Closest neighbour to the front of the site is No.72 Central Road, Hugglescote. The application proposal would face towards the rear garden of that neighbouring property. Given the application site is separated from No.72 Central Road by a 17 metre gap, and the intervening public highway, it is not considered that this neighbour would be adversely affected by the proposed development.

The Parish Council and neighbours have raised objections that there would be a loss of privacy to neighbouring residents as a result of this development. It is noted that the development would be closer to some neighbouring boundaries than the current building and the new flats would add a residential use to the site. Some of the existing screening would also be lost by the removal of existing trees. Notwithstanding this the rear elevation of the proposal would be at least 20 metres from the rear boundary of the site which would provide a more and acceptable separation distance between the proposal and No. 11 Newberry Close. This would accord with the guidance in the Council's Good Design SPD.

Neighbours have also objected due to a loss of privacy and security to their properties due to removal of various trees on site which would make the neighbour's garden more accessible to potential intruders. Notwithstanding this there are no tree preservation orders on site and none of the trees would be worthy of a tree preservation order for their retention. As such the applicant could remove the trees without requiring permission from the Local Planning Authority.

The neighbours for the adjacent site at No.6 Forest Road have objected on the grounds that the new flats would overlook their property, particularly a lower level rooflight. It is noted that there are first floor side facing windows on both side elevations which could have the potential to overlook the adjacent neighbours. As these windows both serve bathrooms it is recommended that these are conditioned to be obscure glazed and non-opening below an internal floor height of 1.7 metres. This condition would prevent any adverse overlooking impacts from the side facing windows. With regard to windows on the rear elevation of the new building this relationship is similar in nature to that of a semi-detached property and is not considered to result in direct overlooking of the adjacent neighbour. As such it is not considered that the development would have any detrimental overlooking impacts on the neighbouring properties.

Neighbours have objected due to potential noise impacts from the proposed development particularly regarding impacts on No.6 Forest Road and No.11 Newberry Close. Environmental Protection have been consulted on the application and this matter has been discussed with them. Given that the new development would be sited in a similar layout to that of the existing building, with the outdoor play area and parking being provided in roughly the same locations, they do not consider that there would be any harmful noise impacts beyond the existing development.

Neighbours have also commented that the two nursery and residential uses in the new building could be Incompatible with each other. Environmental Protection have advised that a condition should be secured to ensure that adequate noise insulation is installed between the nursery and the new flats to prevent adverse noise impacts between the two uses. It is recommended that this condition should be attached if permission is forthcoming. It is also highlighted that any purchaser or renter of the flats would also be aware of the nursery use within the building and the potential noise and disturbance that it might create.

Neighbour concerns have been raised with regard to a lack of provision for residential amenity space for the private flats. It is noted that none of the flats would be provided with private outdoor residential amenity space. Neighbours therefore consider that this would not conform to national design and wellbeing standards and would not accord with the guidance in the Council's Good Design Guide Supplementary Planning Document (SPD). Notwithstanding this, there are no Local Plan or Neighbourhood Plan policies that compulsorily require a set amount of amenity space per unit. Whilst the Good Design SPD recommends that amenity space be provided this is best practice and not always possible in every scenario and it is not considered that this matter alone would be sufficient justification for refusal of the application. It is also noted that there are other examples of local flats without any amenity space in the wider area. Furthermore there are also some local allotments and parks within a 10 minute walk of the application site, which the residents could use if they wanted to. On that basis it is not considered that the application could be successfully refused on this basis.

The building has been carefully positioned so that it would comply with the 45 degree lines from the adjacent neighbouring dwellings. It is considered that the proposal would not result in any overshadowing or loss of light to neighbouring properties.

Neighbours also consider that the development would result in overdevelopment of the site. Whilst the proposal would be larger in scale than the current building this would not be a substantial increase in size. It is considered that the proposal would be similar in form to that of the existing building. It would also maintain suitable separation distances from neighbouring properties and therefore is not considered to lead to any adverse overbearing impacts.

In view of the above it is considered that the proposal overall would not result in any significant detrimental impacts on amenity. Therefore, the proposal is considered to be in accordance with Policy D2 of the adopted Local Plan, Policy G3 of the Hugglescote and Donington le Heath Neighbourhood Plan, the Council's Good Design SPD, and relevant sections of the NPPF.

Design and Visual Impact

Policy D1 of the Local Plan (2021) requires that all developments be based upon a robust opportunities and constraints assessment and be informed by a comprehensive site and contextual appraisal. It also requires that new non-residential developments must positively address the Council's place making principles to respond to the site's context. Policy G3 of the Neighbourhood Plan requires that development proposals reflect the character and context of existing developments in the Neighbourhood Area. However, contemporary and innovative materials and design will be supported where positive improvement can be robustly demonstrated without detracting from this context.

The site context is defined primarily by residential development with Forest Road having an eclectic mix of styles, although most properties date from the late 19th century and early 20th century.



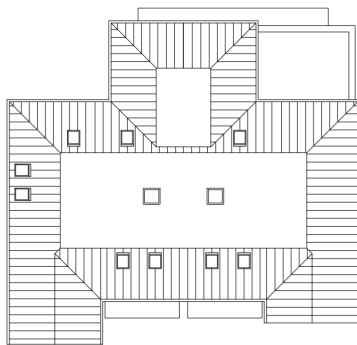
View looking north along Forest Road



View looking south along Forest Road

The existing building to be demolished is not listed or locally listed and in terms of its overall appearance it is not of architectural importance and there is no objection to it being removed as it is not worthy of retention. The existing property has a hipped roof which is at odds with the gable roof design of the adjacent properties but is still in keeping with the prevailing character of the wider area. The proposed new building would maintain a hip roof which would help to reduce the overall massing of the development.

The application proposes an asymmetrical building comprising two projecting gables with a recessed central section. The roof would be shallower, and the proposal is deeper than the current building, however the overall height has been kept similar through employing a flat section of roof.



The Council's Urban designer has provided comments on the application commenting that chimneys should be added to the proposal. Amended plans have now been received to include chimneys in the design so that this would be more in keeping with the character of the area.

The Parish Council consider that the development would not be in keeping with the street scene. The proposal seeks permission for a slightly more contemporary style building but some traditional features such as chimneys have been included. The proposed development would be externally faced in a combination of render and brick on the front with some timber cladding also being proposed to the rear. The front elevation would have a distinctive asymmetrical façade.

The Parish Council and neighbours have raised concerns that the proposal would result in overdevelopment of the site. The property would have three storeys in total with some accommodation being provided in the roof space however the overall proportions would have a two storey appearance. The building to plot ratio would be fairly similar to that of the existing arrangements on site. Overall, it is considered that the scale and proportions are acceptable having regard for the site and surrounding context.

The submitted streetscene drawing below shows that the new building would also have a comparable height to that of the adjacent properties.



The combination of hip and gable roofs, whilst different to the adjacent properties, would reflect design characteristics of other properties in the street scene. Whilst the appearance would look slightly more modern compared to the surrounding properties Policy G3 of the Neighbourhood Plan supports contemporary interventions and additions to the neighbourhood area.

Having regard for the scale of the proposal and the existing site context as described above, it is not considered that the proposal would erode the character and appearance of the area.

Overall, taking the above into account, it is considered that the scheme is appropriate and would comply with Policy D1 of the adopted Local Plan and Policy G3 of the Hugglescote and Donington le Heath Neighbourhood Plan and the NPPF.

Highway safety

Objections have been received from both the Parish Council and neighbours regarding highways safety particularly regarding concerns about insufficient parking and traffic. All highways related concerns will be considered in the section below

Policy IF4 of the Local Plan (2021) requires that development takes account of the impact upon the highway network and the environment, including climate change, and incorporates safe and accessible connections to the transport network to enable travel choice, including by non-car modes, for residents, businesses, and employees. Policy IF7 of the Local Plan (2021) requires that development incorporate adequate parking provision for vehicles and cycles to avoid highway safety problems and to minimise the impact upon the local environment. The Leicestershire Highways Design Guide (LHDG) provides guidance on the standards expected for access, parking, and manoeuvrability. The County Highway Authority (CHA) has been consulted in connection with the application.



The site is located on Forest Road, a Class C Road subject to a 30mph speed limit. The eastern side of Forest Road is subject to parking restrictions as shown above with some on street parking available on the western side.

Site Access

The proposed site plan below demonstrates an access width of 5.8m (narrowing to 5.5 within the site) with inward opening gates, set back approximately 5.5m from the highway boundary.



The CHA has advised in this instance that they have considered this application against the criteria listed under Figure DG17 of Part 3 of the LHDG (Unadopted shared drive serving up to 25 dwellings). This requires a minimum access width of 4.8 metres. The CHA has also noted that the site's access is an existing situation. As such the CHA considers the proposed access to be acceptable.

The CHA has undertaken its own assessment of the achievable visibility splays at the site and the CHA are satisfied that adequate visibility is achievable at the site access in accordance with Table DG4 of Part 3 of the LHDG.

The above drawing also proposes a 2m x 2m pedestrian visibility splays. The CHA has highlighted that the splay furthest north of the site would fall within third party land, however the CHA does acknowledge that the site access in its current form is an existing situation. The CHA remains of the assumption that the required visibility is achievable within the applicant's site boundary in accordance with the LHDG. As such the CHA are satisfied with the pedestrian visibility splays and they recommend that these are secured by way of planning condition.

Trip Generation

The submitted details state that the proposal would accommodate 6 babies, 20 toddlers and 24 pre-school children and proposes to employ eight members of staff. Paragraph 1.14 of the submitted Highways information confirms that the existing operator of the nursery identified the current number of children was 55.

The Parish Council has raised concerns that the database used from the TRICS Consortium Ltd is not representative for this area and that local data should be used. This query has been raised with the CHA who have advised that a TRICS assessment was not the method undertaken in this instance. This was because this development was not of a large enough scale to meet the threshold to require a TRICS assessment. For this application the applicant has undertaken a 'first principles approach' which uses trip generation data from a comparable site. In this case the applicant has used the existing sites trip generation which the CHA has considered to be an even more robust method given the sites current use and numbers. As such the CHA are satisfied with the trip generation figures provided.

Based on the above the submitted trip generation details are considered to be acceptable.

Parking

The Parish Council has raised concerns, along with members of the public, that there would be insufficient parking and a lack of safe drop off areas for the proposed development. The objections also refer to the potential for the development to exacerbate existing on- street parking problems and could create parking hazards in the area. These concerns will be considered below.

The Parish Council has highlighted that there are fewer parking spaces than required under the Hugglescote and Donington le Heath Neighbourhood Plan, Policy G3 which states;

Adequate off-road parking should be provided as a minimum of two car parking spaces for properties with three bedrooms or less and three car parking spaces for four bedrooms or more, in line with Highways standards.

The above parking guidance criteria from the Neighbourhood Plan is also consistent with the same advice within the County Highways LHDG.

The proposed site plan shows a parking layout (as per the drawing above) comprising 14 spaces in total. This would provide one space per apartment and nine spaces for use by the nursery. Paragraph 1.15 of the applicants submitted Highways and Transport Technical Note states that not all nine spaces would be required for staff parking and a proportion of the spaces could be used for coordinated drop-off and collections of children.

The CHA has reviewed the above parking layout in accordance with the parking standards as outlined within the Highway Requirements for development (HRfD) Part 4 which notes for the proposed use as a day nursery, typically, spaces should be provided based on 'One car space per member of staff plus one additional space to allow for shift changes.' Paragraph 1.14 of the submitted Highways and Transport Technical Note states that 8 members of staff are proposed. On that basis the CHA considers that the overall parking proposal is therefore acceptable.

A request has been made from the Ward Councillor that the nursery should be conditioned so that there could not be an increase in the number of children or staff at the nursery without first applying for permission. It is noted that no such condition has been requested by the County Highway Authority. Having considered this it is likely that the condition would be unreasonable and unenforceable and therefore would not meet the conditions tests as per paragraph 56 of the NPPF.

The CHA welcomes the applicant's suggestion that some spaces will be used to facilitate drop off and collection arrangements. They also support the applicant's suggestion of a parking and access management strategy and Travel Plan, and it is recommended to secure that by condition.

The CHA has noted the existing situation at the site that there is no existing formal drop off and collection arrangements. They have also taken account of the existing nursery capacity, together with the formal parking layout as per the above drawing which would be considered a betterment when noting that presently, the site only provides seven informal parking spaces (as per paragraph 1.15 of the revised TN). The CHA also acknowledges that surrounding the site on Forest Road, on-street parking does regularly occur where parking is unrestricted, therefore limited on-street parking is also available. HRfD also does not specify parking standards for

customers, therefore on this basis, having considered all the above, it would therefore be unreasonable for the CHA to insist on any additional parking measures such as those suggested above, the CHA is satisfied that adequate parking is proposed in general accordance with the LHDG.

The Parish Council has also highlighted that no electric charging points are being provided in this application. Policy G3 of the Neighbourhood Plan states that development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible, and convenient locations. Whilst none are being proposed through this planning application, the proposed car park provides space away from the public highway for electric vehicles and the chargers will need to be provided by the applicant to meet the mandatory requirements for them under the Building Regulations legislation. Therefore despite the chargers not being proposed as part of this scheme which is a requirement of the neighbourhood plan, they are captured and will have to be provided on site through other legislation.

Whilst the proposal would not wholly accord with Policy G3 of the Hugglescote and Donington le Heath Neighbourhood Plan, given a lack of objection from the County Highway Authority and no concerns raised by the CHA regarding highway safety matters and the fact that the electric vehicle chargers will be captured through the Building Regulations process, it is not considered that a reason for refusal could be reasonably substantiated on this basis. Overall, the application is considered to be in accordance with the wider aims of 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.

Ecology

Neighbour concerns have been received regarding the loss of vegetation and biodiversity and impacts on wildlife. These matters will be considered further below.

Policy En1 of the Local Plan supports proposals that conserve, restore or enhance the biodiversity of the district.

The County Ecologist has advised that there are no identified protected species or designated sites within the locality. The County Ecologist has advised that the Bat Survey report completed by Stefan Bodnar dated May 2022 is acceptable. The assessment did not identify any potential for roosting bats within the existing building and therefore no further surveys are deemed necessary. There was also no evidence of nesting birds observed. The report makes recommendations for biodiversity enhancements such as bird and bat boxes and it is recommended that these are secured by condition if the scheme is approved.

Whilst the mandatory requirement for 10 percent Biodiversity Net Gain has not yet been enacted through the Environment Bill (expected April 2024 for non-major applications), paragraph 174(d) of the NPPF sets out a requirement to minimise impacts on and provide net gains for biodiversity. Whilst no metric calculations have been provided the proposed development would be largely sited on existing hardstanding and as such the site would be of low biodiversity value. Notwithstanding this, it is noted that some additional landscaping would be planted which would help to replace some of the trees removed by the current proposal. Bird and bat boxes would also be provided to help provide further biodiversity mitigation.

Having considered the nature of the proposal and the scale of the development, it is considered that the application would not result in any unacceptable ecology impacts. Subject to the

conditions referred to above being secured the application is considered to accord with Local Plan Policy En1 and ENV2 of the Hugglescote and Donington le Heath Neighbourhood Plan.

Trees

Concerns have been raised by members of the public regarding the loss of trees on site. The Council's Tree Officer has been consulted on the application and has advised that none of the existing trees on site are of any outstanding arboricultural merit.

The two Cherry trees on the front roadside boundary are to be retained with the existing adjacent surfacing to be replaced with new soft landscaping. The proposed temporary protection measures for these two trees are acceptable. All other trees towards the rear of site (a Spruce, Birch, Sycamore, and an overgrown Cypress hedge) are to be removed. None of these are of significant benefit to public amenity and so the loss would be mitigated through new tree planting.

The proposed site plan includes indicative new tree planting. This is acceptable in principle, but further details for the tree species and planting specification is required, along with a more detailed specification for all the new landscaping for the development. Therefore if permission is granted it is recommended that a landscaping condition should be attached to secure specific details.

It is also recommended to secure protection measures during construction for the trees being retained.

In view of the above it is considered that the proposed development would be acceptable in respect of impacts on existing trees to be retained and would comply with Policies En1 of the adopted Local Plan.

Conclusion

In conclusion, the site lies within the Limits to Development where the principle of development is considered acceptable. The proposal does not give rise to any detrimental impacts regarding residential amenity, design and visual amenities, ecology, trees, or highway safety.

There are no other relevant material planning considerations that indicate planning permission should not be granted. Overall, the proposal is deemed to comply with the relevant policies in the adopted Local Plan, the Hugglescote and Donington le Heath Neighbourhood Plan, the Council's Good Design SPD, and the overarching guidance in the NPPF. Accordingly, the application is recommended for planning permission, subject to the suggested planning conditions.

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Erection of two storey side and rear extension, single storey rear extension and replacement windows

Report Item No
A4

Hemingford, South Street, Ashby De La Zouch Leicestershire
LE65 1BR

Application Reference
23/01148/FUL

Grid Reference (E) 435720
Grid Reference (N) 316559

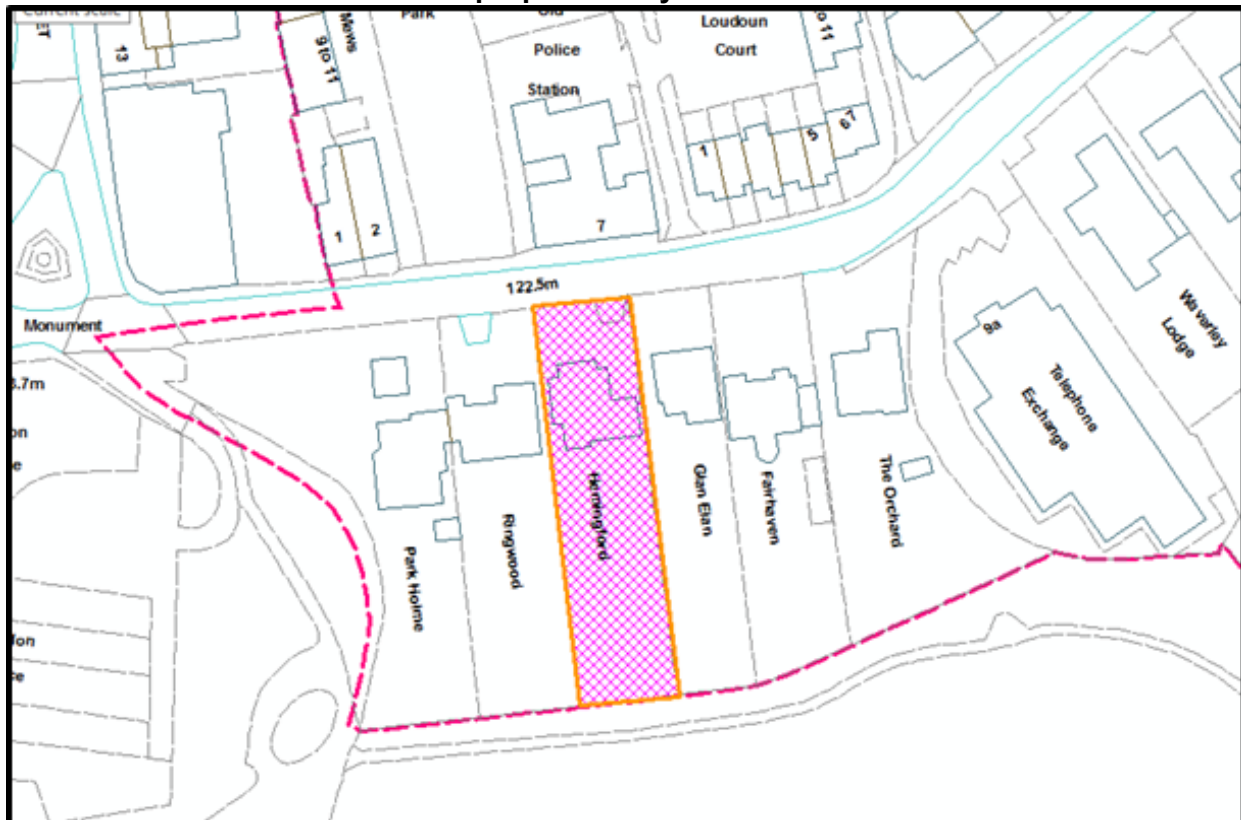
Date Registered:
6 September 2023
Consultation Expiry:
7 November 2023
8 Week Date:
1 December 2023
Extension of Time:
1 December 2023

Applicant:
Mr And Mrs Crooks

Case Officer:
Louise Forman

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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Reason the case is called to the Planning Committee:

The application is brought to the Planning Committee for determination as a person who is related to an Officer of the Council has been involved with the preparation of the application pack and contrary representations to the recommendation to permit the application have been received.

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

- 1 Standard time limit (3 years)
- 2 Approved Plans
- 3 Materials – in accordance with
- 4 Parking - 3 parking spaces to be provided and retained on site
- 5 Side windows in the eastern elevation to be obscured and top openers
- 6 No additional side windows to be allowed without the need for planning permission

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the erection of a two storey and single storey front, side and rear extensions to 'Hemingford' South Street, Ashby de la Zouch. The dwelling is a detached property and is located to the south of South Street, within the limits to development and within the Ashby de la Zouch Conservation Area. The south of South Street is characterised principally by detached residential dwellings which back onto the Bath Grounds. To the north on South Street is the former Police Station together with car parks and the rear of retail units which are associated with the retail use of the town centre.



View of South Street (south side) to the west



South Street (north side)

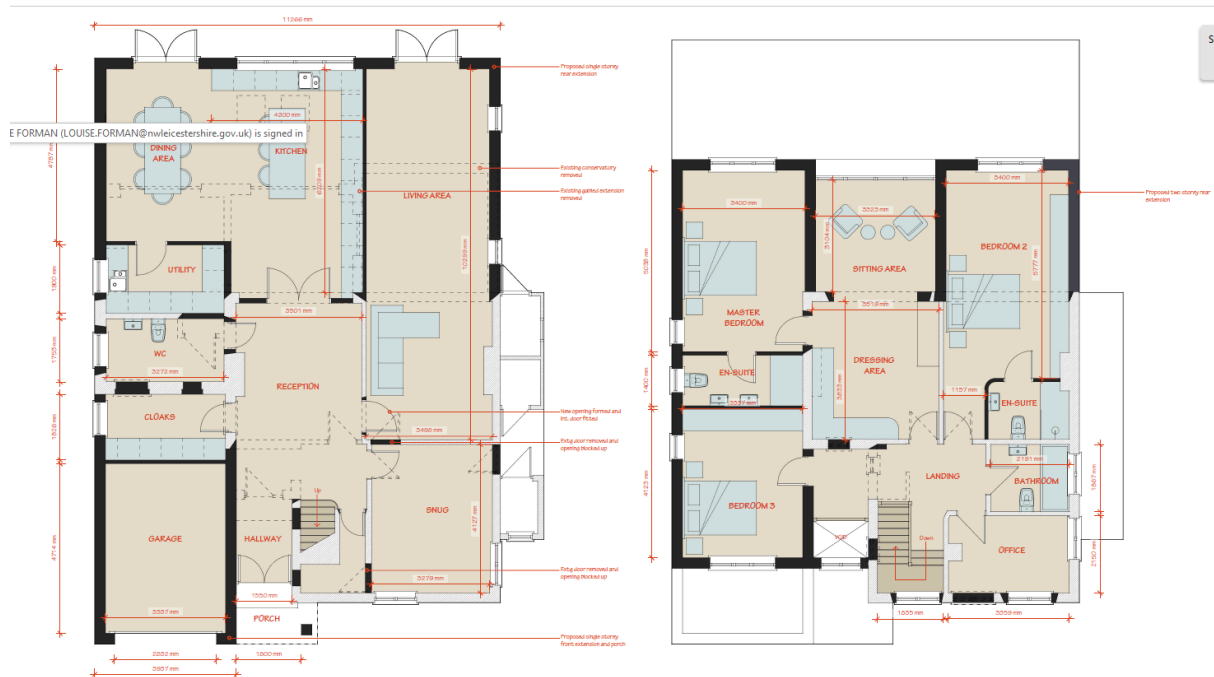


South Street (north side)

The proposal consists of the demolition of previously erected single storey extensions which wrapped around the eastern side and rear of the host dwelling and replacement by the erection of:

- A single storey rear extension of 6.6 metres (3.5 metre additional maximum projection)
- A two storey rear extension of 3.65 metre projection
- A ground floor side/front extension of an overall length of 16.27 metre and width of 3.95 metres
- A first floor side extension of 11.35 metres length

The ground floor proposals will provide an extended kitchen/dining room, utility and additional living area at the rear and a garage and open porch to the front. At first floor level the rear extensions will provide extended bedrooms and a seating area.



Proposed Floor Plans

Amended plans have been secured during the application. The single storey rear extension has been reduced by 0.5 metres and the first floor element to the eastern side of the dwelling has been set back by an additional 0.5 metres. The design of the timber framing detail to the front gable has been retained and echoed in the proposed, smaller front facing gable.



Hemingford - Front

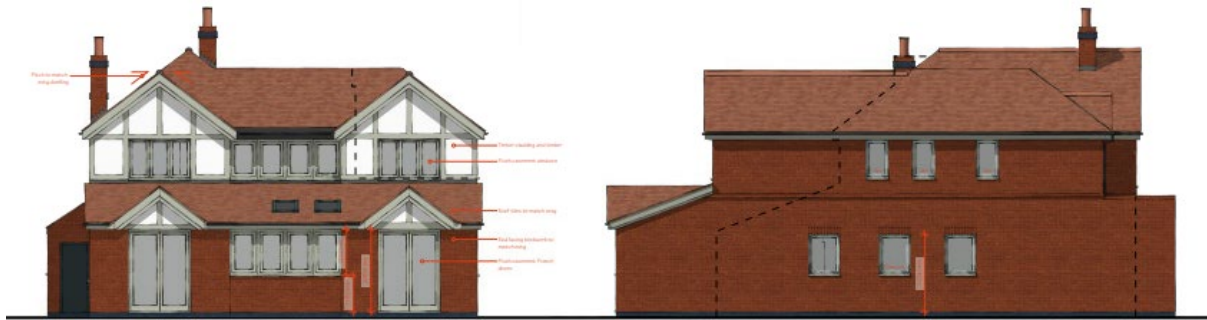


Hemingford - Rear



1 FRONT ELEVATION
SCALE 1:50

2 SIDE ELEVATION
SCALE 1:50



3 REAR ELEVATION
SCALE 1:50

4 SIDE ELEVATION
SCALE 1:50



Application site and surroundings

The supporting statement accompanying the application provides the following information about the site:

" the proposal is in accordance with the relevant policies of the development plan and it is also in accordance with the NPPF taken as a whole and the presumption in favour of sustainable development. There are no adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal and any outstanding concerns that the Council might have are capable of being addressed by negotiation and/or the imposition of conditions."

Relevant Planning History:

93/0744/P - Erection of a single storey rear extension Approved 22 September 1993

80/0506/P - Erection of a garage and lounge extension Approved 22 April 1980

2. Publicity

2 Neighbours have been notified.

Site Notice displayed 07 September 2023.

Press Notice published 20 September 2023.

3. Summary of Consultations and Representations Received

The following summary of responses is provided:

Ashby Town Council raised objections on the following grounds (original scheme):

Ashby de la Zouch Town Council objects to this planning application subject to the modifications suggested by the Conservation Officer being carried out. The alterations to this property detailed in this application are not in keeping with the character of the conservation area and the scale and massing are inappropriate.

And has made similar comments regarding the amended scheme, apart from the timber framing to be retained.

NWLDC Conservation Officer raised objections to the original scheme on the following grounds:

- *should be reduced substantially in terms of its scale and extent. I suggest omitting the garage and cloakroom, bedroom three and the double height hallway.*
- *new elements should be set back at least 1 metre from the existing front elevation*
- *the existing render and mock timber framing should be retained, and new elements should reflect the existing character.'*

In terms of the amended scheme, The Conservation Officer has commented as follows:

- *pleased that the existing mock timber framing would be maintained.*
- *reiterates previous advice*

Third Party Representations

Two letters of neighbour representations have been received from the same property (original and amended scheme), raising objections on the following grounds:

- Over-development
- Significant detrimental impact on residential amenity and enjoyment of property in terms of overlooking, overbearing and overshadowing
- Loss of available sunlight
- Scale and mass, not subservient
- Increased risk of flooding
- Reduction in available car parking
- Planning statement does not reflect the true extent of loss of amenity
- Object to the proposed two side windows
- Refers to Human Rights Act, Protocol 1, peace and enjoyment of all their possessions

4. Relevant Planning Policy

National Planning Policy Framework (2023):

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

Paragraphs 7, 8 and 10 - Achieving sustainable development

Paragraph 11 - Presumption in favour of sustainable development

Paragraphs 55, 56 and 57 - Decision-making

Paragraph 92 - Promoting healthy communities

Paragraphs 104, 105, 110, 111 and 112 - Promoting sustainable transport

Paragraphs 126, 129, 131 and 134 - Achieving well-designed places

Paragraphs 152, 154, 157 - Meeting the challenge of climate change, flooding and coastal change

Paragraphs 174, 180, 182, 183, 184, 185 and 186 - Conserving and enhancing the natural environment)

Paragraphs 174, 180, 183, 184 and 185 (Conserving and enhancing the natural environment).

Adopted North West Leicestershire Local Plan (2021)

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

S2 - Settlement Hierarchy
D1 - Design of New Development
D2 - Amenity
IF4 - Transport Infrastructure and New Development
IF7 - Parking Provision and New Development
En1 - Nature Conservation
En2 - River Mease Special Area of Conservation
EN3 – The National Forest
He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment
Cc2 - Water - Flood Risk
Cc3 – Sustainable Drainage Systems

Adopted Ashby Neighbourhood Plan (2018)

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

Policy S1 - Presumption in favour of sustainable development
Policy S2 - Limits to Development
Policy S4 - Design
Policy HE1 - Ashby de la Zouch and Heath End Conservation Areas

Other Policies/Guidance

The Conservation of Habitats and Species Regulations 2017
Sections 61 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System
Planning Practice Guidance - November 2016
River Mease Water Quality Management Plan - August 2011
Natural England - Advice for development proposals with the potential to affect water quality resulting in adverse nutrient impacts on habitats sites - March 2022
Good Design for North West Leicestershire SPD - April 2017
National Design Guide - October 2019
Leicestershire Highways Design Guide (Leicestershire County Council)

5. Assessment

Principle of Development

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2021) and the Ashby de la Zouch Neighbourhood Plan (2018).

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

Scale, Design and Heritage

The application site is located within the Ashby de la Zouch Conservation Area. Several listed buildings are located at the junction of South Street and Bath Street (The War Memorial, Rawdon House and Rawdon Terrace, all Grade 2* listed) and further to the east on the northern side of South Street (10-15 South Street, all Grade 2* listed). As such the proposed development must be considered against sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that when considering a planning application for development that affects a listed building or its setting the decision maker, "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess" and that "special regard shall be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area", respectively.

Paragraph 184 of the NPPF states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance and Paragraph 192 states in determining planning applications, local 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. Paragraph 199 states 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 Local Plan is concerned with the conservation and enhancement of the historic environment.

Policy S4 of the Ashby De La Zouch Neighbourhood Plan requires that development should enhance and reinforce local distinctiveness and character, particularly within the Conservation Area, reflect the character and historic context of existing developments and materials should add to the quality or character of the surrounding environment, the Conservation Area and the National Forest.

It is a statutory requirement that any new development should at least preserve the character of the Conservation Area and significant weight has been given to preserving the setting of Listed Buildings.

Policy D1 of the Local Plan (2021) requires that all developments be based upon a robust opportunities and constraints assessment and be informed by a comprehensive site and contextual appraisal. It also requires that new residential developments must perform positively against Building for Life 12 and that developments will be assessed against the Council's adopted Good Design SPD. The site is also located within the National Forest whereby Policy En3 expects proposals to respond to the forest

landscape.

The application proposes the erection of single storey and two storey front, side and rear extensions together with replacement windows. The closest listed buildings are 10-15 South Street which are 50 metres away at their closest point, and the War Memorial which is 70 metres away. The Conservation Officer has not made any comments in respect of the impact on the setting of the nearest listed buildings. Given the distance of the site from these and other nearby listed buildings and the intervening buildings and vegetation it is not considered that the proposals would have a significant impact on the setting of the Listed Buildings.



Hemingford from South Street





1 FRONT ELEVATION
SCALE 1:50

It is acknowledged that the proposals are large in scale, in particular the rear elements, and would significantly increase the footprint of the dwelling, and so would not be subservient to the dwelling. The Conservation Officer concludes that the proposal would result in less than substantial harm to the conservation area.

In terms of design and materials, the materials used would match the existing dwelling and the proposed features would complement the existing design. The amended plans show that the mock timber framing to the existing dwelling would be retained, and the timber framing to the side extension would now reflect existing, therefore addressing the Conservation Officer’s concerns in respect of this matter. The render to the side (western) elevation is proposed to be removed, and whilst the Conservation Officer is concerned that this may expose some ‘common’ brickwork rather than ‘facing’ brickwork, this render is currently only at first floor level on this elevation and as the dwelling is set back from the road, exposed brickwork in this location would not be overly prominent in the streetscene and Conservation Area.

The roof of the proposed extensions matches that of the existing ‘L’ shaped element, and both are set down from the main ridge of the existing dwelling.



3 REAR (Southern) ELEVATION
SCALE 1:50



3 REAR ELEVATION
SCALE 1:50

The neighbouring property, Ringwood, has a forward projecting, flat roofed, single storey element with parapet wall detail similar to the forward projection to the proposed garage (approved under application 21/00403/NMA and 20/01921/FUL). Furthermore, the front facing first floor gable was an extension to the original dwelling approved in 2004.



Ringwood, from South Street.

Given the above extensions to the adjacent dwelling and the limited scale of the front projection of the garage and the porch, it is considered that these elements are of an appropriate scale and design and do not detract from the design of the dwelling or the street scene, or wider conservation area. The first-floor side element provides a 'set back' to the original dwelling which echoes its original design and ensures that the first floor element does not dominate the existing dwelling when viewed from the street.



3D visual of proposal

The majority of the extension is located to the side and rear of the dwelling and so would not be visible from South Street. The dwelling backs onto the Bath Grounds which is within the Conservation Area and there would be views of the dwelling from the Grounds, including from a path that runs close to the rear boundary of the site. However, the dwelling would be at least 30 metres from the Bath Grounds, would be screened to some extent by existing boundary treatments and vegetation, and the extensions would be seen alongside the other adjacent detached dwellings. It is therefore considered that the extensions would not be overly prominent within the street scene, locality and Conservation Area, nor would they appear as dominating the existing dwelling.

Whilst this part of the proposal would be visible from within the streetscene of South Street and from the Bath Grounds, and so therefore is visible within the Conservation Area, it is considered to be an acceptable form of development which would not be significantly detrimental upon the character and visual amenities of the existing dwelling and streetscene, or to the character and appearance of the Conservation Area, and would preserve the character and appearance of the Conservation Area.

Taking the above into account, it considered that the scheme would not adversely impact on the setting of the listed buildings, the Conservation Area, the streetscene and locality. As such it is considered that the proposal would not result in harm to the designated heritage assets and therefore would be compliant with Sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies D1, En3 and He1 of the adopted Local Plan, Policy S4 of the Ashby Neighbourhood Development Plan, the Council's Good Design SPD and the advice contained in the NPPF.

Residential Amenities

Policy D2 of the Local Plan (2021) requires that proposals for development should be designed to minimise their impact on the amenity and quiet enjoyment of both existing

and future residents within the development and close to it.

The residential dwellings most immediately impacted upon by the proposal would be the adjacent neighbours, Ringwood to the west and Glen Elan to the east of the site.



Plan view in relation to neighbours

In terms of the west of the site, there are no additional windows proposed at first floor level and neither, the proposed first floor or ground floor elements will not project beyond the rear of Ringwood. Whilst the two first floor windows (ensuites) and the side door (utility) of Ringwood will be affected by the proposed first floor rear extension, they do not serve habitable rooms, therefore in terms of the effects on residential amenity in relation to Ringwood, the proposals are considered to be acceptable.



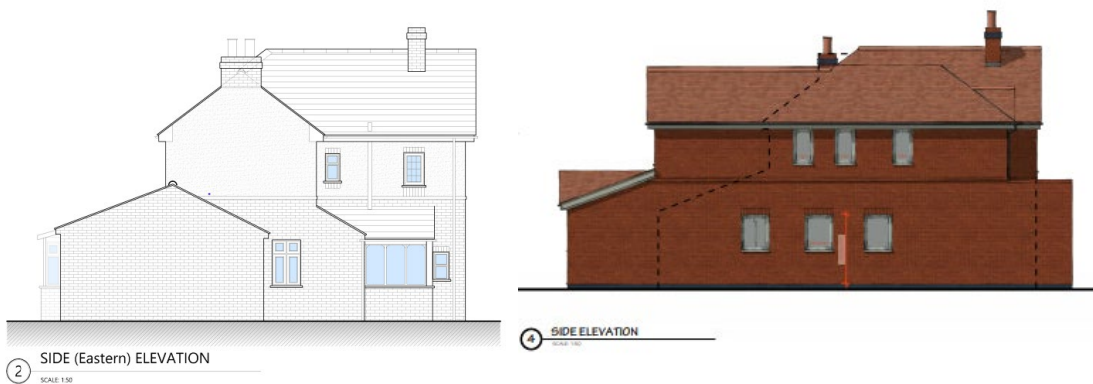


Rear elevation adjacent to Ringwood

In terms of the proposals to the east of the site and the effect on the neighbour's dwelling, Glen Elan, the neighbour has raised concerns regarding the overdevelopment of the site and an overbearing impact, particularly of the two-storey side extension. The extensions proposed to this side of the dwelling will bring more built form to the shared boundary with this neighbour. The neighbour's property is set away from the shared boundary by approximately 1.5 metres. The proposal has been found to be compliant with the 45 degree code of practice which relates to the impact of a scheme on the amount of sunlight and daylight that a neighbouring property will have as a consequence of a development and on balance it is considered that the development would not have a sufficiently detrimental overbearing or overshadowing impact for the reasons stated above.

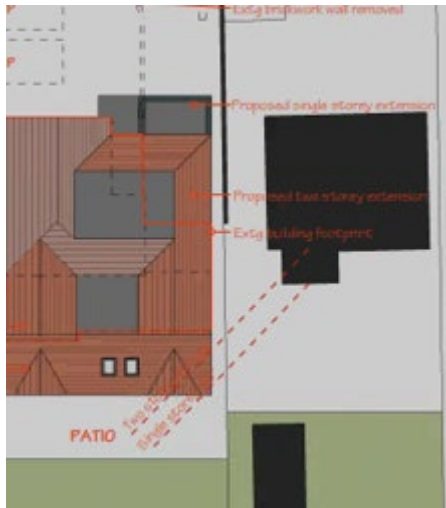


Relationship between Glen Elan and Hemingford



There are also windows proposed at both ground and first floor levels, however, they all serve either non habitable rooms or provide additional light to two bedrooms but are not the only source of light, therefore, subject to obscure glazing and appropriate openers being conditioned should this case be approved, it is considered that additional overlooking can be satisfactorily controlled.

The three side windows in the neighbour's property at ground floor level will be affected by the proposal. The neighbour has raised concerned that these windows will be affected and that the two side windows nearest to the rear of the dwelling serve the kitchen/diner which is where the neighbour spends most of their daytime causing detrimental impact on residential amenity and enjoyment of the property in terms of overbearing and loss of available sunlight. This room has an additional rear facing window and, although there will be impact upon the windows in this dwelling, the relationship with the neighbour's property and the proposed extensions are such that it is considered that they would not warrant refusal of the application.



Proposed relationship with Glen Elan



Side and rear windows in Glen Elan

The neighbour has raised other concerns regarding the proposals including over-development, which has been dealt with in the design section of this report, increased risk of flooding which will be dealt with in a separate section of this report, reduction in parking, which will be dealt with in a separate section of this report, and, in terms of the Human Rights Act, Protocol 1, peace and enjoyment of all their possessions. The Human Rights Act relates to public authorities. Article 8 refers to the right to respect private and family life. Case law has confirmed the importance of Local Planning Authorities striking a balance between competing interests with the concept of proportionality. The human rights argument in planning cases is that their right of respect for family/private life or their right of property has been breached. The typical response to this is an agreement that their rights have been interfered with but not violated since those rights were not absolute. Interference is permissible where it is necessary for the preservation of the environment and consequently in the public interest. This is where the concept of proportionality is involved, which is a similar test to that already carried out by planning officers when weighing up benefits and disbenefits

of a scheme. (DCP)

The objections raised by the neighbour have been taken into consideration, however on balance it is considered that the proposal will not have a significant detrimental effect on residential amenity or have any significant design implications which would warrant refusal of this application. The site is situated within the defined limits to development where the principle of this form of development would be acceptable. It is considered that the positioning of the extension, its design and the orientation of the properties would ensure that there would not be a significant detrimental impact on the amenities of neighbours in terms of overlooking, overbearing, or overshadowing and as such the development would accord with Policy E3 of the Local Plan. In terms of the design, it is considered that the aesthetics of the property would be acceptable and would not be out of keeping with the character of the street scene and will therefore accord with Policy D2 of the adopted Local Plan and the Council's Good Design SPD.

Highway Safety

Policy IF4 of the Local Plan (2021) requires that development takes account of the impact upon the highway network and the environment, including climate change, and incorporates safe and accessible connections to the transport network to enable travel choice, including by non-car modes, for residents, businesses, and employees. Policy IF7 of the Local Plan (2021) requires that development incorporate adequate parking provision for vehicles and cycles to avoid highway safety problems and to minimise the impact upon the local environment.

The site is located within the settlement. The agent has shown two parking spaces within the front garden area, with an additional parking space (albeit 0.3 metres short of the standard length for a parking space) provided within the proposed garage. The proposed level of parking is considered to meet the standard having regard for the size of the dwelling/number of bedrooms proposed (even given the potential for the first-floor seating area and the office being used as bedrooms) and the location. On balance, the proposal is therefore considered to be acceptable in relation to Policies IF4 and IF7 of the adopted Local Plan as well as the Leicestershire Highway Design Guide

River Mease Special Area of Conservation/SSSI

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC) which is also a SSSI. Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Surface water flows can also impact on the SAC. Therefore, an assessment of whether the proposal would have a significant effect on the SAC is required.

As a result of the proposed development there could be an impact on the River Mease SAC, which may undermine its conservation objectives, from an increase in foul and surface water drainage discharge. Therefore, an appropriate assessment of the proposal and its impacts on the SAC is required.

Natural England has advised that appropriate mitigation measures must be in place to achieve nutrient neutrality.

Natural England advises that the Local Planning Authority (LPA), as competent Authority, should undertake a Habitats Regulations Assessment for this development and in doing so ensure that there will be no harmful discharges of foul or surface water from the application site into the River Mease or its tributaries.

The proposal would remain as a single family dwelling and, although the number of bedrooms is shown as remaining the same, there is potential for a first floor sitting area and office to be used as additional bedrooms. However, the overall occupancy levels of the dwelling are unlikely to increase. Whilst the additional sanitary provision is likely to result in additional foul drainage discharge from the site, it is not considered to result in a significant increase when having regard to the likely more modern water efficient facilities. The proposal is therefore considered to not result in any unacceptable impact on the integrity of the River Mease SAC.

Discharge into the river from surface water disposal via a sustainable drainage system or via the mains sewer system can also result in an adverse impact on the SAC, including in relation to water quality and flow levels. As the proposed extensions would be sited on areas of the site that are largely impermeable, it is considered unlikely that any surface water would result in any additional impacts on the SAC.

The site is around 54 metres from the Gilwiskaw Brook which is a tributary to the River Mease, in this location in central Ashby the brook runs underground as it has been culverted. It is considered that there would not be any direct impact on its channel and banks as it is separate from the site. Given this distance and that there are other intervening sites and land uses, it is considered that the construction of the proposals and activity associated with them would not adversely impact on the tributary.

Therefore, it can be ascertained that the proposal will, either alone or in combination with other plans or projects, have no adverse effect on the integrity of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI, and would comply with the Habitat Regulations 2017, the NPPF and Policies En1 and En2 of the Local Plan.

Flood Risk

The application site is located within flood zone 2 which is land at medium risk of flooding. The proposed works would fall within the minor development criteria set by the Environment Agency (EA) and as such the Local Planning Authority is not required to consult the EA for this type of development and should refer to their standing advice. This advice states that the new development should either have floor levels that are either no lower than existing floor levels or 300 millimetres (mm) above the estimated flood level. The Flood Risk form submitted with the application confirms that the floor levels will be set no lower than existing levels and, flood proofing of the proposed development has been incorporated (where appropriate) the application would therefore accord with this advice.

It is therefore considered that the development would not result in an increased flood risk when compared to the existing situation. As such the development would be compliant with Policy Cc2 of the adopted Local Plan, Policy S4 of the Ashby

Neighbourhood Plan, and the aims of the NPPF.

Conclusion

The principle of the development is acceptable. The proposal is not considered to have any detrimental design, residential amenity, heritage, flooding, or highway impacts and would not be harmful to the River Mease Special Area of Conservation. There are no other relevant material planning considerations that indicate that planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the adopted Local Plan, the policies within the Ashby de la Zouch Neighbourhood Plan and the advice in the NPPF. Accordingly, the application is recommended for planning permission, subject to the suggested planning conditions.