



**Leicestershire
County Council**

DEVELOPMENT CONTROL AND REGULATORY BOARD

18TH DECEMBER 2019

SUPPLEMENTARY REPORT OF THE CHIEF EXECUTIVE

2019/2181/07: 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, Smith Crescent/Cropston Drive, Coalville, Leicestershire, LE67 4JE

1. Following the publication of the main committee report, the consultation response from North West Leicestershire District Council (NWLDC) and a telephone call from Councillor Wyatt have been received.

Additional Consultation Responses

2. The response from NWLDC states that there are no objections to the proposals subject to the following: that the County Council complete a comprehensive assessment in respect of residential amenity, design and the impact on the character and appearance of the streetscape and wider area, highway safety, ecology, landscaping and drainage and flood risk and any other matters which may arise as a result of the formal consultation process. Consideration should also be given to the comments raised by North West Leicestershire District Council's Urban Designer and Councillor Wyatt.
3. The comments from the Urban Designer relate to very detailed comments on the specific layout and appearance of the proposed buildings whilst Councillor Wyatt's comments relate to parking. Additional verbal comment from Councillor Wyatt questioned the conversion of the grassed area at the junction of the streets to a wildflower area. Comment was also made regarding the consultation that took place before the application was made.

Assessment

4. Although the District Council have not objected to the proposal they have raised a number of issues that could arise and would need addressing through the assessment of the proposal. It is considered that all of these matters, including and, particularly, parking, have been addressed in the main committee report and no changes to this report are required. As to the comments from the Urban Designer these are comprehensive, but the final design is that required to allow the applicant to provide its services and to enable the best use of the site, and again no changes are proposed.

5. Comment has been made regarding the consultation prior to the application being made. This is referenced in the planning application and states that *“concerns were expressed about the current pressures of traffic and parking on Smith Crescent and whether the proposals would exacerbate existing problems. There was also concern about noise and disruption during the building work and the potential for overlooking and disturbance of neighbouring properties from within the new scheme. Some of these concerns were addressed during the consultation. Others have been considered and addressed in the drawing up of this application.”* Notwithstanding this, comment has been made that this does not properly reflect opinions provided during the consultation and that matters have been ignored. Whilst these concerns are noted, the potential impacts associated with traffic, noise and disturbance during the building work, and overlooking and disturbance have been considered during the consideration of this application. The planning authority is satisfied that there will not be any unacceptable impacts.
6. A concern relating to the grass verge at the corner of Cropston Drive and Smith Crescent has also been raised by Councillor Wyatt, who would prefer that this area was retained as amenity grass and some trees were planted rather than as the proposed small wildflower area.
7. This grass verge is within the highway and the Highway Authority has not objected to the provision of this as a wildflower area, their view on the planting of trees in this area is not known as it has not formed part of the planning application. No changes are proposed, however, should Members consider this a preferable way to enhance this green space and the biodiversity of the area then this could be required under an amendment to condition 13 and the Highway Authority consulted on this to ascertain if it was achievable.

Circulation Under the Local Issues Alert Procedure

Mr M. Wyatt CC.

Officer to Contact

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

EQUAL OPPORTUNITIES IMPLICATIONS

Unless otherwise stated in the report there are no discernible equal opportunities implications.

IMPLICATIONS FOR DISABLED PERSONS

On all educational proposals the Director of Children and Young People's Service 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, the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984 and to the Equalities Act 2010. You are advised to contact the County Council's Assistant Personnel Officer (Disabled People) 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 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 COMPLUSORY 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:

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