

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**

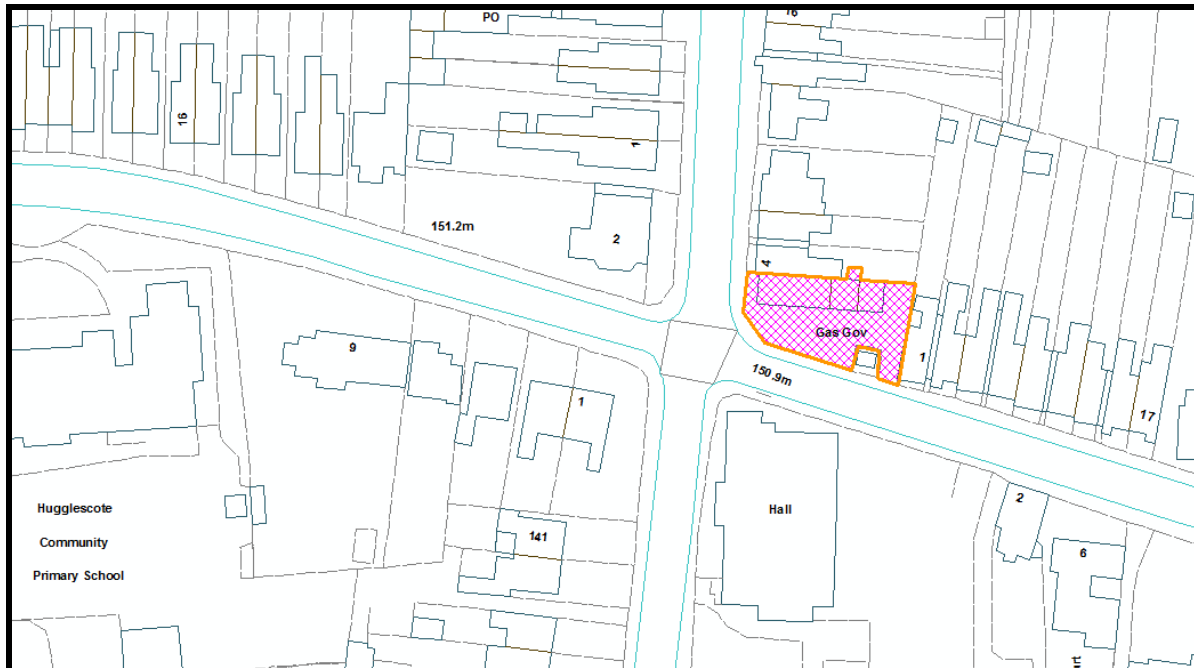
**Date Registered:
4 January 2024
Consultation Expiry:
25 April 2024
Determination Date:
15 March 2024**

**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.”

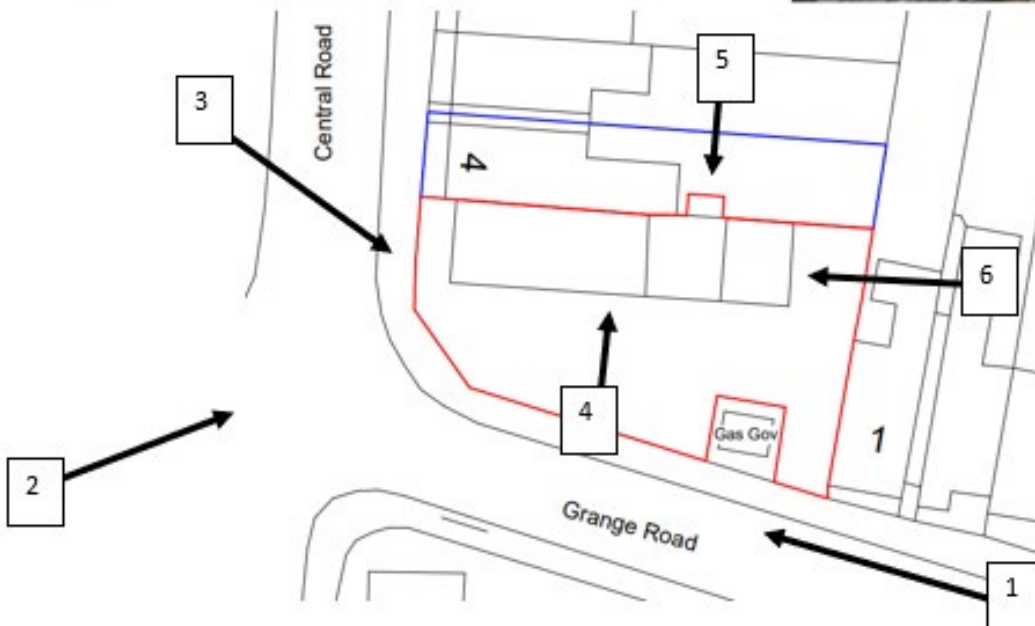
Hugglescote Community Centre – Non-designated heritage asset



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

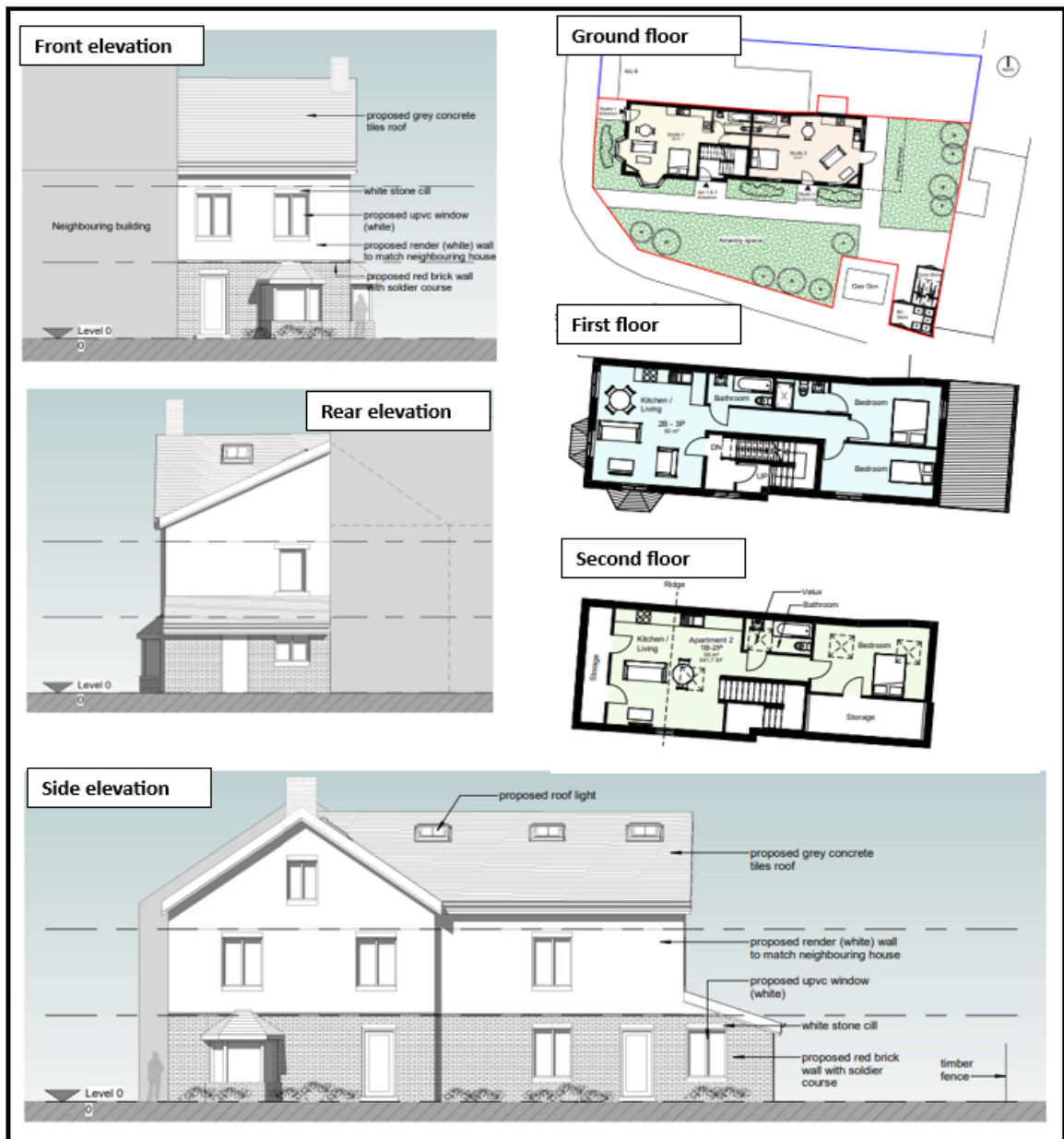


The proposals also now include a gable chimney stack and whilst the comments regarding authenticity are noted, when viewed in conjunction with the property directly opposite the proposals on this section of the crossroads, it is considered that such a layout, with a window directly below the chimney 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.

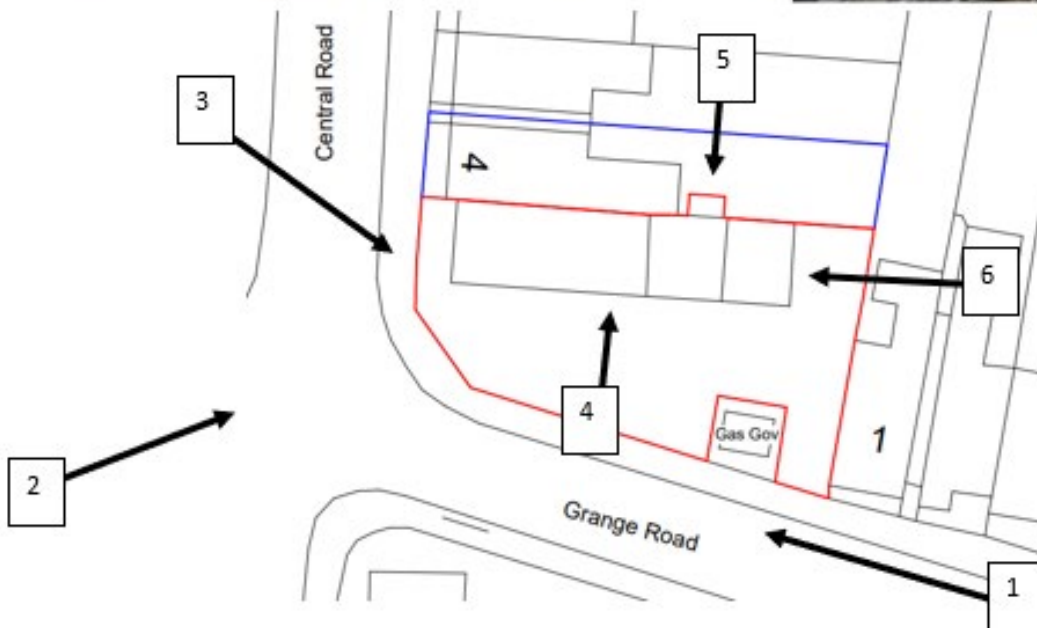
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Throughout the course of the application, third parties were consulted to establish views on the proposals and concerns were raised in relation to the potential for overlooking (particularly relating to the proposed second floor window to the rear 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.

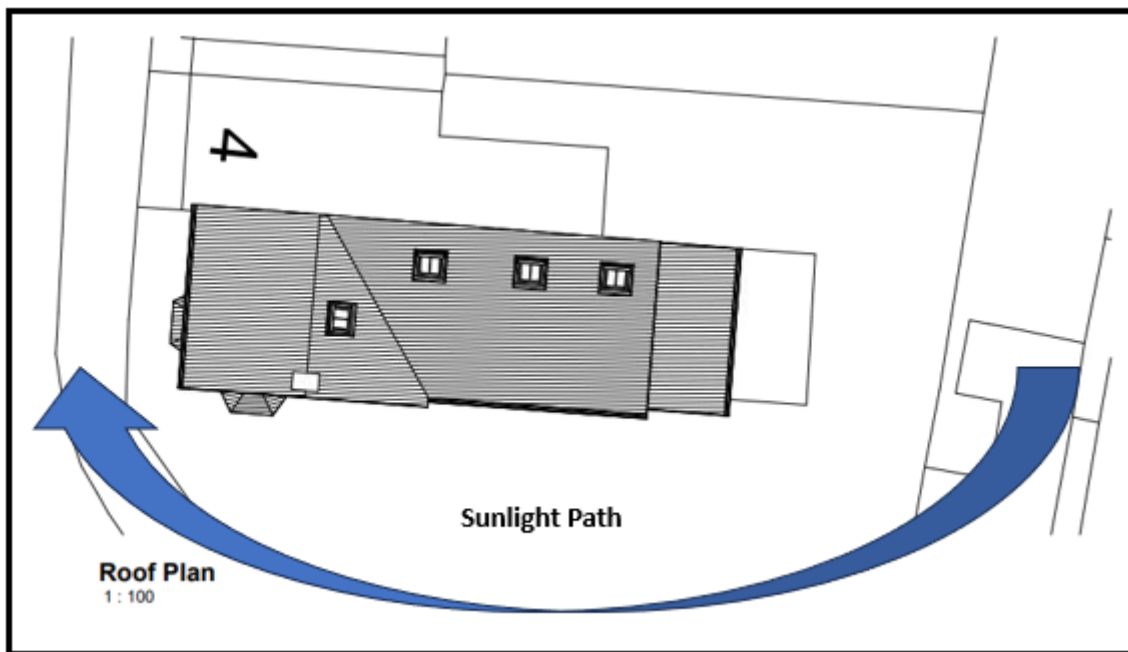
Bin and cycle storage are also proposed to the southeastern corner of the site, and it is considered that subject to a condition detailing the nature of the storage, this would not lead to undue impacts on the neighbouring properties.

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/publications/fire-safety-and-high-rise-residential-buildings-from-1-august-2021)) 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.