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Meeting	PLANNING COMMITTEE
Time/Day/Date	6.00 pm on Tuesday, 30 April 2024
Location	Forest Room, Stenson House, London Road, Coalville, LE67 3FN
Officer to contact	Democratic Services (01530 454512)

	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 5 March 2024	3 - 6
4. PLANNING APPLICATIONS AND OTHER MATTERS		
	Report of the Head of Planning and Infrastructure.	7 - 10

Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
A1	23/00173/FULM: Demolition of existing buildings and erection of 100 dwellings, with access, foul pumping station and associated landscaping and infrastructure Land off Standard Hill, Hugglescote, Coalville, LE67 3HJ	Permit subject to S106 Agreement	11 - 70
A2	24/00009/FUL: Demolition of existing building and erection of residential building to accommodate 4 no. apartments and associated alterations 2 Central Road, Hugglescote, Coalville, LE67 2FD	Permit subject to conditions	71 - 90
A3	24/00203/FUL: Erection of an outbuilding consisting of a games / play room, bedroom, office, garden storage and shower room 7 Garden Crescent, Castle Donington, Derby, DE74 2PL	Permit	91 - 102

MINUTES of a meeting of the PLANNING Committee held in the Forest Room, Stenson House, London Road, Coalville, LE67 3FN on TUESDAY, 5 March 2024

Present: Councillor R Boam (Chair)

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

In Attendance: Councillors

Officers: Mr C Elston, Mr D Jones, Mr S James and Mrs R Wallace

67. APOLOGIES FOR ABSENCE

Apologies were received from Councillors D Bigby and J Simmons.

68. DECLARATION OF INTERESTS

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

Item A1 – application number 23/01108/FUL: Councillors D Cooper, D Everitt, Legrys, C Sewell and N Smith.

Item A2 – application number 24/00022/REM: Councillors D Everitt, J Legrys, R Morris, P Moul, C Sewell and N Smith.

69. MINUTES

Consideration was given to the minutes of the meeting held on 6 February 2024.

The Chair referred Members to the revised minutes as detailed within the additional papers.

It was moved by Councillor Smith, seconded by Councillor Morris and

RESOLVED THAT:

The minutes of the meeting held on 6 February 2024 as revised in the additional papers be approved and signed by the Chair as a correct record.

70. 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.

71. 23/01108/FUL: WORKS TO AN EXISTING CLUBHOUSE TO INCLUDE RAISING THE ROOF HEIGHT TO PROVIDE FIRST FLOOR ACCOMMODATION, DORMER WINDOWS AND A BALCONY WITH THE ERECTION OF A SINGLE STOREY BUILDING TO PROVIDE CHANGING ROOM FACILITIES, RETENTION/EXTENSION TO TERRACE STAND AND NEW PATHWAY

Ashby Ivanhoe Football Club, Lower Packington Road, Ashby De La Zouch

Officer's recommendation: Permit subject to conditions

The Head of Planning and Infrastructure presented the report to Members.

Mr B Everitt, objector, addressed the Committee. He commented that even though an additional condition had been added, it only restricted use of the clubhouse and still did not provide safe access, appropriate parking, or a turning space for vehicles. He explained that the proposals did not allow for vehicles to exit the site in a forward gear and did not address the concerns previously raised. He concluded by asking members to apply appropriate conditions if minded to permit the application.

The Planning and Development Team Manager addressed the matters raised by the speaker and reminded Members that it was not necessary to repeat the permissions from the initial scheme as the application was purely for the expansion of the facilities not parking.

In determining the application Members acknowledged the residents' concerns regarding parking and felt that more was required from the football club to ensure they were good neighbours. However, it was noted that the application was not in relation to parking and Members were generally happy with the amendments made to the application since it was originally considered by the Committee.

Following some concern, Members received assurances from Officers that they were satisfied with the external legal advice received on this application and that officer's would monitor the development to ensure conditions were being adhered to.

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

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

The motion was CARRIED.

RESOLVED THAT:

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

Motion to permit in accordance with officer's recommendation (Motion)	
Councillor Russell Boam	For
Councillor Ray Morris	For
Councillor Morgan Burke	For
Councillor Rachel Canny	For
Councillor Doug Cooper	For
Councillor David Everitt	For
Councillor John Legrys	For
Councillor Peter Mout	For
Councillor Carol Sewell	For
Councillor Nigel Smith	For
Carried	

72. 24/00022/REMM: ERECTION OF 80 DWELLINGS INCLUDING TEMPORARY CONSTRUCTION ACCESS, PARKING, PEDESTRIAN LINKS, AND OPEN SPACE TO PARCEL E (RESERVED MATTERS OF ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE TO OUTLINE PLANNING PERMISSION REF. 13/00956/OUTM)

Land Adjacent to Grange Road, Hugglescote, Coalville

Officer's recommendation: Permit

The Principal Planning Officer presented the report to Members.

As the Ward Member, Councillor R Johnson, was unable to attend the meeting a written statement had been submitted and read out to the Committee by the Democratic Services Officer. It highlighted the proposed positioning of the puffin crossing and the effect it would have on the area due to the removal of trees including the Council's climate change policy. It was questioned whether an ecology report had been undertaken due to the loss of habitat for breeding birds.

In determining the application, Members were happy with the proposed positioning of the crossing and that the Highway Authority had listened to the Committee following the previous refusal. Officers were thanked for taking Members concerns back to the Highway Authority. Residents' concerns were acknowledged regarding the developer using the roads through the residential estate to access the site and it was suggested that a note to applicant be added to advise the developer to control and restrict any construction traffic accessing the site from the adjoining estate.

Following further discussion in relation to the crossing and whether it should be conditioned due to the Highway Authority's view, Members decided that they would like to make the provision of the crossing a condition.

The officer's recommendation to permit the application to was moved by Councillor R Canny and seconded by Councillor J Legrys.

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

The motion was CARRIED.

RESOLVED THAT:

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

Motion to permit in accordance with the officer's recommendation (Motion)	
Councillor Russell Boam	For
Councillor Ray Morris	For
Councillor Morgan Burke	Against
Councillor Rachel Canny	For
Councillor Doug Cooper	For
Councillor David Everitt	For
Councillor John Legrys	For
Councillor Peter Mout	For
Councillor Carol Sewell	For
Councillor Nigel Smith	For
Carried	

The meeting commenced at 6.00 pm

The Chairman closed the meeting at 6.43 pm

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APPENDIX B

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

30 April 2024

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, e.g. from the Highways Authority, Severn Trent, the Environment Agency, or other Statutory consultees.

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

6 Refusal contrary to officer recommendation

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

7 Amendments to Motion

An amendment must be relevant to the motion and may:

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

as long as the effect is not to negate the motion

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

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

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

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

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

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

8 Delegation of wording of Conditions

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

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

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

**Demolition of existing buildings and erection of 100 dwellings,
with access, foul pumping station and associated landscaping
and infrastructure**

**Report Item No
A1**

Land off Standard Hill Hugglescote Coalville LE67 3HJ

**Application Reference
23/00173/FULM**

**Grid Reference (E) 441694
Grid Reference (N) 313325**

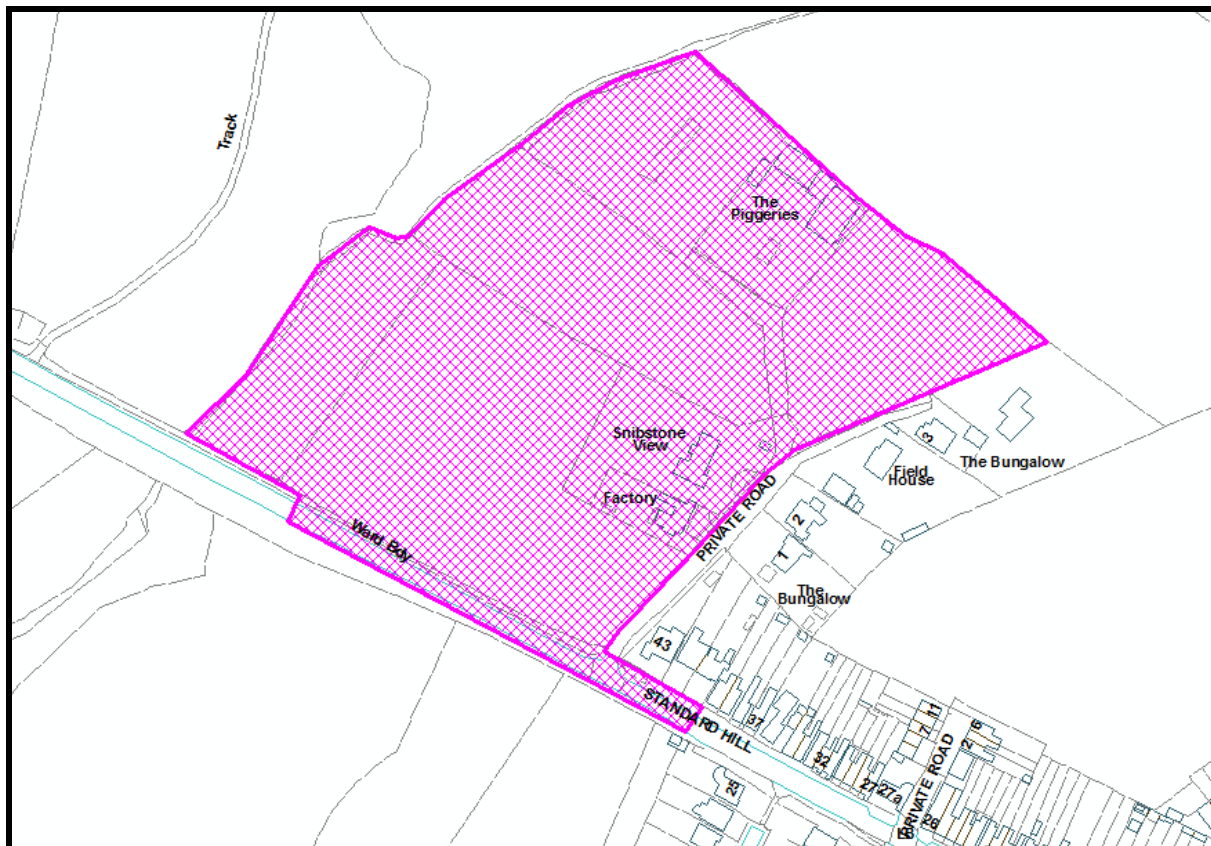
**Date Registered:
9 February 2023
Consultation Expiry:
3 April 2024
Determination Date:
11 May 2023**

**Applicant:
David, Anthony and Andrew Frearson and East Midlands
Housing Association**

**Case Officer:
Adam Mellor**

**Recommendation:
PERMIT SUBJECT TO SECTION 106**

Site Location - Plan for indicative purposes only



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Reasons the case is called to the Planning Committee

This application is brought to the Planning Committee at the request of Councillor Geary based on the design, layout and access to the site from Standard Hill. In particular Standard Hill is a dangerous road where vehicles travel in excess of the speed and where accidents have occurred, that the crossroads in Hugglescote and Ravenstone are over capacity and are awaiting improvement works and that residents of Private Road would wish to ensure their access was preserved and that an appropriate boundary treatment was delivered.

RECOMMENDATION – PERMIT, subject to the following conditions and the securing of a Section 106 Agreement to deliver the following;

- (a) Affordable Housing – all dwellings on site.
- (b) Education - £451,557.60.
- (c) Highways - £606,122.50.
- (d) Civic Amenity - £6,538.00.
- (e) Libraries - £2,747.99.
- (f) Health - £77,440.00.
- (g) National Forest - £26,250.00.
- (h) Open Space, Sports, and Recreation Facilities – £8,294.00.

Total Financial Contribution - £1,178,950.09.

1. Standard time limit (3 years).
2. Approved plans.
3. Construction environmental management plan (CEMP) prior to commencement to be submitted, approved, and implemented (will also include construction traffic management plan and dust management plan).
4. CEMP for biodiversity prior to commencement to be submitted, approved, and implemented.
5. Acoustic survey prior to dwellings being built above damp proof course level to be submitted, approved, and implemented.
6. Finished ground and floor levels prior to commencement to be submitted, approved, and implemented.
7. Scheme of external materials prior to dwellings being built above damp proof course level to be submitted, approved, and implemented.
8. Design detailing of dwellings prior to dwellings being built above damp proof course level to be submitted, approved, and implemented.
9. External meter boxes and rainwater goods to be finished black.
10. Bathroom and en-suite windows in side elevations to be obscure glazed with an opening at a height of no less than 1.7 metres above the internal floor level.
11. Precise details of foul pumping station and substation to be submitted, approved and implemented.
12. Scheme of tree protection measures for retained trees prior to the commencement of development to be submitted, approved, and implemented.
13. Development to be undertaken in accordance with the arboricultural impact assessment (AIA).
14. Soft landscaping scheme prior to soft landscaping being provided to be submitted, approved, and implemented and requirement for replacement of failed soft landscaping.
15. Landscape environmental management plan (LEMP) (which shall include a woodland and hedgerow management plan) prior to the commencement of the development to be submitted, approved, and implemented.

16. An updated badger survey prior to the commencement of the development to be submitted, approved and any mitigation measures implemented (where relevant).
17. Hard landscaping scheme prior to hard landscaping being installed to be submitted, approved, and implemented.
18. Boundary treatment scheme (including elevational details) prior to boundary treatments being installed to be submitted, approved, and implemented and removal of permitted development rights for alternative boundary treatments.
19. No retaining walls to be constructed above 0.2 metres in height unless details (including elevation detail) are first submitted and approved.
20. Delivery of access arrangements (including vehicular visibility splays) in accordance with submitted plans.
21. Delivery of off-street parking and turning arrangements in accordance with submitted plans.
22. Pedestrian visibility splays of 1 metre by 1 metre to be provided.
23. Prior to occupation, scheme of off-site highway works comprising provision of a footway, gateway markings, relocation of speed limit terminal point and vehicular activated signs, to be submitted, approved, and implemented.
24. Travel plan to be implemented in accordance with submitted details.
25. Timetable for the delivery of the pedestrian (and where applicable cycling) connections depicted on the submitted plans prior to dwellings being built above damp-proof course level to be submitted, approved, and implemented.
26. Details of signage for the pedestrian (and where applicable cycling) connections depicted on the submitted plans prior to the first occupation of any dwelling to be submitted, approved, and implemented.
27. Surface water drainage scheme during the construction phase prior to commencement to be submitted, approved, and implemented.
28. Surface water drainage scheme prior to commencement to be submitted, approved, and implemented.
29. Surface water drainage maintenance scheme prior to the first use of the development to be submitted, approved, and implemented.
30. External lighting scheme (which will also include a lighting strategy for bats and nocturnal wildlife) prior to occupation to be submitted, approved, and implemented.
31. Risk based land contamination assessment prior to commencement to be submitted, approved, and implemented.
32. A verification investigation prior to first use of the development to be submitted, approved, and implemented.
33. Scheme of bin collection areas and bin storage points prior to dwellings being built above damp-proof course level to be submitted, approved, and implemented.
34. Details of enclosure to bin storage points, if applicable, prior to dwellings being built above damp-proof course to be submitted approved and implemented.
35. Programme of archaeological work prior to commencement to be submitted, approved, and implemented.

MAIN REPORT

1. Proposals and Background

The mandatory requirement for 10% Biodiversity Net Gain (BNG) for major development as required by the Environmental Bill came into force on the 12th of February 2024. However, this requirement would only be applicable to those applications received on or after the 12th of February 2024 and is not to be applied retrospectively to those applications already under consideration before this date and subsequently determined after this date. On this basis the proposed development would not be required to demonstrate a 10% BNG.

Planning permission is sought for the demolition of existing buildings and erection of 100 dwellings, with access, together with a foul pumping station and associated landscaping and infrastructure at land off Standard Hill, Hugglescote, Coalville. The 3.76 hectare site (as identified below) is situated on the north-eastern side of Standard Hill and is within the Limits to Development, it also lies adjacent to an allocated housing site under Policy H1d (Standard Hill/West of Highfield Street, Coalville) of the adopted Local Plan which is currently being built out. The buildings presently on the site comprise an ice cream factory (known as Jacks Ices), a residential property, farm buildings and an agricultural contracting business. Open countryside is situated to the south-west of the site.

Site Location Plan



Aerial Image of the Site Location



The scheme as originally proposed sought to create 103 dwellings but following amendments this has now been reduced to 100 dwellings as demonstrated by the below site layout plan.

Site Layout Plan



All the dwellings to be created are proposed to be affordable dwellings consisting of 18 x 1 bed (2 person) two-storey maisonettes/apartments, 4 x 2 bed (3 person) bungalows, 36 x 2 bed (4 person) two-storey dwellings, 40 x 3 bed (5 person) two-storey dwellings, and 2 x 4 bed (6 person) two-storey dwellings. The submitted planning statement indicates that 30 of the dwellings would be designated as Shared Ownership properties with the remaining 70 dwellings being designated as Social Rent properties.

In terms of vehicular access, a simple priority junction with ghost right turn lane onto Standard Hill would be formed. Two separate pedestrian accesses would also be formed onto Standard Hill along with a pedestrian connection into the adjacent residential development to the north-west. No direct access is proposed onto Private Road which runs adjacent to the south-eastern boundary of the site (and currently serves the existing development on the site).

A foul pumping station would also be created in the south-western part of the application site along with the provision of a substation.

A planning statement, design and access statement, transport assessment, framework travel plan, flood risk assessment and drainage strategy, arboricultural impact assessment, ecological appraisal report, geophysical survey report, phase 1 and 2 desk studies and archaeological desk based assessment accompanied the application as originally submitted. Following the receipt of consultation responses, highway technical notes, an amended framework travel plan, amended arboricultural impact assessment, bat survey reports, white-clawed crayfish, water vole and otter survey reports, barn owl report, biodiversity net gain report, biodiversity net gain metric calculations, botanical species list and habitat suitability index survey have also been submitted and re-consultation undertaken.

The plans and all other documentation associated with the application are available to view on the District Council's website.

Relevant Planning History

- 19/02159/FULM – Demolition of existing buildings and full planning approval (access, appearance, landscaping, layout, and scale) for the erection of 109 dwellings – Withdrawn 26th November 2021.

2. Publicity

19 neighbours initially notified 13 February 2023 and on amended plans on the 16 November 2023.

A site notice was displayed on the 17 February 2023 and again on the 23 November 2023 following the amendment to the description of the development.

Press notices were published in the Leicester Mercury on the 22 February 2023 and 22 November 2023.

3. Summary of Consultations and Representations Received

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

No Objections from:

Leicestershire County Council – Minerals and Waste Planning Authority.

No Objections, subject to conditions and/or informatives from:

East Midlands Airport Safeguarding.
 Leicestershire County Council – Archaeology.
 Leicestershire County Council – Ecology.
 Leicestershire County Council – Developer Contributions.
 Leicestershire County Council – Highways Authority.
 Leicestershire County Council – Lead Local Flood Authority.
 National Forest Company.
 NHS Leicester, Leicestershire and Rutland.
 NWLDC – Affordable Housing Enabler.
 NWLDC – Environmental Protection.
 NWLDC – Environmental Protection (Contaminated Land).
 NWLDC – Health and Wellbeing.
 NWLDC – Tree Officer.
 NWLDC – Urban Designer.
 Police Architectural Liaison Officer.

Third Party Representations

18 letters of representation have been received objecting to the application with the comments raised summarised as follows:

Grounds of Objections	Description of Impact
Principle of Development	There is no requirement for further housing, or employment development, to be constructed given the amount already consented in the immediate area.
	The development will result in the loss of a greenfield site.
Design	The design of the scheme is regimented and out of keeping with the character of the surrounding area with only one entrance into and out of the development, a lack of solar panels to the dwellings and similar appearance to all of the dwellings designs (including front doors). There is also a lack of a central landscaped area.
	Is electric vehicle charging points being provided for the dwellings?

Highways Impact	The proposed access onto Standard Hill is in a dangerous location just over the brow of a hill for traffic heading in a northerly direction and where vehicles travel more than the speed limit.
	There will be insufficient time for a vehicle to stop to avoid hitting a vehicle exiting the site, and vehicles stationed on Standard Hill whilst waiting to turn right into the site would also cause detriment to highway safety.
	Highfield Street is a narrow road with cars parked either side most of the time. It will be difficult for construction vehicles to manoeuvre down Highfield Street.
	A greater level of vehicular traffic will utilise the highway network causing detriment to highway and pedestrian safety and increasing queuing times at significant road junctions (such as the Ravenstone and Hugglescote crossroads, Hoo Ash Island and junction on the A447).
	The 159 bus service only provides two services a day and is about to be cancelled.
Residential Amenity	There will be an increase in noise and air pollution because of an increase in road traffic.
Ecology	Building on a greenfield site will result in detriment to ecological species with the destruction of habitats.
Flood Risk and Drainage	The proposed development will increase the risk of flooding which is becoming worse.
	The sewers and surface water drainage systems cannot accommodate more development.
Developer Contributions and Infrastructure	The local services and amenities such as roads, schools and GP surgeries will not cope with the additional pressures placed on them by further residents.
	There is a lack of facilities for children to play on or utilise.

Other Matters	The loss of the site will prevent people from taking walks in the countryside and undertaking regular exercise.
	The gas and electricity services cannot accommodate more development with broadband speeds also being an issue in Hugglescote.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2023)

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

Paragraphs 8 and 10 (Achieving sustainable development);
 Paragraphs 11 and 12 (Presumption in favour of sustainable development);
 Paragraph 34 (Development contributions);
 Paragraphs 38, 39, 40, 41, 42, 44 and 47 (Decision-making);
 Paragraphs 54, 55, 56 and 57 (Planning conditions and obligations);
 Paragraphs 60, 61, 63, 64, 66, 70, 75, 79 and 81 (Delivering a sufficient supply of homes);
 Paragraph 96 (Promoting healthy and safe communities);
 Paragraphs 108, 111, 112, 114, 115 and 116 (Promoting sustainable transport);
 Paragraphs 123, 124, 128, 129 and 130 (Making effective use of land);
 Paragraphs 131, 133, 135, 136 and 139 (Achieving well-designed places);
 Paragraphs 157, 158, 159, 165, 173 and 175 (Meeting the challenge of climate change, flooding and coastal change);
 Paragraphs 180, 186, 187, 188, 189, 190, 191 and 194 (Conserving and enhancing the natural environment);
 Paragraphs 195, 200, 203, 205 and 211 (Conserving and enhancing the historic environment);
 and
 Paragraphs 218 and 223 (Facilitating the sustainable use of minerals).

Local Policies

Adopted North West Leicestershire Local Plan (2021)

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

Policy S1 – Future Housing and Economic Development Needs;
 Policy S2 – Settlement Hierarchy;
 Policy D1 – Design of New Development;
 Policy D2 – Amenity;
 Policy H4 – Affordable Housing;
 Policy H6 – House Types and Mix;
 Policy IF1 – Development and Infrastructure;

Policy IF3 – Open Space, Sports and Recreation Facilities;
Policy IF4 – Transport Infrastructure and New Development;
Policy IF7 – Parking Provision and New Development;
Policy En1 – Nature Conservation;
Policy En3 – The National Forest;
Policy En6 – Land and Air Quality;
Policy He1 – Conservation and Enhancement of North West Leicestershire’s Historic Environment;
Policy Cc2 – Water – Flood Risk; and
Policy Cc3 – Water – Sustainable Drainage Systems.

Leicestershire Minerals and Waste Local Plan (2019)

This plan was adopted on the 25th of September 2019 and as such the following policies would be considered relevant to this application:

Providing for Minerals:

Policy M11: Safeguarding of Mineral Resources.

Other Policies

National Planning Practice Guidance.

Good Design for North West Leicestershire Supplementary Planning Document – April 2017.

Affordable Housing Supplementary Planning Document – December 2021.

Leicestershire Highways Design Guide (Leicestershire County Council).

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

5. Assessment

Principle of Development and Sustainability

Insofar as the principle of development is concerned, and 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 North West Leicestershire Local Plan 2021.

The site is located within the defined Limits to Development where the principle of residential development is acceptable subject to compliance with relevant policies of the adopted Local Plan and other material considerations. Within the NPPF (2023) there is a presumption in favour of sustainable development and proposals which accord with the development plan should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies as a whole or if specific policies in the NPPF indicate development should be restricted.

The sustainability credentials of the scheme would need to be assessed against the NPPF and in this respect Policy S2 of the adopted Local Plan defines Coalville as a ‘Principal Town’ which is the primary settlement in the district and where the largest amount of new development will take place.

Whilst noting the cancellation of the 159 bus service, the application site would still be

considered a sustainable location for new development due to services and facilities within the area being accessible on foot or via cycling. On this basis future residents would not be dependent on the private car to access the most basic of services.

From a social perspective, the provision of 100 affordable dwellings with a mix of 1, 2, 3 and 4 bedroomed properties would support and contribute to the housing needs of different groups in the community.

It is also the case, in accordance with Policy IF1 of the adopted Local Plan, that the level of proposed development (i.e. a major application) is required to mitigate its impact to infrastructure (such as schools and doctors' surgeries) by the provision of relevant developer contributions. The '*Developer Contributions and Infrastructure*' section of this report below outlines in more detail the contributions which would be secured, but in brief these would include monetary contributions towards education, civic amenity, libraries, doctors' surgeries, off-site National Forest planting, leisure, highway network improvements, travel packs, bus passes and travel plan monitoring fee. The scheme also comprises 100% affordable housing. Overall, the securing of such contributions within a Section 106 agreement would further ensure that the development is socially sustainable.

From an environmentally sustainable perspective a few of the dwellings would be constructed on previously developed land (brownfield land), being land associated with the former ice cream factory, which is the most appropriate land for new development in the context of Paragraphs 123 and 124 of the NPPF.

The provision of the majority of the housing, however, would result in development on a greenfield site which is not allocated in the adopted Local Plan for such a form of development. Whilst the site is not allocated, and greenfield land is not the most sequentially preferred land on which to provide new development, it is noted that it is within the Limits to Development and lies adjacent to an allocated housing site under Policy H1d (Standard Hill/West of Highfield Street, Coalville) of the adopted Local Plan which would create 400 dwellings. In this context, as well as considering the existing residential properties which lie to the south-east and the retention of features of ecological significance on the site, it is considered that the loss of the greenfield site would not result in significant conflict with the environmental strand of sustainability enshrined within the NPPF.

Overall there would be no substantial harm to the built and natural environment, as assessed in more detail below, with the development also having positive economic and social sustainability benefits. As a result the proposal would be considered sustainable in accordance with Policy S2 of the adopted Local Plan and the core objectives of the NPPF.

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

Assessment of objections in relation to the principle of the development

Objection	Officer Response
There is no requirement for further housing, or employment development, to be constructed given the amount	The housing figures required for the District in the Local Plan are only minimum figures, not maximum figures, and consequently the provision

<p>already consented in the immediate area.</p>	<p>of housing in appropriate locations (i.e. within the Limits to Development and within appropriate settlements as outlined in Policy S2 of the adopted Local Plan) will remain acceptable in principle.</p>
<p>The development will result in the loss of a greenfield site.</p>	<p>Whilst the development being on a greenfield site results in conflict with the environmental strand of sustainability enshrined within the NPPF this conflict would be outweighed by the positive economic and social sustainability aspects of the development, as well as the retention of features of ecological significance on the site.</p> <p>The land is also within the Limits to Development and if there was any issues over the development of the land, the land could have been excluded from the defined Limits at the time the Local Plan was being adopted.</p>

Design, Housing Mix and Impact on the Character and Appearance of the Streetscape

Policy D1 of the adopted 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 positively perform against Building for a Healthy Life (BfHL) (formerly Building for Life 12 (BfL12)) and that developments will be assessed against the Council's adopted Good Design SPD.

Part (4) of Policy En3 of the adopted Local Plan outlines that new development within the National Forest should ensure that:

- (a) The siting and scale of the proposed development is appropriately related to its setting within the National Forest; and
- (b) The proposed development respects and does not adversely affect the character and appearance of the National Forest or the wider countryside; and
- (c) The character of the National Forest is enhanced through incorporating a National Forest or locally inspired identity.

As part of the consideration of the application the Council's Urban Designer has been consulted.

Density

The proposed development would provide for a net density of approximately 27 dwellings per hectare. Paragraph 128 of the NPPF requires development to make efficient use of land and it is considered that this density would, when having regard to the location of the development and the implications of meeting relevant design policies, be considered reasonable in this location.

Site Layout

The proposed application has been through three revisions of a site layout to address comments raised by the Council’s Urban Designer, with the scheme as originally proposed comprising 103 dwellings which has subsequently been reduced to 100 dwellings.

Proposed Site Layout

The proposed site layout of the residential development (for 100 dwellings) is as outlined on the image below.

Proposed Site Layout



In submitting the revised plans the applicant stated the following in response to comments raised by the Council’s Urban Designer to the earlier layouts for the site as proposed:

Whilst the applicant recognises the argument for trying to add some variety to the building line along the main central spine road, they feel that is not appropriate for this particular site given the fact that this would introduce a level of unnecessary complications to what is otherwise a very simple scheme layout (as dictated by the levels).

They have also outlined that the Council’s Urban Designer has previously stated that “*The streets rely I think on a structure and simplicity to them, there is very strong consistency throughout with a consistent repetition of elements. I do believe this is a good thing, but it does rely on a high threshold for detailing and materials to produce a successful scheme as with*

limited variety the product is magnified across the whole scheme.”

The applicant agrees with this sentiment, and they have sought to ensure that the ‘design quality’ of the scheme will be delivered through the high-quality external appearance and detailing associated with the house types themselves. They also consider that there is currently a strong and consistent building line running along each strand of the three principal lengths of highway and consider that by introducing a localised step to this there will a disruption to this balance. They also consider that pulling specific plots forward would also impact on the pedestrian visibility splays from the associated driveways and therefore have maintained the configuration of the layout.

The final proposed site layout was also accompanied by various site isometrics so as to provide visual representations in various locations and address the comments raised by the Council’s Urban Designer, these are shown in the images below.

Street Isometric One (view towards plots 29 and 31)



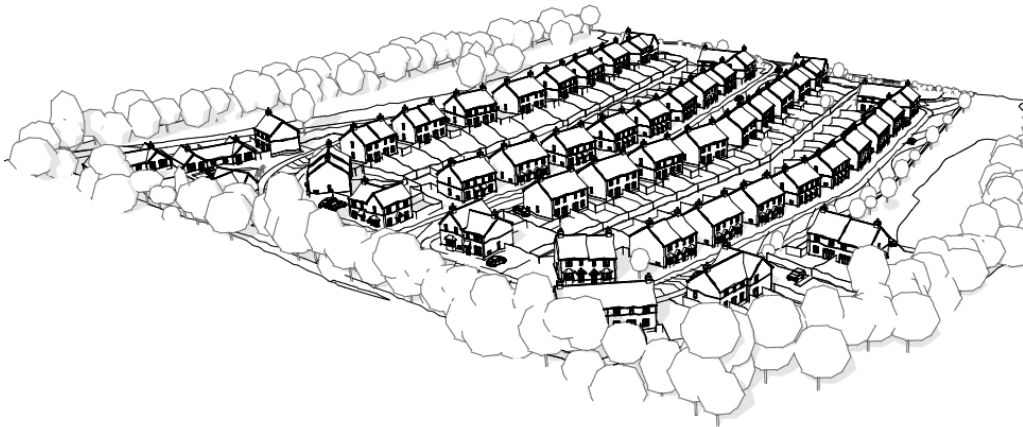
Street Isometric Two (view towards plots 77 and 76 as well as 93 and 94)



Front Isometric (view from the south-eastern site corner)



Rear Site Isometric One (view from the north-western site corner)



Rear Site Isometric Two (view from the north-eastern site corner)



Street Level Perspective Plots 32 and 33



Street Level Perspective Plots 74 and 75



The applicant has outlined that the provision of the additional perspective views is to act as an aid in illustrating how the levels are addressed at the corner locations by plots 31 to 34 and plots 73 to 76 and demonstrate how the plots, plus associated external works, are positioned so as to sensitively balance the change in levels between different sections of highway.

Following re-consultation the Council’s Urban Designer has confirmed that the responses provided by the applicant are reasonable and that whilst an alteration to the building line has not been undertaken this was a suggestion rather than something critical to the overall suitability of the development. They have also confirmed that the additional views of the corner turning plots (as shown above) offer reassurances as to how these plots will work in relation to the corner and levels.

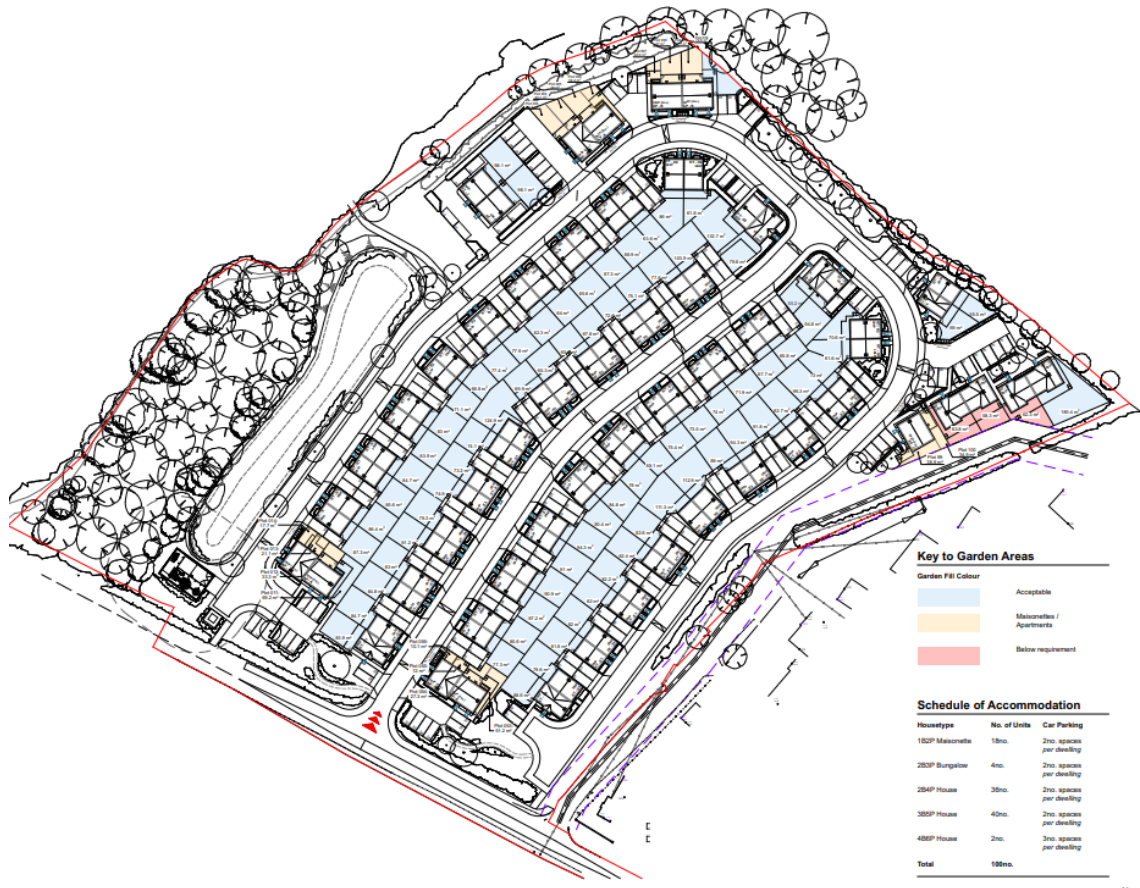
Overall the Council’s Urban Designer is supportive of the proposed layout of the development.

Garden Sizes

Paragraph 11.31 of the Council’s adopted Good Design SPD states that “*rear private garden spaces must be at least equal to the footprint of the property. This is a minimum required standard.*”

In terms of garden sizes, a plan has been submitted to demonstrate the sizes provided and this is shown in the image below.

Garden Sizes



The blue indicates where the garden size is compliant, with the red indicating where the garden size is not compliant. The yellow highlights the amenity space associated with the maisonettes/apartments which are not required to be compliant with the Council’s adopted

Good Design SPD.

It is outlined by the applicant that whilst an extension to the rear gardens of plots 96 to 98 was explored such garden extensions would have been positioned on top of a retaining structure which would have limited the accessibility to them. On this basis the rear gardens to plots 96 to 98 have not been altered. The applicant has also stated that the smaller rear gardens would also be associated with the bungalows which are more likely to be occupied by an elderly demographic who may welcome a smaller garden.

Given that the number of rear gardens which would not be compliant with the Council’s adopted Good Design SPD would be limited to 3 plots, which would amount to only 3.5% of the total number of dwellings required to be compliant (i.e. the 16 maisonettes/apartments are excluded), it is considered that a reason to refuse the application on this basis could not be substantiated.

House Types

A selection of the proposed house types to be used within the development are as shown in the following images.

House Type D – 2 Bed 3 Person – Bungalow Semi-Detached



House Type F – 2 Bed 4 Person – Two-Storey Semi-Detached



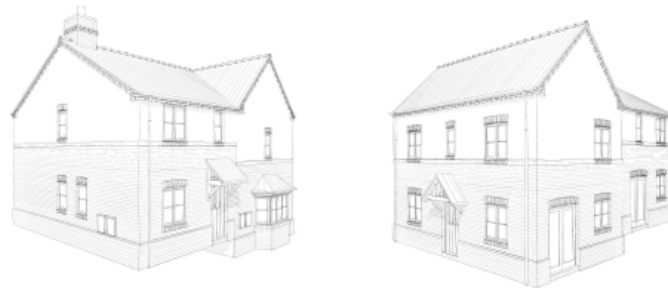
Front Elevation
Scale: 1:100

Side Elevation
Scale: 1:100



Rear Elevation
Scale: 1:100

Side Elevation
Scale: 1:100



3D Views

House Type G1 – 3 Bed 5 Person – Two-Storey Semi-Detached



Front Elevation
Scale: 1:100

Side Elevation
Scale: 1:100



Rear Elevation
Scale: 1:100

Side Elevation
Scale: 1:100



3D Views

House Type Apartment Type A – 1 Bed 2 Person



Front Elevation

Scale: 1:100

Side Elevation

Scale: 1:100



Rear Elevation

Scale: 1:100

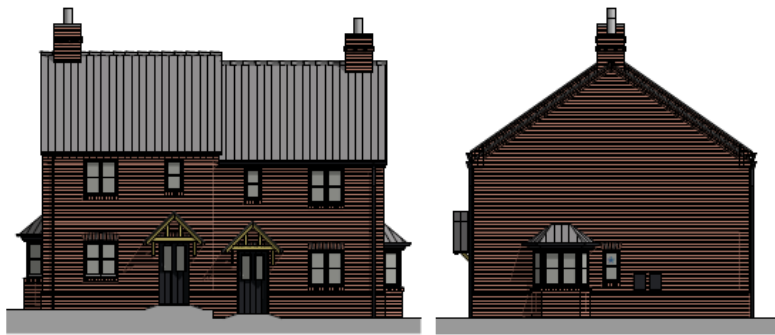
Side Elevation

Scale: 1:100



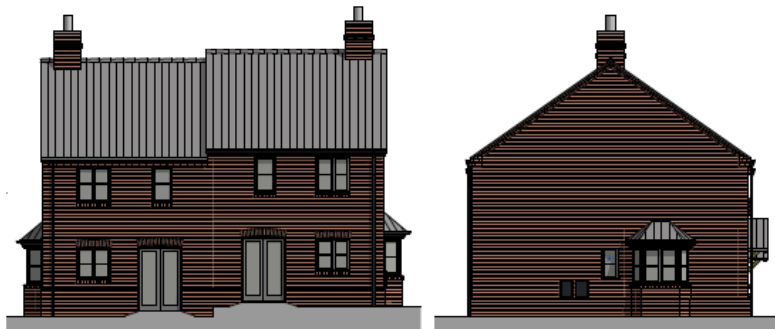
Scale (m)

House Type H3 – 3 Bed 5 Person



Front Elevation
Scale: 1:100

Side Elevation
Scale: 1:100



Rear Elevation
Scale: 1:100

Side Elevation
Scale: 1:100



3D Views

The Council's Urban Designer considered that whilst the house types were simplistic in their appearance and were repeated throughout this scheme, this was considered a positive approach given the consistency in their overall appearance. In line with the recommendations of the Council's Urban Designer amendments have also been made to certain house types so that they 'step down' with the site topography therefore providing variety within the streetscape to be created (this being shown in the isometric images above).

Further amendments have also been made to ensure that properties which have off-street parking located to their side are provided with a surveillance window within a habitable room or hallway so as provide overlooking of such parking (this being in line with Paragraph 11.12 of the Council's adopted Good Design SPD) with plots 31-32, 75-76 and 99-100 being amended so that side elevations presented to the street have 'interest' to them in the form of windows and detailing (this being in line with Paragraph 11.29 of the Council's adopted Good Design SPD).

It is considered that the house types follow a traditional form and have sought inspiration from those traditional properties along Standard Hill which contribute positively to the overall character and appearance of the streetscape. Such a traditional approach includes the placement of chimneys, and the use of canopies, bay windows, cill and header/lintel detailing, brick plinths, eaves and verge detailing and corbel detailing.

At this time the precise external materials to be utilised have not been specified but the submitted elevations suggest a combination of red brick and render which would be materials that are consistent with those utilised to traditional houses on Standard Hill.

So as to ensure that the design quality anticipated by the elevational information of the dwellings is achieved conditions would be imposed on any permission granted which would require details of the following:

- (i) The proposed brick and type and colour finish of the render to be utilised;
- (ii) The proposed roof tiles to be utilised;
- (iii) A detailed section to demonstrate that all joinery would be set in reveal;
- (iv) Precise construction material and design finish to canopies/door surrounds;
- (v) Colour finish to entrance (front) doors;
- (vi) Colour finish to window and rear doors;
- (vii) Precise construction material and design finish of the chimneys;
- (viii) Precise construction finish and design to cills and headers/lintels;
- (ix) Precise design finish to the corbel, eaves, verges, string course and brick plinths;
- (x) Use of wet-bedded verges; and
- (xi) Location of external meter boxes.

It is considered that a condition requiring the colour of the windows and doors to be approved is required given that windows should generally be coloured cream or off-white and that differing colours to the front doors should be utilised. Wet-bedded verges are also conditioned given the traditional approach to the design. The Council's adopted Good Design SPD advises that the use of glass reinforced plastic (GRP) to chimneys and canopies/door surrounds (as well as the roofs of bay windows) is not supported and therefore a note to the applicant would also be imposed to outline that GRP will not be acceptable.

In respect of the canopies and door surrounds consideration should be given to the use of sustainably sourced timber, ideally British, as requested by the National Forest Company (NFC) which would acknowledge the site's location within the National Forest. A note to the applicant would be imposed to advise of this request on any permission granted.

Overall the proposed house types would be acceptable and have been positively designed in line with the requirements of the Council's adopted policies and Good Design SPD.

Boundary Treatments

The application as submitted does not include any details in relation to the approach to boundary treatments and as such a condition would be imposed on any permission granted to secure an appropriate scheme. In this respect careful consideration would need to be given to the use of boundary definition between what would be the public and private domain along with the nature of the visibility of any treatments provided upon the retaining structures to be created.

A condition would also be imposed requiring detail of the elevational approach to the retaining

structures to be submitted for approval which is considered important when accounting for the visibility that certain retaining structures would have within the public domain. The applicant has acknowledged the need for the retaining structures to be sensitively designed and would enter into discussions with the Council about the approach to the design of the retaining structures prior to the submission of a discharge of condition application.

Other Infrastructure

In the absence of any precise details a condition would be imposed requiring details of the proposed foul drainage pumping station and substation to be submitted for approval.

Design and Impact on the Character and Appearance of the Streetscape Conclusion

Overall, the Council’s Urban Designer is supportive of the proposals and subject to the imposition of conditions and notes to the applicant, it is considered that the design, appearance, and scale of the development would be acceptable and enable it to successfully integrate into the environment in which it is set. On this basis the proposal would be compliant with Policy D1 of the adopted Local Plan, the Council’s adopted Good Design SPD and Paragraphs 131 and 135 of the NPPF.

Housing Mix

With regards to housing mix, Policy H6 of the adopted Local Plan outlines that a mix of housing types, sizes and tenures is expected on residential developments proposing 10 dwellings. When determining an appropriate housing mix the information contained within the Housing and Economic Development Needs Assessment (HEDNA) is one of the factors to consider alongside other criteria as outlined in Part (2) of Policy H6. The range of dwelling sizes (in terms of number of bedrooms) identified as appropriate in the HEDNA for affordable housing are as follows:

- 1 bed – 30-35%;
- 2 bed – 35-40%;
- 3 bed – 25-30%; and
- 4 bed – 5-10%.

The submitted scheme proposes the following (%):

- 1 bed – 18%;
- 2 bed – 40%;
- 3 bed – 40%; and
- 4 bed+ - 2%.

Within the HEDNA it is indicated that a tenure mix of 80% Rented and 20% Intermediate Housing should be sought to meet the identified affordable housing needs of the District.

Given that the proposed scheme is a ‘wholly’ affordable scheme, the Council’s Affordable Housing Enabler (AHE) has been consulted and they have stated that the applicant has indicated that the tenure mix will provide 70% Social Rented and 30% Shared Ownership properties comprising of:

Social Rented – 70 properties

18 x 1 bed 2 person flats;
 4 x 2 bed 3 person bungalows;
 22 x 2 bed 4 person houses;
 24 x 3 bed 5 person houses; and
 2 x 4 bed 6 person houses.

Shared Ownership – 30 properties

14 x 2 bed 4 person houses; and
 16 x 3 bed 5 person houses.

From the perspective of the Council's AHE whilst the percentage of 3 bed houses is higher than the suggested HEDNA mix, it is the case that the mix proposed more accurately reflects the current housing register need. On this basis it is considered a reasonable match to the HEDNA and is acceptable to the Council's AHE.

Whilst the 70% to 30% tenure split provides a higher proportion of shared ownership than that suggested in the HEDNA, and although rented accommodation remains the priority tenure for affordable housing in the District, the Council's AHE considers the tenure mix to be acceptable for the following reasons:

- (a) While the proportion of rented properties is lower than the HEDNA suggests, the actual number of rented properties is much higher than would have been achieved on a planning gain site;*
- (b) It is harder to achieve viability on a wholly affordable housing scheme and the introduction of shared ownership properties can increase viability which itself helps to secure rented properties;*
- (c) The introduction of a higher proportion of Shared Ownership properties provides a more balanced community with added opportunities to help households into property ownership in line with emerging Government policy and provides an opportunity to achieve a more sustainable development in line with NPPF requirements;*
- (d) The Strategic Housing Team recognises that shared ownership housing may not be suitable for all households seeking affordable home ownership so we would be supportive of East Midlands Housing Association (EMHA) if they chose to include other types of Affordable Home Ownership in line with NPPF, if required; and*
- (e) Given the current housing market the Council's AHE would support and encourage some flexibility in the tenure split to ensure that properties are not left empty if applicants are unable to purchase shared ownership properties (unavailable mortgages/prohibitive mortgage rates/house price inflation).*

HEDNA mix is one of several factors to have regard to when assessing a housing development of 10 or more dwellings with regard also being given to the "mix of house types and sizes already built and/or approved when compared to the available evidence" (criterion (b) of Part (2) of Policy H6) as well as the "nature of the local housing sub-market" (criterion (d)) and the "needs and demands of all sectors of the community" (criterion (e)). Furthermore the supporting text to Policy H6 outlines at paragraph 7.48 that "1 bed properties are generally not regarded as providing sufficient flexibility for changing household composition and are therefore not

considered sustainable in the long term” with paragraph 7.49 indicating that there needs to be a focus on “delivering 2 and 3 bedroom properties in order to provide a better balance in the housing market.”

In respect of the property mix the Council’s AHE has outlined that it meets the identified needs in the area and is acceptable.

On the basis that the Council’s AHE is supportive of the tenure and property mix, and considering the guidance within Policy H6, it is considered that the housing mix proposed would be acceptable and compliant with the aims of criterion (3) of Policy H4 and Part (2) of Policy H6 of the adopted Local Plan.

Part (3) of Policy H6 of the adopted Local Plan outlines that developments of 50 or more dwellings should provide a proportion of dwellings that are suitable for occupation by the elderly, including bungalows (criterion (a)) and a proportion of dwellings which are suitable for occupation or easily adaptable for people with disabilities (criterion (b)). Part (5) of Policy H4 of the adopted Local Plan also encourages the provision of affordable homes to meet the needs of elderly people, including the provision of bungalows.

As is outlined above the proposed development would provide 4 bungalows which is acceptable to the Council’s AHE, based on the need for these types of dwellings, with 9 ground floor apartments supplied with wet rooms also being delivered which would be suitable for elderly or less able applicants. The proposed bungalows would also be constructed to meet the standards outlined in Part M4(2) of the Building Regulations.

On this basis it is considered that the development would be compliant with Part (5) of Policy H4 and Part (3) of Policy H6 of the adopted Local Plan.

Overall, the mix of housing types and tenures would suit local requirements and consequently would be compliant with Building for a Healthy Life (BfHL) criteria relating to ‘Homes for Everyone’.

Assessment of objections in relation to design, housing mix and the impact on the character and appearance of the streetscape

Objection	Officer Response
<p>The design of the scheme is regimented and out of keeping with the character of the surrounding area with only one entrance into and out of the development, a lack of solar panels to the dwellings and similar appearance to all the dwelling’s designs (including front doors). There is also a lack of a central landscaped area.</p>	<p>When accounting for the above assessment there is no objections to the application from the Council’s Urban Designer who is supportive of the layout of the development as well as the simplistic approach to the design of the dwellings (which are enhanced by specific design detailing that is to be secured via conditions).</p> <p>Green space has also been incorporated into the layout of the development with a link provided to access the green spaces associated with the development to the north-west.</p>

	<p>There is no requirement in adopted policy for houses to be built with solar panels and future occupants would have the opportunity to install solar panels should they wish to do so.</p>
<p>Is electric vehicle charging points being provided for the dwellings?</p>	<p>There is no requirement in adopted policy which requires dwellings to be provided with electric vehicle charging points. It is also the case that the provision of electric vehicle charging points is now achieved through the Building Regulations process.</p>

Residential Amenities

Policy D2 of the adopted Local Plan (2021) 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 191 of the NPPF states that planning policies and decisions should also ensure that new development is appropriate for its location considering 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.

The properties most immediately impacted on because of the development would be nos. 42, 43, 1 The Bungalow, 2 The Bungalow and Field House, Standard Hill as well as The Brambles (no. 3) and Abel House (no. 5) which are both on Private Road. All these properties are set to the south-east. Due regard would also need to be given to the relationship with a dwelling which has permission to be constructed to the north-east of Abel House (no. 5) Private Road, permitted under application references 20/01997/OUT and 22/00384/REM, as well as the layout of the residential development on the allocated land to the north-east and north-west (this development being on land known as North of Standard Hill and West of Highfield Street).

Land levels on the application site fall from south-east to north-west and therefore the nearest residential receptors on Standard Hill and Private Road are at a higher land level.

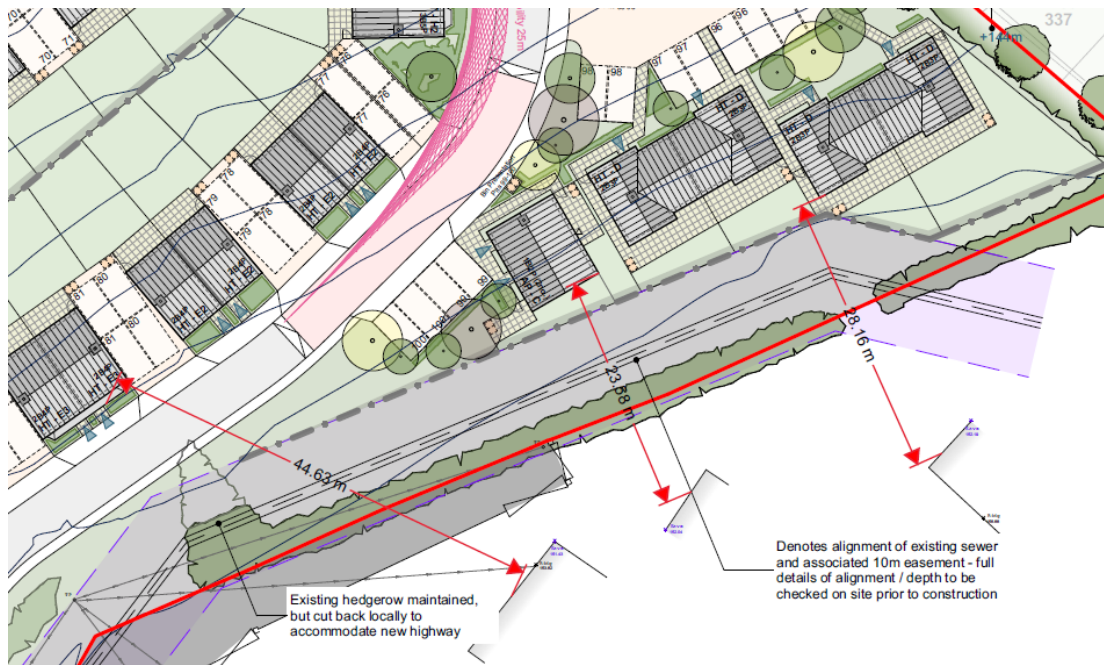
Residential Amenities of Existing Dwellings and Approved Dwellings

The relevant separation distances to be established to the residential receptors on Standard Hill and Private Road are as shown in the images below.

Separation Distances to No. 43 Standard Hill and 1 The Bungalow and 2 The Bungalow, Standard Hill



Separation Distances to Field House, Standard Hill and The Brambles (no. 3) and Abel House (no. 5), Private Road



Based on the plans the shortest separation distances would be between plot 92 (two-storey semi-detached dwelling) and no. 43 Standard Hill (being 24.60 metres) and plot 100 (two-storey maisonette/apartment) and The Brambles (no. 3), Private Road (being 23.58 metres). Although the positioning of the dwelling to be constructed to the north-east of Abel House (no. 5), Private Road is not depicted on the plans this property would be set further back from Private Road than Abel House (no. 5) and consequently the separation distance would be greater.

The relationship between plot 92 and no. 43 Standard Hill would be a 'side to side' relationship, albeit the front elevation of plot 91 which is attached to plot 92 would present its front elevation towards the rear amenity area associated with no. 43 Standard Hill. In terms of the relationship between plot 100 and The Brambles (no. 3), Private Road this would be a 'side to front' relationship.

The Council's adopted Good Design SPD advises that a minimum of 20 metres should be applied if the relationship is 'back to back' with a minimum of 12 metres being required should a front elevation of a property be presented to the blank side gable of an adjoining property. On the basis of the above, the distances to be established would be in excess of those required where the relationship is 'back to back' (which would be considered the most sensitive relationship) and when accounting for the topography 'falling away' from Private Road it is concluded that the proposed development would not result in any adverse overbearing, overshadowing or overlooking impacts to the existing residential amenities of the properties on Standard Hill and Private Road.

In terms of the development to be constructed on the land known as North of Standard Hill and West of Highfield Street, the submitted layout depicts the approved locations of the dwellings to the north-west and north-east. Those plots to the north-west would be separated from the boundary of the application site by the Sustainable Urban Drainage Systems (SuDS) which are

to be created with the closet plot (plot 002) being at more than 40 metres from the application site boundary. This separation distance would ensure that those residential receptors to the north-west would not be impacted on adversely.

With regards to the residential receptors to the north-east, the submitted plan identifies that plots 335 to 341 along with plots 348 to 349 would share a boundary with the application site. Plot 93 (two-storey semi-detached property) would be set 3.84 metres from the site boundary with plot 95 (single storey semi-detached property) being set 5.17 metres from the site boundary. Both plots 93 and 95 would present side elevations to the site boundary with there being a separation distance of around 11 metres between the side elevation of plot 93 and the rear elevation of plot 348 and 16 metres between the side elevation of plot 95 and the rear elevations of plots 337 and 338. As proposed the development would also retain an existing group of trees to the site boundary which have heights of 7 metres.

When accounting for the retention of the tree screen and proposed separation distances it is considered that the residential amenities of plots 337, 338 and 348 would not be adversely impacted in respect of overbearing or overshadowing impacts. In terms of overlooking impacts only a first floor window serving a bathroom would be present in the side elevation of plot 93 which could be conditioned to be obscure glazed with a restricted opening so as to prevent any adverse overlooking impacts arising.

Residential Amenities of Future Occupants of the Proposed Development

Based on the above assessments it is considered that the proposed dwellings would have an acceptable relationship with existing residential dwellings, as well as those with planning permission, given the separation distances involved.

It is also considered that the relationship between the plots themselves would be acceptable with the most sensitive relationship being between plot 98 (single storey semi-detached) and plots 99 to 100 (two-storey maisonettes/apartments). The side elevation of plot 98 would be presented to the rear elevation of plot 100 with it being the case that plot 100 has been positioned to not be dominant within the limited rear garden associated with plot 98. Amendments have also been made to reduce overlooking impacts from the first floor maisonette/apartment with the omission of one of the windows serving the open plan kitchen/living/dining area. Notwithstanding this, it is accepted that any future occupant of plot 98 would be aware of the relationship with plots 99 to 100 prior to the purchase/occupation.

Careful consideration would also need to be given to the finished floor and ground levels of the residential units and the nature of the retaining walls to be provided between gardens, along with the associated boundary treatments, to ensure that appropriate levels of amenity are achieved not only within the properties themselves, but also within the private amenity spaces. A condition would be imposed on any permission granted to secure precise details of the finished floor and ground levels along with heights and designs of retaining walls and boundary treatments.

Trees of a mature stature would be retained near plots 9, 10, 93 and 95 but given that such trees are located to the north-east it is considered that no adverse shadowing impacts would arise with no objections being raised by the Council's Tree Officer in this respect. As is the case above, future occupants of these plots would be aware of the relationship with the trees prior to their purchase.

Other Residential Amenities Impacts

As part of the consideration of the application the Council’s Environmental Protection Team have been consulted and they have raised no objections to the application subject to the imposition of a condition which would require the approval of a Construction Environmental Management Plan (CEMP) prior to the development commencing. It is considered that the imposition of such a condition would enable the protection of existing residential amenities during the construction phase of the development.

By its nature, the future occupation of residential properties would not be considered a noisy use with it being the case that the development would result in the removal of existing business uses undertaken at the site which have the potential to generate a greater level of noise than the proposed residential development.

The Council’s Environmental Protection Team have also requested the imposition of a condition which would require the undertaking of an acoustic survey, so as to assess noise from street activity, licensed premises in the vicinity, specified noise source(s) or any other existing ambient noise levels, and the provision of a relevant insulation scheme so as to prevent the transmission of noise into the proposed residential properties should it be demonstrated that an adverse impact would arise. The imposition of such a condition would further protect the future amenities of any occupants of the proposed development.

A condition would also be imposed on any permission granted to secure an external lighting scheme which should be designed to prevent adverse impacts to existing and future residential amenities arising.

No representation has been received from the Council’s Air Quality Officer raising concerns or objections in relation to the impacts of the development to air quality and any associated impacts to residential amenities.

Residential Amenity Conclusion

Based on the above assessment it is considered that no adverse impacts to existing and future occupants would arise because of the development, subject to the imposition of relevant conditions, and as such the proposal would be considered compliant with Policy D2 of the adopted Local Plan and Paragraph 191 of the NPPF.

Assessment of objections in relation to residential amenities

Objection	Officer Response
<p>There will be an increase in noise and air pollution because of an increase in road traffic.</p>	<p>There are no objections to the proposed development from the Council’s Environmental Protection Team or Council’s Air Quality Officer and thereby any impacts in this respect are not considered to be at a level where significant harm would arise.</p>

Highways Impact

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 to avoid highway safety problems and to minimise the impact upon the local environment.

As part of the consideration of the application the County Highways Authority (CHA) have been consulted and their consultation response is provided following consideration of the Leicestershire Highways Design Guide (LHDG).

The application as originally submitted was accompanied by a Transport Assessment (TA) and Framework Travel Plan (FTP) with a Highways Technical Note (HTN) (containing a Stage 1 Road Safety Audit (RSA) and Designers Response (DR)), amended FTP (AFTP) and amended Highways Technical Note (AHTN) subsequently being submitted following consultation responses from the CHA.

Access

In their original consultation response the CHA outlined that the submitted TA stated that the access would comprise a simple priority junction off Standard Hill. However, the CHA indicated that their consultation response to the withdrawn application under reference 19/02159/FULM stated that a ghost right turn lane to a simple priority junction would need to be provided in this location and therefore a simple priority junction was not acceptable. Consequently a revised access design was required.

Amended plans were subsequently submitted proposing a simple priority junction with ghost right turn lane and in their further consultation response the CHA outlined that the junction geometry was in accordance with the LHDG. It was, however, requested by the CHA that for completeness dimensions should be added to the drawing to demonstrate that the design parameters for the ghost right turning lane (i.e. those in accordance with the Design Manual for Roads and Bridges (DMRB)) had been met. In addition, the existing highway boundary and the proposed land take required for the proposed works was required to be demonstrated on the drawing along with a 'straight-ahead' arrow adjacent to the right turn arrow at the ghost right turn lane.

In terms of the swept path analysis at the site access, the CHA outlined that this showed that the right turn out swept path for a refuse vehicle started with such a manoeuvre straddling the centreline of the access road which could lead to collisions with oncoming vehicles. The left turn swept path for the refuse vehicle also showed such a vehicle overhanging the ghost right turn lane and the opposite side of the access road, with the left turn in swept path showing the refuse vehicle overhanging the opposite side of the access road. Both circumstances could again lead to collisions with oncoming vehicles. It was therefore requested by the CHA that this be addressed, with a vehicle speed of 9mph being used for the swept path analysis.

The HTN subsequently submitted included speed survey data as previously requested by the CHA which was undertaken between the 21st and 27th March 2023 and identified recorded 85th percentile speeds of 48.8mph eastbound and 49mph westbound. Based on this information, the LHDG would require visibility splays of 2.4 metres by 160 metres in each direction. Although such visibility splays were identified on the submitted access drawing it was necessary for such

splays to be demonstrated in the vertical plane given the topography of Standard Hill. Notwithstanding this, the access drawing did indicate a Stopping Sight Distance (SSD) of 106 metres for right turners, however in accordance with the DMRB this was required to be 160 metres when accounting for a design speed of 53mph.

The CHA also indicated that visibility splays should have a setback of 2.4 metres and a 'y' distance in accordance with the LHDG. Visibility splays were also required to be provided for the existing Private Road to demonstrate that a vehicle waiting to enter the main road from the new access did not impede on visibility for a vehicle waiting to exit Private Road, and vice versa.

In terms of the Stage 1 RSA, and accompanying DR, this identified four problems all of which were accepted by the designer. The CHA advised that the proposals were required to be amended to address the recommendations for Problem 1 (solid splitter island and Vehicle Activated Sign (VAS)), Problem 3 (full width carriageway resurfacing should be annotated as a proposal on the drawing) and Problem 4 (relocating the pedestrian crossing points). With regards to Problem 2 (street lighting), the CHA was satisfied that this could be addressed as part of any future Section 278 detailed design process under the Highways Act 1980 (as amended) (which would be a process undertaken separately to the planning process).

Following the receipt of amended access plans, the CHA has confirmed that these now show the dimensions of the ghost right turn lane being in accordance with the DMRB as well as the splitter islands, as required by Problem 1 of the Stage 1 RSA.

In terms of the swept path analysis, the submitted AHTN has sought to address the concerns raised by the CHA by stating:

"Refuse collections are infrequent movements; circa once or twice per week, therefore it is deemed that as the movements are so infrequent, the manoeuvres shown are not deemed to pose a concern and are considered normal for refuse vehicles accessing/egressing a residential development.

It is not deemed suitable to increase the width of the access or increase the kerb radii further for such infrequent movements, as this would result in an overengineered access and will make pedestrian movements more difficult, potentially less safe, and therefore less desirable if they are required to cross a further distance.

Furthermore, suitable visibility is achievable to and from the new access road on Standard Hill, therefore oncoming vehicles will be able to see refuse vehicles turning or waiting to turn (and vice versa), in advance, and will therefore be able to slow down or stop as necessary.

For reference, the design process has tested providing 10m kerb radii at the site access, however the required refuse vehicle still overhangs the site access centreline in places and also results in a further impact on the hedgerow along the site boundary and parking within the site."

The CHA has accepted such comments, in principle, subject to it being demonstrated as part of the Section 278 detailed design process, under the Highways Act 1980 (as amended), that a vehicle speed of 9mph was used for the swept path analysis.

In terms of vehicular visibility at the site access it has been confirmed by the applicant that in the vertical plane the maximum visibility splay in a south-eastern direction would be 2.4 metres by 108 metres which was below the required 2.4 metres by 160 metres vehicular visibility splay.

However, the AHTN includes a further speed survey which has identified a recorded 85th percentile speed of 38.2mph for north-west bound vehicles at a point approximately 50 metres south-east of the junction of Standard Hill and Private Road. This therefore demonstrates that vehicles approaching the proposed site access are expected to be travelling at speeds of approximately 38.2mph at this point, rather than speeds of 49mph which were recorded within the ‘vicinity’ of the proposed access. The CHA outline that it is important to note that this evidence shows that vehicles speeds increase on the approach to the site access, as vehicles travel downhill, away from the built-up environment.

The CHA has undertaken a calculation of SSD, using DMRB desirable minimum parameters of a 2 second driver reaction time and deceleration rate of 0.25g, which have identified a required SSD of 96 metres including bonnet length adjustment. On this basis the CHA considers a visibility splay of 2.4 metres by 108 metres in a south-eastern direction to be acceptable given the speed of vehicles travelling in a north-western direction.

Furthermore to assist in reducing vehicle speeds in this location, the applicant has also proposed a VAS be installed on Standard Hill approximately 60 metres to the south-east of the Standard Hill with Private Road junction which is as shown on the submitted plans.

The amended plans have also demonstrated visibility splays for Private Road which show that there is suitable junction spacing to ensure a vehicle waiting to enter Standard Hill from the access of the proposed development does not impede visibility for a vehicle waiting to exit Private Road onto Standard Hill.

Overall the CHA has no objections to the site access subject to the imposition of conditions to secure the access and vehicular and pedestrian visibility splays, as well as the off-site highway works (which are as discussed further in the ‘*Off-Site Implications*’ sub-section below).

Highway Safety

The submitted TA includes an assessment of Personal Injury Collision (PIC) data that has been obtained from the County Council for the period 2017 to 2022. This has identified one recorded PIC during the study period which was classed as ‘serious’ in severity and occurred in 2020 at approximately 130 metres to the east of the proposed site access.

Whilst the CHA consider that the scope of the study area is not exhaustive, after reviewing the data associated with the PIC they consider that there is no evidence to suggest that the proposed development would exacerbate the likelihood of further PICs occurring.

Impact on the Highway Network

The TA includes an assessment of trip generation based on person trips derived from the Trip Rate Information Computer System (TRICS) with such an assessment being based on privately owned dwellings which was welcomed by the CHA.

In terms of the subsequently submitted HTN, this outlined that census data has been used to assess the modal split and as such the proposal would result in 101 two-way trips in the AM peak period (08:00 to 09:00) and 90 two-way trips in the PM peak period (17:00 to 18:00). Such trip generation is acceptable to the CHA.

Within their original consultation response the CHA also accepted a trip distribution of 59.5% of development trips eastbound on Standard Hill and the remaining 40.5% westbound.

With regards to committed development the CHA indicated that the following should be taken into consideration:

- 1) 12/00007/OUTM – Land North of Standard Hill and West of Highfield Street, Coalville (including considering the impact of 22/01140/VCIM which amended the access proposals in respect of 12/00007/OUTM);
- 2) 13/00956/OUTM – Land Off Grange Road, Hugglescote; and
- 3) 16/01187/VCIM – Land at Lower Bardon, Grange Road, Hugglescote.

Whilst it was also recommended by the CHA that the residential development at Land off Wash Lane, Ravenstone (21/00494/OUTM) also be considered, it is noted that this application remains undetermined and as such would not comprise 'committed' development (being development which benefits from planning permission).

The submitted HTN included flow diagrams in respect of the committed developments referred to above and whilst such flows for 12/00007/OUTM included the original 300 dwellings permitted to access via Standard Hill (rather than the now proposed 250 dwellings) those for 22/01140/VCIM considered the 150 dwellings accessing from Highfield Street and as such this was acceptable to the CHA.

The committed development is therefore acceptable to the CHA.

Junction Capacity Assessments

In terms of Junction Capacity Assessments (JCAs), the original consultation response from the CHA outlined that the proposed methodology in relation to JCAs, being assessment years of 2023 and 2028 and the use of Temprow growth factors, was acceptable but that further consideration would need to be given to these following the receipt of revised traffic impact assessments.

The submitted TA set out the following scenarios:

- 1) 2023 Baseline Assessment; and
- 2) 2028 Forecast Year + Development Trips and Committed Development.

In their original consultation response the CHA outlined that the following scenarios were also required to be considered:

- 1) 2028 Baseline; and
- 2) 2028 Baseline + Committed Development.

The CHA also noted that Appendix F of the TA included committed development flows in respect of Land North of Standard Hill and West of Highfield Street but given the variation granted under application reference 22/01140/VCIM revised committed development flows were required. Clear flow diagrams for all scenarios and relevant committed developments were also required to be submitted.

With regards to junctions the CHA acknowledges that the TA included capacity assessments of the Standard Hill/Site Access junction, however, given the need for revisions to be made to the site access (as outlined in the 'Site Access' sub-section above) amended capacity assessments were required.

In addition the CHA also anticipated the need for capacity assessments of any junction that would be impacted by 30 or more two-way movements in any peak period and whilst this would be based on the submission of the traffic flow diagrams (as outlined above) it was anticipated by the CHA that the following junctions would be subject to capacity assessments:

- 1) Proposed Site Access/Standard Hill;
- 2) Standard Hill/Highfield Street;
- 3) A447 Wash Lane/Ibstock Road/Leicester Road; and
- 4) Ashburton Road/Central Road/Grange Road ('Hugglescote Crossroads').

Following the receipt of relevant information, including the HTN, the CHA has advised that the above-mentioned junctions are required to be assessed due to the impact of the proposals with such an assessment not being included with the HTN.

In relation to background traffic flows the HTN stated that:

“Peak hour Manual Classified Counts (MCC) were undertaken at Junctions 2, 3 and 4. The MCCs were undertaken on Wednesday 15th February 2023 to avoid school half term and localised road works/traffic diversions. The survey data is somewhat extensive and not appended to this Technical Note, however the raw data will be made available for independent review.”

The CHA outlined that the raw data was not submitted and, in addition, the above suggested that the surveys were undertaken only for peak hours on one day. It was also outlined that an Automatic Traffic Survey (ATS) of at least 7 days did not appear to have been submitted to validate the surveys.

It was therefore requested by the CHA that such information be provided to enable further consideration to be given to the junction capacity modelling. Amendments were also required to the LINSIG model (being traffic modelling software) in respect of Hugglescote Crossroads.

The AHTN has outlined that a seven-day automatic traffic count (ATC) was undertaken on Standard Hill along with a peak hour Manual Classified County (MCCs) being undertaken to inform turning counts. This is therefore acceptable to the CHA.

In terms of the impacts to the relevant junctions these would be as follows:

Proposed Site Access/Standard Hill

The AHTN includes a JCA of the ghost right turn priority junction and shows a maximum Ratio to Flow Capacity (RFC) of 0.18 in the ‘future assessment year’ scenario. RFC is a term used in transport modelling to assess the operation of a junction and provides an indication of the likely junction performance, with a value of 1 implying that the demand flow is equal to capacity. Typically, however, 0.85 is seen as practical capacity, with results higher than this more likely to create queuing and delay scenarios at affected junctions.

On this basis that the RFC is significantly below 0.85 the CHA has advised that this junction would be predicted to operate well within capacity.

Standard Hill/Highfield Street

The AHTN shows a maximum RFC of 0.42 in the 'future assessment year' scenario and therefore the CHA are satisfied that this junction is predicted to continue to operate well within capacity.

A447 Wash Lane/Ibstock Road/Leicester Road

The CHA has outlined that the AHTN identifies that the in 'future year with development' scenario, this junction will operate over capacity. Whilst it is acknowledged by the CHA that the assessments demonstrate that this junction will operate over capacity in all scenarios (including without the development), the proposed development traffic would result in increased delays of up to 132 seconds in the AM and PM peak periods respectively for the Leicester Road approach. The assessment also identifies that queue lengths would be increased by up to 8 Passenger Car Units (PCUs) in the AM and PM peak periods with the degree of saturation worsening by up to 10.3%.

It is noted by the CHA that this junction does not form part of the Interim Coalville Transport Strategy (ICTS) and therefore the CHA would seek the installation of nearside pedestrian facilities to mitigate the development. This would reduce the pedestrian phase, when not required, and therefore increase capacity by around 5%.

Ashburton Road/Central Road/Grange Road ('Hugglescote Crossroads')

The CHA has outlined that the AHTN identifies that the in 'future year with development' scenario, this junction will operate over capacity. Whilst it is acknowledged by the CHA that the same would occur for the 'future year with committed development' scenario, the development traffic associated with the proposal would result in increased delays of 34 and 35 seconds in the AM and PM peak periods, respectively, for the Ashburton Road approach. The assessment also identifies that queue lengths would be increased by up to 10 Passenger Car Units (PCUs) in the PM peak period.

As is the case above, the CHA notes that 'Hugglescote Crossroads' do not form part of the ICTS and therefore the CHA would seek the installation of Microprocessor Optimised Vehicle Actuation (MOVA) signal controls to mitigate the impact of the development. The MOVA signal controls comprise a traffic signal system used to control isolated junctions and operates a delay minimising mode which can typically increase capacity by around 5%.

Overall the CHA is satisfied with the JCAs undertaken and have no objections to the development in respect of its impacts to the relevant junctions, subject to securing financial contributions within a Section 106 agreement to enable improvements to the A447 Wash Lane/Ibstock Road/Leicester Road and 'Hugglescote Crossroads' junctions. This is as discussed further in the '*Developer Contributions and Infrastructure*' section of this report below.

A financial contribution would also be secured within the Section 106 agreement for the ICTS which would be calculated based on a contribution of £4,800.00 per dwelling (i.e. £480,000.00 in this instance - £4,800.00 per dwelling x 100 dwellings). This would further mitigate the impacts to the highway network within Coalville.

Off-Site Implications

The submitted plans demonstrate footway widening at the site frontage, as well as the detail as

to how this will tie into the existing footway provision. Whilst this detail is limited, the CHA is satisfied that this can be suitably addressed as part of the Section 278 detailed design process under the Highways Act 1980 (as amended).

Such plans also indicate the relocation of the 30mph speed limit terminal point as this is presently located at the point of the proposed site access. The terminal point has been relocated to the west of the proposed site access but remains in the vicinity of the proposed site access and is acceptable to the CHA. It has, however, been outlined by the CHA that the relocation of the terminal point may be subject to a Traffic Regulation Order (TRO) the cost of which would need to be fully funded by the applicant. A Vehicular Activated Sign (VAS) is also proposed to the west of the site access which is welcomed by the CHA.

Problem 1 of the submitted Stage 1 Road Safety Audit (RSA) was in relation to vehicle speeds and the recommendation of the Stage 1 RSA was that *“the proposed VAS should be reversed to face eastbound traffic and relocated to support the extended 30mph speed limit. If necessary, further speed reduction measures, such as a second VAS, should be provided on the westbound approach to the new junction.”* The Designers Response (DR) associated with the Stage 1 RSA has accepted this recommendation and the CHA required this to be demonstrated on a drawing prior to determination.

The amended drawings now reference the provision of the VAS to the east of the site access, whilst still showing the VAS to the west of the site access, and this is acceptable to the CHA and addresses the problem raised in the Stage 1 RSA. It is also indicatively indicated on the amended drawings where the 30mph roundel and ‘dragon’s teeth’ marking would be positioned and the principle of this is accepted and welcomed by the CHA. The precise details would be agreed under Section 278 of the Highways Act 1980 (as amended).

Overall, the CHA has no objections in respect of the off-site implications associated with the development subject to the imposition of conditions to secure the off-site highway works along with a financial contribution associated with a Traffic Regulation Order (TRO) for the relocation of the 30mph speed limit terminal (this is as discussed in the *‘Developer Contributions and Infrastructure’* section of this report below).

Internal Layout and Off-Street Parking

The CHA has outlined that the acceptability of an adopted road layout is subject to a Section 38 agreement in accordance with the Highways Act 1980 (as amended) and to be suitable for adoption the internal layout would need to be designed fully in accordance with the LHDG.

As originally submitted the internal layout did not fully accord with the LHDG and therefore required the following amendments:

- 1) The CHA would not adopt isolated footway links such as that shown connecting to Standard Hill in the vicinity of plots 11 to 12.
- 2) The gradients of the highway would need to account for the topography of the site.
- 3) Whilst pedestrian visibility splays were demonstrated these were indicated to be 2 metres by 2 metres rather than the required 1 metre by 1 metre. Although the CHA could accept larger pedestrian visibility splays it needed to be demonstrated that such splays throughout the entirety of the development were not obstructed by any obstacle above 0.6 metres in height. In the vicinity of plots 2, 11 and 94, in particular, would need to be considered along with the height of landscaping

- infrastructure being specified.
- 4) It was necessary to ensure that parking spaces were 2.4 metres in width, with such a width being increased by 0.5 metres where the parking space was bound by a vertical obstruction (i.e. boundary treatment or elevation) on one side and by 1 metre where the parking space was bound on both sides by a boundary treatment or elevation).
 - 5) Bin collection points were required to not restrict access widths (which should have 0.5 metre clear margins) or obstruct visibility splays. In particular the bin collection points adjacent to plots 2 and 94 needed to be reviewed.

Following the receipt of an amended site layout the CHA has confirmed that this has addressed points 2), 4) and 5) above. Whilst revised pedestrian visibility splays have not been shown (point 3)), the CHA is satisfied that a condition could be imposed on any permission granted to secure suitable pedestrian visibility splays. With regards to point 1), the CHA has reiterated that the isolated footway links connecting to Standard Hill (in the vicinity of plots 11 to 14) would not be adopted by the CHA and therefore would be subject to future management and maintenance by the applicant.

Overall the CHA is satisfied that the internal layout is acceptable and would be subject to adoption by the CHA under Section 38 of the Highways Act 1980 (as amended) with conditions being imposed to secure vehicular and pedestrian visibility splays, turning and manoeuvring facilities and the off-street parking. Conditions would also secure the proposed pedestrian (and, where applicable, cycling) links to both Standard Hill and the development to the west of the site along with signage to such links.

Transport Sustainability

In their original consultation response the CHA indicated that footway widening would be undertaken on Standard Hill which was welcomed to provide suitable pedestrian connectivity. It was, however, acknowledged by the CHA that the 159 bus service has been withdrawn.

The Framework Travel Plan (FTP) originally submitted in support of the application has been reviewed by the CHA and their original consultation response outlined that the principal measures and targets within the FTP were fundamentally acceptable, however the FTP needed to be revised to consider the following:

- (a) The withdrawal of bus service 159; and
- (b) The preferred system to capture survey information is the MODESHIFT Sustainable Travel Accreditation and Recognition Scheme (STARS).

An amended FTP has addressed the above matters and is therefore acceptable to the CHA.

Contributions would be sought by the CHA towards sustainable travel including travel packs and an FTP monitoring fee. These are as discussed in the *'Developer Contributions and Infrastructure'* section of this report below.

Highways Impact Conclusion

Paragraph 115 of the NPPF outlines that development should only be refused on highway grounds where *"there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*

In the circumstances that there are no objections to the application from the CHA, subject to the imposition of conditions and securing of relevant contributions, it is considered that the proposed development would be compliant with Policies IF4 and IF7 of the adopted Local Plan as well as Paragraphs 111, 114, 115 and 116 of the NPPF.

Assessment of objections in relation to highways impact

Objection	Officer Response
<p>The proposed access onto Standard Hill is in a dangerous location just over the brow of a hill for traffic heading in a northerly direction and where vehicles travel in excess of the speed limit.</p>	<p>See above assessment. There are no objections from the CHA subject to the imposition of conditions and securing of financial contributions for off-site highway works.</p>
<p>There will be insufficient time for a vehicle to stop to avoid hitting a vehicle exiting the site, and vehicles stationed on Standard Hill whilst waiting to turn right into the site would also cause detriment to highway safety.</p>	<p>See above assessment. There are no objections from the CHA subject to the imposition of conditions and securing of financial contributions for off-site highway works,</p>
<p>Highfield Street is a narrow road with cars parked either side most of the time. It will be difficult for construction vehicles to manoeuvre down Highfield Street.</p>	<p>The CHA has recommended that any permission granted is subject to a condition requiring a Construction Traffic Management Plan (CTMP) and that the routing of construction vehicles is secured within a Section 106 agreement.</p> <p>Given the location of the development it is considered unlikely that construction vehicles would utilise Highfield Street to gain access to the site when accounting for its location in relation to the major highway networks.</p>
<p>A greater level of vehicular traffic will utilise the highway network causing detriment to highway and pedestrian safety and increasing queuing times at significant road junctions (such as the Ravenstone and Hugglescote crossroads, Hoo Ash Island and junction on the A447).</p>	<p>See above assessment. There are no objections from the CHA subject to the imposition of conditions and securing of financial contributions to mitigate the impacts at affected junctions.</p>
<p>The 159 bus service only provides two services a day and is about to be cancelled.</p>	<p>This point is acknowledged by the CHA and whilst it is regrettable that this bus service has been cancelled the application site is in a location where basic services and facilities are</p>

	<p>accessible by foot or cycling. This thereby reduces the dependency on the private car.</p> <p>A travel plan would also be secured via condition on any permission granted.</p>
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Ecology

Vegetation, in the form of trees, hedges and other shrubs, are present on the site. Such features could be used by European Protected Species (EPS) or national protected species. As EPS may be affected by a planning application, the Local Planning Authority has a duty under regulation 9(5) of the Habitats Regulations 2010 to have regard to the requirements of the Habitats Directive in the exercise of its functions.

Part (1) of Policy En1 of the adopted Local Plan states that proposals for new development will be supported which conserve, restore, or enhance the biodiversity in the district.

As part of the consideration of the application an Ecological Appraisal Report (EAR) was originally submitted in support of the application, which has been subject to review by the County Council Ecologist.

Following a review of the EAR, the County Council Ecologist outlined in their original consultation response that whilst the EAR was well written and detailed, and included reference to the previous ecological appraisals connected with the application considered under 19/02159/FULM, there were the following issues with its contents:

Bats

- (i) The nocturnal bat presence/absence surveys had not been completed to industry standard guidance given that two nocturnal presence/absence surveys undertaken between May and September (with at least one survey between May and August) would be required for buildings with a Moderate bat roost potential (with such buildings being identified as B1, B2 and B6) and a single nocturnal presence/absence survey for buildings with Low bat roost potential (with such buildings being identified as B3, B4, B7 and B9). The EAR provided no justification as to why all the nocturnal bat presence/absence surveys were undertaken in September 2022 which was not compliant with guidance.
- (ii) The bat activity walked transect surveys and accompanying automated static detector surveys had not been completed to industry standard guidance given that as a minimum such reports should be completed one per season (Spring – April/May; Summer – June/July and Autumn – September/October) totalling three surveys between May and October. The EAR provided no justification for the reduced survey effort (which was only undertaken in September 2022) and amounted to only one survey effort for the bat survey season of 2022. It was also the case that the EAR had not considered the Moderate quality commuting and foraging habitats provided by watercourse features, woodland and scrubby grassland.
- (iii) The nocturnal bat presence/absence surveys identified the presence of a single Soprano Pipistrelle roosting within building B6 during the single survey in September 2022. Given the inappropriate timing of the surveys, in relation to

standard guidance, there was concern that other bat roosts may have been missed during the appropriate season (May to August). On the basis that a bat roost had been identified the proposed demolition of building B6 would need to proceed under the relevant Natural England licensing procedure which would likely require additional survey effort.

- (iv) The EAR provided no justification for the downgrading of a building (being building B2) which was confirmed as a bat roost in 2019 but was downgraded in the EAR of 2022 despite it being confirmed that the building was unchanged from the assessment in 2019.
- (v) The EAR made no reference to the potential impacts of artificial lighting because of the proposed development. On this basis a lighting design strategy for bats (and other nocturnal wildlife) was requested.

Plant Species

- (i) The EAR referred to a small number of biological records of red listed and rare Leicestershire plant species in relation to the site, although no specific locations or approximate distances were specified. The walkover survey was also undertaken in September 2022 which was a sub-optimal season for recording species of botanical interest. It is also needed to be stated whether common Mouse-Ear (*Cerastium Fontanum*), a Biodiversity Action Plan (BAP) species, had been surveyed given that this was previously recorded in 2019.

Habitat Suitability Index

- (i) An updated Habitat Suitability Index (HSI) assessment of the two ponds within the site had not been included in the EAR and therefore images of the ponds were required to be provided to determine the need for a further HSI at an appropriate time of the year (i.e. May to June). All other pond survey data was out of date (given it dated back to 2019) and it needed to be established whether small, localised populations of species may be present within the suitable existing habitats on the site (ponds, woodland, scrub, field margins and hedgerows).

Barn Owls

- (i) A large bird nest box (suitable for owls/doves) was noted to be present on the eastern aspect of building B4 but was deemed inactive within the EAR. However, as the check was conducted in September 2022 it was outside the main nesting season for barn owls. A further nesting box check was therefore required during the appropriate season (May to August) to accurately confirm usage.

White-Clawed Crayfish

- (i) The EAR made no reference to evidence of white-clawed crayfish despite the watercourse being considered suitable for this species. Whilst a buffer was proposed from the watercourse, and no modifications to the bank were anticipated, its flow may be impacted by onsite drainage or unintentional runoff. The impact to white-clawed crayfish was therefore required to be considered further.

The applicant subsequently submitted a Bat Survey Report (BSR), Barn Owl Report (BOR) and

White-Clawed Crayfish, Water Vole and Otter Survey Report (WCCWVOSR).

Following re-consultation the County Council Ecologist commented as follows:

Bats

The BSR contained updated nocturnal surveys from June and July 2023 which confirmed that buildings B2 and B6 were bat roosts, however the following was required to be clarified within the BSR:

- (i) The survey data had not been cross-referenced with individual building numbers, so it was unclear whether appropriate survey effort was carried out for each building. B1 was confirmed as a roost in the BSR and therefore should have been assessed as high roost potential and subjected to three surveys, with at least two carried out between May and August. It was also not clear if additional surveys within the appropriate season had been undertaken for buildings B3, B4, B7 and B9.
- (ii) Buildings B2 and B6 had been subjected to a dusk and dawn survey between May and September for moderate potential buildings. However, once roosts were confirmed in these buildings further roost characterisation surveys were required to be carried out.
- (iii) The BSR included three in-date transect surveys for Spring, Summer, and Autumn between 2022 and 2023, however, the Autumn static survey was undertaken in 2019 and was therefore out-of-date. Justification was therefore required as to why this season was missed.
- (iv) No map had been provided to show surveyor locations relative to each building to ensure the buildings were adequately covered during nocturnal surveys.

Barn Owls

The BOR included an updated assessment in June 2023 and followed the methodology outlined by the Barn Owl Trust (of 2010) and provided a thorough assessment of potential barn owl presence. Consequently the BOR was acceptable.

White-Clawed Crayfish, Water Vole and Otter

The WCCWVOSR included a daytime habitat suitability assessment and presence/absence surveys (refuge sampling) and no evidence of white-clawed crayfish, water vole or otters was found. In terms of surface water run-off, an outflow pipe from the proposed Sustainable Urban Drainage System (SuDS) would empty into the existing watercourse. An assessment was included in the WCCWVOSR which considered that an appropriate level of run-off treatment would be proposed, providing pollution prevention and silt control guidance was followed. If SuDS were installed correctly and allowed to mature, the outflow would be fresh/filtered water with the area of riparian habitat affected being re-seeded thereby limiting any impacts to the short-term. It was, however, necessary for the following to be clarified:

- (i) Survey meta-data including timing, survey conditions and the extent of the survey area were required to be specified to determine whether surveys were undertaken to best practice guidance.

The applicant subsequently submitted an Amended Bat Survey Report (ABSR) and Amended White-Clawed Crayfish, Water Vole and Otter Survey Report (AWCCWVOSR).

Following re-consultation the County Council Ecologist commented as follows:

Bats

The ABSR was updated so that survey dates were cross-referenced with building numbers as requested with dates of the transect surveys also being clarified. In terms of further surveys on confirmed roosts, the applicant advised that further surveys would be at the discretion of Natural England as part of the licensing process. This is acceptable.

However, the updated ABSR shows building B3 as having low potential, and which originally received one survey outside of the appropriate survey timing (September 2022). This building received no updated survey in June and July 2023 and justification was therefore required as to why such a survey was not updated.

Issues previously raised had also not been addressed.

White-Clawed Crayfish, Water Vole and Otter

The AWCCWVOSR provided the meta data relating to the survey conditions and extent of survey area and was therefore acceptable.

The applicant subsequently submitted a Further Amended Bat Survey Report (FABSR), Botanical Species List (BSL) and Habitat Suitability Index (HSI).

Following re-consultation the County Council Ecologist commented as follows:

Bats

The FABSR confirms that a survey was undertaken on building B3 on 27th July 2023 which is compliant with industry best practice guidance with section 6 of the FABSR providing general recommendations for mitigation, compensation, and enhancements with regards to bats including compensation for the loss of roosts and habitats.

It is also outlined in the FABSR that to proceed the applicant will be required to acquire a license from Natural England, under a separate process, should planning permission be granted. Natural England may require further surveys to inform a mitigation strategy and this potential need is covered in the FABSR.

Plant Species

The BSL was produced following a site walkover during an optimal time of survey and was therefore acceptable.

Habitat Suitability Index

The HSI undertaken confirmed that pond P1 has been removed and that pond P2 was rated poor for great crested newts.

Following the receipt of the necessary amended information the County Council Ecologist has confirmed that they have no objections to the application subject to the imposition of conditions to secure the following:

- (i) A Construction Environmental Management Plan (CEMP);
- (ii) A lighting design strategy for bats (and other nocturnal wildlife); and
- (iii) The submission of a further badger survey prior to the commencement of development.

Biodiversity Net Gain

The mandatory requirement for 10% Biodiversity Net Gain (BNG) for major development as required by the Environmental Bill came into force on the 12th of February 2024. However, this requirement would only be applicable to those applications received on or after the 12th of February 2024 and is not to be applied retrospectively to those applications already under consideration before this date and subsequently determined after this date. On this basis the proposed development would not be required to demonstrate a 10% BNG. Notwithstanding this, Paragraphs 180(d) and 186(d) of the NPPF set out a requirement for developments to minimise their impacts on and provide net gains for biodiversity.

A Biodiversity Net Gain (BNG) Report and BNG Metric Calculations have been submitted in support of the application and following a review of this information the County Council Ecologist has confirmed that a net gain of 24.11% habitat units and 12.03% hedgerow units would be created with the BNG Report providing details on how habitat creation and enhancement would be carried out. There are therefore no objections from the County Council Ecologist who recommends that any permission granted is subject to a condition requiring the submission of a Landscape and Ecological Management Plan (LEMP).

Ecology Conclusion

Overall, and subject to the imposition of the relevant conditions and informative, the proposed development would not result in conflict with Policy En1 of the adopted Local Plan, Paragraphs 180 and 186 of the NPPF and Circular 06/05.

Assessment of objections in relation to ecology

Objection	Officer Response
<p>Building on a greenfield site will result in detriment to ecological species with the destruction of habitats.</p>	<p>See above assessment. There are no objections from the County Council Ecologist, subject to the imposition of conditions, with the development demonstrating a biodiversity net gain above 10%.</p>

Landscaping

Part (2) of Policy En3 of the adopted Local Plan outlines that new developments within the National Forest will contribute towards the creation of the National Forest by including the provision of tree planting and other landscaped areas within them.

As part of the consideration of the application an Arboricultural Impact Assessment (AIA) has been submitted which identifies that there are 19 individual trees on the site (three of which are rated category B (*moderate quality*)), 11 groups of trees (four of which are rated category B), seven hedgerows (all rated category C (*low quality*)) and one woodland (rated category B).

The Council's Tree Officer has been consulted and they have outlined that the AIA has been carried out following the recommendations of BS5837:2012 (*'Trees in Relation to Design, Demolition and Construction'*) and is therefore acceptable for the purposes of determining the likely arboricultural implications to the development.

The AIA identifies that the existing tree cover is made up of generally low quality garden type tree planting around the existing house, with more natural, native tree/woodland cover on the western and northern boundaries. As proposed all trees from the central area of the site would be removed but considering the type and quality of these trees, the Council's Tree Officer does not consider such a loss to be unreasonable and could be adequately mitigated through replacement tree planting in the soft landscaping scheme associated with the development.

In addition to the above, further tree removals would be proposed around the eastern and southern edges of the woodland on the western site boundary to enable the construction of the attenuation pond and a drainage outflow from the attenuation pond to the existing watercourse in the south-western corner of the site. Although the Council's Tree Officer considers that it would be preferable for the woodland to be retained at its current size, it is accepted that the overall appearance of the woodland would not be compromised by the tree removals and as such the resulting loss of amenity would not be sufficient to justify a refusal of the application.

The AIA also includes recommendations for temporary tree protection measures during the construction works and a specific Tree Protection Plan (TPP). It is advised by the Council's Tree Officer that a TPP is conditioned on any permission to be granted to ensure that retained trees are adequately protected during the construction phase.

Overall the Council's Tree Officer has no arboricultural objections to the application.

In terms of the National Forest Company (NFC) they have outlined that the site area is 3.76 hectares and therefore, in accordance with Policy En3 of the adopted Local Plan, it would be expected that 20% of the site area (0.75 hectares) would be woodland planting and landscaping. The submitted Planning Statement (PS) outlines that the requirement for National Forest planting would be met by a financial contribution secured in a Section 106 agreement, albeit the draft Heads of Terms does not stipulate this. Notwithstanding this, the NFC have outlined that if the National Forest planting is to be met by a financial contribution, then the 20% requirement for the site would amount to £26,250.00 (0.75 hectares x £35,000 per hectare) which would be payable prior to the development commencing.

With regards to proposed soft landscaping, a Landscape Masterplan (LP) has previously been submitted in support of the application but has not been updated to be applicable to the current layout of development. Notwithstanding this, the LP is more illustrative rather than being definitive on the soft landscaping infrastructure to be provided.

Both the Council's Tree Officer and NFC have reviewed the submitted LP and have commented that street trees would not be accommodated along the central spine road which is as encouraged by Paragraph 136 of the NPPF. In this respect Paragraph 136 of the NPPF outlines that planning decisions should ensure that streets are tree lined, although footnote 63 associated with Paragraph 136 of the NPPF states "*Unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate.*"

The most recent site layout has sought to provide street trees around the attenuation basin within the vicinity of plots 13 to 23 to seek compliance with Paragraph 136 of the NPPF. Whilst

the opportunity to introduce street trees on the main spine road has been explored, the subsequent widening of the road to accommodate this resulted in the development extending onto a flat plateau which would subsequently exacerbate the surrounding level changes and significantly compromise the design approach to the development (a position which is accepted by the Council's Urban Designer). It is considered that this demonstrates a "*clear, justifiable and compelling*" reason as to why street trees on the main spine road would be inappropriate in this instance. Notwithstanding the street trees around plots 13 to 23, further tree planting would also be undertaken elsewhere in the site with it appearing feasible for additional street tree planting to be undertaken within the vicinity of plots 80 to 92.

When accounting for the retention of a significant amount of the existing landscaping, including the woodland, it is considered that a soft landscaping scheme could be conditioned and secured which would positively contribute to the National Forest setting of the development. The potential conflict with the intentions of Paragraph 136 of the NPPF would not be sufficient to justify a refusal of the application when accounting for the site constraints and the fact that there are opportunities to incorporate street trees to the 'secondary' streets which would be explored as part of the approval of any soft landscaping scheme. Tree planting within individual gardens would also be explored.

As part of their consultation response the NFC have also outlined that a Woodland and Hedgerow Management Plan (WHMP) should be conditioned on any permission granted. It is considered that a WHMP could be incorporated into a Landscape and Ecological Management Plan (LEMP) as recommended by the County Council Ecologist (this being outlined in the '*Ecology*' section of this report above).

In terms of hard landscaping the submitted plans are not clear on the type and colour finish of any hard landscaping to be introduced and as such a condition would be imposed on any permission granted requiring the submission of a precise hard landscaping scheme.

Overall the proposed development, subject to the imposition of conditions, would be considered acceptable and compliant with the aims of Policies D1 and En3 of the adopted Local Plan.

Flood Risk and Drainage

Policy Cc2 of the adopted Local Plan outlines that the risk and impact of flooding will be minimised through directing new development to areas with the lowest probability of flooding; ensuring that new development addresses the effective management of all sources of flood risk; ensuring that development does not increase the risk of flooding elsewhere and ensuring wider environmental benefits of development in relation to flood risk. It also identifies the circumstances where development will be supported.

Policy Cc3 of the adopted Local Plan outlines that where it is necessary to manage surface water drainage than Sustainable Urban Drainage Systems (SuDS) should be incorporated into developments unless it is clearly demonstrated that SuDS are not technically, operationally, or financially viable and that surface water drainage issues from the development can be alternatively mitigated; or that the SuDS scheme itself will adversely affect the environment or safety.

The site lies within Flood Zone 1 and is therefore in an area at the lowest risk of flooding. Most of the site also has a very low potential for surface water flooding to occur, based on the Environment Agency's Surface Water Flood Map, with those areas at a high and medium risk being situated along the western boundary where a watercourse exists.

A flood risk assessment (FRA) and drainage strategy (DS) has been submitted in support of the application and, notwithstanding the location of the site in Flood Zone 1 and the surface water flood risk, the FRA also concludes that the site is not at risk of flooding from sewers, reservoirs, canals or other artificial sources. In terms of groundwater, the FRA details that whilst there are no incidents of groundwater flooding, parts of the district are *“susceptible to rising groundwater due to the large-scale closure of the coal mines within the Leicestershire and South Derbyshire coalfield.”*

In the context of Paragraph 168 of the NPPF the parts of the development which would be sensitive to surface water flood risk (i.e. the residential dwellings) have been sequentially located to be outside areas of the site susceptible to a high or medium risk of surface water flooding.

In terms of the DS, this outlines that The Building Regulations (2010), Drainage and Waste Disposal, Approved Document H has been considered with prioritises the disposal of surface water as follows:

- 1) Infiltration systems where ground conditions permit.
- 2) To watercourses.
- 3) To sewers.

The DS discounts 1) as infiltration techniques would not be viable due to the underlying mudstone geology. In terms of 2), the DS acknowledges that a watercourse is located along the site’s western boundary and therefore surface water from the proposed development would outfall to the existing watercourse at appropriate greenfield runoff rates. In the circumstances that 2) has been selected there is no requirement to consider 3) which would be the least preferred option for surface water disposal.

As part of the consideration of the application the Lead Local Flood Authority (LLFA) have been consulted, and following consideration of the FRA and DS they have outlined that the proposal development would seek to discharge at a rate of 14.7 litres per second via pervious paving and an attenuation basin to the existing watercourse along the north-western boundary with such watercourse connectivity being dependent on a circular concrete 900 millimetre culvert under the highway at Standard Hill.

Based on the information within the FRA and DS, the LLFA has no objections to the development subject to the imposition of conditions which would secure the precise surface water drainage scheme, the management and future maintenance of the surface water drainage scheme and that surface water is appropriately managed during the construction phase. On the basis that such conditions are imposed on any planning permission granted the development would accord with Policies Cc2 and Cc3 of the adopted Local Plan as well as Paragraphs 173 and 175 of the NPPF.

Insofar as foul drainage is concerned, it is indicated that a Severn Trent Water (STW) combined water sewer (CWS) runs alongside Private Road, and within the south-eastern part of the site, and comprises a 1050 millimetre diameter pipe running north-east to south-west. As proposed, foul drainage from the proposed development would outfall to this existing CWS with a connection being achieved via the provision of foul water pumping station which would be put forward for adoption by STW. A connection into the CWS would be agreed with STW under separate legislation and no representation has been received from STW objecting to this approach. STW would also determine if they wished to adopt the proposed foul water pumping

station and if they did not wish to adopt, then the foul water pumping station would be managed and maintained by the applicant. Given the above conclusion it is considered that the foul drainage can be met by the existing sewerage system in place and as such the proposed development would accord with Paragraph 191 of the NPPF.

Assessment of objections in relation to flood risk and drainage

Objection	Officer Response
<p>The proposed development will increase the risk of flooding which is becoming worse.</p>	<p>See above assessment. There are no objections from the Lead Local Flood Authority (LLFA) subject to the imposition of conditions with surface water runoff from the site being below its current greenfield runoff rate.</p>
<p>The existing foul drainage and surface water sewer systems cannot accommodate more development.</p>	<p>No representation has been received from Severn Trent Water (STW) objecting to the application with STW being able to ensure there is capacity in the relevant sewer network prior to a connection being made. This is their duty under the Water Industry Act 1991 (as amended).</p> <p>Surface water would not be directed to the surface water sewers given its discharge to a watercourse.</p>

Developer Contributions and Infrastructure

A request has been made for a Section 106 contribution towards on-site affordable housing provision, education, civic amenity, libraries, transportation, health services, off-site National Forest planting and off-site sport and recreation facility enhancements. These requests have been assessed against the equivalent legislative tests contained within the Community Infrastructure Levy (CIL) Regulations (CIL Regulations) as well as Policies IF1 and IF3 of the adopted Local Plan and Paragraphs 34, 55 and 57 of the NPPF.

Affordable Housing

The Council’s Affordable Housing Enabler (AHE) has identified that the proposal would seek to provide 100 properties as a wholly affordable development. As such several affordable properties would exceed the requirements outlined in part (1) of Policy H4 of the adopted Local Plan with the applicant outlining that an agreement is in place with a Registered Provider.

Given that the scheme is wholly affordable the NPPF requirement for 10% of the homes to be provided as Affordable Home Ownership is not applicable.

Whilst the proposal would exceed the requirements of part (1), the development is acceptable to the Council’s AHE given that it would help to redress the balance resulting from the lower than policy requirement delivered on the South-East Coalville Sustainable Urban Extension (SUE).

In terms of part (3) of Policy H4, the Council's AHE has identified that the tenure mix would result in the provision of 70% Social Rented and 30% as Shared Ownership properties comprising of:

Social Rented – 70 properties

18 x 1 bed 2 person flats;
 4 x 2 bed 3 person bungalows;
 22 x 2 bed 4 person houses;
 24 x 3 bed 5 person houses; and
 2 x 4 bed 6 person houses.

Shared Ownership – 30 properties

14 x 2 bed 4 person houses; and
 16 x 3 bed 5 person houses.

The proposed tenure mix is acceptable to the Council's AHE for the reasons as outlined in the 'Housing Mix' sub-section of the 'Design, Housing Mix and Impact on the Character and Appearance of the Streetscape' section of this report above. It is, however, expected that the Section 106 agreement would include wording which secured the allocation of the rented properties in line with the Allocations Policy Schedule in the Council's standard legal agreement. The property mix is also acceptable and meets the identified needs in area.

Subject to this the proposal is compliant with part (3) of Policy H4.

The Council's AHE has also acknowledged that the property mix includes bungalows to meet the needs of elderly and or disabled applicants. In addition nine ground floor apartments have wet rooms, which would be suitable for elderly or less able applicants. As such property types would meet the needs of elderly and/or disabled applicants on the Council's Housing Register, it would be requested by the Council's AHE that those households that need such accommodation are prioritised on allocation.

The internal layouts of the bungalows would also now be acceptable on the basis that level access would be provided and showers, rather than baths, would be provided within the bathrooms. The level of off-street parking provision for the maisonettes and family homes would also be acceptable to the Council's Affordable Housing Enabler (This is discussed in more detail in the 'Internal Layout and Off-Street Parking' sub-section of the 'Highways Impact' section of this report above). This would be compliant with part (5) of Policy H4.

Overall the proposal would be compliant with Policy H4 of the adopted Local Plan and Paragraphs 64 and 66 of the NPPF.

Education

Leicestershire County Council (Education) has requested a primary school sector contribution of £451,557.60 for Belvoirdale Community Primary School on Scotlands Road. No requests are made for the early years education, secondary education (11 – 16), post-16 education or special schools' sectors.

The applicant has confirmed their acceptance to the payment of the education contribution.

Civic Amenity

Leicestershire County Council (Civic Amenity) has requested a contribution of £6,538.00 for improvements to the civic amenity facilities within Coalville which would mitigate the increase in the use of this facility generated by the proposed development.

Such a contribution would be utilised for either the acquisition of additional containers or installation of additional storage areas and waste infrastructure at the above civic amenity site or on land adjacent to increase the site's capacity for handling and separating waste.

The applicant has confirmed their acceptance to the payment of the civic amenity contribution.

Libraries

Leicestershire County Council (Library Services) have requested a contribution of £2,747.99 for improved stock provision (i.e. books, audio books, newspapers, periodicals for loan and reference use) at Coalville Library on High Street, or to enable the reconfiguration of the internal space within the library to enable additional uses of the building (i.e. resident meetings including book readings and activities).

The applicant has confirmed their acceptance to the payment of the library contribution.

Transportation Contributions

Leicestershire County Council Highways Authority have indicated that the following developer contributions would be requested which are required in the interests of encouraging sustainable travel to and from the site, reducing private car use and mitigating a severe impact upon the highway network.

- (i) A construction traffic routing agreement;
- (ii) A contribution of £480,000.00 (£4,800.00 per dwelling x 100 dwellings) for the Interim Coalville Transport Strategy;
- (iii) A contribution of £7,500.00 for a Traffic Regulation Order (TRO), in accordance with the Road Traffic Regulation Act 1984, for the relocation of the 30/40mph speed limit terminal point;
- (iv) A contribution of £15,000.00 for the installation of a Microprocessor Optimised Vehicle Actuation (MOVA) signal control at the junction of Ashburton Road/Grange Road/Station Road/Central Road (known as 'Hugglescote Crossroads');
- (v) A contribution of £15,000.00 for the installation of nearside pedestrian facilities at the junction of A447 Wash Lane/Ibstock Road/Leicester Road;
- (vi) Travel packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area. These can be supplied by Leicestershire County Council (LCC) at a cost of £52.85 per pack or whereby an administration charge of £500.00 is payable for LCC to review any sample travel pack to be supplied by the applicant;
- (vii) Two six month bus passes per dwelling (2 application forms to be included in the Travel Pack and funded by the developer) to encourage new residents to use bus services, establish changes in travel behaviour from first occupation and promote the usage of sustainable travel modes other than the car (can be supplied through LCC at a cost of £360.00 per pass); and
- (viii) Sustainable Travel Accreditation and Recognition Scheme (STARS) travel plan

monitoring fee of £11,337.50.

The applicant has confirmed their acceptance to the payment of the transportation contributions.

Health

The NHS Leicester, Leicestershire and Rutland Integrated Care Board (ICB) have requested a contribution of £77,440.00 towards the increase in capacity of Hugglescote Surgery at Grange Road, Hugglescote and Whitwick Road Surgery at Whitwick Road, Coalville.

The applicant has confirmed their acceptance to the payment of the health contribution.

National Forest

It is outlined in the '*Landscaping*' section of this report above that in the circumstances the policy compliant woodland planting is not achievable on the site, the National Forest Company (NFC) advise that a financial contribution for such planting to be provided off-site would be required.

Based on the site area of 3.76 hectares there would be a requirement for 0.75 hectares of the site to be dedicated to woodland planting and landscaping. Consequently the financial contribution would be calculated based on £35,000 per hectare and as such the contribution would be £26,250.00 (0.75 hectares x £35,000).

The NFC would request that such a contribution is secured in the Section 106 agreement.

The applicant has confirmed their acceptance to the payment of the National Forest contribution.

Open Space, Sport and Recreation Facilities

Policy IF3 of the adopted Local Plan outlines that open space, sport and recreation facilities should be sought on development proposals of 50 dwellings or more. Given that it is proposed that 100 dwellings would be created the terms of Policy IF3 would be applicable.

When considering an application against Policy IF3 due regard is to be given to four criteria, (a) to (d), which are as follows:

- (a) *The scale of the proposed development and the mix and type of dwellings to be provided;*
- (b) *The nature and scale of existing open space, sport and recreation provision within the locality of the proposed site;*
- (c) *The likely population characteristics resulting from the proposed development as well as that of the existing population in the locality; and*
- (d) *Local evidence of need, including (but not limited to) a Playing Pitch Strategy, open space assessment of need or equivalent sources.*

In terms of criterion (a) of Part (1) of Policy IF3 the proposed would result in a mix of predominately 2 and 3 bedroom dwellings, with a lower percentage of 1 and 4+ bedroom dwellings (this is as outlined in the '*Housing Mix*' sub-section of the '*Design, Housing Mix and Impact on the Character and Appearance of the Streetscape*' section of this report above).

Given such a mix it is considered that the dwellings would be predominately aimed at couples or families. The consultation response from the District Council's Health and Wellbeing Team indicates that the population generated because of the development, using a housing multiplier, would be 240 people (when accounting for their calculation being based on 103 dwellings whereas only 100 dwellings are now proposed).

With regards to criterion (b) of Part (1) of Policy IF3 the consultation response from the District Council's Health and Wellbeing Team outlines that a natural turf pitch must be within 15 minutes' walk time of a development site, and an artificial grass pitch (AGP) must be within a 15 minutes' drive time. Owen Street Sports Ground, is situated with 0.9 miles of the application site (15 minute walk time via local footpaths and 4 minute drive time).

In terms of criterion (c) of Part (1) of Policy IF3 the development site is within Coalville which has a population of 21,988 based on figures provided from 2021 Office for National Statistics Data. The existing population characteristics of Coalville would be varied given its status as the Principal Town within the District. The population characteristics associated with the development would likely involve the movement of small to medium sized families into the settlement along with younger couples.

With regards to criterion (d) of Part (1) of Policy IF3 the consultation response from the District Council's Health and Wellbeing Team indicates that regard has been given to the North West Leicestershire Playing Pitch Strategy (NWLPPS) (2017) and Local Football Facility Plan (LFFP) (2017). It also outlines that to address both the current and future shortfalls created by housing development and population growth, it is recommended that new grass pitches are provided. The Council's Health and Wellbeing Team recognise, however, that this solution is costly and therefore consider it more cost effective to action dedicated pitch improvements to existing facilities.

Part (2) of Policy IF3 outlines that any open space, sport and recreation provision should be designed as an integral part of the proposed development in accordance with Policy D1 of the adopted Local Plan. Part (3) of Policy IF3 indicates that the provision of open space, sports and recreation facilities should be located on-site unless an off-site or partial off-site contribution would result in equally beneficial enhancement to existing open space, sports and/or recreation facilities which is of benefit to the local community. The latter part of Policy IF3 indicates that further guidance will be set out in a supplementary planning document (SPD) but to date no such SPD has been produced.

The proposed scheme would result in the creation of 100 dwellings on a 3.76 hectare site comprising predominately greenfield land. As is identified on the plans there would be no provision of sports or recreation facilities on the site and any open space would comprise that within the western parts of the site. Consequently, to meet the terms of Policy IF3 off-site contributions would be required to enhance existing open space, sports and/or recreation facilities impacted on by the proposed development.

As part of their consultation responses the District Council's Health and Wellbeing Team have indicated that the following sport and recreation facility would be impacted on by the proposed development and where an off-site financial contribution would be sought.

The calculation of the financial contribution is based on the current population, forecasted future population growth, the percentages of population split into age groups and current trends in participation levels within football using team generation rates.

Natural Turf Pitch Improvements at Owen Street Sports Ground

Owen Street Sports Ground is privately owned and managed, with secure tenure, by Coalville Town Football Club.

At present the club hosts 2 x adult, 2 x mini and 1 x youth pitches with the NWLPPS and LFFP outlining that the youth pitch is overplayed with no spare capacity. Actual spare capacity is reported during peak times on the 2 mini pitches and 2 adult pitches.

The NWLPPS and LFFP also highlight the pitches to be of poor standard and quality and as the audit was undertaken in 2017 it is reasonable to assume that these pitches would have been subject to more wear and tear. The LFFP also identified Owen Street Sports Ground as a site of priority for grass pitch improvements with a focus on projects supporting adult males and females, youth males and females and mini soccer.

The NWLPPS highlights that there are currently 11 grass pitch sites in NWL with 3 or more full-size pitch equivalents, these contain 40 grass pitches. Of these, only 3 are considered to have good quality pitches and 8 are either standard or poor quality.

Owen Street Sports Ground is located within the viable travel time of the proposed development and is considered a priority for improvement. The sports ground hosts 5 pitches and has been identified by the NWLPPS and LFFP as a site with standard to poor quality pitches and which has no additional options to accommodate any further teams on the youth pitch.

Additionally, a 3G pitch may be developed at the Owen Street Sports Ground and therefore it is essential that all the remaining grass pitches are developed to the best possible standard to ensure they can meet the increased demand on the reduced number of grass pitches.

Using the calculations from the Sport England Playing Pitch calculator, the housing development creates an additional demand of 0.09 of a youth football pitch. This would equate to a cost of £8,294.00 towards youth pitch improvements at Owen Street Sports Ground.

The applicant has confirmed their acceptance to the payment of the Open Space, Sport and Recreation Facilities contribution.

In conclusion it is considered that the provision of the above contribution would enable the enhancement of existing open space, sport and recreation facilities within the vicinity of the site. It is considered that such a contribution is reasonable given the total number of dwellings proposed and the level of impact to an existing facility arising because of the development.

On the above basis it is considered that the terms of Part (3) of Policy IF3 are met in that the off-site financial contribution, will result in an equally beneficial enhancement to an existing facility which would be utilised by future residents given its proximity to the site.

Section 106 Total Contributions:

Based on the above the following contributions would be secured within a Section 106 agreement:

- (i) Affordable Housing – all dwellings on site.
- (j) Education - £451,557.60.
- (k) Highways - £606,122.50.

- (l) Civic Amenity - £6,538.00.
- (m) Libraries - £2,747.99.
- (n) Health - £77,440.00.
- (o) National Forest - £26,250.00.
- (p) Open Space, Sports and Recreation Facilities – £8,294.00.
- (q) Total Financial Contribution - £1,178,950.09.

Overall, and insofar as the developer contributions are concerned, the view is taken that the proposed contributions would accord with the principles of relevant policy and legislative tests outlined in Policies IF1 and IF3 of the adopted Local Plan, Circular 05/95, the CIL Regulations and the NPPF.

Assessment of objections in relation to developer contributions and infrastructure

Objection	Officer Response
<p>There is a lack of facilities for children to play on or utilise.</p>	<p>Criterion 1(b) of Policy IF3 of the adopted Local Plan outlines that consideration be given to the nature of scale of recreation facilities (such as children’s play facilities) within the locality. As part of their consultation response the Council’s Leisure Team have not requested a contribution towards the improvement of play facilities with it being the case that play facilities would be provided as part of the development to the north-west which would be accessible to future residents. Open space and play facilities are also available on Frearson Road and at the Ashburton Road Recreational Ground which would be accessible to future residents.</p>
<p>The local services and amenities such as roads, schools and GP surgeries will not cope with the additional pressures placed on them by further residents.</p>	<p>See above assessment. Relevant contributions have been sought from organisations to mitigate the impacts of the development on local services and amenities which would be secured in a Section 106 agreement should permission be granted.</p>

Archaeology

The County Council Archaeologist has indicated that an appraisal of the Leicestershire and Rutland Historic Environmental Record (HER) notes that a Roman coin hoard was found in an adjacent field.

Whilst the current results of the submitted archaeological desk-based assessment (ADBA) are considered acceptable to the County Council Archaeologist to support the planning decision, further post determination trial trenching would be required to define the full extent and character of the necessary archaeological mitigation programme.

In the circumstances that the application site is largely undisturbed there is a reasonable likelihood that archaeological remains are present on the site, given such opportunities the County Council Archaeologist considers it necessary for conditions to be imposed on any consent for a programme of archaeological work to be carried out, in advance of the development commencing, to record and advance the understanding of the significance of any heritage assets. Such conditions are considered reasonable given the archaeological potential of the site and their inclusion ensures compliance with Policy He1 of the adopted Local Plan, insofar as it relates to archaeology, and Paragraph 211 of the NPPF.

Waste Collection

Whilst the Council's Waste Services Development Officer (WSDO) has been consulted on the application no consultation response has been received.

Notwithstanding this, the *'Highways Impact'* section of this report above concludes that the proposed internal highway would meet the requirements of the Leicestershire Highways Design Guide (LHDG) and would therefore be suitable for adoption. On the basis that the internal highway is adopted it would be possible for the Council's waste vehicles to utilise the highway without the requirement for an indemnification agreement to be entered into. The County Highways Authority (CHA) are also satisfied that the Council's waste vehicles could manoeuvre within the turning heads at the ends of the secondary highways.

In the circumstances that the main spine roads and secondary highways could be utilised by the Council's waste services vehicles the majority of the dwellings would be able to present their waste receptacles directly onto the street for collection from the kerbside.

It is, however, the case that the highways serving plots 1 to 2, 4 to 6, 53 to 55 and 95 to 98 would not be adopted and are not designed to enable the Council's waste vehicle to utilise them. On this basis bin collections points (BCPs) would have to be provided to enable these plots to present their waste receptacles adjacent to the extent of the adopted highway. The layout plan as submitted shows where such BCPs would be located, and it is considered that they are conveniently placed to enable the Council's Waste Services Operatives (WSOs) to access them.

Whilst conveniently located for the Council's WSO's, it is the case that certain BCPs may be more than 25 metres from the suggested location of the bin storage point (BSP) for a particular dwelling, namely plots 1, 2 and 95, and consequently a condition would be imposed on any permission granted so that the precise location of the BCPs is submitted for approval. An informative would also be imposed on any permission granted to advise the applicant that any future residents of those plots served by unadopted highway (as outlined above) are made aware that their waste receptacles would need to be presented in the bin collection point on the day of collection.

The submitted layout plan also indicates the intended locations of BSPs for the individual properties, although as outlined above such BSPs would need to be 25 metres or less from the BCP to ensure the drag distance was acceptable (in accordance with Building Regulations – although such compliance would not justify a refusal of a planning application given it is separate legislation). It is considered that a condition could be imposed on any permission granted to secure a scheme of BSPs for the dwellings and which would ensure they are suitably located.

In agreeing such a scheme of BSPs, there may be a potential that certain BSPs may have visibility within the streetscape and on this basis the condition securing details of the BSPs would also seek to ensure that such storage solutions are enclosed where they would have visibility within the site, or from the public domain. This would ensure that the storage of bins would not result in detriment to the streetscape.

Contaminated Land

Policy En6 of the adopted Local Plan outlines that proposals for development on land that is (or is suspected of being) subject to contamination will be supported where a detailed investigation and assessment of the issues is undertaken and that appropriate mitigation measures are identified, where required, which avoid any unacceptably adverse impacts upon the site or adjacent areas, including groundwater quality.

The Council’s Land Contamination Officer has reviewed the submitted Geo-Environmental Assessment and based on its findings has outlined that any planning permission to be granted should be subject to conditions requiring the submission of a further risk based land contamination assessment, along with any remedial scheme and verification plan should the assessment identify any unacceptable risks.

It is considered that the imposition of such conditions is reasonable in the circumstances that the land would be utilised for residential purposes, and therefore necessary to ensure the health and safety of any future employees. Subject to the imposition of such conditions, the development would accord with Policy En6 of the adopted Local Plan, as well as Paragraphs 180, 189 and 190 of the NPPF.

Aviation Safety

Part (1) of Policy Ec5 of the adopted Local Plan outlines that development which would adversely affect the operation, safety or planned growth of East Midlands Airport will not be permitted.

As part of the consideration of the application East Midlands Airport Safeguarding (EMAS) has been consulted and they have raised no objections to the application given that aviation safety at East Midlands Airport (EMA) would not be compromised. EMAS has, however, advised that an informative be imposed on any permission granted to make the applicant aware of their crane and tall equipment notification procedure.

On this basis, and subject to the imposition of the informative, there would be no conflict with Policy Ec5 of the adopted Local Plan.

Other Matters

Assessment of objections in relation to other matters

Objection	Officer Response
<p>The loss of the site will prevent people from taking walks in the countryside and undertaking regular exercise.</p>	<p>The application site is not publicly accessible so therefore is not available for those who wish to exercise. As a result of the development connectivity would be provided</p>

	between the application site and the development being constructed to the north-west to 'link' green spaces and thereby encourage exercise and walking.
<p>The gas and electricity services cannot accommodate more development with broadband speeds also being an issue in Hugglescote.</p>	<p>It is considered that the responsibility of ensuring that gas, electricity and suitable broadband speeds are delivered would be a matter to be addressed by the relevant service providers outside of the planning process and is not a reason to resist development.</p>

Conclusion and Contribution to Sustainable 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). The application site is within the defined Limits to Development and partly comprises a brownfield site, but is predominantly a greenfield site, within the Coalville Urban Area which is defined as the 'Principal Town' and is the primary settlement in the district where most of the new development would be undertaken. On this basis the principle of the redevelopment of the site is considered acceptable.

In addition to the need to determine the application in accordance with the development plan, regard also needs to be had to other material considerations (and which would include the requirements of other policies, such as those set out within the National Planning Policy Framework (NPPF) (2023)). The NPPF contains a presumption in favour of sustainable development and when having regard to the three objectives of sustainable development, it is concluded as follows:

Economic Objective:

This objective seeks to ensure that sufficient land of the right types is available in the right places and at the right time to support growth, innovation, and improved productivity, and that the provision of infrastructure is identified and coordinated. It is accepted that, as per most forms of development, the scheme would have some economic benefits including those to the local economic during the construction stage. The applicant has also confirmed that the contributions as set out in the 'Developer Contributions and Infrastructure' section of this report above would be made and these would be secured in connection with the scheme.

Social Objective:

The economic benefits associated with the proposed development would, by virtue of the social effects of the jobs created on those employed in association with the construction of the development, also be expected to provide some social benefits. The NPPF identifies, in respect of the social objective, the need to ensure that a sufficient number and range of homes can be provided to meet the needs of present and future generations, and by the fostering of a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.

Subject to the extent of the contribution being secured in a Section 106 obligation, the scheme would deliver a level of affordable housing more than that required by Policy H4 of the adopted Local Plan with the range and types of house types meeting an identified need.

In terms of the social objective's stated aim of fostering a well-designed and safe environment, it is considered that, subject to the imposition of conditions to secure suitable design detailing and landscaping, that the scheme would be of an appropriate design which would successfully integrate into, and enhance, the environment in which it is set.

As per the economic objective above, the scheme would provide for the necessary infrastructure to support the development and perform well in terms of the need to provide accessible services and contribute towards the enhancement of open spaces that reflect current and future needs and support the communities' health, social and cultural well-being.

Environmental Objective:

A partial element of the development would be undertaken on brownfield land which would be the most appropriate land for new development as outlined by Paragraphs 123 and 124 of the NPPF. Given the location of the development in the Coalville Urban Area the ability to access services would be achievable via means other than the private car which would enable the development to contribute positively towards the movement to a low carbon economy. The scheme's design would also protect and enhance the built environment with a net gain in biodiversity above 10% being demonstrated and features of importance on the site (such as the woodland, groups of trees and watercourse) being retained and incorporated successfully into the development. This would therefore protect and enhance the natural environment.

It is considered that such compliance with the Environmental Objective would outweigh the conflict associated with the majority of the development being undertaken on a greenfield site, albeit it is accepted that such a greenfield site is within the defined Limits to Development and is not protected from development.

Having regard to the three objectives of sustainable development, therefore, and having regard to the conclusions in respect of various technical issues as outlined above, it is considered that subject to the imposition of conditions and the securing of a Section 106 agreement the overall scheme would represent sustainable development and approval is recommended.

Demolition of existing building and erection of residential building to accommodate 4 no. apartments and associated alterations

**Report Item No
A2**

**2 Central Road, Hugglescote, Coalville, Leicestershire, LE67
2FD**

**Application Reference
24/00009/FUL**

**Grid Reference (E) 442581
Grid Reference (N) 312840**

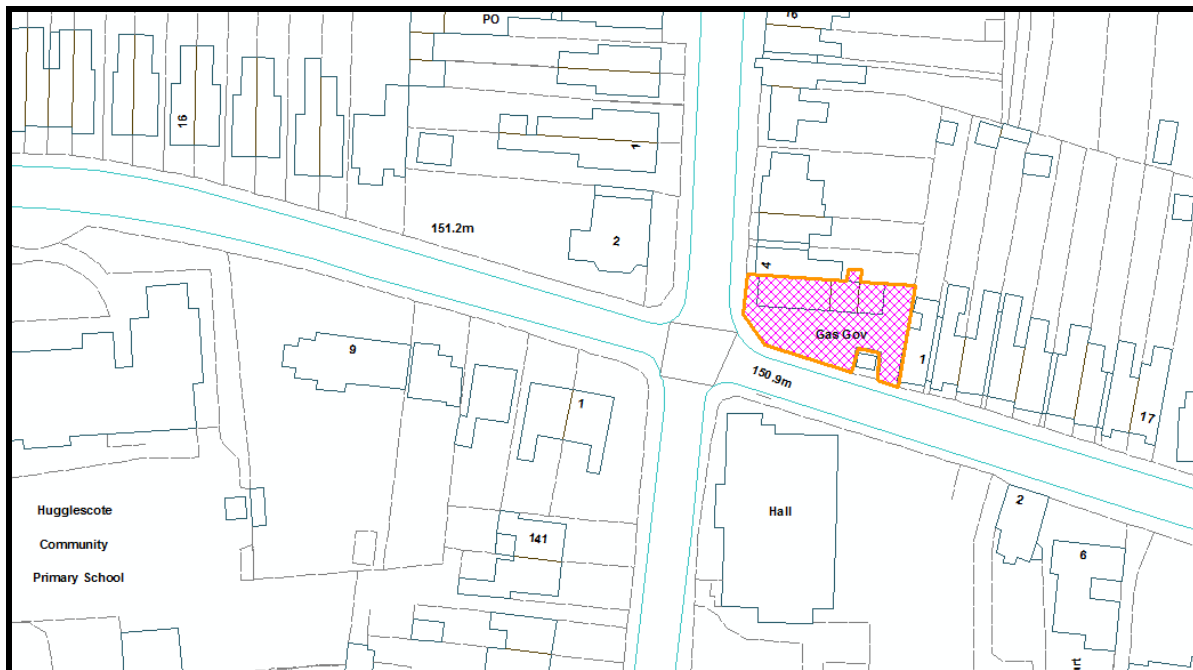
**Date Registered:
4 January 2024
Consultation Expiry:
25 April 2024
Determination Date:
15 March 2024**

**Applicant:
Craig Farrell**

**Case Officer:
Chris Unwin-Williams**

Recommendation: PERMIT subject to conditions

Site Location - Plan for indicative purposes only



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Reason the case is called to the Planning Committee:

The application is referred to the Planning Committee given the receipt of a call-in request from the local ward member, Cllr Johnson which outlined the following reasons:

- concerns relating to highway safety (including a lack of car parking within the development).
- design, character and appearance concerns (relating to the side elevation).
- impacts upon residential amenity.
- the proposals would constitute overdevelopment.

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

1. Standard time limit – 3 years for commencement of development.
2. Plans list.
3. Scheme of all external materials to be used in the construction of the residential block to be submitted (no development built above damp-proof course level)
4. Details of the window reveals, cills, lintels, chimneys, brick bond and windows, of a scale of not less than 1:20 shall be submitted to and be approved in writing by the Local Planning Authority (no development built above damp-proof course level).
5. No development to commence on site until a construction traffic management plan has been submitted to the Local Authority for approval (pre-commencement)
6. Secure cycle parking shall be provided in accordance with details to be submitted to the Local Authority for approval (prior to occupation)
7. External bin store shall be provided in accordance with details submitted to the Local Planning Authority for approval (prior to occupation).
8. Closure of existing accesses in accordance with details to be submitted to the Local Authority for approval (prior to occupation)
9. Boundary treatment scheme to be provided for review and agreement by the Local Authority (prior to occupation).
10. Details of 2 groups of 3 integrated swift boxes to be installed on the site and a timetable for their installation shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be installed in accordance with these details (damp proof course)
11. Scheme of soft and hard landscaping and a timetable for implementation has been submitted to and approved in writing by the local planning authority (damp proof course)

MAIN REPORT**1. Proposals and Background**

The mandatory requirement for 10% Biodiversity Net Gain (BNG) for minor development as required by the Environmental Bill came into force on the 2nd of April 2024. However, this requirement would only be applicable to those applications received on or after the 2nd of April 2024 and is not to be applied retrospectively to those applications already under consideration before this date and subsequently determined after this date. On this basis the proposed development would not be required to demonstrate a 10% BNG.

The application itself relates to the demolition of an existing dilapidated lean-to side/rear extension which is attached to no. 4 Central Road and the erection of a two-storey residential block.

However, it should be noted that No. 4 (although in the applicant's ownership) would be retained as part of the proposals and would not be subject to the current application. The site is located within Limits to Development, as defined by the Policy Map to the adopted Local Plan.

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

Site Location Plan and Aerial Image



Planning History

- 23/01320/FUL - Demolition of existing building and erection of residential building to accommodate 5 no. apartments and associated alterations – Withdrawn by the applicant given concerns raised by officers relating to design, impact on non-designated heritage assets, amenity, and overdevelopment of the site.
- 23/00967/PNK - Existing building to be re-built and converted into 4 no. apartments (prior approval application) – Withdrawn by the applicant given that the proposals would not comply with Class MA criteria as outlined in the GPDO.
- 21/00896/FUL - Part demolition of existing building, erection of a two storey extension and change of use to five assisted living flats alongside other external works and alterations – Application Permitted
- 20/00443/FUL Change of use to 9 no. assisted living units to include part demolition of existing dwelling and internal alterations, erection of a three-storey extension and associated site alterations – Withdrawn by applicant.

2. Publicity

26 Neighbours have been notified.
Site Notice displayed 16 February 2024.

3. Summary of Consultations and Representations Received

Hugglescote and Donington Le Heath Parish Council – No comments received.

Leicestershire County Council Highways – No objections subject to the inclusion of conditions to include a construction traffic management plan, secure cycle parking, the closure of existing vehicular accesses and boundary treatment scheme.

Leicestershire County Council Ecology – No objection subject to the inclusion of a planning condition to secure swift bricks as part of the development proposals.

Environmental Protection – No objections and the proposed use would not negatively impact on its environment by way of noise, light, odour or other disturbance.

Contaminated Land Officer – No objections subject to the inclusion of Risk Based Land Contamination Assessment conditions to include a Remedial Scheme and a Verification Plan.

Conservation Officer – Amended drawings do not address all concerns but notes that the proposals would be finished in red brick at ground floor level and would include a gable chimney stack.

Waste Services – No comments received.

Building Control - No comments received.

Severn Trent Water - No comments received.

Third party letters of representation - Neighbouring properties were consulted during the lifetime of the application and 6 no. objections have been received raising the following comments:

- Concerns regarding overlooking, particularly relating to the proposed second floor window
- The proposals would result in overshadowing to No. 1 Grange Road
- The development includes no provision for off-street parking and on-street parking on a busy crossroads would further exacerbate existing parking issues and highway safety issues
- There is no parking for construction workers, construction traffic or material delivery lorries and vans. As such, this would result in unacceptable highway safety impacts.
- Refuse collections for multiple units on such a busy junction would cause highway safety issue for children attending the primary school and would cause traffic disruption.
- Poor outlook and living conditions for the future occupants of the second floor of the proposals
- The proposals would result in flooding impacts

4. Relevant Planning Policy

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.

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

Neighbourhood Plan

The Hugglescote and Donington le Heath Neighbourhood Plan forms part of the development plan and the following policies of the Neighbourhood Plan are relevant to the determination of the application:

- G1 Limits to Development
- G3 Design
- H1 Housing Mix
- ENV4 Non-designated Heritage Assets
- ENV6 Biodiversity and Habitat Connectivity
- T2 Residential and Public Car Parking

Other Policies and Guidance

- National Planning Practice Guidance
- Leicestershire Highways Design Guidance (Leicestershire County Council)
- Good Design for North West Leicestershire SPD - April 2017

5. Assessment

Principle of Development

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

The existing building comprises a three-bedroom dwelling (Use Class C3(a)) and the proposal would provide 4 no. separate apartments including 2 no. ground floor studios, one 2-bed flat at first floor level and one 1-bed flat at second floor level. Each flat would have a bathroom and open plan kitchen/living space.

The flats are all separate units but with communal areas including secure cycle store and outdoor amenity space.

The proposal is considered appropriate for the location and complies with Policy S2 of the Local

Plan and Policies G1 and H1 of the Neighbourhood Plan.

Scale, Design, Character and Appearance and Impact on non-designated heritage assets

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 Policy En3.

In particular, the Good Design for North West Leicestershire SPD requires development to contribute towards creating or reinforcing local distinctiveness and identity, and indicates that developments located within the National Forest will be strongly encouraged to reflect the principles and ethos of the Forest through:

- Green infrastructure;
- Building performance (i.e., more environmentally responsible buildings); and
- The selection and use of materials such as timber (including in construction, in both a structural and non-structural manner).

Hugglescote Community Centre is to the south of the site and is a non-designated heritage asset in the Neighbourhood Plan and as such Policy ENV4 applies. Paragraph 209 of the NPPF states that

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

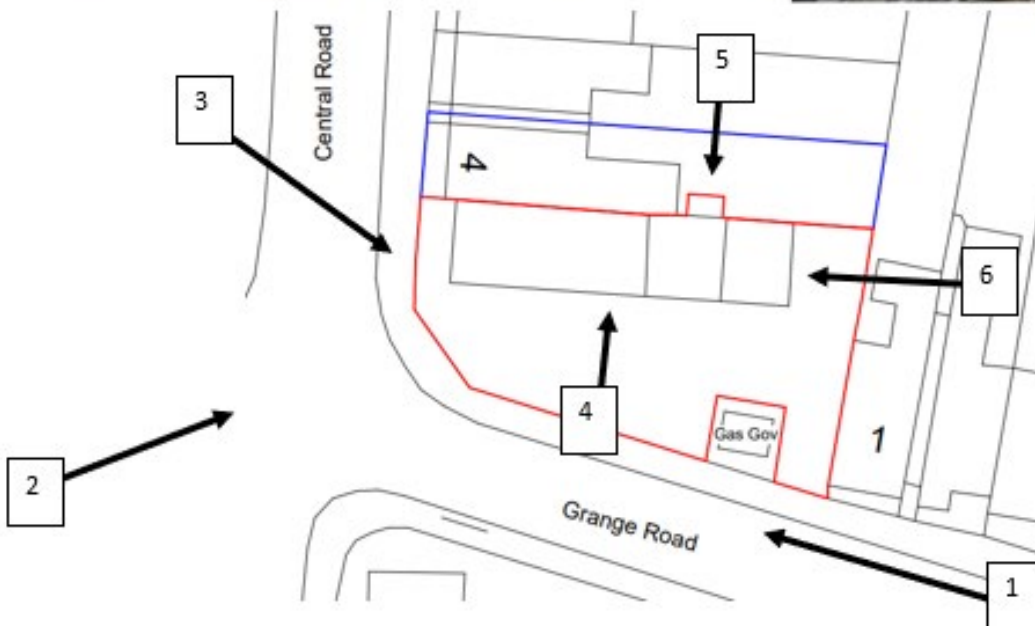
Hugglescote Community Centre – Non-designated heritage asset



The application is supported by a Design and Access Statement explaining the applicant's rationale for the scheme as proposed and setting out the principal design considerations.

The application relates to the demolition of an existing dilapidated lean-to side/rear extension which is attached to no. 4 Central Road and the erection of a two-storey residential block. However, it should be noted that No. 4 (although in the applicant's ownership) would be retained as part of the proposals and would not be subject to alterations proposed within the current application, falling outside of the red line as identified on the provided location plan.

No. 4 Central Road (which is in the applicant's ownership but not within the red line boundaries of the current application), is an end of terrace of three units and is a two-storey building with a painted façade under a slate roof. There is a bay window on the ground floor and pedestrian access to the north providing access to this and the neighbouring property.



The proposal comprises the removal of the single storey elements to the side/rear of the property and the erection of a residential apartment block, to provide 4 no. separate apartments including 2 no. ground floor studios, one 2-bed flat at first floor level and one 1-bed flat at second floor level. The residential block would comprise of a two-storey building with accommodation within the roof space, with communal gardens located to the south and east of the building. Given that this would mirror the scale of the existing terraced properties and would correspond to the building line of both Grange Road and Central Road, this would be considered acceptable in its context and would not appear out of place within the local street scene or appear overbearing in its context.

Throughout the course of the application, the Conservation Officer has been consulted to establish the potential impacts on the nearby non-designated heritage asset who initially objected to the application. Initial comments provided requested an update to facing materials (red brick to mirror surrounding properties), alterations to the set back of the rear wing, the pitch of the rear wing roof, the inclusion of a gable chimney stack and the submission of further details in respect of the boundary arrangements. Additional Officer comments were also forwarded which included requests for amendments to the siting/layout of windows so these would appear centralised, the omission of certain windows and inclusion of roof lights, the addition of stone cills and a brick soldier course.

Following this, revisions were received detailing the following amendments:

- Amendments to the facing materials to ensure that the materials at ground floor level would be finished in red brick with the addition of a brick soldier course.
- The inclusion of a gable chimney stack.
- The omission of the proposed rear window at second floor level (which residents were particularly concerned about).
- Amendment to a single pane window to the rear at first floor level.
- Additional rooflights to the side elevation roof slope.
- The centralising of windows and doors to the side elevation and the addition of an additional bay window.
- The addition of stone cills above all doors and windows.

It is noted that the Conservation Officer was reconsulted based on these plans where he confirmed that the proposals would represent an improvement in design through the inclusion of red brick at ground floor level and the inclusion of a gable chimney stack. Whilst other requests such as amendments to the rear wing or pitch of the rear roof were not addressed, due consideration has been given to the advice provided by the Conservation Officer as well as the NPPF which notes that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The existing site includes a dilapidated side/rear extension, and it is considered that in its current condition, the existing built development on the site detracts from the setting of the adjacent non-designated heritage asset. In terms of the overall design of the residential block, the proposals have been the subject of detailed design discussions with amendments being made throughout the application process to address officer concerns.

The development, as proposed following revisions, ensures that the proposals would be finished in

red brick (with soldier course detailing), with white render at first floor level. Whilst the Conservation Officer notes that this would not closely reflect the character of the host building, such a design is not uncommon in the local vicinity, with there being several examples of similar design around the crossroads (see included examples below). Notwithstanding this, render is abundantly present within the street scene and as such, it is not considered that its use would result in harm to the setting of the adjacent non-designated heritage asset.

Examples of half render, half brick properties in the immediate area

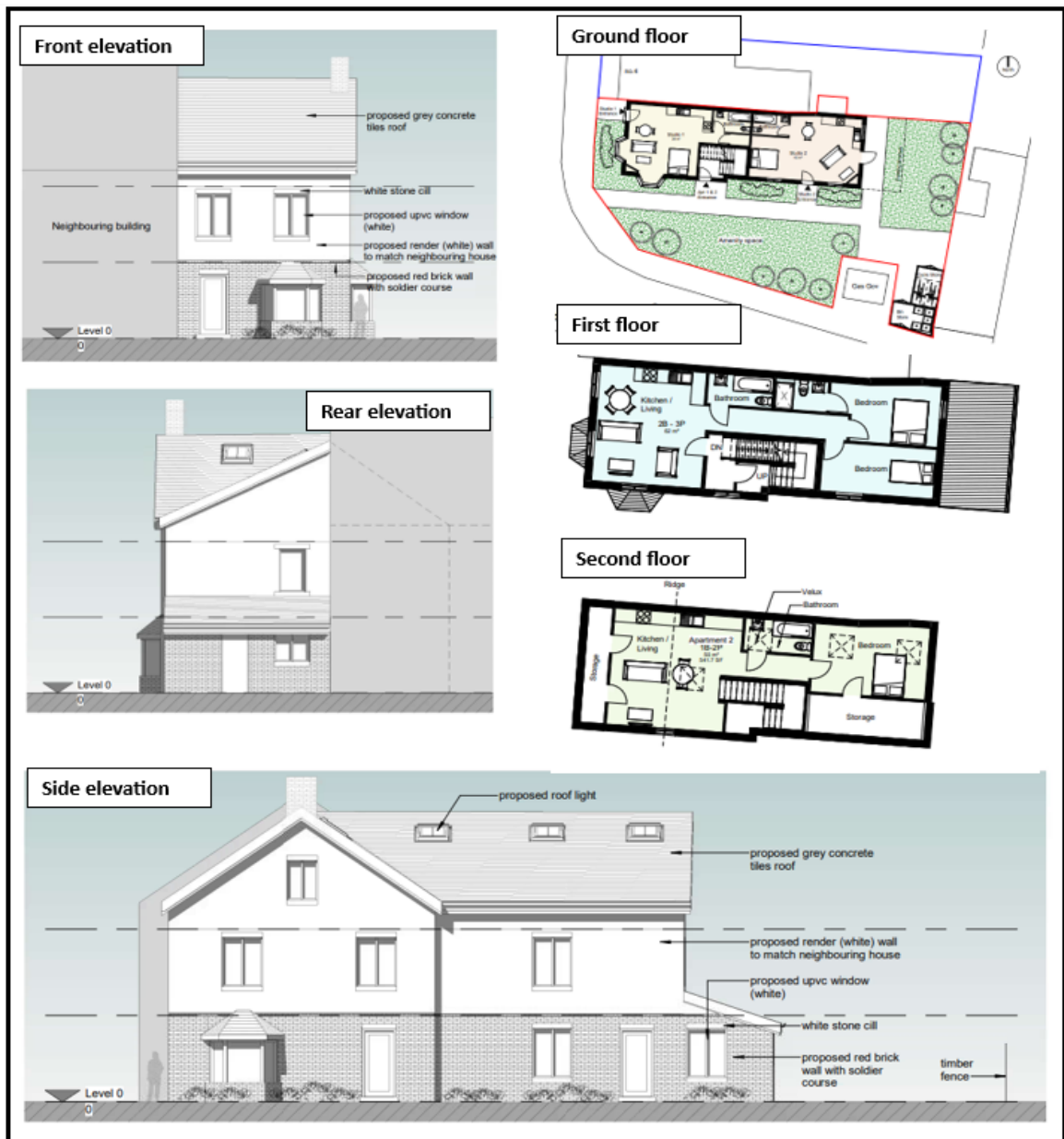


The proposals also now include a gable chimney stack and whilst the comments regarding authenticity are noted, when viewed in conjunction with the property directly opposite the proposals on this section of the crossroads, it is considered that such a layout, with a window directly below the chimney stack would not appear out of place in the street scene.

Whilst other comments including the type of proposed boundary treatments and the set-back of the rear wing were not addressed in revisions, it is noted that there are a wide range of boundary treatment designs and styles in the local area (including railings like that proposed under the current application including a similar example for the boundaries of the community centre itself). Further, it is not considered that the inclusion of a slight increase in the setback proposed for the rear wing (of approximately 0.1m) would materially impact upon the setting of the adjacent non-designated heritage asset or streetscene.

It is considered that amendments have resulted in a design which is improved, with the inclusion of locally appropriate materials, with an overall design which would emulate the traditional vernacular characteristics of the local area such as through the inclusion of stone cills, brick soldier courses, a gable chimney stack, the centralising of windows to the side elevation and the inclusion of additional ground floor bay windows to better emphasise the dual frontage whilst increasing natural surveillance of the development, in line with the guidance outlined in the Good Design SPD. With this in mind, it is considered that the proposals would result in an enhancement of the site and would therefore benefit the setting of the community building.

The development is therefore considered to be compliant with Policy D1 of the adopted Local Plan, Policy G3 and ENV4 of the Neighbourhood Plan, the Council's Good Design SPD and the advice contained within 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.

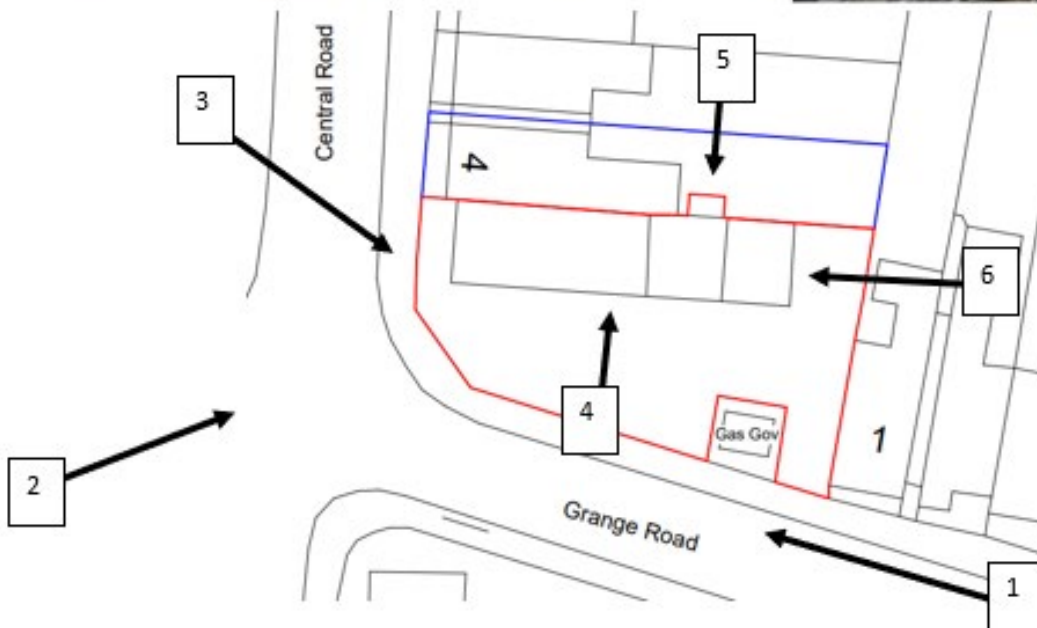
The application relates to the demolition of an existing dilapidated lean-to side/rear extension which is attached to no. 4 Central Road and the erection of a two-storey residential block. However, it should be noted that No. 4 (although in the applicant's ownership) would be retained as part of the proposals and would not be subject to alterations proposed within the current application, falling outside of the red line as identified on the provided location plan.

No. 4 Central Road (which is in the applicant's ownership but not within the red line boundaries of the current application), is an end of terrace of three units and is a two-storey building with a painted façade under a slate roof. There is a bay window on the ground floor and pedestrian access to the north providing access to this and the neighbouring property.

The proposal comprises the removal of the single storey elements to the side/rear of the property and the erection of a residential apartment block, to provide 4 no. separate apartments including 2 no. ground floor studios, one 2-bed flat at first floor level and one 1-bed flat at second floor level. The residential block would comprise of a two-storey building with accommodation within the roof space, with communal gardens located to the south and east of the building.

Throughout the course of the application, third parties were consulted to establish views on the proposals and concerns were raised in relation to the potential for overlooking (particularly relating to the proposed second floor window to the rear and that the proposals would result in overshadowing/overbearing impacts to the occupants of No. 1 Grange Road. Further concerns were raised regarding the living conditions of future occupiers of the apartments.

Due consideration has been given to the potential impacts upon surrounding neighbours, with consideration being given to the direct neighbours of No. 4 Central Road and No. 1 Grange Road which directly abut the application site. Relevant viewpoints from the existing site are included below for reference.



Amenity Assessment

In terms of the impact upon the occupants of No. 4, it is noted that the proposed residential block would be located to the south of No. 4 Central Road. The proposed two storey section of the proposals would extend approximately 1.9m in depth beyond the rear elevation of No.2, with the proposed single storey rear element extending a further 2.6m in depth (equating to approximately 4.5m in depth overall).

When having consideration to the 45-degree rule, it is noted that the proposals would result in a breach in the 45-degree line when measured from the nearest habitable window. Nevertheless, it is noted that this breach is largely limited to the single storey rear element proposed at ground floor level where both a lean-to roof and modest eaves heights are proposed to minimise any potential overbearing and/or overshadowing impacts. As such, having consideration to the above, along with noting that the existing dilapidated structure and single storey rear extensions also result in breaches in the 45-degree rule, it is not considered reasonable to resist the application on these grounds.

In terms of overlooking to the neighbour at No. 4, it is noted that there would be 1 no. rear habitable window to serve a bedroom at first floor level. Whilst it is considered this would result in some overlooking to the adjacent garden amenity space, given this does not directly face onto the amenity space and that such a relationship is not uncommon in the immediate area, it is not considered this window alone would warrant the refusal of the application on overlooking or loss of privacy grounds.

In terms of the impacts upon the neighbour at No. 1 Grange Road, it is noted there would be a minimum separation distance from the boundary to the two-storey element of the residential block of approximately 10m. Given that the proposals would maintain a minimum 10m separation distance between two storey development and the adjacent neighbouring boundary, and that the proposals would be finished with a lean-to roof adjacent to this neighbour, it is not considered the residential block would result in undue overshadowing or overbearing impacts to this neighbour. The proposals would result in the addition of a first-floor window which would face onto the side elevation of No.1 Grange Road which contains its own first floor window. Whilst it is considered the proposals would result in overlooking, given the separation distances involved (at least 10m distance) and that a similar relationship currently exists between rear and side windows with No. 4 Central Road and such a relationship is not uncommon in the immediate area, it is not considered the proposal would lead to undue overlooking or loss of privacy of this neighbouring property or its rear amenity space.

Whilst there would be first floor windows and second floor rooflights which would face to the south of the site, given the separation distances involved to neighbouring properties and that the Hugglescote Community Centre would intervene any potential views, it is not considered these proposed windows would result in any unacceptable levels of overlooking.

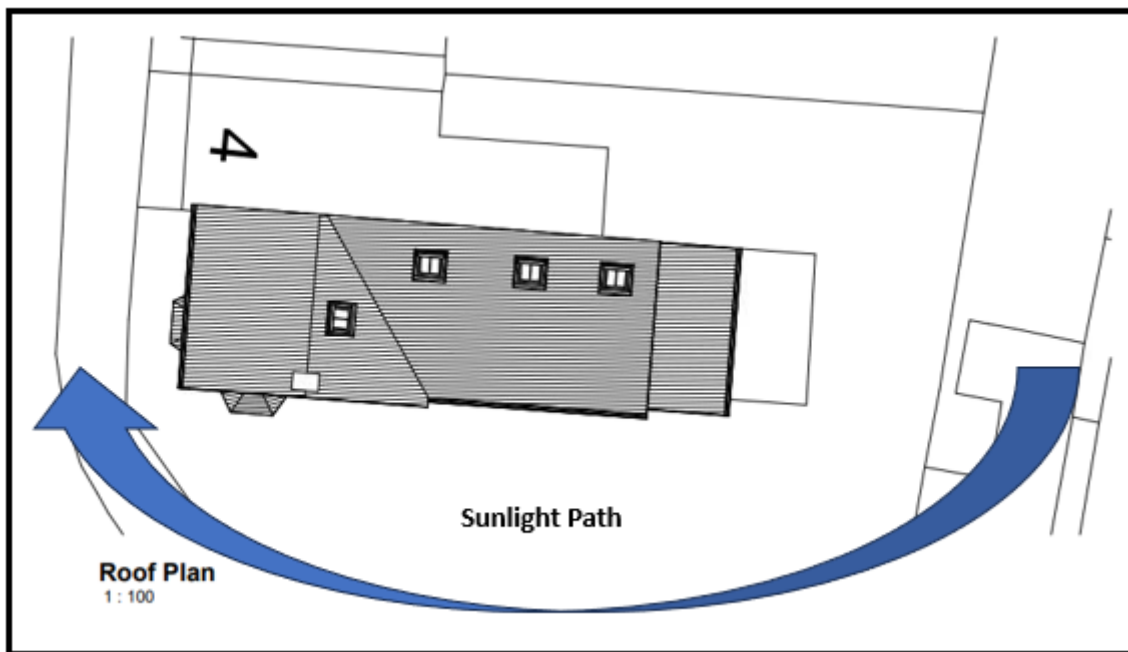
Bin and cycle storage are also proposed to the southeastern corner of the site, and it is considered that subject to a condition detailing the nature of the storage, this would not lead to undue impacts on the neighbouring properties.

Living conditions of future occupiers

Throughout the course of the application, concerns were also raised regarding the living standards of any future occupants of the proposed apartments. In terms of the amenities of future occupiers of the flats, it is noted that the Council’s Good Design SPD notes that “Where market sale apartments are proposed, individual units above ground floor will be expected to be afforded private balconies to offer residents some semi-private amenity space.” As part of the proposals, whilst each of the units would not benefit from individual private balconies, a communal garden would be proposed as part of the scheme. However, it is noted that the SPD states that “the rear private garden spaces must be at least equal to the footprint of the property” and it is considered the proposals would accord with this guidance.

In terms of access to natural light, it is noted all habitable rooms would be served by windows or rooflights, with the majority of windows being either south or west facing to maximise levels of natural light. Notwithstanding the above, discounting the second floor flat, the living spaces of the remaining flats would benefit from a dual aspect in order to maximise light and natural surveillance and would have an attractive outlook with views primarily focused on the communal gardens. The sunlight path for residential block is outlined below for reference.

Sunlight path for the residential block



Overall,
it is

considered that the future occupiers of the proposed unit could be provided with a high standard of amenity in terms of light, outlook, noise, and private amenity space. Further, 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 G3 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.

The site is located adjacent to the signalised crossroads junction of Central Road, Grange Road, Ashburton Road and Station Road. The site has existing vehicular access on Grange Road, a Class C road subject to a 30mph speed limit. Surrounding the entire frontage of the site on Central Road and Grange Road are waiting restrictions.

Photo demonstrating waiting restrictions outside the application site



Concerns were raised throughout the course of the application relating to highway safety (including a lack of car parking within the development) and that on-street parking on a busy crossroads would further exacerbate existing parking issues and highway safety issues. Similar concerns were raised regarding construction workers, traffic, and deliveries.

Leicestershire Highway Authority (LHA) were consulted throughout the course of the application who confirmed that "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."

The Applicant proposes pedestrian access only, as outlined on the submitted application form. The Applicant is advised that any access points that become redundant because of the proposals will

be required to be permanently closed and reinstated. The LHA will therefore seek to secure this by way of planning condition along with further details on a boundary treatment scheme.

It should be noted that Officers requested off-road parking during the application given concerns raised by third parties and the local ward member during the course of the application process. Whilst this was noted by the applicant/agent, the applicant noted that previous applications where off-road parking was proposed on site were objected to by the County Highway Authority and as such, none is proposed here for that same reason.

For example, under application reference 20/00443/FUL, the Local Highway Authority objected to the proposed access arrangements for a change of use to 9no. assisted living units to include part demolition of the existing dwelling and internal alterations, erection of a three-storey extension and associated site alterations at 2-4 Central Road. The LHA recommended refusal of the application based on that the proposals if permitted the proposals would lead to the formation of a substandard access which has substandard vehicular and pedestrian visibility and is substandard in width. The proposal, if permitted could lead to vehicles reversing and waiting on Grange Road to allow for vehicles to enter and exit the site which is not in the interests of highway safety.

Similarly, under application reference 21/00896/FUL which was for the part demolition of existing building, erection of a two storey extension and change of use to five assisted living flats alongside other external works and alterations at 2-4 Central Road, the Local Highway Authority originally objected to the application given that the proposal, if permitted would lead to the intensification of use of an access which has substandard vehicular visibility and no separation between the existing pedestrian crossing and vehicular access which was not in the interests of highway safety and contrary to the National Planning Policy Framework. As such, this application was amended to remove the access and off-road parking which led to the Local Highway Authority withdrawing their objections.

The agent has also confirmed that they will provide a parking statement, details of which shall be referenced within an update sheet prior to the full committee meeting to clarify the reasoning behind the lack of off-road parking. Notwithstanding the above, the inclusion of parking to the frontage would result in a significantly reduced amenity space for the occupants of the proposed apartments and overall impacts on the quality of the landscaping scheme.

In terms of highway safety, there have been six recorded Personal Injury Collisions (PICs) within 500m in all directions of the site in the previous five years. Two PICs occurred directly outside/ adjacent to the site on Grange Road which were recorded as being 'slight' in severity. North of the site on Central Road, a further two PICs occurred, one of which was recorded as being 'slight' in severity with the second recorded as 'serious' in severity. East and west of the site, a single PIC each recorded as being 'slight' in severity occurred on Denis Street and Crescent Road. The LHA has considered the circumstances of each of the above PICs and is satisfied that there is no evidence to suggest that the development proposal would exacerbate the likelihood of further such incidents occurring, particularly given the lack of access/off-road parking arrangements.

Leicestershire County Council Highways also comments on trip generation data during the application process and confirmed that for the quantum of development proposed, an assessment of the trip generation is not required.

Relating to the internal layout, no off-street parking is proposed but the application proposals include a cycle storage facility for up to four cycles. The LHA note previous consented planning

permission reference 21/00896/FUL which permitted the development of five assisted living units. The LHA considered at the time that this would ordinarily require four parking spaces however, none were to be provided.

Ordinarily, the LHA would expect that for a development of the proposed scale that at least one parking space per unit should normally be provided in accordance with Part 3, Paragraph 3.151 of the Leicestershire Highway Design Guide (LHDG). However, the Local Highway Authority has also given due consideration to the sustainability of the location. Hugglescote is a settlement located within the Coalville Urban Area which is a principal town under the settlement hierarchy set out under Policy S2. This is defined as *“The primary settlement in the district which provides an extensive range of services and facilities including employment, leisure, and shopping and which is accessible by sustainable transport from surrounding areas and to other large settlements outside the district. The largest amount of new development will be directed here, including retail development, to support the regeneration of Coalville Town Centre.”*

In terms of sustainability of the location, the nearest bus stop is located within 50m of the site (from which the number 15, 28 and 125 bus services can be accessed), which is connected by existing footways and is served by frequent services to neighbouring towns and villages. The site also has footway links to local amenities such as supermarkets, shops and takeaways and is within close proximity to both The Newbridge School and Hugglescote Community Primary School. As such, the site is a highly sustainable location and consequently, future occupants of the property 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.

Having consideration to the above, along with consideration to previous consents on the site being approved without the provision of off-road parking, noting the existing on-street parking controls protecting the crossroads junction and in having consideration to the lack of objection on highways grounds raised under application references 21/00896/FUL, 23/00967/PNK and 23/01320/FUL, the LHA raise no objections to the application.

Whilst the proposals may result in an increase in on-road parking on surrounding roads, importantly, it should be noted that in line with Paragraph 115 of the NPPF, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. It is noted that the Local Highway Authority have confirmed that the proposals would not meet this threshold and as such, refusal of the application on the grounds of a lack of off-road parking would not be defensible.

On this basis, the Local Highway Authority raises no objections, subject to conditions. Subject to the imposition of conditions, the proposal is therefore considered to be acceptable in relation to Policies IF4 and IF7 of the adopted Local Plan, Policy T2 of the neighbourhood plan, the guidance within the NPPF as well as the Leicestershire Highway Design Guide.

Ecology and Trees

Policy EN1 of the Local Plan supports proposals that conserve, restore or enhance the biodiversity of the district.

LCC Ecology were therefore consulted throughout the course of the application who noted that the proposal is in a 'Swift Alert Area'. Therefore, to ensure acceptable impacts upon protected species, LCC Ecology confirmed that subject to the inclusion of a condition for the installation of 2 groups of 3 integrated swift bricks in suitable positions, there would be no objections to the proposals.

The mandatory requirement for 10% Biodiversity Net Gain (BNG) for small sites as required by the Environment Act came into force on 2 April 2024. However, this requirement would only be applicable to those applications received on or after 2 April 2024 and is not to be applied retrospectively to those applications already under consideration before this date and subsequently determined after this date. On this basis the proposed development would not be required to demonstrate 10% BNG. Notwithstanding this, Paragraphs 180(d) and 186(d) of the NPPF set out a requirement for developments to minimise their impacts on and provide net gains for biodiversity. Whilst a completed metric has not been provided as part of the application documents given that one isn't required with planning applications which have been submitted prior to the 2nd of April 2024 and the proposals would be built on either the footprint of existing built development or hardstanding, it is not considered reasonable to insist on a completed metric in this instance. However, it is noted that paragraph 180(d) and 186 (d) seek for planning decisions to secure measurable net gains which could be secured through the conditioning of swift boxes as part of any decision on the application. As such, the proposals are considered acceptable in relation to paragraphs 180(d) and 186(d) of the NPPF.

It is considered that the proposals would comply with the provisions of Paragraph 180(d) of the NPPF. Further, it is not considered that the proposal would result in any adverse impacts to protected species or biodiversity in accordance with Policy En1 of the Local Plan, Policy Env 6 of the Neighbourhood Plan and relevant sections of the NPPF.

Flood Risk

Concerns were raised throughout the course of the application process regarding the potential for the proposals to exacerbate flooding issues in the immediate area.

The site is within Flood Zone 1 and is not located in an area at risk of surface water flooding. Whilst the proposals would result in an extension in footprint of built development on the site, given that the extended area would be located on existing areas of hardstanding or built development, it is not considered reasonable to attach a surface water condition.

As such the proposal is unlikely to result in an increase in flooding on the site or elsewhere and would comply with Policies CC2 and CC3 of the Local Plan and the guidance set out within the NPPF.

Land Contamination

It is noted that Environmental Protection were consulted during the application who confirmed that they have no objections subject to agreement to pre-commencement conditions in respect of contamination due to the potential of contamination on site and nearby.

Subject to suitably worded conditions, it is considered that the development would have an acceptable impact and would accord with Paragraph 180 and 189 of the NPPF

Other Matters

Fire Safety

Comments have been raised throughout the course of the application regarding the need for fire safety measures for the apartments, including whether a means of escape has been considered during the design process. It is noted that the proposals would not meet the thresholds to be considered in line with guidance on fire safety and high-rise residential buildings published in August 2021 ([Fire safety and high-rise residential buildings \(from 1 August 2021\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/95421/Fire_safety_and_high-rise_residential_buildings_from_1_August_2021.pdf)) as part of the planning process. However, fire safety is considered in detail at the Building Regulations stage and if any alterations may be required following review at this stage, these could be incorporated into the planning application through subsequent amendments to the original planning application.

Conclusion

The principle of the development is acceptable. Whilst concerns have been raised throughout the course of the application in respect of a lack of parking and highway safety concerns, it is noted that no objections have been raised by Leicestershire County Council Highways subject to the conditioning of a construction management plan, secure cycle storage, the closure of existing vehicular accesses and a scheme of boundary treatments.

Further, whilst residential amenity concerns were raised through the application, revised plans were received to minimise the potential impacts on surrounding occupants whilst achieving a high standard of amenity for future occupants of the apartments. Officers have also worked with the applicant and agent to achieve an improved design which would be reflective of the characteristics of the local area whilst ensuring acceptable impacts upon the adjacent non-designated local heritage asset.

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

**Erection of an outbuilding consisting of a games / play room,
bedroom, office, garden storage and shower room**

**Report Item No
A3**

7 Garden Crescent, Castle Donington, Derby, DE74 2PL

**Application Reference
24/00203/FUL**

**Grid Reference (E) 444942
Grid Reference (N) 327289**

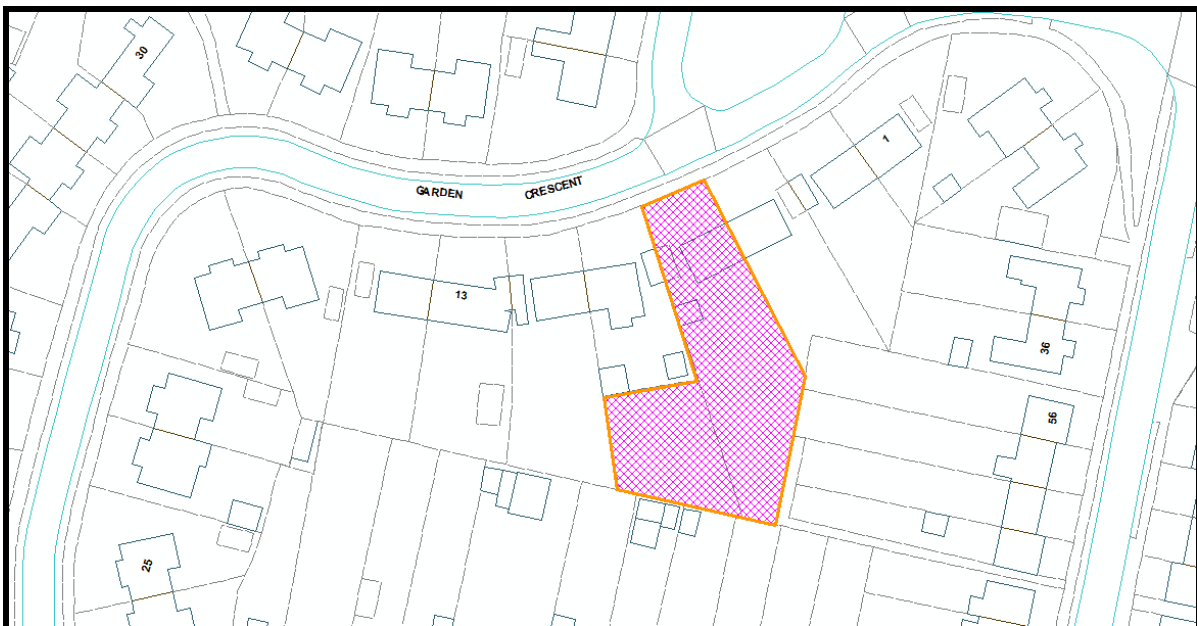
**Date Registered:
12 February 2024
Consultation Expiry:
26 March 2024
Determination Date:
8 April 2024**

**Applicant:
Ms Deborah Pickering**

**Case Officer:
Sarah Booth**

**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 Planning Committee at the request of the Director of Place due to local objections to the scheme having regards to residential amenity, over development of the site, and the planning history of the site.

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

- 1 Standard time limit (3 years)
- 2 Approved Plans
- 3 Materials – in accordance with
- 4 The building to remain ancillary to main dwelling and only occupied by a family member.

MAIN REPORT

1. Proposals and Background

The mandatory requirement for 10% Biodiversity Net Gain (BNG) for major development as required by the Environmental Bill was enacted on the 2nd of April 2024. However, this requirement would only be applicable to those applications received on or after the 2nd of April 2024 and is not to be applied retrospectively to those applications already under consideration before this date and subsequently determined after this date. Furthermore, this requirement is not applicable to householder applications, such as this, which fall within the exempt 'Others' category of development. On this basis the proposed development would not be required to demonstrate a 10% BNG.

Planning permission is sought for the erection of a domestic outbuilding consisting of a games / play room, bedroom, office, garden storage and shower room. The building would be sited within the rear garden of No.7 Garden Crescent, Castle Donington and would be used as an ancillary building to the main dwelling.

A lawful development certificate (22/01946/CLP) was approved in March 2023 for erection of a garden building within the existing residential curtilage to provide a garage, workshop, garden storage, home office and home gym with a shower room. It was determined that the development proposed in that application did not require planning permission as it would fall within permitted development.

An outbuilding is currently under construction on site which meets the size parameters approved under the aforementioned certificate of lawfulness application.

It is important to highlight that another certificate (23/01623/CLP) was submitted in December 2023 for an outbuilding and this application was refused. There were two reasons for the refusal, the first being that this application would have been within 2 metres of a neighbouring boundary and as such the proposal had exceeded the maximum height allowed under permitted development (2.5 metres). The second reason was that a bedroom was proposed within the outbuilding and a bedroom would require planning permission. For the avoidance of doubt, the current application would be at least 2 metres from all neighbouring boundaries (as shown on the site plan below), in this circumstance a building can be built up to 4 metres in height without requiring planning permission.

Proposed Site Plan:



The current planning application would be the same size and would be sited in the same location as the approved certificate 22/01946/CLP. As such the built form proposed in the current application would not require planning permission. The only aspect in the current application which requires permission is the use of one of the rooms for a bedroom.

It is proposed that the building would be used as an ancillary building to No.7 Garden Crescent and would be occupied by a family member.

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

Planning History

23/01623/CLP Certificate of lawful proposed development for erection of a garden building within the existing residential curtilage to provide garden storage, home office, shower room, games/play room and bedroom for use by a family member as an annexe form of accommodation REF 18.01.2024

22/01946/CLP Certificate of lawful proposed development for erection of a garden building within the existing residential curtilage to provide garage, workshop, garden Storage, home office and home gym with shower room PER 14.03.2023

22/01945/FUL Proposed two storey and single storey rear extensions and front porch PER 09.10.2023

22/00001/REFUSE Erection of bungalow (outline - access only) DISMIS 10.06.2022

21/00889/OUT Erection of bungalow (outline - access only) REF 08.07.2021

20/00881/OUT Erection of detached dwelling and garage (outline- access only) REF 23.07.2020

16/00325/PDNLHE Erection of single storey conservatory to the rear measuring 4.34 metres in length, with a maximum height of 3.43 metres and an eaves height of 2.40 metres NOBJ 15.04.2016

15/00145/OUT Erection of one detached dwelling and garage (Outline- means of access included). REF 13.05.2015

15/00011/REFUSE Erection of one detached dwelling and garage (Outline- means of access included). DISMIS 05.01.2016

2. Publicity

21 Neighbours have been notified.
Site Notice displayed 1 March 2024.

3. Summary of Consultations and Representations Received

Castle Donington Parish Council – Object due to intensive use of the site.

Airport Safeguarding – no objections.

Third Party Representations

6 letters of neighbour representations have been received, raising objections on the following grounds:

Grounds of Objection	Description of Impact
Principle	There have been other applications refused at this site.
	Planning Inspectors have refused development on this site previously.
	There is no “need” for this additional space.
Residential amenity	Loss of privacy.
Design / Scale / Visual Impact	Overdevelopment of the site
Environmental matters	Noise
	Fumes
	Disturbance
	Disturbance from construction
	Dust
Ecology	Loss of ecological habitats / Impact on wildlife
Other	The building will be used as a bungalow.
	By allowing the provision of a bedroom in this application it will encourage it to be used as a separate dwelling.
	Setting a precedent for future development / neighbouring development.

4. Relevant Planning Policy

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.

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
Cc2 - Water - Flood Risk
Cc3 – Sustainable Drainage Systems

Other Policies/Guidance

Planning Practice Guidance - November 2016
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).

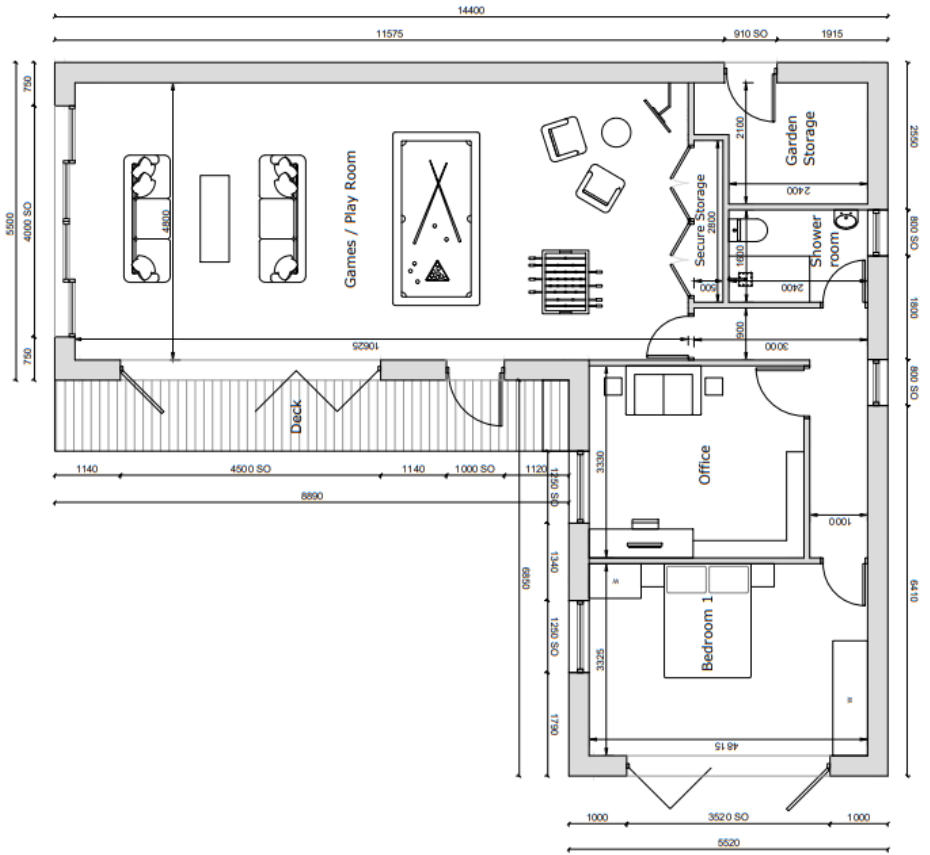
Some neighbour objections have been received regarding the principle of the development and some raise concerns that there is no need for this development. As the application site is within limits to development and is a domestic scale use, there are no policy requirements for the applicant to demonstrate a “need” for this development.

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.

Design and Impact upon Character

The application comprises the erection of an outbuilding in the garden of No.7 Garden Crescent which would be an ‘L’ shaped building with a gable roof design. It is proposed that this would be constructed in a combination of timber cladding, render and plain grey roof tiles

Proposed Floor Plan:



Proposed Elevations:



The Parish Council and Neighbours have raised concerns that the proposed development would be an overdevelopment of the site. It is important to note that a previously approved certificate of lawful development (22/01946/CLP) demonstrated that an outbuilding of the same size, height, scale and location as this application could be built in the garden without the need for planning permission. This is currently under construction on site, and should this application be refused, it does not change the status that the development as approved under application 22/01946/CLP

(this development but without the bedroom) remains as permitted development and can continue to be constructed in line with the approved plans (see photo below).

Permitted Development outbuilding being constructed on site:



The applicants have since decided to include a bedroom within this building, for which permission is required. As such the bedroom is the only matter in this application that requires planning permission.

Notwithstanding the above, regarding neighbour concerns, it is noted that this development, combined with some approved extensions to the original dwelling (22/01945/FUL) still retain at least 50% of the current garden space. As such there would still be sufficient garden space to match the footprint of the original property in accordance with the Council's Good Design Guide. As such the combined impact is not considered to result in overdevelopment and would not be harmful.

Therefore, the development is considered to be compliant with D1 of the Local Plan, the Council's Good Design SPD and the advice contained within the NPPF and as explained above, the structure of the size and design proposed without the bedroom is permitted development and as such would not need planning permission in any case for its construction.

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.

Neighbours have raised concerns regarding loss of privacy and impacts on residential amenity, this will be considered in the section below.

Aerial view of the site:



The residential dwellings most immediately impacted upon by the proposal would be No's 9 and 11 Garden crescent to the north-west of the building, No.5 Garden Crescent to the North-east, No's 56, 58, 60 and 62 Moira Dale to the east of the site and No's 33 35, 37, 39 and 41 Eastway to the south of the site. Though it is appreciated that other properties could see the development from further away due to the open gardens in this location.

View looking North towards No's 5, 7 and 9 Garden Crescent:



South elevation of building showing distance to boundary with neighbours on Eastway:



Whilst this development would be sited near to neighbours' rear boundaries the neighbouring properties on both Eastway and Moira Dale (but at least 2 metres away) have long gardens and as such the outbuilding would have an approximate separation distance of at least 30 metres from neighbouring dwellings. As such it is not considered that this proposal would result in any detrimental impacts on these neighbouring dwellings.

The development would also be at least 6 metres from the neighbouring property boundaries for No's 5, 9 and 11 Garden Crescent, with there being at least 16 metres from the nearest neighbouring dwelling. Based on these distances it is not considered that the development would result in any harmful overbearing, overlooking or overshadowing impacts.

Owing to the above mentioned separation distances the 45 degree code of practice would not breach by this development. Whilst there may be some impacts to neighbouring gardens to the south of the development, due to the direction of sunlight, these impacts would be limited and would only affect small areas. It is also important to emphasise again that should the bedroom

element of the scheme be removed, the building could be constructed under permitted development, in any case and as such its impact on any neighbouring occupiers cannot be considered in that situation.

In addition to the above, the building would be single storey in height and all windows are at ground floor level and are screened from neighbouring properties by existing boundary fences / hedges.

Neighbours have raised concerns regarding noise, fumes, dust, and disturbance from construction. The construction of the development is a temporary part of any development project. In this case no objections have been received from the Council's Environmental Protection team regarding these concerns raised by residents. The impacts arising from the construction of this minor development would therefore not be significantly adverse to the amenities of existing properties. If a statutory nuisance issue was to arise then the Council's Environmental Protection team would be able to address this matter under separate legislation.

Neighbours have also objected due to past refusals for a dwelling on this site. There is speculation that the building could be used as a separate dwelling. It is recommended that any permission should be conditioned so that the development can only be used as an ancillary building to the main dwelling and should only be occupied by family members. This condition would control the use of the building and the Council's enforcement team could investigate and serve any necessary enforcement notices if any potential breaches occur in the future.

The objections raised by the neighbours have been taken into consideration, however it is considered that the proposal will not have a detrimental effect on residential amenity or have any significant design implications which would warrant refusal of this application. There would not be a detrimental impact on the amenities of neighbours in terms of overlooking, overbearing, or overshadowing and as such the development would accord with Policy D2 of the adopted Local Plan and the aims of the NPPF

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 in order to avoid highway safety problems and to minimise the impact upon the local environment.

The proposed development would increase the number of bedrooms on site to 4 bedrooms in total which would require 3 parking spaces to be provided on site. The existing site can provide at least three spaces and as such this would accord with the County Councils Highways Design Guide.

There would be no changes to the existing access because of this application.

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

Ecology

Neighbours have raised concerns with the loss of ecological habitats and impact on wildlife on the application site.

The mandatory requirement for 10% Biodiversity Net Gain (BNG) for small sites as required by the Environmental Bill came into force on 2 April 2024. However, this requirement is only applicable to planning applications classed as minors (one dwelling and above) and does not apply to

householder applications which fall within the exempt 'Others' category of development.

The development is located within a swift alert area. Given the limited scale of the development and that a similar building could be constructed without the need for planning permission, it is not considered reasonable to insist on any mitigation for swifts in this instance. Conditions that would be unreasonable would fail the six tests for conditions as per the NPPF and therefore would not be acceptable.

It is noted that there are no existing trees or hedges within the application site therefore no habitat will be lost in this respect. Furthermore there are no protected species identified on the application site and therefore there's no considered to be any harmful impact on protected species.

Other

Objections have been received stating that other applications have been refused at this site and neighbours consider that this application should too. It is important to note that previously refused applications have been for dwellings which are materially different from this application for an ancillary outbuilding. As such those other reasons for refusal do not apply to the current application.

Some neighbours have concerns that this development would setting a precedent for future development or other neighbouring development. Each application is assessed on its own merits and as such, whilst one application for a development may be acceptable in one location, this does not guarantee approval on another site.

Conclusion

The principle of the development is acceptable, and it must also be remembered that the structure as shown in the plans is permitted development without the bedroom element which is now proposed. The proposal is not considered to have any detrimental design, residential amenity, ecology, or highway impacts. 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 and the advice in the NPPF. Accordingly, the application is recommended for planning permission, subject to the suggested planning conditions.

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