



DEVELOPMENT CONTROL AND REGULATORY BOARD

18th DECEMBER 2019

REPORT OF THE CHIEF EXECUTIVE

**APPLICATION UNDER REGULATION 3 OF THE TOWN AND
COUNTRY PLANNING GENERAL REGULATIONS**

PART A – SUMMARY REPORT

APP.NO. & DATE:	2019/2181/07 (2019/Reg3Ma/0192/LCC) – 15 th August 2019
PROPOSAL:	Demolition of 2No. residences, 1 No. residential home and 1No. 6 bed residential respite care home for adults with learning disabilities and construction of the following; 14No. flats and 1No. 3 bed house. A replacement 6 bed Short Breaks respite care facility. A community Life Choices building providing day care for adults with learning disabilities. The work to be carried out in two phases to allow continuation of the respite care provision for existing service users.
LOCATION:	Smith Crescent/Cropston Drive, Coalville, Leicestershire, LE67 4JE (North West Leicestershire District)
APPLICANT:	Leicestershire County Council
MAIN ISSUE:	The impact of the proposed development on amenity & the local landscape, drainage and the highway.
RECOMMENDATION:	PERMIT subject to the conditions as set out in the appendix to the main report.

Circulation Under the Local Issues Alert Procedure

Mr M. Wyatt CC.

Officer to Contact

Mr. P. Larter (Tel. 0116 305 7292)
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PART B – MAIN REPORT

Description of site

1. The site to which this proposal relates occupies a corner plot between Smith Crescent and Cropston Drive and consists of a pair of 1930s semi-detached properties (numbers 46, 48, 50 and 98) and a single detached residence to the south on Smith Crescent (number 44). The property at 44, Smith Crescent is operated as a six bed residential care home (short breaks) for adults with learning disabilities. The properties at 46-48 Smith Crescent form Hamilton Court, a long term residential care home whereas 50, Smith Crescent and 98, Cropston Drive are managed by East Midlands Housing and occupied by adults with learning disabilities who are living independently with support. The site lies in the east of Coalville within the Greenhill area of the town and all the surrounding land uses are residential.

Description of proposal

2. The proposal is to demolish all of the existing buildings and to redevelop the entire site to provide for a six bed short break facility, day care provision for up to 20 people, and 15 residential supported living units (14 one bed flats and one three bedroom house) – all for adults with learning and physical disabilities. The development would be a combination of single and two storey buildings. Buff bricks, grey roof tiles and solar panels, and cream render dominate the external facades with aluminium framed windows and aluminium doors, both finished in grey or white.
3. The proposal includes an increase in the off-road parking spaces from eight to 23 and the provision of eight cycle parking spaces. To facilitate the development 13 trees will have to be lost but the large four oaks in the south east corner of the development will be retained (alongside some of the other smaller trees in the development). To mitigate this loss the proposal includes replacement trees, a new privet hedge along the western boundary, and new shrub planting. To improve the biodiversity of the site and its immediate environs there are plans to install bird boxes, a hedgehog box and bat bricks and to manage the grassed area on the corner of Cropston Drive and Smith Crescent so that it becomes a small wild flower area.
4. Current employee numbers are 11 full time and 33 part time whereas the proposed are 8 full time and 23 part time. The development would be phased so that 50, Smith Crescent and 98, Cropston Drive are demolished first and the short breaks and nine supported living units are provided (see Plan 1). Then, once these have been built the remainder of the site would be developed allowing for reduced disruption to the service.



Plan 1 – Site Location showing existing properties

Planning Policy

Development Plan Policies

5. The relevant development plan document is the North West Leicestershire Local Plan (adopted November 2017). The relevant policies are set out below:

- *Policy D1*: Design of new development.
- *Policy D2*: Amenity.
- *Policy IF7*: Parking provision and new development.
- *Policy En1*: Nature conservation.
- *Policy Cc1*: Renewable energy.
- *Policy Cc2*: Flood risk.

National Guidance

6. The revised NPPF (National Planning Policy Framework) was published 19 February 2019. The document offers guidance to local planning authorities determining planning applications to achieve sustainable development – good design is a key aspect of sustainable development, as set out in Chapter 12 (Achieving well-designed places) of the NPPF.

Consultations

Highway Authority – Leicestershire County Council

7. 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. It is advised that any planning permission should be subject to six conditions concerning access arrangements, parking, cycle provision and a construction management plan.

Lead Local Flood Authority (LLFA) – Leicestershire County Council

8. No objection, subject to the addition of two conditions to any planning permission.

North West Leicestershire District Council – Planning

9. No objection.

North West Leicestershire District Council – Environmental Health

10. No objection, subject to the addition of two conditions on ground contamination.

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Ecological Advice – Leicestershire County Council

11. No objection.

Landscape Advice – Leicestershire County Council

12. No objection. The proposed development is in scale and in keeping with the existing residential setting. The loss of existing trees is balanced by new planting and biodiversity enhancements. Any trees that are to be retained in close proximity to the proposed works should be protected. Details including replacement tree planting covering earthworks, size, species, including protection and aftercare should be submitted.

Publicity

13. The proposal has been advertised by site notices posted on 18th September 2019 and 21st October 2019, neighbour letters dated 10th September 2019 and a notice published in a local newspaper on 20th September 2019. Representations have been received from three neighbouring properties. One representation supports the proposal, one raises the issue of overhanging branches from existing trees and shrubs and the other representation objects to the development on the grounds of insufficient parking, dust, noise, and traffic arising from the construction of the project.

Assessment of Proposal

14. The application should be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the main issues for consideration relate to the effect of the proposal upon amenity & the local landscape, drainage and the highway.

Amenity and local landscape

15. Demand for social care in the County is increasing and the current facilities have been created through the retrofitting of former semi-detached residential properties. Though this has proved effective up to a point there is now a need for purpose built facilities that are more accessible to wheelchair users and to provide for day care facilities. The use of the facility is unlikely to cause any impact on the amenity of adjacent residences from noise; impacts on the highway and visual amenity are considered below. However, concern has been raised on the effects of the demolition and construction of the development. Noise and dust that arises from construction would be subject to controls from North West Leicestershire District Council's Environmental Health department, and they have raised no objection to the proposal. However, to assist in reducing the effects it is proposed that the hours of demolition and construction are limited to protect neighbouring land uses. Subject to this condition the proposal's effect on amenity is acceptable.

16. The proposed two storey buildings at the front of the site, i.e. that directly adjacent and facing the street would be of a design and style that would match the existing buildings in the vicinity, namely buff bricks and grey roof tiles, and is an acceptable design. The short breaks and day care building is single storey and finished in a cream render with a more contemporary appearance, although this is set back from the immediate street scene and with the muted colours chosen would also be an acceptable design. Together, the buildings within the development are of an appropriate aesthetic quality and would complement the existing residential dwellings in the local landscape. The new buildings are also of a similar mass to the existing and this, with the design would ensure that there is no loss of visual amenity to those living nearby to this development. In part, this is achieved through the existing close boarded fence along the eastern, northern and southern boundaries of the site, that which adjoins residential properties on Thornton Close, Cromore Close, Cropston Drive, and Smith Crescent. The application states that existing vertical timber boarded fences to the north, east and south boundaries will be repaired or replaced as necessary. It is considered that this would be of benefit to the area and assist in reducing the visual impact of the development on adjacent properties.
17. The loss of trees from the site is regrettable but necessary to facilitate this new development of the site. Importantly, the mature trees in the north eastern corner of the site are to be retained, alongside others throughout the site, and any planning permission should, through condition, require the retention of these trees. As part of the development new trees, hedgerows, a small wildflower meadow and ornamental shrubs are all proposed. These help both to mitigate the visual impact of the development and enhance the biodiversity of the site. The installation of bird and bat boxes to retained mature trees also provides opportunity for biodiversity increases. Conditions should be attached to any planning permission to ensure that the details of the landscaping are submitted for approval and that the landscaping and bird/bat boxes are delivered in a timely manner. Subject to these conditions the visual impact of the proposal is acceptable and meets the terms of policies D1, D2 and En1.

Drainage

18. The site lies within flood zone 1, land with the lowest probability of flooding and in which, in the first instance, new development should be directed. The proposal seeks to discharge to the combined sewer and although the LLFA has no issue with this it does require some more details. Therefore, subject to two conditions requiring this further information the proposal is acceptable and meets the terms of policy Cc2.

Highway

19. The development proposed would increase car parking provision from eight to 23 spaces of which four would be accessible for those with reduced mobility. The application requires the creation of an additional three accesses off Smith Crescent with the retention of the existing access on Smith Crescent. It is proposed that cycle parking is provided near to the entrance of the day care centre. The Highway Authority advises that the proposed development's impact on the highway is acceptable and raise no concerns with the parking and the design of the accesses. However, it is fundamental to the acceptability of the proposal that the parking (car and cycle) is provided before the buildings are occupied and that adequate pedestrian visibility splays are provided. Concern has been raised regarding the parking situation both as the site is constructed and operated. However, firstly the parking provision is considered acceptable by the Highway Authority, and secondly, the Highway Authority advises that a condition is attached to any planning permission to address construction traffic management, including parking. Therefore, subject to the addition of conditions addressing the matters above, the proposal is considered acceptable and meets the terms of policies D2 and IF7.

Sustainability

20. The benefits of purpose built accommodation and associated buildings is that they can be built to modern insulation and efficiency standards thereby benefitting from reduced energy consumption. The proposal includes new features of two double electric vehicle charging points and bike parking thereby providing for more sustainable transport options above and beyond its current proximity to the bus stops on Cropston Drive. Furthermore, the proposal would provide for the installation of photovoltaic panels on the roofs of all the blocks to help in reducing the carbon footprint of the development. To maximise the benefit of these panels they are proposed on the roofs of the two storey buildings and, thus would face those residential properties opposite. However, these panels have become a more common addition to residential roofs and are thus not out of keeping with residential areas and there is no concern that they would affect amenity. Therefore, the proposal meets the terms of policy Cc1.

Other Matters

21. The North West Leicestershire District Council Environmental Health Officer has raised the matter of contaminated land given that the proposal is for the full redevelopment of the site. Rather than deal with this by conditions the applicant has provided additional information to explain that it is unlikely that any contamination would be found but if it was how this would be dealt with. Therefore, it is considered that this satisfactorily addresses this matter.

Conclusions

22. In conclusion, subject to appropriate conditions, the proposal is considered acceptable with regard to significant adverse impacts upon the local landscape, the highway, drainage, and amenity from this proposal. There have been no objections from statutory consultees. The redevelopment of the site will enable the County Council to offer a greater and wider range of support to those that require it within the community. Consequently, it is considered that the proposal accords with the policies of the development plan and is recommended for approval.

Recommendation

- A. Permit subject to the conditions, as set out in the appendix.
- B. To endorse, as requested by The Town & Country Planning (Development Management Procedure) Order 2015 (as amended):
 - (i) How we have worked with the applicant in a positive and proactive manner:

In dealing with the application and reaching a decision account has been taken of paragraph 38 of the National Planning Policy Framework, which advises that planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area, by seeking to approve applications for sustainable development where possible. During the application process the applicant was provided the opportunity to provide additional information on the highway, contaminated land and drainage to make the application acceptable.

Officer to Contact

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Appendix**Conditions****Implementation**

1. The development hereby permitted shall commence within three years of the date of this permission.

Scope of Permission

2. The development hereby permitted shall be carried out in accordance with the submitted plans and details:
 - 1). The application form dated 12.08.2019;
 - 2). Drawing number 1110 revision B dated 29.10.19; drawing number SK210 revision B dated 11.07.19; drawing number SK211 revision B dated 11.07.19; drawing number 112 revision A dated 13.08.19; drawing number 120 revision B dated 15.07.19; drawing number 121; drawing number 122 revision A dated 13.08.19; drawing number 130 revision C dated 15.07.19; drawing number 131 revision A dated 13.08.19; drawing number 160 revision B dated 15.07.19; drawing number 161 revision A dated 13.08.19; drawing number 162 revision A dated 13.08.19; and
 - 3). Combined Phase I Desk Study and Phase II Exploratory Investigation, project number 18-0619 dated July 2019.

Layout

3. Notwithstanding the details shown on the elevation drawings set out in condition 2 (two) the car parking, bike parking, bin store and substation shall be carried out in accordance with the details shown on drawing number 1110 revision A dated 10.10.19.

Construction of Development

4. All demolition, site preparation and construction works, deliveries of and movement of materials and machinery, in connection with the approved development, shall only take place between 0730-1800 hours Monday to Friday and 0800-1300 hours on Saturdays. No such activities shall take place at any time on Sundays or Statutory Public or Bank Holidays. There shall not be any work carried out under floodlights on the construction site.
5. No trees shall be damaged, destroyed, uprooted, felled, lopped or topped as a result of the development other than those shown as to be 'removed', or to be 'protected and pruned', on drawing number 1110 revision B dated 29.10.19. Protection measures for the retained trees identified on drawing number 1110 revision B dated 29.10.19 shall be carried out in accordance with the guidance as set out in BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations, for the duration of the construction works.

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Biodiversity

6. Within 12 months of the occupation of the development hereby permitted bird and bat boxes shall be installed within the site as defined by a solid red line on drawing number 100 revision A dated 17.07.19.

Highways

7. None of the blocks hereby permitted shall be occupied unless and until the access arrangements for those blocks generally in accordance with drawing number 1110 revision B dated 29.10.19 have been implemented in full in accordance with the following details:
 - the proposed access in respect of Block 1 shall have a width of a minimum of 2.75 metres, a gradient of no more than 1:20 for a distance of at least 5 metres behind the highway boundary and shall be surfaced in a bound material with a 3.7 metres dropped crossing;
 - the proposed access in respect of Block 2 shall have a width of a minimum of 4.8 metres, a gradient of no more than 1:20 for a distance of at least 5 metres behind the highway boundary and shall be surfaced in a bound material with a 7.3 metres dropped crossing;
 - the proposed access in respect of Block 3 shall have a width of a minimum of 5.5 metres, a gradient of no more than 1:20 for a distance of at least 5 metres behind the highway boundary and shall be surfaced in a bound material with a 7.3 metres dropped crossing; and
 - the proposed access in respect of Blocks 4 and 5 shall have a width of a minimum of 6 metres, a gradient of no more than 1:20 for a distance of at least 5 metres behind the highway boundary and shall be surfaced in a bound material with a minimum 6m control radii and served by a dropped crossing.

The accesses once provided shall be so maintained at all times.

8. No part of the development hereby permitted shall be occupied unless and until vehicular visibility splays of 2.4 metres by 43 metres have been provided at the site access to Blocks 2, 3, 4 and 5. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.
9. No part of the development hereby permitted shall be occupied unless and until 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of each vehicular access serving the site with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

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10. 17 off-street car parking spaces as shown on drawing number 1110 revision B dated 29.10.19 shall be surfaced and marked out prior to any part of blocks 1, 2, 4 and 6 hereby permitted being brought into use, and shall thereafter be so maintained at all times. The remainder of the car parking spaces (the six spaces immediately south east of block 3) as shown on drawing number 1110 revision B dated 29.10.19 shall be surfaced and marked out prior to any part of blocks 3 and 5 hereby permitted being brought into use, and shall thereafter be so maintained at all times.
11. The development hereby permitted shall not be occupied unless and until secure and under cover cycle parking has been provided in accordance with details first submitted to and agreed in writing by the County Planning Authority. Thereafter the cycle parking shall be maintained and kept available for use.
12. No development shall commence on the site until such time as a construction traffic management plan, including details of the routeing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the County Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Landscaping

13. Prior to any construction taking place a Landscape Scheme shall be submitted to and agreed in writing by the County Planning Authority. The Landscape Scheme shall address all of the planting to take place within the site as defined by a solid red line on drawing number 100 revision A dated 17.07.19 and shall include details on species, sizes, density, protection, management and replacement of the planting, and timing of planting. Planting and management shall be carried out in accordance with the agreed Landscape Scheme.
14. Prior to their use the bin store and substation hereby permitted shall be screened with timber as shown on drawing number 1110 revision B dated 29.10.19.
15. Prior to occupation of any part of the development hereby permitted a 1.8 metre high wooden close boarded fence shall be provided along the northern and eastern boundaries, as shown as 'Fences to north and east boundaries to be replaced' on drawing number 1110 revision B dated 29.10.19.

Surface Water Drainage

16. No construction of the development hereby approved shall take place unless and until a surface water drainage scheme has been submitted to and approved in writing by the County Planning Authority.
17. No construction of the development hereby approved shall take place unless and until details of the management of surface water on site during construction of the development have been submitted to and approved in writing by the County Planning Authority.

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Reasons

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and to ensure that development is carried out in a satisfactory manner in the interests of the locality.
3. To protect the amenities of local residents.
4. To ensure that the construction of the development does not detrimentally affect the amenity of local residents.
5. To ensure that only the agreed vegetation is removed and that the remaining mature trees are protected to preserve the appearance of the site.
6. To increase the biodiversity potential of the site.
7. To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019).
8. To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2019).
9. In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (2019).
10. To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and in accordance with the National Planning Policy Framework (2019).
11. To promote travel by sustainable modes in accordance with the National Planning Policy Framework (2019).
12. To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.
13. To limit the overall impacts of the development on the landscape, to provide the opportunity for biodiversity enhancements, and to ensure the landscaping scheme is implemented within a reasonable period and that the planting becomes established.

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14. To reduce the impact of the development on the local landscape.
15. To protect the amenities of local residents.
16. To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.
17. To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase.

DEVELOPMENT CONTROL AND REGULATORY BOARD

The considerations set out below apply to all the preceding applications.

EQUALITY AND HUMAN RIGHTS IMPLICATIONS

Unless otherwise stated in the report there are no discernible equality and human rights implications.

IMPLICATIONS FOR DISABLED PERSONS

On all educational proposals the Director of Children and Family Services and the Director of Corporate Resources will be informed as follows:

Note to Applicant Department

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person's Act 1970 and the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984 and to the Equality Act 2010. You are advised to contact the Equalities function of the County Council's Policy and Partnerships Team if you require further advice on this aspect of the proposal.

COMMUNITY SAFETY IMPLICATIONS

Section 17 of the Crime and Disorder Act 1998 places a very broad duty on all local authorities 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area'. Unless otherwise stated in the report, there are no discernible implications for crime reduction or community safety.

BACKGROUND PAPERS

Unless otherwise stated in the report the background papers used in the preparation of this report are available on the relevant planning application files.

SECTION 38(6) OF PLANNING AND COMPULSORY PURCHASE ACT 2004

Members are reminded that Section 38(6) of the 2004 Act requires that:

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Any relevant provisions of the development plan (i.e. any approved Local Plans) are identified in the individual reports.

The circumstances in which the Board is required to "have regard" to the development plan are given in the Town and Country Planning Act 1990:

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|----------------|---|--|
| Section 70(2) | : | determination of applications; |
| Section 77(4) | : | called-in applications (applying s. 70); |
| Section 79(4) | : | planning appeals (applying s. 70); |
| Section 81(3) | : | provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991); |
| Section 91(2) | : | power to vary period in statutory condition requiring development to be begun; |
| Section 92(6) | : | power to vary applicable period for outline planning permission; |
| Section 97(2) | : | revocation or modification of planning permission; |
| Section 102(1) | : | discontinuance orders; |
| Section 172(1) | : | enforcement notices; |
| Section 177(2) | : | Secretary of State's power to grant planning permission on enforcement appeal; |
| Section 226(2) | : | compulsory acquisition of land for planning purposes; |
| Section 294(3) | : | special enforcement notices in relation to Crown land; |

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Sched. 9 para (1) : minerals discontinuance orders.

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