

APPENDIX B

**Report of the Head of Regeneration and Planning
Planning Committee**

6 August 2013

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 Regeneration and Planning are material planning considerations and relate to matters not previously raised.

4. Reasons for Grant

Where the Head of Regeneration and Planning's 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 Regeneration and Planning.

5. Granting permission contrary to Officer Recommendation

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

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

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

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 Regeneration and Planning.

7 Delegation of wording of Conditions

A Draft of the proposed conditions, and the reasons for the conditions, are included in the report. The final wording of the conditions, or any new or amended conditions, is delegated to the Head of Regeneration and Planning.

8. Decisions on Items of the Head of Regeneration and Planning

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.

CONTENTS

Section A – Planning Applications

- | | | |
|-----------|----------------------|---|
| A1 | 12/00007/OUTM | Erection of up to 400 dwellings with associated road and service infrastructure, drainage ponds, landscaping and open spaces (outline - all matters other than part access reserved)
Land North Of Standard Hill And West Of Highfield Street
Coalville Leicestershire |
| A2 | 13/00330/EXTM | Application for a new planning permission to replace planning permission 09/00359/FULM in order to extend the time period for the implementation of the extension of the Belvoir Shopping Centre to provide new retail floorspace (A1 and A3), hotel, cinema, car park and associated highways works, public spaces, and refurbishment works (including demolition works) to existing centre
Land At Belvoir Shopping Centre Coalville Leicestershire |
| A3 | 13/00486/OUTM | Proposed residential development (400 Dwellings) formation of access to Burton Road, A1 Shop, D1 Medical centre, C2 Residential care home, Single form entry primary school, Pumping Station infrastructure and open space provision (Resubmission)
Holywell Spring Farm Burton Road Ashby De La Zouch |
| A4 | 13/00265/FUL | Erection of one no. 500KW wind turbine and associated access track, areas of hardstanding and control building
Land At Ashby Road Coleorton Coalville |
| A5 | 13/00016/FUL | Erection of two dwellings along with alterations to an existing dwelling
9 Apiary Gate Castle Donington Derby |
| A6 | 13/00100/CON | Demolition of existing walls (Conservation area consent)
9 Apiary Gate Castle Donington Derby |
| A7 | 13/00440/FUL | Erection of metal steps (Retrospective)
20 Talbot Street Thringstone Coalville |
| A8 | 13/00376/FUL | Erection of one dwelling
84 Ashby Road Woodville Swadlincote |

Section B – Other Matters

There are no items in this section

SECTION A- PLANNING APPLICATIONS

Erection of up to 400 dwellings with associated road and service infrastructure, drainage ponds, landscaping and open spaces (outline - all matters other than part access reserved)

**Report Item No
A1**

**Land North Of Standard Hill And West Of Highfield Street
Coalville Leicestershire**

**Application Reference
12/00007/OUTM**

**Applicant:
Miller Homes Limited**

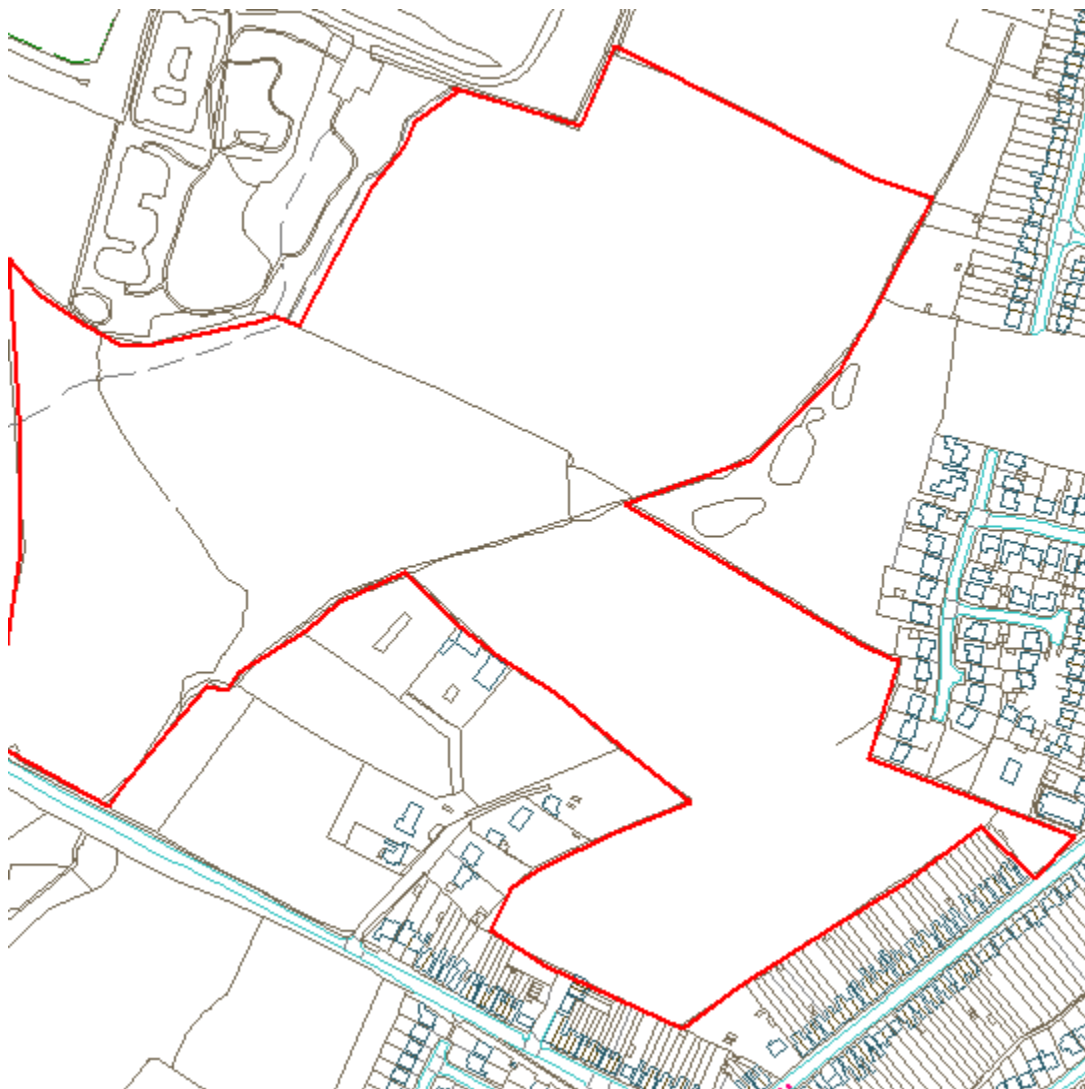
**Date Registered
12 January 2012**

**Case Officer:
James Knightley**

**Target Decision Date
12 April 2012**

**Recommendation:
PERMIT Subject to a Section 106 Agreement**

Indicative Site Location Plan (For illustrative purposes only)



Reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office
©copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence LA 100019329)

Executive Summary of Proposals and Reasons for Approval

Call In

The application is brought to planning committee on the basis of the scale of the development and the requirement for a legal agreement.

Proposal

This application seeks outline planning permission for residential development of up to 400 dwellings and associated infrastructure, landscaping and public open space.

Consultations

Members will see from the main report below that objections have been received in respect of the proposals (and including from Hugglescote and Donington le Heath Parish Council); no other objections are raised by statutory consultees.

Planning Policy

The majority of the application site lies outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. Policy CS36 of the recently approved Submission Core Strategy, however, sets out the Coalville Urban Area Broad Growth Locations, and the approaches to their development, including a Strategic Development Area to the South East of Coalville and areas to the South West of Coalville. Also material to the determination of the application is the supply of housing in the context of the National Planning Policy Framework (NPPF).

Conclusion

The report below indicates that, whilst the majority of the site is a greenfield site outside Limits to Development, having regard to the site's general suitability for housing (including its proximity to the built up area of Coalville), the approach to development in south west Coalville as set out in the recently approved Submission Core Strategy and the need to demonstrate and maintain a five year supply of housing land within the District, release of the site for residential development would be appropriate in principle. The proposed development is considered acceptable in terms of access issues; there are no other technical issues that would indicate that planning permission should not be granted, and appropriate contributions to infrastructure would also be made so as to mitigate the impacts of the proposals on local facilities, albeit with a reduced contribution to affordable housing required so as to ensure the development remains viable whilst making appropriate contributions to highways and transportation infrastructure.

RECOMMENDATION:- PERMIT, SUBJECT TO SECTION 106 OBLIGATIONS, AND SUBJECT TO THE IMPOSITION OF CONDITIONS

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommended reasons for approval, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

This is an outline planning application for residential development of a site of approximately 19.7 hectares for up to 400 dwellings to the north of Standard Hill, and to the west of Highfield Street, St Faith's Drive and Wentworth Road, Coalville. Part of the site is currently in agricultural use; the remainder is woodland and vacant / "scrub", some of which is used for informal recreation routes. The site is adjacent to other land in agricultural use, as well as other land uses including residential use, Snibston Country Park, other "scrub" and caravan storage.

All matters are reserved except for part access; whilst all other matters are reserved for subsequent approval, an illustrative masterplan has been submitted showing the proposed dwellings, together with areas of public open space / children's play, proposed and retained tree planting / landscaping and surface water attenuation facilities.

Vehicular access is proposed by way of two principal locations:

- (i) Standard Hill, located to the west of the existing watercourse forming the bottom of the valley between Hugglescote and Snibston (serving 300 dwellings); and
- (ii) Highfield Street, adjacent to the vacant St James' church (serving 100 dwellings)

All other matters of access (and including non-vehicular routes into the site, and vehicular, cycle and pedestrian routes *through* the site) are reserved for consideration at the reserved matters stage(s), although the illustrative masterplan indicates a network of routes linking the site to adjacent land. The masterplan also indicates a bus gate towards the south eastern part of the site (i.e. allowing full bus access through the site whilst limiting other vehicular access to the two access locations set out above).

The application was considered at the Planning Committee meeting of 2 July 2013 where it was resolved that consideration of the application be deferred so as to enable the Local Planning Authority to ask the County Highway Authority if it would wish to reconsider its opinion on the application, and to allow for a meeting to take place between the applicants, the County Highway Authority and Ward and Parish Councillors to discuss the highway safety concerns. Since the Planning Committee meeting, a meeting has been held with the County Highway Authority, along with representatives of the applicants (and their highways consultants), County / Parish Councillor Eynon, and District Councillors Geary, Hyde, Johnson and Legrys. Following this meeting, the applicants' highways consultants have issued a note regarding the proposed site access arrangements, the content of which is set out in more detail under Means of Access and Transportation below. Subsequently, the County Highway Authority has confirmed that the content of its previous consultation response continues to apply.

2. Publicity

215 Neighbours have been notified (Date of last notification 23 May 2013)

Site Notice displayed 18 January 2012

Press Notice published 25 January 2012

3. Consultations

DEFRA consulted 18 January 2012

County Highway Authority consulted 27 February 2013
Hugglescote And Donington Le Heath Parish Council consulted 17 January 2012
Environment Agency consulted 18 January 2012
Severn Trent Water Limited consulted 18 January 2012
Head of Environmental Protection consulted 18 January 2012
Natural England consulted 18 January 2012
NWLDC Tree Officer consulted 18 January 2012
County Archaeologist consulted 18 January 2012
LCC ecology consulted 18 January 2012
NWLDC Urban Designer consulted 18 January 2012
LCC Development Contributions consulted 18 January 2012
NHS Leicester, Leicestershire And Rutland Facilities Manage consulted 18 January 2012
Development Plans consulted 18 January 2012
Head Of Leisure And Culture consulted 18 January 2012
Manager Of Housing North West Leicestershire District Council consulted 18 January 2012
Police Architectural Liaison Officer consulted 18 January 2012
LCC/Footpaths consulted 18 January 2012
Highways Agency- affecting trunk road consulted 18 January 2012
Head Of Street Management North West Leicestershire District consulted 18 January 2012
LCC Fire and Rescue consulted 18 January 2012
Ramblers' Association consulted 18 January 2012
FRCA (MAFF)- loss of agricultural land consulted 18 January 2012
National Forest Company consulted 18 January 2012
Ramblers' Association consulted 28 September 2012
Parks Manager consulted 28 September 2012
National Forest Company consulted 28 September 2012

4. Summary of Representations Received

The following summary of representations is provided. Members will note that full copies of correspondence received are available on the planning file.

Hugglescote and Donington le Heath Parish Council objects on the following grounds:

- Premature to the District Council's emerging Core Strategy
- Road is liable to flooding
- Increased traffic to Hugglescote Crossroads

The Parish Council has also conveyed concerns expressed to it by members of the public and Parish Council members as follows:

- Potential overflow of sewers
- Flood risk
- Brownfield sites more suitable
- Increased traffic
- Unsuitability of unploughed grassland
- Unsafe access due to site being prone to fog
- Unsustainable location
- Loss of agricultural land

[NB Whilst the site is principally within the unparished area of Coalville, the application site includes a section of Standard Hill in the area adjacent to the proposed Standard Hill site access; the southern side of Standard hill falls within the parish of Hugglescote and Donington le Heath.]

Environment Agency has no objections subject to conditions and Section 106 obligations

Highways Agency has no objections subject to conditions

Leicestershire Badger Group objects on the grounds of loss of foraging for badgers in the area, and because badgers would be subject to increased disturbance and traffic

Leicestershire County Council Archaeologist has no objections subject to conditions

Leicestershire County Council Local Education Authority requests developer contributions of £1,260,138.53 in respect of additional provision in the primary and high school sectors

Leicestershire County Council Library Services Development Manager requests a developer contribution of £24,090

Leicestershire County Council Highway Transportation & Waste Management Authority requests a developer contribution of £28,428 in order to mitigate the impact on civic amenity waste facilities in the local area.

Leicestershire County Council Ecologist has no objections subject to conditions

Leicestershire County Council Landscape Officer has no comments

Leicestershire County Council Highway Authority has no objections subject to conditions, and subject to Section 106 obligations

Leicestershire County Council Rights of Way Officer has no objections subject to conditions

Leicestershire Police objects unless a developer contribution of £242,400 in respect of policing is provided

National Forest Company comments that the proposals appear to meet the 30% woodland planting and landscaping requirement as set out in the National Forest Company's Guide for Developers and Planners and has no objections subject to a number of matters being secured as part of the reserved matters proposals

Natural England has no objections subject to conditions

NHS England (Leicestershire and Lincolnshire Area) requests a healthcare contribution of £15,451.20

North West Leicestershire District Council Environmental Health has no objections subject to conditions in respect of contaminated land.

Ramblers' Association comments as follows:

- Disappointed that greenfield sites developed in preference to brownfield
- Concerned that increased traffic to Standard Hill / A447 and Highfield Street would increase dangers to walkers
- Notes that footpath N94 is proposed to be retained without diversion
- Hopes that existing links to Snibston Country park will be retained
- Excellent provision of segregated walking routes in some parts of site, but patchy elsewhere

- Should provide for walking routes towards Coalville town centre

Severn Trent Water has no objections subject to conditions

Third Party Representations

381 representations (and including from Leicestershire County Council's member for the Coalville ward) have been received, objecting on the following grounds:

- Insufficient infrastructure (including schools, healthcare, shops, water supply, policing, sewerage and highway network capacity)
- Loss of agricultural land
- Increased traffic / congestion
- Greenfield site should not be developed when previously-developed sites are available
- Loss of amenity
- Close to power lines
- Unsafe access
- Loss of Green Belt
- Impact on wildlife / ecology, close to a nature reserve
- Blocking of local spring
- No need for new housing when there are existing empty homes in the area
- Noise
- Increased crime
- New residents need to be vetted
- Congregating youths
- Negative impact on house prices
- Impact on landscape
- New residential development should be near East Midlands Airport
- Loss of buffer between Hugglescote and Ravenstone
- Outside Limits to Development in the Local Plan
- Proposals will result in rat-running via local roads
- Out of character
- Exacerbation of existing surface water flooding issues
- No demand for new housing
- Insufficient local employment for residents of development
- Loss of on-street car parking
- Impact on adjacent properties' structure
- Impact on highway safety (and including during the construction period)
- Site is in the National Forest
- Affordable housing would be used by the local authority to house immigrants, ex-criminals, people subject to ASBOs and drug users
- Premature to the Core Strategy
- Flood risk
- Previous application refused in 2000
- Contrary to property deeds
- Too much affordable housing
- Air pollution
- Would set a precedent
- No benefit to town centre
- Impact on protected trees
- Loss of spatial environment
- Loss of privacy / overlooking
- No link should be provided via the private road to Standard Hill, and a physical barrier should be provided to prevent trespass

- Contrary to Local Plan policies
- Loss of facilities for young people
- Developers should use local material suppliers and construction workers
- Loss of on-street parking
- Concerns over proposed alternative rear access arrangements for existing properties given practicalities and vehicle security
- People making decisions do not live in the area
- Lack of consultation
- Undemocratic process contrary to the intentions of localism
- Coalville will become a commuter town
- Leicestershire County Council Highways is aware of the capacity problem at Hugglescote Crossroads but have no solution that is acceptable to the local community
- Community Centre could be sacrificed to solve the developer's problem with poor local transport infrastructure implied in any application that does not provide evidence of alternative traffic modelling
- No traffic modelling has taken place that preserves Hugglescote Crossroads' quality as a village centre
- Application should be deferred until traffic modelling is provided that has examined the possibilities of using development to divert traffic from Hugglescote Crossroads, thus preserving the community's unique character, heritage and facilities

5. Relevant Planning Policy

National Policies

National Planning Policy Framework

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The NPPF contains a number of references to the presumption in favour of sustainable development.

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

Save where stated otherwise, the policies of the North West Leicestershire Local Plan as set out in more detail in the relevant section below are consistent with the policies in the NPPF and should be afforded weight in the determination of this application.

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

Paragraph 14 sets out the presumption in favour of sustainable development and, in respect of decision making, provides that, unless material considerations indicate otherwise, states that "this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the

- benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted."

"32 All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

"34 Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas."

"47 To boost significantly the supply of housing, local planning authorities should:

- identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land..."

"49 Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

"57 It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes."

"59 Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally."

"61 Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."

"100 Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere."

"101 The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding."

[Further advice on flooding is contained within the DCLG's Technical Guidance to the National Planning Policy Framework.]

"112 Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality."

"118 When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;...
- opportunities to incorporate biodiversity in and around developments should be encouraged..."

"123 Planning policies and decisions should aim to...avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development..."

"124 Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan."

"203 Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition."

"204 Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development."

Adopted North West Leicestershire Local Plan (2002)

Save for the section in the area of the proposed access to Highfield Street, the application site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan.

Policy S2 provides that development will be permitted on allocated sites and other land within the Limits to Development where it complies with the policies of the Local Plan.

Policy S3 sets out the circumstances in which development will be permitted outside Limits to Development.

Policy H4/1 sets out a sequential approach to the release of land for residential development, and seeks to direct new housing towards previously developed land in accessible locations, well served by, amongst others, public transport and services.

Policy H6 seeks to permit housing development which is of a type and design to achieve as high a net density as possible, taking into account housing mix, accessibility to centres, design etc. Within Coalville and Ashby-de-la-Zouch town centres, local centres and other locations well served by public transport and accessible to services a minimum of 40 dwellings per ha will be sought and a minimum of 30 dwellings per ha elsewhere (in respect of sites of 0.3 ha or above).

Policy H7 seeks good quality design in all new housing developments.

Policy H8 provides that, where there is a demonstrable need for affordable housing, the District Council will seek the provision of an element of affordable housing as part of any development proposal.

Policy E2 seeks to ensure that development provides for satisfactory landscaped amenity open space and secures the retention of important natural features, such as trees.

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings, and presumes against residential development where the amenities of future occupiers would be adversely affected by the effects of existing nearby uses.

Policy E4 requires new development to respect the character of its surroundings.

Policy E6 seeks to prevent development where it would prejudice the comprehensive development and proper planning of a larger area of land of which the site concerned forms part.

Policy E7 seeks to provide appropriate landscaping in association with new development including, where appropriate, retention of existing features such as trees or hedgerows

Policy E8 requires that, where appropriate, development incorporates crime prevention measures.

Policy F1 seeks appropriate provision for landscaping and tree planting in association with development in the National Forest, and requires built development to demonstrate a high quality of design, to reflect its Forest setting.

Policy T3 requires development to make adequate provision for vehicular access and circulation and servicing arrangements.

Policy T8 requires that parking provision in new developments be kept to the necessary minimum, having regard to a number of criteria.

Policy L21 sets out the circumstances in which schemes for residential development will be required to incorporate children's play areas. Further guidance is contained within the Council's Play Area Design Guidance Note Supplementary Planning Guidance.

Policy L22 provides that major new development will only be permitted where adequate

provision is made for open space for formal recreation use.

Other Policies

North West Leicestershire District Council Affordable Housing SPD

Key Principle AH2 provides that affordable housing will be sought on all sites of 15 or more dwellings in the Greater Coalville Area.

Key Principle AH3 requires a minimum of 20% of residential units to be available as affordable housing within the Greater Coalville area.

North West Leicestershire District Council Play Area Design Guidance SPG

The District Council's Play Area Design Guidance SPG sets out the relevant requirements in respect of children's play provision required in association with residential development.

Emerging Core Strategy

The District Council considered its response to the Pre-Submission Core Strategy consultation and suggested changes at its meeting of 26 March 2013. The Council resolved, amongst others, to agree the recommended significant changes, to note the delegated minor changes, to agree to a period of consultation on the significant changes, and to agree to submit the Core Strategy to the Secretary of State as soon as possible following consultation. The Submission Core Strategy was subsequently received by the Secretary of State on 24 June 2013. The following Submission Core Strategy policies are considered relevant and, given the stage that the draft Strategy has reached, should be afforded some (but not full) weight in the determination of this application:

Policy CS1 provides that provision will be made for at least 9,700 new homes (an average of 388 per annum) in the District over the period 2006 to 2031.

Policy CS7 provides that new development, including new facilities and services will be directed to the most sustainable locations in accordance with the settlement hierarchy set out in that policy.

Policy CS8 provides that the countryside will be protected for the sake of its intrinsic character and beauty, and limits development within the countryside to specified uses and of a scale and environmental impact compatible with its rural location.

Policy CS13 sets out how the Local Planning Authority will provide for the needs of the rural economy.

Policy CS15 provides that sufficient land will be allocated to ensure the overall housing provision of at least 9,700 dwellings over the period 2006-2031, including at least 4,950 dwellings in the Coalville Urban Area.

Policy CS16 provides that all housing developments should be of a good standard of design and have a layout and built form that makes efficient use of land and complements the built form and character of the area in which it is situated.

Policy CS17 provides that the District Council will seek a mix of housing types, sizes and tenures in all new housing development.

Policy CS18 provides, amongst others, that a proportion of affordable housing will be provided on eligible sites.

Policy CS21 provides that all new development will have to demonstrate how it satisfies the Council's place-making principles:

Policy CS22 provides that new development will be supported by the provision of new or improved physical, social and green infrastructure needed to enable the amount of development proposed for the area, and that the costs of any obligations will be applied flexibly where there is evidence that those requirements will make development undeliverable.

Policy CS23 requires new development to maximise the efficient use of existing transport facilities in the district as it looks to a lower carbon future.

Policy CS24 requires new development to minimise carbon dioxide and other greenhouse gas emissions.

Policy CS25 provides that new residential developments will be expected to achieve the highest level technically and financially viable under the Code for Sustainable Homes.

Policy CS26 provides that new development will be directed towards areas at the lowest risk of flooding within the District, and that all new development will be expected to ensure that it does not increase the level of flooding experienced in other areas of the District.

Policy CS28 provides that the design and layout of new development should take account of and provide opportunities to create and enhance green infrastructure provision, strategic and local, and improve accessibility to these assets from new and existing development.

Policy CS29 provides, amongst others, that new housing development makes provision for appropriate sport, open space and recreation facilities.

Policy CS30 provides, amongst others, that new developments within the National Forest will contribute towards the creation of the forest by including provision of tree planting and other landscape areas within them and/or elsewhere within the National Forest in accordance with National Forest Planting Guidelines.

Policy CS32 provides that new development should protect and enhance the District's most ecologically sensitive areas.

Policy CS35 provides that the Coalville Urban Area's role as the main social and economic focus of North West Leicestershire district will be strengthened, and sets out how this is to be achieved. The policy also sets out, amongst others, the sub-category criteria under the Code for Sustainable Homes that new development will be expected to meet.

Policy CS36 sets out the Coalville Urban Area Broad Growth Locations, and the approaches to their development, including the Strategic Development Area to the South-East of Coalville Development and areas to the South-West of Coalville.

The Submission Draft Core Strategy includes an Infrastructure Plan, identifying infrastructure requirements in respect of South West Coalville for education, healthcare, SuDS, civic amenity and library contributions. Other "general" infrastructure requirements for Coalville include strategic and local highway network / transportation improvements, a waste water long-term

infiltration removal strategy and a Coalville regeneration strategy.

Priorities for Developer Financial Contributions for infrastructure provision relating to Major Residential Development Proposals in and around Coalville

On 11 June 2013, and following the completion of consultation on the draft policy, the District Council's Cabinet approved the revised policy document. The adopted policy states that "Where the Council is satisfied that a major residential development proposal in or around the Coalville area is proven to be unviable as a result of required developer financial contributions (e.g. off site highway works; education provision and affordable housing requirements), the Council will consider relaxing its normal affordable housing requirements proportionately so as to:

- (a) Give highway infrastructure investment the highest priority for funding
- (b) Ensure all other essential infrastructure is provided
- (c) Continue to contribute to affordable housing provision as far as possible whilst ensuring that the development scheme is viable.

For development proposals where the Council accepts no affordable housing or a lower proportion of affordable housing contribution (both on site provision and/or a financial contribution in lieu of provision) the Council will reduce the time period for any planning permission to be commenced to 2 years and shall include in the Section 106 agreement provision to enable the Council to periodically revisit the affordable housing contribution if the economic factors determining the level of affordable housing improves before the development is commenced."

In addition to agreeing the policy, Cabinet agreed that, for major developments in Coalville, the Planning Committee be asked to consider the policy through Section 106 agreements and recommended that Planning Committee, where appropriate, prioritises the requirement for highways infrastructure contributions in Coalville above affordable housing contributions where such contributions are necessary, in accordance with the policy.

6. Assessment

Principle of Development

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, includes the adopted North West Leicestershire Local Plan (2002 (as amended)).

In terms of the adopted North West Local Plan, the majority of the site is outside Limits to Development. Policy S3 sets out the circumstances in which development will be permitted outside Limits to Development; the development proposed would not meet the criteria for development in the countryside, and approval would therefore be contrary to the provisions of Policy S3.

Policy CS8 of the emerging Core Strategy continues the presumption against non-essential development in the countryside as set out in the adopted Local Plan (although this also needs to be considered in the context of the emerging Core Strategy as a whole (including the proposed directions of growth) and as set out in more detail below).

Notwithstanding the countryside location, and whilst the proposals would be contrary to the adopted Development Plan, in determining the application, regard must be had to other material considerations, including other policies, such as other Development Plan policies and National policies.

In terms of the North West Leicestershire Local Plan, Policy H4/1 identifies that, in releasing appropriate land for housing, the Council will have regard to:

- up-to-date housing land availability figures;
- the latest urban capacity information;
- the need to maintain an appropriate supply of available housing land;
- lead times before houses will be expected to be completed and build rates thereafter; and
- other material considerations.

Whether or not this site would be considered "appropriate" is a matter of judgement; having regard to its location primarily outside Limits to Development, it could be argued that it would not be. This policy nevertheless sets out criteria relevant to release of land. Insofar as the site's location is concerned, and whilst it is for the most part outside Limits to Development, it is well related to the existing built up area of the town.

In terms of the site's primarily greenfield status, it is accepted that the site does not perform well. However, this issue needs to be considered in the context of the need to demonstrate and maintain a five year housing land supply in the District, and the need for sites to be released to meet this need. Given the need to provide significant areas of housing land as set out below, it is considered inevitable that greenfield land will need to be released in order to maintain a five year supply of deliverable sites, as well as (as in this case) land not allocated for housing development in the adopted Local Plan; indeed the proposed directions of growth set out within the recently approved Submission Core Strategy suggest this to be the case. Furthermore in respect of Policy H4/1, this would (as per Policy S3) represent a policy relating to the supply of housing and, as such, its relevance also needs to be considered in the context of Paragraph 49 of the NPPF (as set out in more detail under Housing Land Supply below).

Housing Land Supply

The NPPF requires that the Council should be able to identify a five year supply of housing land and include an additional buffer of 5% or 20% depending on previous performance in terms of delivery of housing. The appeal decision of May 2013 in respect of land south of Moira Road, Ashby de la Zouch, found that the "Sedgefield" approach should be used and that a buffer of 20% should be allowed for.

On this basis, the District Council's most recent calculations indicate that the Council is only able to demonstrate a supply of 4.06 years which represents a significant shortfall vis-à-vis the requirements of the NPPF.

The above assessment includes build out figures for the site given its location within the area for growth in south west Coalville identified in the Submission Core Strategy (Policy CS36), and based on an expected delivery of 200 units in the five years. If the figure did not make any such allowance, the total five year supply figure would, of course, be reduced (under the "Sedgefield" approach) to 3.76 years' supply.

The consequences of an inability to demonstrate a five year supply are profound. Paragraph 49 of the NPPF advises that "Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites". The Council would not, in these circumstances, be able to rely on adopted Local Plan Policy S3 (Limits to Development) as, being a policy constraining the supply of housing land, it would be considered to be out of date.

In addition to the above assessment of the proposals' performance vis-à-vis the existing National and Development Plan policies, consideration also needs to be given to the proposals' compliance with the emerging Core Strategy policies (albeit with commensurate weight being given to those policies, reflecting the extent to which the Core Strategy has progressed thus far).

In detail, Policies CS35 and CS36 provide as follows:

"Policy CS35: Coalville Urban Area

Coalville Urban Area's role as the main social and economic focus of North West Leicestershire district will be strengthened.

A Provision will be made for at least 4,030 more homes by 2031 and at least 30 Hectares of employment land in accordance with Policy CS10. This growth will be accommodated in a way which respects the individual identity of each of the communities that make up Coalville Urban Area.

B Most of the new housing development will take place within the Broad Growth Locations in accordance with Policy CS36. The remaining provision will come from a range of smaller sites across the Coalville Urban Area...

D New dwellings on sites of ten dwellings or more in the Coalville Urban Area will be expected to meet the following sub-category requirements of the Code for Sustainable Homes... [i.e. credits related to energy / carbon dioxide emissions, surface water run-off, ecology and pollution]

H The individual identity of each of the communities that make up the Coalville Urban Area will be protected by ensuring that local distinctiveness is reflected in the location, layout and design of new development...

K New development should contribute to the implementation of the North West Leicestershire Cycling Strategy (Part 1: Coalville).

L Measures will be taken to achieve air quality standards in the Coalville Air Quality Management Area."

Policy CS36: Coalville Urban Area Broad Growth Locations

B Development Areas to the South-West of Coalville

Further development areas to the south-west of the town will provide for at least 800 dwellings. Development will be designed as a series of distinct and separate developments which reflect the character of the existing built form of Coalville and which respect the physical separation of the Coalville Urban Area and Ravenstone. Development will incorporate a range of infrastructure, including education and health provision, open space National Forest planting and other new infrastructure as necessary to create a sustainable community will be provided.

C Transport

The above development areas....should provide for new and improved transport infrastructure based on Travel Planning that seeks to achieve a modal shift away from private car use. Improvements are to include:

- i highway improvement works to M1 Junction 22 and A42 Junction 13;
- ii Mitigation measures on the existing transport network where adverse impacts are

- identified, including improvements to A511 junctions; improvements to the Ashburton Road / Grange Road / Central Road / Station Road (Hugglescote crossroads) junction....
- iv a regular bus service from the proposed development into Coalville Town Centre, Leicester City Centre and local employment sites. New dwellings should be no more than 400 metres walk from the nearest bus stop;
- v New walking and cycling links to key retail, leisure, employment and education services and existing facilities as set out in the North West Leicestershire Cycling Strategy (Part 1: Coalville); and
- vi Provision of travel packs for new residents.

D Environment

The above development areas....should:

- i include appropriate measures to mitigate the noise and air quality impacts arising from the development on new and existing residents (primarily, but not exclusively, those impacts identified in the Coalville Air Quality Management Area)...
- iii be designed so as not to allow sensitive development within areas that are prone to flooding. Measures to address / regulate flows of water courses that are susceptible to flooding will be encouraged; this should include the provision of Sustainable Urban Drainage Systems (SuDS); and
- iv address capacity issues at Snarrows Wastewater Treatment Works."

In terms of the proposals' performance vis-à-vis the emerging Core Strategy policies (and, in particular, Policy CS36), it is considered that the proposed development would sit comfortably with the overall strategy to direct growth to (amongst others) south west Coalville, wherein at least 800 dwellings are envisaged (and, on the basis of the housing trajectory contained within the draft Core Strategy, 100 units are anticipated to be delivered within the next five years). It is also noted that the policy anticipates this growth coming forward as a series of distinct and separate developments; thus far, planning permission has been granted for 190 units on land at Coalville Lane, Ravenstone / Ravenstone Road, Coalville (St Modwen Homes - outline planning permission ref. 12/00325/OUTM and reserved matters approval ref. 13/00055/REMM), and the Planning Committee has also resolved to grant outline planning permission for up to 130 units on land at Jackson Street / Wentworth Road, Coalville (Taylor Wimpey Homes; ref. 12/00688/OUTM). The range of infrastructure expected to be delivered to accommodate the anticipated scale of development as set out in the draft Infrastructure Plan include a range of measures, contributions to various of which are proposed, and are as set out in the relevant sections below.

Insofar as compliance with other specific criteria contained within Policies CS35 and CS36 is concerned, where relevant these criteria are addressed in the appropriate sections below. However, it is noted that Policy CS35 Subsection D includes a requirement to comply with various Code for Sustainable Homes sub-categories. The relevant requirements in respect of these are:

Cycle Storage ("Ene 8"): - At least one credit to be achieved.

One or two credits can be secured under this criterion depending on how many cycle storage places are provided per dwelling (and depending on the number of bedrooms). There would appear to be no reason why at least one credit could not be achieved at the reserved matters stage (this would include, for example, 1 cycle space for 2 or 3 bedroom dwellings or 2 cycle spaces for 4 or more bedroom dwellings).

Flood Risk ("Sur 2"): - At least one credit to be achieved.

Credits are available for either developments situated in Zone 1 and where the site-specific Flood Risk Assessment indicates that there is low risk of flooding from all sources (two credits) or for developments situated in Zones 2 and 3a where the finished ground floor level of all habitable parts of dwellings and access routes to the ground level and the site are placed at least 600 mm above the design flood level of the flood zone (one credit). Whilst the submitted Flood Risk Assessment indicates that the site includes land within Zone 2, it confirms that all dwellings within that zone would have their finished floor levels 600mm above the 1 in 100 year flood level plus 30% allowance for climate change.

Ecological Enhancement ("Eco 2"): - Full additional credits to be achieved.

Credit is available where a suitably qualified ecologist has been appointed to recommend appropriate ecological features that will positively enhance the ecology of the site, and where the developer adopts all key recommendations and 30% of additional recommendations. In view of the documents submitted in support of the application, this would appear likely to be met.

Change in Ecological Value of the Site ("Eco 4"): - At least two additional credits to be achieved. Up to four credits are available depending on the extent of the change in ecological value before and after development (ranging between a minor negative change (1 credit) and a major enhancement (4 credits)). Based on the submitted documents, at least two credits would appear achievable.

NOx Emissions ("Pol 2"): - Full credits to be achieved.

Three credits are available for developments where heating and hot water energy systems do not produce NOx emissions.

Loss of Agricultural Land

Also of relevance to the principle of releasing the site is the issue of loss of agricultural land. Part of the site is currently in active agricultural use and, insofar as the proposed built development is concerned, this would result in an irreversible loss to non-agricultural use.

Paragraph 112 of the NPPF suggests that, where significant development of agricultural land is demonstrated to be necessary, poorer quality land should be used in preference to that of a higher quality. Having regard to the five year housing land supply issue as set out above, it would seem inevitable that land outside Limits to Development (much of which will be agricultural in terms of use) will need to be released. Best and Most Versatile (BMV) agricultural land is defined as that falling within in Grades 1, 2 and 3a of the Agricultural Land Classification. The applicants have provided an assessment of the agricultural quality of the 19.7ha application site, suggesting the following distribution of land quality:

Grade 2:	0.6ha (3%)
Grade 3a:	11.6ha (59%)
Grade 3b:	1.4ha (7%)
Non-Agricultural:	5.7ha (29%)
Urban:	0.4ha (2%)

On this basis, 62% of the application site (12.2 ha) would be BMV, and primarily incorporating the northern and western sections of the site. In terms of assessing the significance of this loss, the applicants' assessment suggests that the magnitude of loss of agricultural land to alternative uses is low, having regard to accepted practice of classifying the impact as low where less than 20 hectares of BMV would be lost (with medium and high impacts defined as those resulting in loss of between 20 and 50ha, and those of 50ha and above respectively). It is noted that the NPPF does not suggest that release of smaller BMV sites is acceptable. However, it nevertheless appears reasonable to have regard to the extent of the loss in the decision making

process. Also relevant is the extent to which change of use of the BMV land is irreversible. Whilst the submitted masterplan is illustrative only, it is noted that it indicates that a proportion of the areas identified as BMV would be given over to National Forest planting and public open space which, it is considered, would not necessarily preclude its future re-establishment in active agricultural use if circumstances so dictated.

Nevertheless, in terms of agricultural land quality, it is not considered that the proposed development sits particularly comfortably with the requirements of the NPPF and, in particular, the aims of Paragraph 112. However, this would need to be weighed against other material considerations and, whilst there would be adverse impacts in this regard, these concerns would not be so significant as to outweigh the considerations in favour of the scheme. When considered in the context of the five year housing land supply issue, and the benefits of releasing the site to assist in maintaining such supply, it is considered that the agricultural land quality issue is not sufficient to suggest that planning permission should be refused, particularly given the relatively limited extent of the loss (i.e. 12.2ha). DEFRA has been consulted on this issue, but no response has been received.

Conclusions in respect of the Principle of Development and Planning Policy

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The majority of the site is outside Limits to Development in the adopted Local Plan and its development for housing would therefore be contrary to Local Plan Policy S3, a policy designed to protect the countryside for its own sake.

Whilst the NPPF would not seem to provide any restrictions per se on development outside Limits to Development, the general thrust of the adopted Local Plan policies would remain in the form of emerging Core Strategy Policy CS8. However, the emerging Core Strategy policies also clearly anticipate housing growth to the south west of Coalville, and it is considered that this scheme would be consistent with that anticipated direction for growth. Whilst the weight that can be attributed to this must be commensurate to the stage the Core Strategy process has reached, it is nevertheless appropriate to have regard to this issue as a material consideration.

The site's general suitability for housing (including its proximity to the built up area of Coalville) is also material, together with the need for the District to release significant areas of land for housing to ensure the provision and maintenance of a five year supply of land and to accord with the Government's intention to stimulate growth through a presumption in favour of sustainable development (as set out in the NPPF). An important consideration is that the Council must demonstrate and maintain a five year supply of housing land (with a 20% buffer) as required by the NPPF, which is considered to be a material consideration of some significance. A failure to demonstrate a five year supply of housing land will render development plan policies restricting such supply (including Policy S3) out of date.

Having regard to all of the above it is considered overall that the proposed development of the site is acceptable in principle.

Detailed Issues

In addition to the issues of the principle of development, consideration of other issues relevant to the application is set out in more detail below.

Means of Access and Transportation

All matters are reserved for subsequent approval except for access (insofar as vehicular access into and out of the site is concerned). The points of access proposed show vehicular access via new junctions to Standard Hill and Highfield Street (serving 300 and 100 dwellings respectively). Whilst the illustrative layout shows other potential pedestrian and cycle links into and through the site, these would be a matter for the reserved matters stage(s) (although their impact on the overall potential accessibility of the site still ought to be considered in those terms).

The application is accompanied by a Transport Assessment (amended during the course of the application's consideration) as well as a Travel Plan. The amended Transport Assessment indicates that, in the applicants' consultants' opinion, the development is located within a comfortable walking distance of a range of local amenities. It also comments that there are several existing bus services operating from Coalville Town Centre to the north of the site with limited services operational along Highfield Street (service 159). [Some buses on route 159 operate via Highfield Street, and others via Central Road]. It is noted that Core Strategy Policy CS36 (C) (iv) requires connection of the relevant site via a regular bus service to the town centre, Leicester city centre and employment sites, with new dwellings located no more than 400m walk from the nearest bus stop. The illustrative masterplan indicates that the site would be accessible to buses (and would include a bus gate or similar designed to allow buses (but not cars etc) to access through the site (i.e. so as to enter via one of the proposed site accesses and exit via the other)). The County Highway Authority advises that various measures to encourage public transport use should be secured by way of a Section 106 obligation. In terms of actual bus service provision, the submitted Transport Assessment states that it is proposed that the developer will subsidise a diversion of the existing No. 159 bus service into the site to ensure all dwellings where possible are situated within 400m of a public transport service. It suggests that it is anticipated an hourly service Monday to Saturday would be required, although indicates that further discussions would be required with Leicestershire County Council and the service operator to establish the feasibility of that proposal, with the service likely to be subsidised for the build period of the development (estimated in the Transport Assessment as four years) plus two further years. However, this would need to take into account the approach being used in terms of the District Council's transportation infrastructure contribution strategy (set out in more detail below) which would in the longer term seek to enable contributions to Coalville to Leicester and Coalville to Ibstock bus services (although, for the reasons discussed further below, the contribution proposed to be secured from this development would be sought to be prioritised towards other infrastructure at this time).

The Transport Assessment also concludes that the development would exacerbate existing capacity issues at the following junctions:

- A511 Hoo Ash Roundabout;
- A511 Thornborough Road Roundabout;
- A511 Whitwick Road Roundabout;
- A511 Broom Leys Road Signals;
- Ashby Road / Belvoir Road / High Street / Memorial Square Traffic Signal Junction;
- A447 Wash Lane / Leicester Road / Ibstock Road (Ravenstone Crossroads); and
- Hugglescote Crossroads

Of these, the Transport Assessment provides for mitigation at:

- A511 Hoo Ash Roundabout;
- Ashby Road / Belvoir Road / High Street / Memorial Square Traffic Signal Junction;
- A447 Wash Lane / Leicester Road / Ibstock Road (Ravenstone Crossroads); and

- Hugglescote Crossroads

Insofar as the affected junctions on the wider highway network (and the associated junction capacity assessments contained within the applicants' submissions) are concerned, the County Highway Authority comments as follows:

A511 Hoo Ash Roundabout:

The assessment is agreed. A contribution figure towards mitigation should be agreed with the Local Highway Authority / Local Planning Authority

A511 Thornborough Road Roundabout:

It is acknowledged that the development is only predicted to put an additional 2 Passenger Car Units (PCUS) through the junction in the am peak. It is agreed that no mitigation is required.

A511 Whitwick Road Roundabout:

It is acknowledged that the development is only predicted to put an additional 6 PCUS through the junction in the am peak. It is agreed that no mitigation is required.

A511 Broom Leys Road Signals:

The submitted Linsig assessment is agreed. It is agreed that no mitigation is required.

A511 Bardon Road:

It is acknowledged that the development is not predicted to put traffic through this junction. It is agreed that no mitigation is required.

A511 Reg's Way Roundabout:

The submitted Arcady assessment is agreed. It is agreed that no mitigation is required.

Ashby Road / Belvoir Road / High Street / Memorial Square Traffic Signal Junction:

Mitigation is to take the form of a contribution towards MOVA.

Berrisford Street / James Street:

The Picady assessment is agreed. It is agreed that no mitigation is required.

A447 Wash Lane / Leicester Road / Ibstock Road (Ravenstone Crossroads):

Mitigation is to take the form of a contribution towards MOVA.

Hugglescote Crossroads:

A contribution figure towards mitigation should be agreed with the Local Highway Authority / Local Planning Authority.

Other mitigation proposals outlined in the Transport Assessment and Travel Plan include various measures designed to encourage walking / use of public transport by residents. The relevant measures are included within the County Highway Authority's requested contribution / Section 106 requirements below:

- A Construction Traffic Routeing Agreement to be submitted to and approved in writing by Leicestershire County Council
- One Travel Pack per dwelling to inform new residents from first occupation what sustainable travel choices are available in the surrounding area (which can be provided through Leicestershire County Council at a cost of £50.18 per pack/dwelling if required)

- Two six-month bus passes per dwelling to encourage new residents to use bus services as an alternative to the private car to establish changes in travel behaviour from first occupation (which can be provided through Leicestershire County Council at a cost of £325.00 per pass if required)
- Appointment of a Travel Plan Co-ordinator for a period to 5 years after completion of the development to ensure effective implementation and monitoring of the site wide Travel Plan submitted in support of the planning application;
- A contribution of £3,000 for Leicestershire County Council to draft, consult upon, and implement a no waiting Traffic Regulation Order to restrict on-street parking within the vicinity of the proposed access on Highfield Street (see further details below);
- A contribution of £6,000 towards the upgrade and validation of MOVA at the A447 Wash Lane / Leicester Road / A447 Ibstock Road (Ravenstone crossroads) signalised junction prior to the occupation of any dwelling;
- A contribution of £10,000 towards the installation of MOVA at the Ashby Road / Belvoir Road / High Street / Memorial Square Traffic Signal Junction signalised junction prior to the occupation of any dwelling (if not already installed by that time). [If MOVA was already installed on site prior to first occupation, a contribution of £2,000 would be required towards validation]; and
- A contribution towards improvements to the wider highway network in Coalville as considered appropriate by North West Leicestershire District Council (i.e. in accordance with the District Council's contribution strategy - addressed in more detail below)

In respect of the proposed access arrangements, the County Highway Authority comments that the proposed access arrangement at Highfield Street involves a new priority junction with priority given to Highfield Street traffic. The proposed access would include for a Traffic Regulation Order (TRO) (i.e. yellow lines) to protect both the visibility splays at the junction and the turning movements of vehicles such as buses or refuse vehicles. Concerns have been raised by some neighbouring residents in respect of this element of the proposals to the effect that the implementation of such a TRO would reduce the availability of on-street parking. Insofar as residents on the north western side of Highfield Street are concerned, the applicants advise that this was a matter raised by residents during the applicants' own consultation process and, whilst no detailed layouts are proposed at this outline stage, potential access routes are identified on the illustrative masterplan and the applicants anticipate that it would be possible to secure access to the rear of the majority of existing dwellings on this side of Highfield Street (including properties not immediately adjacent to the proposed TRO section albeit also not including some of those closest to the proposed junction), as well as some on Standard Hill. Insofar as properties to the opposite side of Highfield Street are concerned, no mitigation would appear to be proposed although it is noted that, by virtue of their set back from the road, some of these properties have space to their frontages within which limited parking may be possible. Having said this, of course, there is no right for individual householders to park their vehicles on the public highway outside of their property.

The County Highway Authority confirms that it has no objection to the proposed Highfield Street access subject to the access being provided in accordance with the submitted details (which would include the TRO). [The County Highway Authority also notes however that any TRO pursued would need to be the subject of public consultation in the usual way.]

In respect of the Highfield Street access, the applicants' consultants' note submitted following the meeting with the County Highway Authority and members provides as follows:

Trip Generation:

Based on trip rates agreed with Leicestershire County Council, a proposed development of 100 dwellings would generate the following number of trips;

AM Peak (0800 - 0900): 17 arrive, 44 depart = 61 trips in total

PM Peak (1700 - 1800): 41 arrive, 27 depart = 68 trips in total

The consultants consider that these flows would distribute to / from both the north and south of the proposed access along Highfield Street so as to reduce the overall impact of the development in any given location. The distribution north and south is considered to be;

AM Peak (0800 - 0900): to / from North: 29 trips; to / from South: 32 trips

PM Peak (1700 - 1800): to / from North: 33 trips; to / from South: 35 trips

The consultants advise that these figures show that the development would have a maximum impact of 1 additional trip every 2 minutes to the north and south during the peak periods which, they suggest, would be imperceptible on the ground. On this basis they do not consider that traffic generation along Highfield Street from 100 dwellings would give rise to any capacity or safety concerns in this location.

On-Street Parking:

As set out above, the applicants have allowed for potential rear access parking to properties on the north western side of Highfield Street within their illustrative layout. In the additional note, the applicants' consultants have provided a more detailed (draft) plan in this regard and confirm that the applicant is prepared to ensure this would be provided within any future layouts to as many properties along this side of Highfield Street as possible.

In terms of the proposed access arrangement at Standard Hill, the County Highway Authority notes that the proposal includes for a ghost island junction, and advises that it has been designed based on the existing 40mph speed limit; again, the County Highway Authority has no objection to this element of the proposals. The County Highway Authority also draws attention to recent local concern raised regarding highway flooding on Standard Hill in the vicinity of the proposed site access. The County Council advises that it is responsible for maintenance of the existing culvert, and adjoining landowners are responsible for the maintenance of the ditches either side of the culvert, and that the issues is being investigated by the County Council. Leicestershire County Council confirms that, if there is an issue with the existing culvert, it would be for the County Council to address and that, if there is an issue with the ditches, then the County Council would serve notice on the adjoining landowners. [Further comments on this issue are contained within the Flood Risk and Drainage section below.]

Insofar as the Standard Hill access is concerned, following the meeting with the County Highway Authority and members, the applicants' consultants' note advises that they have given consideration to a roundabout access in this location (which was considered by members as a solution to reduce speeds along Standard Hill) and have considered the concerns raised over the safety of the currently proposed right turn lane access design. They also note that no issues were recorded with the right turn design following an independent Stage 1 Road Safety Audit submitted as part of the planning application, and comment that existing 85th percentile speeds along Standard Hill were recorded from an Automatic Traffic Counter in May 2011 at 40.6mph eastbound and 45.0mph westbound.

An indicative roundabout design has been provided as part of the note and has, the applicants' consultants advise, been designed in accordance with DMRB TD16/07 with suitable deflection to provide effective speed reduction. They advise that the design shows that a suitable roundabout cannot be provided in this location due to the following reasons;

- Additional encroachment of the access road and roundabout into the modelled 1 in 1,000 year flood plain within the site;

- Ecological impact and specifically works to the existing culvert crossing Standard Hill due to encroachment of the access road and roundabout into this area; and
- Land ownership - there is insufficient land under the applicants' control or existing highway land for a suitable roundabout to be provided (as the appropriate visibility splays cannot be achieved as they cross through third party land)

Notwithstanding these reasons, however, the applicants consider that there is no requirement for a roundabout based on the traffic flow in this location in accordance with TD42/95; peak hour flows are less than 6,000 vehicles along the major road (Standard Hill) and less than 1,500 vehicles on the minor road (site access road) and, using TD42/95, a right turn lane is, the applicants' consultants advise, an appropriate junction solution for this location.

The applicants' consultants advise that five year accident data along Standard Hill shows a total of three accidents have occurred between the A447 and Highfield Street junction within this period. One of these accidents was caused as a result of impairment due to alcohol and the other two occurred either end of the study area and not within close proximity of the proposed access. On that basis they suggest that no apparent accident issues exist, and they do not consider the proposed development would give rise to accident issues in this location.

However, in terms of potential additional measures to this junction, the applicants' consultants advise that vehicle activated junction warning signs could be provided along Standard Hill to provide advance warning to drivers of the new junction ahead. For the reasons already set out, the applicants' consultants point out that the Stage 1 Road Safety Audit did not raise any issues relating to the ghost island right turn lane design and Leicestershire County Council does not consider these signs to be a requirement, but nevertheless confirm that the applicant would be willing to provide these as an additional benefit to increase awareness of the junction given the highway safety concerns raised.

Insofar as the Standard Hill access issues are concerned, the applicants' consultants' reasons for not pursuing a roundabout junction are noted. In terms of the potential flood risk and ecological constraints identified, it is accepted that a significant reconfiguration of the proposed junction (and, in effect, a significant widening of the overall highway in the vicinity of the roundabout) would indeed be likely to have implications on the currently proposed culvert solution which has been designed so as to address flooding concerns whilst also allowing suitable wildlife passage. In the absence of a detailed assessment of the flood risk and ecological impacts of such a scheme (and its review by the appropriate consultees such as the Environment Agency and the County Ecologist), however, it is not possible to conclude with any certainty that such issues would be insurmountable. Similarly, whilst land ownership may be a further constraint, it is difficult to give this issue significant weight in the absence of any evidence showing that appropriate efforts have been made to secure the relevant ownership. Having said this, however, the principal issue is considered to be the applicants' position (and a position concurred with by the County Highway Authority) that the solution already proposed is suitable in any event; regardless of whether alternatives would or wouldn't be achievable, given that the view is taken that the scheme as proposed is acceptable in highway safety terms, then it would not be appropriate to withhold planning permission on this issue.

It is noted that, notwithstanding the position taken on the suitability of the proposed Standard Hill access, the applicants have nevertheless undertaken to provide additional safety measures (i.e. vehicle activated warning signs). Whilst these measures are considered welcome, having regard to the advice of the County Highway Authority that, in highway safety terms, the proposed access meets the relevant standards in any event, it is not considered that it would be reasonable to require their provision by way of a condition.

In view of the conclusions as set out above, the County Highway Authority continues to raise no objections to the proposals on highway safety grounds subject to conditions, and subject to the contributions as set out above. In respect of the additional site access note, the County Highway Authority confirms that the information contained within the note is factually correct, and that the County Council's previous comments in respect of the application continue to apply. Insofar as the strategic highway network is concerned, the Highways Agency has no objections subject to the imposition of directed conditions precluding any occupation of the proposed development until such time as mitigation works have been implemented at Junction 22 of the M1 motorway and Junction 13 of the A42.

On 15 January 2013, the District Council's Cabinet considered a report relating to Delivering Growth and Prosperity in Coalville which set out proposals to prioritise highways infrastructure contributions in Coalville above affordable housing contributions given the need for significant transportation infrastructure to be provided so as to enable otherwise stalled development to be delivered. Cabinet resolved to (i) agree to the preparation and consultation of an interim Section 106 policy which establishes the approach towards prioritising highway infrastructure contributions in Coalville, which will be reported back to cabinet after the consultation exercise; (ii) agree that for major developments in Coalville, the Planning Committee be asked to consider the emerging policy through Section 106 agreements; and (iii) to recommend that Planning Committee, where appropriate, prioritise the requirement for highways infrastructure contributions in Coalville above affordable housing contributions where such contributions are necessary, in accordance with the emerging policy proposals. The District Council consulted on a draft policy between 22 February 2013 and 5 April 2013 and, following the conclusion of that consultation, reported back to Cabinet on 11 June 2013. At that meeting, Cabinet resolved to approve the policy.

The report to Cabinet of 15 January 2013 included an indicative list of potential transportation infrastructure measures to which the financial contributions made would be expected to contribute; based on the figures available at that time, the calculations provided to Cabinet suggested a potential contribution of between £4,419 and £4,884 per dwelling. As of the current position, discussions are ongoing with the County Highway Authority and Highways Agency to establish an appropriate mechanism for securing contributions but, as matters stand, having regard to Local Highway Authority and Local Planning Authority officers' assessment of factors such as infrastructure scheme priority in terms of the importance on the wider highway network, estimated date of site delivery, and proximity of the respective potential developments to the relevant junctions / infrastructure schemes, the intention is that this site would be likely to need to contribute towards the proposed Bardon Grange link (i.e. linking the allocated housing site on land north of Grange Road with the A511 Stephenson Way), and an appropriate contribution of £1,700,000 has been calculated.

As set out in more detail under Affordable Housing below, in order to accommodate this sum within the scheme whilst retaining its viability, and in accordance with the District Council's *Priorities for Developer Financial Contributions for infrastructure provision relating to Major Residential Development Proposals in and around Coalville* policy, the applicants have undertaken some initial calculations (which would need more detailed independent assessment on behalf of the Local Planning Authority) so as to demonstrate the impact that payment of the transportation infrastructure contribution would have on the viability of the scheme. This indicates that the scheme is not viable (when providing for the transportation infrastructure contribution along with other developer contributions and with a full affordable housing contribution as per the District Council's Affordable Housing SPD), and the extent to which the quantum of affordable housing would need to be reduced so as to render the scheme viable.

Whilst there would be officer concerns in respect of a number of applications for major development in Coalville without full assessment in accordance with the recently agreed approach towards infrastructure provision, it is accepted in this case that, given that all other matters are now essentially resolved, the Local Planning Authority is now in a position wherein it can make a reasoned assessment of the application. The sum proposed would, it is considered, represent a reasonable contribution towards those schemes identified as being necessary to enable development to proceed in the Coalville area including those which, insofar as this particular development is concerned, would be necessitated by this development. Separate contributions are also proposed in respect of other highways works which would be required to accommodate this development.

Insofar as the comments of the Highways Agency are concerned (and, in particular, the Agency's direction of Grampian conditions in respect of works at Junction 22 of the M1 and Junction 13 of the A42), it is noted that funding towards works at these junctions would be intended to be secured by way of the District Council's Coalville Highway and Transport Infrastructure contributions strategy. On the basis of the Highways Agency's current response, the Agency is of the view that a material impact on those junctions would result from the proposed development. As part of the District Council's contributions strategy, the appropriate contributions to those junctions would take place at an appropriate time, notwithstanding that the development the subject of this particular application would be expected to contribute principally to the Bardon Road link given its other impacts, the infrastructure priorities and the expected sequence in which sites (and contributions) would be expected to be delivered. [NB the Jackson Street / Wentworth Road site referred to above would, given that junction's priority for improvement, be expected to contribute towards, amongst others, Junction 13 of the A42]. On this basis, there would seem to be potential for the Highways Agency's directed conditions to be removed; as directed conditions, however, they must be applied unless the direction is removed or amended by the Highways Agency and, as such, they are included within the recommendation below but, should the Highways Agency subsequently be satisfied prior to the issuing of any decision notice that they do not need to be applied, it is recommended that they be deleted accordingly.

In terms of the accessibility of the site generally, this is considered in more detail above under Principle of Development. Whilst not part of the access proposals submitted at this outline stage, the illustrative masterplan indicates that non vehicular links to adjacent land would be anticipated at the reserved matters, including links to the Taylor Wimpey site to the north (via the existing right of way), to the Snibston Country park, and to the agricultural land to the west (again along the line of the existing right of way). Potential linkage to the existing Private Road (off Standard Hill) is also shown to the south. Whilst all means of access other than the principal vehicular points of access into the site are reserved (and any other accesses would therefore need to be subject to a reserved matters application(s)), it is considered that the information submitted indicates that, in principle, a suitable range of non-vehicular connections could be provided between the site and adjacent land. However, it would need to be demonstrated at the relevant reserved matters stage that the scheme proposed provided an appropriate level of accessibility / permeability for pedestrians and cyclists.

As set out under Principle of Development above, outline planning permission has been resolved to be granted for up to 130 units on land at Jackson Street / Wentworth Road which is immediately to the north of this site. Whilst it is not proposed to provide a comprehensive vehicular access link between the two sites, the illustrative masterplan submitted with this application indicates linkage via the existing bridleway to the northern end of the application site. Regardless, however, it is accepted that it would not be reasonable to require a full vehicular

link to the adjacent site, and no conflict with Local Plan Policy E6 would be considered to arise. Whilst the illustrative masterplan does also not allow for public transport penetration from the application site into the Taylor Wimpey site to the north, given the Jackson Street / Wentworth Road site's close linkages to the town centre (and, in particular, to Marlborough Square), that scheme would perform well in public transport accessibility in any event, and hence the Jackson Street / Wentworth Road site would not necessarily require bus penetration from the Miller Homes site to the south.

Subject to the above, therefore (and including the applicants making an appropriate contribution towards transportation infrastructure, the proposed development is therefore considered acceptable in terms of Means of Access and Transportation issues.

Landscape and Visual Impact

The application is accompanied by a Landscape and Visual Assessment, as well as an arboricultural survey. Some areas of the site are subject to Tree Preservation Orders (TPOs), and there are a significant number of trees presently on site (and, in particular, within the non-agricultural land closest to the existing built up area of the town).

The Landscape and Visual Assessment considers the site's context within a range of national, regional and locally-based landscape character assessments, all of which's designations reflect the area's coalfield setting. The Assessment also considers the impact upon a total of 28 viewpoints, both in close proximity to the application site, and further afield, having regard to a zone of theoretical visibility of the site (given surrounding topography etc). In respect of selected views, photomontages comparing the views (i) as existing; (ii) upon completion; (iii) after 5 years; and (iv) after 15 years have also been provided. The impacts predicted range between high and very low magnitude (and, for those where the site is not visible, none), and the significance of those impacts includes for some with substantial, adverse impacts (albeit the majority would be less significant, particularly after the 15 year period). In general terms, where impacts such as substantial, adverse are predicted at construction stage, the Landscape and Visual Assessment anticipates these impacts tending towards neutral type impacts after 15 years; this is reflected in the predicted photomontages where landscaping can be seen to mature over time.

In terms of retained / proposed planting, the site is in the National Forest, and the scheme's performance vis-à-vis the relevant National Forest standards is set out under the relevant section below. In terms of the extent of landscaping and other open space cover proposed in respect of the development, it is noted that the illustrative masterplan indicates that substantial planting areas would be retained / planted (as appropriate) to the north western, south western, and central southern site boundaries. Also proposed are other areas of landscaping within the site, with the total quantum of public open space / landscaping constituting approximately 33% of the total site area as indicated on the illustrative masterplan. It is considered that the scheme as indicated on the illustrative masterplan represents a suitable balance between built development and landscaping, and would serve to assimilate the development into its surroundings which, whilst lying adjacent to the existing built up area of the town, is essentially outside Limits to Development as defined in the adopted Local Plan.

As set out above, trees cover much of the site; various TPOs also affect the site including in the vicinity of the proposed Highfield Street access, and the application has been assessed by the District Council's Tree Officer. In general terms the Tree Officer expresses concerns over the resulting loss of existing woodland within the site and, in particular, towards the central / south eastern portion. For the most part, concerns over impact on trees would more properly be dealt with at the reserved matters stage(s) as, at this outline stage, no detailed layout is proposed.

However, two particular issues are considered to require more detailed assessment, namely the impact of the loss of much of the existing woodland in the central part of the site (given that, notwithstanding the need to consider the impact on trees arising from the actual development layout proposed, it would seem inevitable that loss of at least some of this area would result in the event that outline planning permission were granted) and the impact on those protected trees in the vicinity of the proposed Highfield Street access (which forms part of the matters for consideration at the outline stage).

Insofar as the woodland is concerned, this includes principally Hawthorn and Ash (but with other species such as Apple, Birch, Sessile Oak, Sycamore and Blackthorn naturally establishing within the Hawthorn). In terms of the loss of the existing woodland, the District Council's Tree Officer considers that, whilst it has been largely unmanaged, it has the potential to make a contribution to the urban forest and help realise the potential of this part of the National Forest, as well as having ecological potential. He is of the view that its removal would have an adverse effect on the landscape and fracture an important green corridor. Whilst this is accepted, if the Local Planning Authority was to take the view that the development of the wooded areas would not be acceptable, this would have the effect of sterilising much of the site, and these concerns therefore need to be balanced with other issues (and, not least, the need to meet the District's housing land supply obligations by releasing sites such as these which are identified for development within the District Council's emerging Core Strategy).

In terms of the protected trees in the vicinity of the Highfield Street access, there are two District Council TPOs relating to this part of the site, as follows:

TPO T407 protects Horse Chestnut trees at St James' Church; branches of the Horse Chestnuts extend across the boundary and over the site. The District Council's Tree Officer comments that crown lifting would be required to facilitate the proposed access road from Highfield Street (which is included for consideration at this outline stage). In terms of the impact on the Horse Chestnuts, the Tree Officer advises that the submitted Highfield Street access plan should include details of the relevant root protection areas. Whilst this detail has not been annotated on the access plan, it is accepted that this is indicated on the separate tree retention plan and, when comparing the two plans, the line of the proposed access road and footway would appear to be outside of the relevant trees' root protection areas. Whilst the applicants have not provided the plan requested by the Tree Officer, they comment that they have sought to avoid the root protection areas, particularly at what they describe as the "pinch point" in the access off Highfield Street. They comment that an access at this part of the site is "non negotiable", and have had to work with this constraint irrespective of the presence of TPO trees. Overall in respect of the potential impact on these trees, it appears that the proposed access road would be likely to be compatible with the retention of the protected trees. Having said that, however, were retention not ultimately possible, it is understood from the County Highway Authority that further "deflection" of the line of the access road so as to route it further away from the trees could cause access issues, and further clearance from the trees would not seem possible. Given the other issues relating to the need to deliver housing as already set out within this report, it would also be considered acceptable to permit the loss of the trees if needs be if this were necessary in order to ensure an appropriate access into the site were secured.

TPO T426 was made by the District Council in 2011 and protects woodland to the south and west of 18-32 St Faiths Drive, and was specifically requested to provide screening from the proposed development for existing properties in this area. Whilst the District Council's Tree Officer notes that the submitted illustrative masterplan indicates construction extending over much of the area of this TPO, it is noted that these trees would not be directly affected by the proposed access road forming part of the outline application, and that the masterplan is only illustrative in nature. Clearly the applicants would need to bear in mind the presence of the TPO

in devising any detailed layouts at the reserved matters stage(s), but the concerns raised would not be matters for the outline application to determine.

Whilst concerns have also been raised by the Tree Officer in respect of other TPOs and their protection zones around the site, it is accepted that, given the outline nature of the application, these too are matters that can be satisfactorily addressed at the reserved matters stage.

Similarly, the Tree Officer raises concerns regarding the proposed new landscaping and, in particular, the need to provide sufficient space for successful frontage and street tree planting (i.e. any planting on narrow verges or pavements needs to make allowance for appropriate highway clearance at maturity and desirable light to adjacent properties). Again, given that landscaping is a reserved matter, it is considered that this issue would be more appropriately dealt with at that time.

Overall, in respect of issues relating to Landscape and Visual Impact, the view is taken that the proposals are acceptable, therefore.

Flood Risk and Drainage

A Flood Risk Assessment (FRA) and associated documents have been submitted in support of the application. The Environment Agency flood zone maps indicate that the site lies within Flood Zone 1, and on this basis the site would appear suitable for development in principle (and in flood risk sequential terms, would meet the requirements of the NPPF).

However, the site is also crossed by two watercourses; these converge within the site before continuing southwards to a culvert underneath Standard Hill in the vicinity of the proposed access onto this road. In terms of sources of flood risk to the site, the submitted FRA indicates that out of bank flooding currently occurs at the confluence, and upstream of the culvert; the FRA suggests that the culvert is restricting the flow of water off-site. Having regard to this the applicants have undertaken a Flood Modelling Study on the watercourses which indicates that, notwithstanding the content of the Environment Agency flood zone maps, some of the site would in fact fall within Flood Zones 2 and 3, and the Environment Agency had initially objected on the basis of the loss of floodplain, although this has since been addressed by way of (in effect) adding capacity to the Standard Hill culvert thus addressing the concern over loss of floodplain but also addressing issues with highway flooding in Standard Hill. Whilst part of the site is found to be outside Flood Zone 1, it is the applicants' intention to locate all built development within Zones 1 and 2 (and with any dwellings within Zone 2 incorporating raised floor levels accordingly). On this basis the applicants consider that the proposals meet the requirements of the sequential test; for its part, the Environment Agency advises that, given that the starting point for application of the sequential test is the Environment Agency's flood zone maps, the site would in any event fall within Flood Zone 1 and, therefore, the sequential approach would be satisfied.

In terms of on-site surface water drainage, the application documents indicate that the development would incorporate three storage ponds as well as "hydrobrakes" so as to restrict flows to the effect that, for the 1 in 100 year plus 30% storm event, a 61% reduction in peak discharge would result when compared with the existing greenfield run-off rate.

Insofar as foul drainage is concerned, it is proposed to connect to an existing combined sewer, and the FRA indicates that there are no recorded incidents of flooding from this sewer. Due to the topography (i.e. the site is lower than the proposed point of connection), a pumping station would be required (and is shown on the illustrative masterplan as adjacent to the proposed Standard Hill access). From this pumping station, the foul sewerage would be conveyed (during

night time) via a rising main and break chamber to the existing sewer.

The Environment Agency notes that foul drainage from the proposed development would be discharged to Snarrows Sewage Treatment Works (STW) via Kelham Bridge sewage pumping station; Snarrows STW discharges to the Grace Dieu Brook. The Environment Agency had previously objected to developments in the catchment due to concerns that there was insufficient capacity in the sewerage network and / or Snarrows STW to receive the additional foul flows. However, the Environment Agency advises that, following initial investigations, Severn Trent Water Ltd issued a position statement which identified preliminary works to eliminate infiltration which would free up capacity to receive additional foul flows. In response to this application the Environment Agency had previously indicated that, following discussions with Severn Trent Water, any permission would need to be limited to occupation of 258 dwellings prior to undertaking of additional capacity improvement works. However, following the submission of additional supporting information demonstrating the likely flow rates associated with the development and ongoing dialogue with Severn Trent Water, the Environment Agency is now content that no such limitation is required. However, the Environment Agency advises that the proposed temporary storage and nighttime pumping regime should remain in place until such time that Severn Trent Water deem the permanent improvements are in place, at which point the temporary arrangements would no longer be required. The Agency recommends that this be secured by way of a legal agreement between the developer, Severn Trent Water and Local Planning Authority to ensure the transition from a temporary to permanent foul drainage disposal scheme for the development. For its part, Severn Trent Water has no objections to the application subject to conditions.

As set out under Means of Access and Transportation above, the area in the vicinity of the proposed Standard Hill access has recently been the subject of surface water flooding of the highway following periods of heavy / prolonged rain. As already set out, the County Council (whether in its capacity as Local Highway Authority or Lead Local Flooding Authority) would serve notice on the adjacent landowners (or address the matter itself if there was an issue with the culvert). It is also understood from the Environment Agency that dredging works have recently been undertaken to the affected watercourse which, presumably, are intended to address the concerns raised (although, as noted above, the application proposals include upgraded culverting measures which would be implemented as part of the development the subject of this application).

Overall, in terms of issues of Flood Risk and Drainage, it is considered that the scheme is acceptable, and would provide for appropriate drainage solutions to accommodate the proposed development.

Design

The application is supported by a Design and Access Statement setting out the applicants' proposals, and explaining the approach taken in terms of design. Having reviewed the proposals and the Design and Access Statement, the District Council's Urban Designer considers that, when assessed against Building for Life 12, the application would secure "Greens" in 3 of the 12 criteria, with the remaining 9 being "Amber" but with potential to raise to Green. He comments that, due to the outline nature of the application, it is not possible for the scheme to achieve more "Green" indicators and therefore the "Amber" indicators should not be seen as a reason for concern at this stage. However, to ensure that these "Ambers" become "Greens" rather than "Reds" at any future reserved matters stage would, he advises, require continued effort and commitment by the applicant and the design team. He notes that the design team has established a series of design principles that provide the opportunity and scope to secure 12 "Greens" at the reserved matters stage and draws particular attention to the

merits of the applicants' Car Parking Design Code. He encourages the applicants to retain the design team through any future reserved matters stage so as to ensure that the emerging vision is realised through to implementation as, otherwise, there is a risk of dilution.

A key challenge is, the Urban Designer suggests, how the reserved matters scheme relates to the idea of character, and how a place with a local or otherwise distinctive character can be created drawing influence from the positive and distinctive characteristics of the local area and / or the National Forest. He suggests that it is possible to draw from selected local characteristics in terms of building form and materials without resorting to a pastiche approach, combining these with a strong landscape character.

The development is therefore considered acceptable in this regard, and the District Council's Urban Designer raises no objections subject to the attachment of conditions and notes to applicant as set out in the recommendation below.

Residential Amenity

In terms of amenity issues, the impacts of the proposed development needs to be considered both in terms of the impacts on the future living conditions of residents of the proposed development, having regard to the site's location, as well as on existing residents arising from the proposed development. These are considered in turn below.

In terms of future residents' amenities, it is noted that the site is not located in close proximity to any existing incompatible land uses and, in principle, there appears no reason why the development would not be appropriate in this regard, and no objections are raised by the District Council's Environmental Protection team.

Insofar as the impacts on neighbouring occupiers arising from the proposed development are concerned, whilst an illustrative masterplan has been submitted, all matters except part access are reserved for subsequent approval. Having regard to the undulating nature of much of the site, any reserved matters scheme would need to be appropriately devised at the edges of the site adjacent to other dwellings so as to ensure that occupiers of both existing and proposed dwellings were afforded an appropriate level of amenity but there is no reason to suggest that the eventual form of development proposed under the reserved matters would necessarily result in undue loss of amenity to adjacent occupiers, and the scheme is, at this outline stage, acceptable in this regard.

Also of relevance, however, are the issues of potential disturbance from vehicular movements to and from (and within) the site. In this regard it is noted that, on the basis of the illustrative masterplan, the indicative location of internal access roads to the rear of existing dwellings on, in particular, sections of Highfield Street and Standard Hill could have implications on those dwellings, and regard would therefore need to be had to that issue when devising any reserved matters proposals. Insofar as this outline stage is concerned, however, of particular relevance are the additional comings and goings likely to be generated along the proposed Highfield Street access (serving 100 dwellings) which would, on the basis of the outline application submissions, pass close to existing properties on Highfield Street and St Faith's Drive. In this regard, whilst it is considered that there would be likely to be some increased levels of disturbance to adjacent properties, it is not considered that the impacts would be so adverse as to warrant a refusal of the application.

Ecology

The application is supported by an Extended Phase 1 Survey Report following the undertaking of an Ecological Appraisal of the site. A separate Breeding Bird Survey Report has also been

undertaken. In terms of statutory designated sites, this identifies that there are none of international value within 5km of the application site, and no SSSIs within a 2km radius. In terms of Local Nature Reserves (LNRs), the Phase 1 Report notes that Snibston Grange LNR lies to the immediate north west of the site and, in order to avoid physical damage to the LNR by way of damage to boundary trees and / or soil compaction during works, root protection areas would need to be maintained. In terms of non-statutory designated sites, the site encompasses the potential "Coalville Scrubby" Local Wildlife Site, an area of hawthorn and blackthorn scrub with scattered, mostly immature trees and an area of semi-improved grassland in regular use by dog walkers. The Report suggests that these habitats are considered to be of marginal quality, although the most mature sections would be retained within the development.

In terms of protected species, the Phase 1 Report concludes that the site is generally of moderate biodiversity value, with "features of ecological interest including mature and semi-mature trees, hedgerows, continuous and scattered scrub, unmanaged semi-improved grassland, brooks and ponds that are of notable value due to their value to local wildlife". The Report indicates that the proposed development would include the removal of the majority of existing arable, semi-improved grassland and scrub habitats from the application site and a number of (mostly immature) trees, but that the removal of these habitats would not be a significant loss to the wider local nature conservation resource.

In terms of mitigation and enhancement, it advises that the Phase 1 Report recommends:

- Measures to protect and enhance bat roost habitat
- Measures to avoid disturbance to breeding birds (removal of woody vegetation undertaken outside of the bird-breeding season (or checking of vegetation prior to removal by an experienced ecologist))
- Measures to protect and enhance badger habitat
- Measures to ensure that, should any great crested newts be on or in the vicinity of the site, they (and their habitat) are protected
- Provision of buffer zones to hedgerows
- Use of SUDS measures

In response to the application, Leicestershire County Council's Ecology team had initially raised an objection but, following the provision of additional information and measures, now considers that the proposed development is acceptable, and no objections are raised by the County Ecologist in this regard, subject to conditions. Similarly, whilst Natural England had originally expressed concerns regarding the proposed development (and, in particular, in respect of the potential Local Wildlife Site and the need to provide a bird survey report), these issues have now been addressed to Natural England's satisfaction, and no objections are raised. Whilst it is noted that the Leicestershire Badger Group has raised concerns over the loss of foraging grounds for badgers, and that they would be subject to increased disturbance and traffic, the County Ecologist notes the proposed re-created habitat throughout the site, and agrees with the applicants' ecologists' proposed recommendations in respect of the treatment of the proposed road where it crosses the wildlife corridor to Snibston Grange so as to reduce the prospects of vehicle collisions involving badgers.

Also relevant to this application are the proposed culverting works under the highway at Standard Hill. The Environment Agency had expressed concerns over the resulting impacts on wildlife of the proposed works designed to increase increasing watercourse flows at this point. In order to seek to mitigate such impacts, the applicants propose to provide the capacity enhancements by way of a number of smaller culverts, thus minimising the effects, together with a "mammal tunnel". The Environment Agency and the County Ecologist are now content with the proposals in this regard.

It is therefore considered that, subject to the imposition of suitably-worded conditions, the submitted scheme is acceptable in ecological terms, and would provide suitable mitigation for the habitat affected, as well as an appropriate approach in respect of new habitat and biodiversity enhancement.

Heritage Issues

The application is supported by an Archaeological Evaluation Report, prepared following the undertaking of trial trenching designed to confirm the veracity of geophysical survey results. The Evaluation Report suggests that the most significant results of the evaluation were the discovery of two burnt mound deposits dating from the Bronze Age, but that the combination of geophysical survey, field walking and trenching gives a reasonable confidence that the area of the extent of these remains can be defined. Whilst the Evaluation Report includes for mitigation measures, following further liaison with Leicestershire County Council's Principal Planning Archaeologist, a separate Archaeological Mitigation Strategy has been submitted, setting out the proposed methods of recording the relevant archaeology. In particular, the Mitigation Strategy provides that a further scheme of archaeological work would be undertaken, including excavation of the two areas within the site containing the burnt mounds and further trial trenching of the eastern-most field within the application site. On the basis of the updated archaeological submissions, the County Archaeologist raises no objections subject to conditions.

In terms of other heritage issues, it is noted that there are no listed buildings or Conservation Areas within the immediate vicinity of the site, nor are there considered to be any non-designated heritage assets affected by the proposals.

Geo-Environmental Conditions

A Phase I Environmental Risk Assessment has been submitted with the application which provides an assessment of the site's ground conditions, and indicates that there are no impediments to the site's development in terms of contamination or general ground conditions, although further investigations as part of a Phase II assessment may be required. The District Council's Environmental Protection team raises no objection subject to conditions.

Other Matters

Developer Contributions

Paragraphs 203 and 204 of the NPPF set out the Government's policy in respect of planning obligations and, in particular, provide that planning obligations should be:

- necessary to make the proposed development acceptable in planning terms;
- directly related to the proposed development; and
- fairly and reasonably related in scale and kind to the proposed development.

Equivalent legislative tests are contained within the Community Infrastructure Levy (CIL) Regulations 2010.

The relevant developer contributions (save for those already considered under Means of Access and Transportation) are listed below.

Affordable Housing

The applicants initially proposed to make an affordable housing contribution of 20% (i.e. 80 dwellings) as per the Local Planning Authority's current requirements for the Coalville area for a

scheme of this scale. In terms of tenure, the District Council's Affordable Housing Enabler had identified that a tenure split of 70% rented and 30% intermediate housing would be required. However, in response to the Cabinet report referred to above in respect of the prioritisation of transportation infrastructure over affordable housing, this would now appear likely to be reduced. The applicants have undertaken some initial viability calculations that will need to be independently assessed on behalf of the District Council (e.g. by the District Valuer). However, these initial calculations show that, when allowing for the full range of CIL compliant contributions (and including the transportation infrastructure contribution as set out under Means of Access and Transportation above), the scheme would be unviable by £4,140,392. In accordance with the approach to the prioritisation of transportation infrastructure over affordable housing as set out in the District Council's policy, initial calculations demonstrating the effect of reducing affordable housing have also been undertaken. By reducing the affordable housing contribution to 11% (and based on a tenure mix of 70% affordable rent, 20% developer product and 10% intermediate housing) the applicants' figures show that the scheme would remain unviable (a deficit of £333,166), but the extent to which it would be unviable would be at a level that could be absorbed by the developers. Putting aside the issue of the level of the overall affordable housing contribution, the District Council's Affordable Housing Enabler comments that, for the purposes of undertaking a viability assessment, the tenure mix proposed would be reasonable (although advises that the Strategic Housing Team would be looking for more detail on the property types and a full description of the "developer product" model proposed as part of any detailed discussions on the content of any Section 106 agreement etc).

Clearly an affordable housing contribution of 11% would fall below the minimum 20% contribution the District Council's Affordable Housing SPD seeks to secure from new housing development in Coalville but, for the reasons as set out under Means of Access and Transportation above, is considered an acceptable approach. Having regard to the approach suggested in the District Council's *Priorities for Developer Financial Contributions for infrastructure provision relating to Major Residential Development Proposals in and around Coalville* policy, and given the under-provision of affordable housing vis-à-vis the adopted Affordable Housing SPD, it would be considered appropriate to limit the implementation period of any planning permission granted accordingly.

Children's Play and Public Open Space

The illustrative masterplan shows a significant extent of the site given over to landscaping, retained and proposed tree / hedgerow planting and other open space. The open space proposed includes a centrally-located on-site Local Equipped Area for Play (LEAP) and a smaller Local Area for Play (LAP) within a "Pocket Park" towards the southern part of the site. In terms of the extent of the play area on the basis of the illustrative details, this appears to be in the order of 3,000 square metres. Under the Local Planning Authority's Play Area Design Guidance SPG, children's play areas should be provided at a rate of 20 square metres per dwelling. Therefore, for a development of 400 dwellings, an area for children's play of 8,000 square metres would normally be required. Whilst this represents a shortfall in this regard, the extent of the "play area" in its general terms (which is the figure to which the SPG relates) is normally calculated in its wider sense and, when taking into account the other landscaped open space in the vicinity of the LEAP, the minimum requirements of the SPG would be comfortably met.

In terms of the range of equipment necessary, for developments of this number of dwellings, Local Plan Policy L22 and the District Council's SPG requires that the needs of children up to the age of 14 should be provided for, including a minimum of 8 types of activity, as well as a "kickabout" area. In addition, formal recreation open space (e.g. sports pitches) should also be

provided for. Whilst no on-site "kickabout" area is proposed, the applicants are of the view that they are nevertheless providing for a significant on-site contribution to what they consider to be both formal and informal public open space within the development as a whole. In this regard, whilst the full requirements of the District Council's SPG would not be met, it is accepted that, in view of the design approach employed in this case, the applicants' proposals are appropriate in terms of provision of formal public open space.

As set out under Landscape and Visual Impact above, the total proportion of the site proposed to be given over to green space (excluding private gardens) is in the order of approximately one third of the total application site and, having regard to this, the overall contribution of public open space is considered acceptable.

National Forest planting

The applicants' proposals show the provision of on-site National Forest planting as part of their wider landscaping and public open space proposals and, as per the National Forest Company's comments as set out under the summary of representations above, the illustrative proposals meet the National Forest woodland planting and open space standards of 30% of the site area. The proposals are therefore considered appropriate in this regard, particularly when considered in the context of the conclusions reached under Children's Play and Public Open Space above.

Education

In respect of the proposed education contributions, Leicestershire County Council comments as follows:

Primary School Requirements:

The site falls within the catchment areas of Hugglescote Community Primary School and Woodstone Community Primary School. Hugglescote Community Primary School has a number on roll of 424 and Woodstone Community Primary School has a net capacity of 210, a total of 634. A joint total of 922 pupils are projected on the roll should this development proceed; a joint deficit of 288 places (of which 199 are existing and 89 would be created by this development).

The County Council also refers to three other primary schools within a two mile walking distance of the development, namely Belvoirdale Community Primary School, Ellistown Community Primary School and All Saints Church of England Primary School. Belvoirdale Community Primary School has a surplus of 92 places; Ellistown Community Primary School and All Saints Church of England Primary School have deficits of 12 and 58 places respectively. Having regard to these other schools, the overall deficit including all schools within a two mile walking distance of the development is 266 places. The 89 deficit places created by this development cannot therefore be accommodated at nearby schools and a claim for an education contribution in respect of the additional 89 school places in the primary sector (equating to £1,079,231.69 is made).

High School Requirements:

The site falls within the catchment areas of Newbridge High School and Ibstock Community College. The Schools have a joint net capacity of 1295 and 1306 pupils are projected on roll should this development proceed; a deficit of 11 places after taking into account the 37 pupils created by this development. The County Council advises that there are no other high schools within a three mile walking distance of this development, and the 11 deficit places created by this development cannot therefore be accommodated at nearby schools. A contribution for the high school sector of £180,906.84 is therefore requested.

Upper School Requirements:

The site falls within the catchment areas of Ashby School King Edward VII College. The schools have a joint net capacity of 3,034, and 2,874 pupils are projected on roll should this development proceed; a surplus of 160 places after taking into account the 37 pupils generated by this development. No contribution in respect of the Upper School sector is therefore requested.

The applicants are agreeable to making the contributions requested.

Civic Amenity

A contribution of £28,428 is proposed to be made by the developer for Civic Amenity facilities in accordance with the requirements of Leicestershire County Council.

Library Services

A contribution of £24,090 is proposed to be made by the developer for library services in accordance with the requirements of Leicestershire County Council.

Healthcare

NHS England requests a healthcare contribution of £15,451.20 as set out in the consultation response above, and relating to proposed expansion of the Hugglescote GP Practice to accommodate this and other development within whose catchment the application site falls, and based upon a contribution commensurate to the anticipated increased population arising from this development. The applicants are agreeable to making this contribution which is based on the cost to convert a room at the surgery into a clinic space required to accommodate the additional 0.53 of a GP, the need for which would be generated by the development.

Contributions sought by Leicestershire Police

Leicestershire Police requests a developer contribution of £242,400 in respect of policing as set out in the consultation response above.

In officers' view, the contributions do not appear to be justified at this time as there appears a limited relationship between the contribution requested and the development proposed. In other words, the request appears to relate to general contributions towards policing costs in the area, rather than being directly related to the residential development scheme under consideration and mitigating identified impacts on infrastructure provision specifically arising from the development. Whilst a detailed breakdown of how this sum would be spent, it is not clear how it would be able to be considered to comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 given the lack of justification as to:

- (i) what existing policing infrastructure capacity is;
- (ii) what the specific requirement for infrastructure arising from this particular development would be;
- (iii) whether the existing infrastructure has sufficient capacity to accommodate that requirement;
- (iv) if the existing infrastructure does not have sufficient capacity, the extent to which there would be a shortfall (and within which service areas given existing capacities and the nature of the development);
- (v) what works would be necessary to mitigate the shortfall;
- (vi) how much those works would cost; and
- (vii) what would be an appropriate, proportionate contribution towards those works

As such, it is considered unclear as to how the contribution sought is directly necessary such that it would render an otherwise unacceptable development acceptable. It is not considered that it has been demonstrated sufficiently that the contribution sought is required and that, in its

absence, planning permission should be refused.

Insofar as the various developer contributions are concerned, the view is taken that, save where indicated otherwise above, the proposed obligations would comply with the relevant policy and legislative tests as set out in the NPPF and the CIL Regulations.

Conclusions

As set out in the main report above, whilst the majority of the site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan, and constitutes greenfield land, its release for housing is considered suitable in principle, particularly having regard to the approach taken in the emerging Core Strategy in respect of south west Coalville, and the need to release sites in order to meet the District Council's obligations in respect of housing land supply. In addition to the fact that the site forms part of the District Council's proposals for future growth as set out in the submission Core Strategy, also relevant is the approach taken within the NPPF, the effect of which is that, where an Local Planning Authority cannot demonstrate a five year supply of housing, policies such as Local Plan Policy S3 which limit housing supply should not be considered up-to-date. The scheme is considered to be acceptable in terms of technical issues (and including in respect of transportation and highway safety issues), such that there appear to be no other reasons to prevent the site's development for housing. Whilst the proposed development would, for viability reasons, be unlikely to be able to support the full range of infrastructure requirements necessary to accommodate the development (and, in particular, the necessary improvements to local transportation infrastructure), the applicants are proposing to address this by way of making a reduced contribution to affordable housing, in accordance with the District Council's *Priorities for Developer Financial Contributions for infrastructure provision relating to Major Residential Development Proposals in and around Coalville* policy, thus ensuring that appropriate infrastructure contributions are made. Whilst this would result in a reduced affordable housing contribution, an appropriate contribution would nevertheless be made, when having regard to the approach taken in the District Council's financial contributions priorities policy. It is therefore recommended that outline planning permission be granted.

RECOMMENDATION- PERMIT, subject to Section 106 Obligations, and subject to the following conditions (save in respect of Conditions 29 and 30, should the Highways Agency amend or withdraw its TR110 Direction dated 1 November 2012):

- 1 Save for the details of vehicular access into the site from Standard Hill / Highfield Street, details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced.

Reason - This permission is in outline only.

- 2 Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the access (save for the details of vehicular access into the site from Standard Hill and Highfield Street), appearance, landscaping, layout, and scale shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason - To comply with the requirements of Section 92 of the Town and Country

Planning Act 1990 (as amended).

- 3 Application for approval of all of the reserved matters for the first phase of the development (as defined under Condition 5 below) shall be made to the Local Planning Authority before the expiration of one year from the date of this permission and the development hereby permitted shall begin before the expiration of two years from the date of this permission. Application for approval of all of the reserved matters for all subsequent phases of the development (as defined under Condition 5 below) shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development for those phases shall begin before the expiration of one year from the date of approval of the last of the reserved matters to be approved in respect of the relevant phase.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended), and to accord with the requirements of the Local Planning Authority's emerging policy relating to developer contributions.

- 4 The proposed development shall be carried out strictly in accordance with the following plans:
- Site location plan (LL_182_047) deposited with the Local Planning Authority on 12 January 2012
 - Proposed site vehicular accesses (20078_03_001 Rev G and 20078_03_002 Rev G) deposited with the Local Planning Authority on 14 May 2013
 - Mammal crossing plan (20078_02_006 Rev A) deposited with the Local Planning Authority on 10 May 2013 (insofar as it relates to the proposed mammal crossing only)
 - Standard Hill culvert (20078_03_005) deposited with the Local Planning Authority on 10 September 2012

Reason - To determine the scope of this permission.

- 5 Notwithstanding Conditions 1, 2 and 3 above, the first reserved matters application shall include details of density parameters and scale, as well as any proposed phasing of development. All subsequent reserved matters applications shall be in accordance with the approved details, and (save where required to ensure retention of important trees) in accordance with the indicative details of site layout, areas of open space / children's play, landscaping as shown generally on the submitted illustrative masterplan drawings (drawing nos. LL_182_018 Rev H and LL-182-050 Rev H) (or in accordance with any updated masterplan first submitted to and agreed in writing by the Local Planning Authority). All development of the site shall thereafter be undertaken in accordance with the agreed phasing and timetable details (or any alternatives subsequently agreed in writing by the Local Planning Authority).

Reason - To ensure that the development of the site takes place in a consistent and comprehensive manner.

- 6 Notwithstanding the details shown on, nor Condition 4 above, this permission shall not relate to the installation of the proposed pumping station (save for the access thereto as shown on drawing no. 20078_03_002 Rev G).

Reason - To define the scope of this permission.

- 7 The development hereby permitted shall not be carried out other than in strict accordance with the approved Flood Risk Assessment (FRA) dated December 2011, Ref: 20078/PS/12-11/3085, the Flood Modelling Study (FMS) addendum dated 9 May 2012, Ref: 11051 v0.1 and the following mitigation measures detailed within the FRA / FMS addendum (save where modified below):
- Limiting the surface water run-off generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site (FRA sections 7.5, 8.1 to 8.7)
 - Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm (FRA sections 8.1 and 8.3)
 - Provision of an additional 7 No. 450mm diameter culverts on the River Sence tributary, under Standard Hill at the downstream end of the site in order to replicate the original flood plain outline to this site (FMS addendum)
 - Finished floor levels are set no lower than 600mm above the 100 year plus 20% (for climate change) fluvial flood event, all to Ordnance Datum (AOD)

Unless any alternative programme is first agreed in writing by the Local Planning Authority, none of the dwellings hereby permitted shall be occupied until such time as the mitigation measures have been fully implemented.

Reason - To prevent flooding by ensuring the satisfactory storage / disposal of surface water from the site and by reducing the risk of flooding from blockages to existing and proposed culverts.

- 8 No development shall commence on the site until such time as foul and surface water drainage schemes for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, together with a timetable for their implementation, have been submitted to and approved in writing by the Local Planning Authority. The schemes shall subsequently be implemented in accordance with the approved details and timetable.

The surface water drainage scheme shall include:

- Surface water drainage system/s to be designed in accordance with either the National SUDs Standards, or CIRIA C697 and C687, whichever are in force when the detailed design of the surface water drainage system is undertaken;
- Limiting of the discharge rate and storing of the surface water run-off generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site;
- Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm;
- Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements; and
- Details of how the scheme shall be maintained and managed after completion.

The foul water drainage scheme shall include a temporary foul water drainage scheme which includes the key principles (a), (b), (c), (e) and (f) outlined in the email from

Severn Trent Water Ltd dated 8 May 2012 regarding an interim pumped connection.

Reason - To ensure that the development is adequately drained, to prevent the increased risk of flooding, to improve and protect water quality, and to improve habitat and amenity.

- 9 Notwithstanding the submitted plans, nor Condition 4 above, no development shall commence on the site until such time as a detailed design of the additional 7 no. 450mm diameter culverts and mammal guidance fencing on the River Sence tributary under Standard Hill, together with a timetable for its implementation, has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and timetable. The detailed design / scheme shall:

- Ensure no raising of ground levels within the 100 year plus 20% (for climate change) flood plain other than those in the approved scheme design;
- Ensure access to enable maintenance of the existing and proposed culverts;
- Include details of the culverts entrances; and
- Include details of the fencing type / location;

Reason - To ensure safe mammal passage, in the interests of nature conservation, to reduce the risk and impact of flooding, and to ensure an appropriate form of fence design, in the interests of visual amenity.

- 10 No development shall commence on the site until such time as a working method statement to cover all works involved in the construction of the additional 7 no. 450mm diameter culverts and mammal guidance fencing on the River Sence tributary under Standard Hill (indicated on drawing no. 20078_03_005) has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed working method statement and associated programme of works. The working method statement shall include:

- Timed programme for the works;
- Methods used for all channel and bank-side/water margin works;
- Machinery to be used;
- Location and storage of plant, materials and fuel;
- Access routes to the works, access to the banks of the watercourses;
- Method of protection of areas of ecological sensitivity and importance;
- Site supervision; and
- Location of site office, compounds and welfare facilities

Reason - To reduce the risk of damage to water dependant species and habitats, and to reduce the risk of pollution of the water environment.

- 11 Notwithstanding the submitted plans, nor Condition 4 above, no development shall commence on the site until such time as a detailed design of the additional 600mm diameter mammal passage culvert and mammal guidance fencing to Standard Hill, together with a timetable for its implementation, has been submitted to and agreed in writing by the Local Planning Authority. The additional 600mm diameter mammal passage culvert detailed design / scheme shall:

- Include details of the culverts entrance;
- Include details of the fencing type/location; and
- Ensure the invert level of the culvert is above the 1:100 Climate Change level.

Reason - To ensure safe mammal passage, in the interests of nature conservation, and to ensure an appropriate form of fence design, in the interests of visual amenity.

- 12 No development shall commence on the site until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - To reduce the risk of pollution of the environment.

- 13 No development shall commence on the site (or, in the case of phased development, in respect of the relevant phase) until such time as a Risk Based Land Contamination Assessment has been submitted to and agreed in writing by the Local Planning Authority. The assessment shall be carried out in accordance with:

- BS10175 Year 2001 Investigation of Potentially Contaminated Sites Code of Practice;
- BS8485 Year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments; and
- CLR 11 Model Procedures for the Management of Land Contamination (Environment Agency 2004)

Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan shall be prepared and submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of CLR 11 Model Procedures for the Management of Land Contamination (Environment Agency 2004); the Verification Plan shall be prepared in accordance with the requirements of:

- Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1 (Environment Agency 2010); and
- CLR 11 Model Procedures for the Management of Land Contamination (Environment Agency 2004)

If, during the course of development, previously unidentified contamination is discovered, development shall cease on that part of the site and it shall be reported in writing to the Local Planning Authority within 10 working days. No work shall recommence on that part of the site until such time as a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) has been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the land is fit for purpose, to ensure protection of controlled waters, and to accord with the aims and objectives in respect of pollution as set out in the National Planning Policy Framework.

- 14 None of the dwellings (or, in the case of phased development, none of the dwellings within the relevant phase) shall be occupied until such time as a verification investigation has been undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme relevant to either the whole development or that part of the development, and the report showing the findings of the verification investigation has been submitted to and agreed in writing by the Local Planning Authority. The verification

report shall:

- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
- Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
- Contain Movement permits of all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
- Contain test certificates of imported material to show that it is suitable for its proposed use;
- Demonstrate the effectiveness of the approved remedial scheme; and
- Include a statement signed by the developer or the approved agent, confirming that all the works specified in the Remediation Scheme have been completed

Reason - To ensure that the land is fit for purpose, to ensure protection of controlled waters, and to accord with the aims and objectives in respect of pollution as set out in the National Planning Policy Framework.

- 15 Save for any works associated with the formation of the access as shown on M-EC drawing no. 20078_03_001 Rev G, unless in accordance with an alternative timescale first agreed in writing by the Local Planning Authority, no development shall commence on the site until such time as the Highfield Street site access junction as shown on M-EC drawing no. 20078_03_001 Rev G has been provided in full and is available for use by vehicular traffic.

Reason - To provide vehicular access to the site, including for construction traffic, in the interests of highway safety, and to comply with Policy T3 of the North West Leicestershire Local Plan.

- 16 Save for any works associated with the formation of the access as shown on M-EC drawing no. 20078_03_002 Rev G, unless in accordance with an alternative timescale first agreed in writing by the Local Planning Authority, no development shall commence on the site until such time as the Standard Hill site access junction as shown on M-EC drawing no. 20078_03_002 Rev G has been provided in full and is available for use by vehicular traffic.

Reason - To provide vehicular access to the site, including for construction traffic, in the interests of highway safety, and to comply with Policy T3 of the North West Leicestershire Local Plan.

- 17 A total of no more than 100 dwellings shall be served by the vehicular access to Highfield Street as shown on M-EC drawing no. 20078_03_001 Rev G.

Reason - In the interests of highway safety, and to comply with Policy T3 of the North West Leicestershire Local Plan.

- 18 No development shall commence on the site until such time as a construction management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

Reason - To reduce the possibility of deleterious material (mud, stones etc) being

deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic associated with the development does not lead to on-street parking problems in the area.

- 19 Notwithstanding the submitted Residential Travel Plan, no development shall commence on the site until such time as a scheme of measures to reduce the amount of single occupancy car journeys to / from the site, and including a timetable for their implementation, has been submitted to and agreed in writing by the Local Planning Authority. The measures shall thereafter be implemented and maintained in accordance with the agreed details.

Reason - To ensure that adequate steps are taken to provide a transport choice/a choice in mode of travel to / from the site.

- 20 No development shall take place other than in accordance with the submitted Written Scheme of Investigation (Archaeological Mitigation Strategy prepared by CgMs Consulting, ref. SM/12271/12/03) for the archaeological excavation of the development area unless in accordance with any alternative scheme of archaeological investigation and recording first submitted to and agreed in writing by the Local Planning Authority.

Reason - To ensure satisfactory archaeological investigation and recording.

- 21 Notwithstanding the submitted details nor Condition 20 above, no development shall commence on site until such time as a schedule of works detailing the proposed timetable for the phased archaeological investigation, post-excavation assessment, reporting and archive deposition has been submitted to and agreed in writing by the Local Planning Authority. The schedule will make reference to the submitted WSI and be correlated with the development timetable. Unless any alternative schedule has first been submitted to and agreed in writing by the Local Planning Authority, no development shall be undertaken at any time unless in accordance with the agreed timetable.

Reason - To ensure satisfactory archaeological investigation and recording.

- 22 Notwithstanding the submitted details, no development shall commence on site until such time as precise details of all mitigation and management measures as set out in sections 4.1 to 4.51 (inclusive) of the Extended Phase 1 Survey Report prepared by FPCR (dated 31 October 2011) and the supplementary FPCR comments dated 4 September 2012, together with details of all measures proposed in respect of biodiversity enhancement (and including a timetable for their implementation, together with details of future management) have been submitted to and agreed in writing by the Local Planning Authority as part of an Ecological and Landscape Management Plan. The development shall be carried out strictly in accordance with the agreed Ecological and Landscape Management Plan and timetable unless in accordance with any alternative measures first submitted to and agreed in writing by the Local Planning Authority.

Reason - In the interests of nature conservation.

- 23 Notwithstanding the submitted details, no development shall commence on site until such time as precise details of all measures as set out in sections 6.4 and 6.5 of the Breeding Bird Survey Report prepared by FPCR (dated 27 July 2011) (and including a timetable for their implementation) have been submitted to and agreed in writing by the Local Planning Authority as part of an Ecological and Landscape Management Plan. The

development shall be carried out strictly in accordance with the agreed Ecological and Landscape Management Plan and timetable unless in accordance with any alternative measures first submitted to and agreed in writing by the Local Planning Authority.

Reason - In the interests of nature conservation.

- 24 The development hereby permitted shall be carried out strictly in accordance with the recommendations as set out in sections 6.6 and 6.7 of the Breeding Bird Survey Report prepared by FPCR (dated 27 July 2011).

Reason - In the interests of nature conservation.

- 25 Notwithstanding the submitted details, no development shall commence on site until such time as a programme for the submission to and approval by the Local Planning Authority of further surveys (including mitigation measures where appropriate) in respect of the presence of badger and otter prior to the commencement of site works (and including details of the relevant areas of the site and the maximum period prior to commencement of works within which surveys will be undertaken) has been submitted to and agreed in writing by the Local Planning Authority as part of an Ecological and Landscape Management Plan. No development shall be undertaken at any time unless in accordance with the agreed programme, nor shall any development be undertaken within the relevant area of the site unless in accordance with the relevant survey and any associated mitigation measures.

Reason - In the interests of nature conservation.

- 26 Notwithstanding the submitted details, no development shall commence on site (or, in the case of phased development, in respect of the relevant phase) until such time as precise details of all works in respect of the protection and / or re-use of existing soils (and including a timetable for their implementation) have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the agreed details and timetable unless in accordance with any alternative measures first submitted to and agreed in writing by the Local Planning Authority.

Reason - To ensure the appropriate protection of the site's soil resource.

- 27 All reserved matters applications for the erection of dwellings shall include full details of the proposed dwellings' anticipated level of achievement in respect of criteria / sub-categories contained within the Code for Sustainable Homes. Unless any alternative timescale is first agreed in writing by the Local Planning Authority, none of the dwellings hereby permitted shall be occupied until such time as evidence to demonstrate compliance with the relevant criteria has been submitted to and agreed in writing by the Local Planning Authority.

Reason - To ensure the scheme provides for a sustainable form of development.

- 28 No development shall commence on the site until such time as a Design Code for the entirety of the site has been submitted to and agreed in writing by the Local Planning Authority. The Design Code shall substantially accord with the principles and parameters described and illustrated in the submitted Design and Access Statement and Car Parking Design Code. The development shall thereafter be carried out in accordance

with the approved details, or in accordance with any amendment to the Design Code subsequently agreed in writing by the Local Planning Authority.

Reason - To ensure an appropriate form of design, and to comply with Policies E4 and H7 of the North West Leicestershire Local Plan.

- 29 The development hereby permitted shall comprise no more than 400 dwellings.

Reason - To ensure that the M1 Motorway and A42 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 by minimising disruption on the M1 Motorway and A42 Trunk Road resulting from traffic entering and emerging from the application site, in the interests of road safety and to define the scope of this permission.

- 30 No part of the development shall be occupied until the M1 J22 improvements as shown on M-EC drawing 20078_03_012 Rev A (or as amended by Road Safety Audit or Detailed Design) are complete and open to traffic.

Reason - To ensure that the M1 Motorway and A42 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 by minimising disruption on the M1 Motorway and A42 Trunk Road resulting from traffic entering and emerging from the application site and in the interests of road safety.

- 31 No part of the development shall be occupied until the A42 J13 improvements as shown on M-EC drawing 20078_03_009 Rev A (or as amended by Road Safety Audit or Detailed Design) are complete and open to traffic.

Reason - To ensure that the M1 Motorway and A42 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 by minimising disruption on the M1 Motorway and A42 Trunk Road resulting from traffic entering and emerging from the application site and in the interests of road safety.

Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through early engagement with the applicant both at the pre-application stage and during the application determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).
- 2 The applicants are advised that, under the provisions of the Site Waste Management Plan Regulations 2008, the works may require the preparation of a Site Waste Management Plan (SWMP). Further information can be obtained from the Department for Environment Food and Rural Affairs at www.defra.gov.uk
- 3 The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

- Collapse of shallow coal mine workings.
- Collapse of, or risk of entry into, mine entries (shafts and adits).
- Gas emissions from coal mines including methane and carbon dioxide.
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

- 4 Your attention is drawn to the attached report of Severn Trent Water Limited.
- 5 Your attention is drawn to the attached report of the Environment Agency.
- 6 Your attention is drawn to the attached report of Natural England.
- 7 Your attention is drawn to the attached report of Leicestershire County Council's Director

- of Environment and Transport in respect of highway matters.
- 8 Your attention is drawn to the attached report of Leicestershire County Council's Rights of Way Officer. The applicants are advised to have regard to the issues raised when preparing any reserved matters scheme.
- 9 Your attention is drawn to the attached report of the National Forest Company
- 10 The applicants' attention is drawn to the presence of protected and unprotected trees within the site, and any applications for the relevant reserved matters should have regard to the need to minimise loss of trees in this National Forest setting, as well as be supported by an appropriate arboricultural report and impact assessment. Notwithstanding the details shown on the submitted illustrative masterplan, the details submitted at the reserved matters stage(s) should have regard to the presence of existing trees and, in particular, those subject to Tree Preservation Orders.
- 11 The applicants are advised that, for the purposes of complying with Condition 25 above, the Local Planning Authority would require measures to be put in place to secure the undertaking of surveys within a period of no more than 12 months prior to the commencement of works of the relevant area of the site.
- 12 The applicants are advised that, for the purposes of complying with Condition 28 above, the Local Planning Authority would encourage early engagement with the District Council and would expect the Design Code to be prepared and agreed by the Local Planning Authority prior to any future reserved matters application being submitted (and subject to review by the local architecture centre).
- 13 The applicants' attention is drawn to the attached assessment of the District Council's Urban Designer. In order to provide for a scheme of appropriate design quality at the reserved matters stage(s) (and to be able to secure 12 "Greens" against Building for Life 12), the applicants are encouraged to respond positively to the issues and comments raised within the assessment. The applicants are also advised to ensure that sufficient budget provision is allocated for boundary treatments to all plots, allowing for a strong landscape character to be established throughout the development, and that the trees along the principal route network are of semi-mature standard, i.e. minimum height 5.5m and girth of 25-30cm.
- 14 In accordance with the proposed additional access mitigation measures to Standard Hill, the applicants are encouraged to pursue the installation of vehicle activated junction warning signs with the Local Highway Authority.
- 15 This decision is in accordance with the resolution of the Planning Committee of 6 August 2013 and is subject to a Section 106 Obligation.

Application for a new planning permission to replace planning permission 09/00359/FULM in order to extend the time period for the implementation of the extension of the Belvoir Shopping Centre to provide new retail floorspace (A1 and A3), hotel, cinema, car park and associated highways works, public spaces, and refurbishment works (including demolition works) to existing centre

**Report Item No
A2**

**Land At Belvoir Shopping Centre Coalville Leicestershire
LE67 3XE**

**Application Reference
13/00330/EXTM**

**Applicant:
Zurich Assurance Limited**

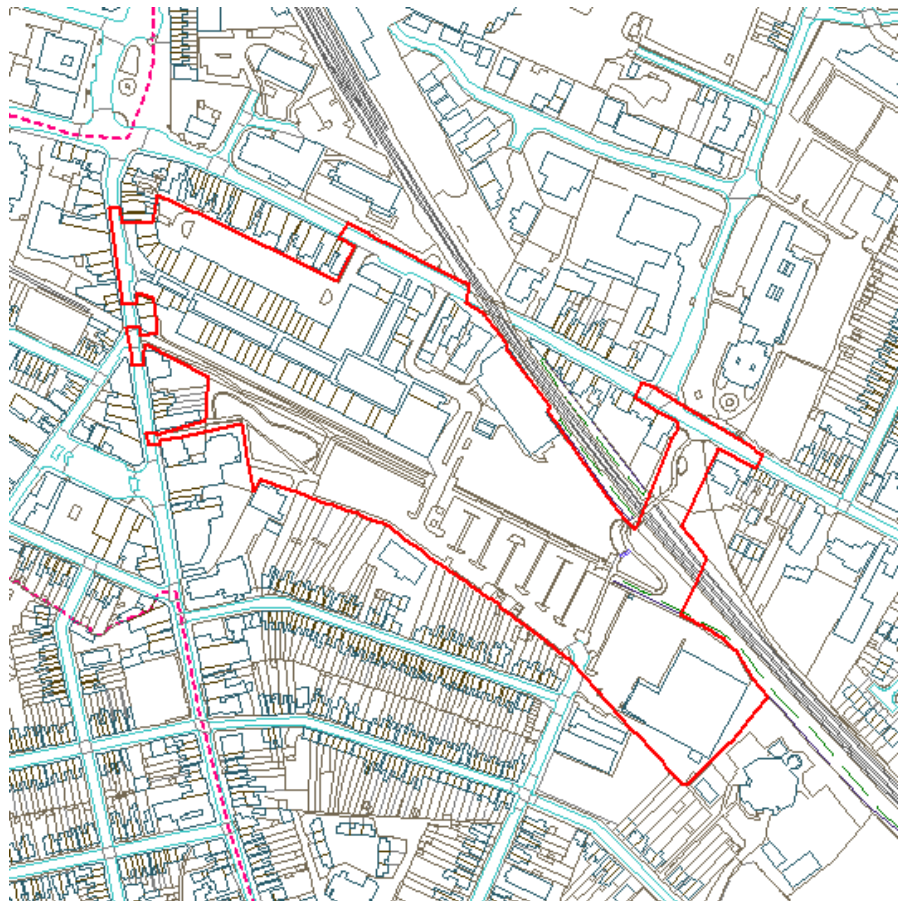
**Date Registered
18 April 2013**

**Case Officer:
James Knightley**

**Target Decision Date
13 June 2013**

**Recommendation:
PERMIT Subject to a Section 106 Agreement**

Indicative Site Location Plan (For illustrative purposes only)



Reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office ©copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence LA 100019329

Executive Summary of Proposals and Reasons for Approval

Call In

The application is reported to the Planning Committee for a decision at the request of Councillor Legrys on grounds of expressed local interest.

Proposal

This application seeks to extend the time for the implementation of an extension of the Belvoir Shopping Centre to provide new retail floorspace (A1 and A3), hotel, cinema, car park and associated highways works, public spaces, and refurbishment works (including demolition works) to existing centre, originally permitted in 2010.

Consultations

Members will see from the main report below that no third party representations have been received in respect of the proposals; no objections have been received from statutory consultees.

Planning Policy

The application site is within Limits to Development as defined in the adopted North West Leicestershire Local Plan, and the site is also subject to various site-specific policies as set out in more detail within the main report. Also relevant are the retail policies of the National Planning Policy Framework.

Conclusion

The report below indicates that, whilst there have been some changes in material considerations relevant to the proposal in hand since the previous outline planning permission was granted (and, in particular, in respect of relevant planning policy, including the revocation of the East Midlands Regional Plan and the publication of the National Planning Policy Framework), none of these changes would be considered to be sufficient to indicate that a different position from that previously adopted by the Local Planning Authority would be appropriate. As such, the report concludes that there are no overriding reasons to suggest that an extended time period for the implementation of the original planning permission should not be granted.

RECOMMENDATION:- PERMIT, SUBJECT TO SECTION 106 OBLIGATIONS, AND SUBJECT TO THE IMPOSITION OF CONDITIONS

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommended reasons for approval, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

This is an application to extend the time for the implementation of a full planning permission approved on 22 April 2010 (09/00359/FULM) for the following:

- Demolition of the existing Co-Op / Iceland store plus other existing units to the eastern end of the Belvoir Centre
- Formation of a new pedestrian walkway eastwards from the existing centre
- Formation of a new square / open space with a pedestrian link through to Belvoir Road
- 22 new retail units (including a food store of floorspace 8,098 square metres), providing a total of 17,226 square metres of retail floorspace (gross)
- Hotel
- Cinema
- A new vehicular access via Phoenix Green with a new road bridge crossing the existing railway
- A three storey car park

The planning permission was subject to a Section 106 agreement, securing the following:

- Contributions towards town centre public realm enhancement works
- Installation of CCTV
- Provision of pedestrian count / footfall data
- Provision of accommodation for town centre management staff and an information centre
- Financial contribution in lieu of National Forest planting
- Submission and implementation of a Travel Plan(s)
- Works in respect of Hotel Street level crossing
- Provision and financial contribution towards fitting out of a Shopmobility facility
- Formation of a liaison committee

The planning permission was granted subject to a number of conditions, including in respect of the time period, which required the development to commence within three years (i.e. by 22 April 2013).

As set out above, this is an application submitted in order to extend the time period for the implementation of the permission; provision for such applications was introduced in 2009 "in order to make it easier for developers and local planning authorities to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve" (Greater flexibility for planning permissions (DCLG guidance, 2010)). In September 2012, the provisions were extended so as to allow for more recent permissions to be extended (and now including those approved prior to October 2010), such that the permission to which this application relates can now be extended under this provision.

The application was reported to the Planning Committee of 2 July 2013 where it was resolved to defer consideration of the application pending a forthcoming presentation of potential future alternative redevelopment proposals to the Members' Planning Forum; this subsequently took place on 4 July 2013.

2. Publicity

No neighbours have been notified.

Site Notice displayed 22 April 2013

Press Notice published 1 May 2013

3. Consultations

Police Architectural Liaison Officer consulted 26 April 2013

County Highway Authority consulted 19 April 2013

Environment Agency consulted 19 April 2013

Severn Trent Water Limited consulted 19 April 2013

LCC ecology consulted 19 April 2013

Airport Safeguarding consulted 19 April 2013

Highways Agency- Roadside Service Area consulted 19 April 2013

Network Rail consulted 19 April 2013

4. Summary of Representations Received

The following summary of representations is provided. Members will note that full copies of correspondence received are available on the planning file.

Environment Agency has no objections

Leicestershire County Council Ecologist has no objections subject to conditions

Leicestershire County Council Highway Authority notes that it recommended refusal in respect of the original application but, given that the Local Highway Authority is only in a position to recommend refusal of this application if the local highway network has materially changed since the grant of planning permission, raises no objections.

Leicestershire Police has provided advice to the applicant in respect of sources of advice regarding potential measures that could be employed to reduce the risk of terrorism incidents.

National Forest Company notes that the applicants propose to continue to make the same National Forest planting contribution as previously and, on this basis, has no objections.

Network Rail has no objections subject to conditions and Section 106 obligations as per the previous proposals

Severn Trent Water has no objections subject to conditions

Western Power has no objections

Third Party representations

None

5. Relevant Planning Policy

National Policies

National Planning Policy Framework

The Department of Communities and Local Government published the National Planning Policy

Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The NPPF contains a number of references to the presumption in favour of sustainable development. It states that local planning authorities should:

- approve development proposals that accord with statutory plans without delay; and
- grant permission where the plan is absent, silent or where relevant policies are out of date unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

The NPPF (Para 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

The policies of the North West Leicestershire Local Plan as set out in more detail in the relevant section below are consistent with the policies in the NPPF and should be afforded weight in the determination of this application.

The following sections are considered relevant:

Paragraph 17 sets out the 12 core planning principles. In particular, the third principle provides that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.

"24 Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale."

"26 When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made."

"27 Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused."

"32 All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

"34 Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas."

"129 Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal."

"131 In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness."

"132 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be..."

"203 Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition."

"204 Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development."

Adopted North West Leicestershire Local Plan (August 2002)

The site is within Limits to Development as defined in the Local Plan.

The following site-specific Local Plan Policy designations also apply to areas of land falling within the application site:

The majority of the site falls within the Core Town Centre Shopping Area (the areas lying outside of the Core area being limited to a section of highway along High Street and the north eastern part of the site, which includes a section of highway along Hotel Street / London Road, the proposed vehicular access / bridge, and the northernmost corner of the proposed car park).

A small section of the application site (limited to a short section of highway along Hotel Street) lies within the Outer Town Centre Shopping Area.

A small section of the application site (limited to a short section of highway along London Road and a small section of the proposed vehicular access) lies within a Town Centre Services Area.

A strip of land crossing the site of approximate width 12 metres (connecting Bridge Road to London Road) is shown as a potential bridge road link.

Policy S1 sets out the overall strategy of the Local Plan.

Policy S2 of the Local Plan provides that development will be permitted on allocated sites and other land within the Limits to Development, identified on the Proposals Map, where it complies with the policies of the Local Plan.

Policy R1 provides that shopping and related development (such as financial and professional services and food and drink uses) will be permitted within Coalville and Ashby de la Zouch Town Centres, on allocated sites, and in existing or proposed local shopping areas. New retail development outside these areas will only be permitted where it can be shown that a number of criteria would be satisfied.

Policy R2 provides that development involving the expansion of the Belvoir Shopping Centre, and which facilitates the upgrading of the centre and its surrounding area, will be permitted, subject to environmental and traffic considerations.

Policy R4 provides that only specific uses (including retail, financial and professional services and food and drink-related uses) will be permitted on ground floor frontages within the Core Areas of Coalville and Ashby de la Zouch Town Centres, and that all ground floor frontage development permitted within a core shopping area should include a shop window display frontage and maintain an appropriate window display.

Policy R9 provides that pedestrian facilities, environment and priority will be improved within specified locations listed under the policy, including High Street, Hotel Street and Belvoir Road in Coalville.

Policy R10 provides that development will not be permitted on land required for the construction of a road link between Bridge Road and London Road, Coalville.

Policy R11 provides that, in addition to the uses set out in Policy R4, only uses within Use Classes D1 and D2 will be permitted to ground floor frontages within the outer part of the Coalville Town Centre Shopping Area, and that shop window displays will be required where appropriate.

Policy R12 provides that uses within Classes A2, C2, B1(a) and D1, as well as community or other uses of a similar character, will be permitted within Town Centre Services Areas, subject to compliance with a number of criteria.

Policy R16 provides that, within the Coalville and Ashby de la Zouch Shopping Areas and other local and village centres, only the use of upper floors for a number of specified purposes will be permitted, subject to parking and amenity considerations. It also provides that, where the proposals will not cause a problem in the locality, the requirement to provide car parking spaces to serve small schemes for the creation of flats over existing shops in such areas may be waived in cases where private car parking cannot be reasonably provided on site or in the locality where certain criteria can be met.

Policy E2 seeks to ensure that development provides for satisfactory landscaped amenity open space and secures the retention of important natural features, such as trees.

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings.

Policy E4 seeks to achieve good design in new development.

Policy E7 seeks to provide appropriate landscaping in association with new development including, where appropriate, retention of existing features such as trees or hedgerows

Policy E8 requires that, where appropriate, development incorporates crime prevention measures.

Policy E9 seeks to provide for access to new developments by all persons with restricted mobility, including those with impaired vision.

Policy F1 seeks appropriate provision for landscaping and tree planting in association with development in the National Forest, and requires built development to demonstrate a high quality of design, to reflect its Forest setting.

Policy T3 requires development to make adequate provision for vehicular access, circulation and servicing arrangements.

Policy T8 requires that parking provision in new developments be kept to the necessary minimum, having regard to a number of criteria.

Policy T13 requires adequate provision for cycle parking.

Other Policies

Emerging Core Strategy

The District Council considered its response to the Pre-Submission Core Strategy consultation and suggested changes at its meeting of 26 March 2013. The Council resolved, amongst others, to agree the recommended significant changes, to note the delegated minor changes, to agree to a period of consultation on the significant changes, and to agree to submit the Core Strategy to the Secretary of State as soon as possible following consultation. The Submission Core Strategy was subsequently received by the Secretary of State on 24 June 2013. The following Submission Core Strategy policies are considered relevant and, given the stage that the draft Strategy has reached, should be afforded some (but not full) weight in the determination of this application:

Policy CSA1 states that when considering development proposals the District Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy CS7 provides that new development, including new facilities and services will be directed to the most sustainable locations in accordance with the settlement hierarchy set out in that policy.

Policy CS11 requires major development to include measures to raise skills and enable local people to compete for jobs.

Policy CS12 sets out the hierarchy of town and local centres, and how the Local Planning Authority will plan for the management and growth of those centres.

Policy CS21 provides that all new development will have to demonstrate how it satisfies the Council's place-making principles:

Policy CS22 provides that new development will be supported by the provision of new or improved physical, social and green infrastructure needed to enable the amount of development proposed for the area.

Policy CS23 requires new development to maximise the efficient use of existing transport facilities in the district as it looks to a lower carbon future.

Policy CS24 requires new development to minimise carbon dioxide and other greenhouse gas emissions.

Policy CS25 provides that new developments will be expected to achieve the highest level / rating technically and financially viable under the Code for Sustainable Homes and the Building Research Establishment's Environmental Assessment Method (BREEAM).

Policy CS30 provides, amongst others, that new developments within the National Forest will contribute towards the creation of the forest by including provision of tree planting and other landscape areas within them and/or elsewhere within the National Forest in accordance with National Forest Planting Guidelines.

Policy CS35 provides that the Coalville Urban Area's role as the main social and economic focus of North West Leicestershire district will be strengthened, and sets out how this is to be achieved. The policy also sets out, amongst others, the sub-category criteria under the Code for Sustainable Homes and the Building Research Establishment's Environmental Assessment Method (BREEAM) that new development will be expected to meet, and sets out how the District Council will work to achieve the revitalisation of Coalville town centre.

6. Assessment

Guidance on the determination of such extension of time applications is contained within the DCLG document "Greater flexibility for planning permissions". This provides in paragraph 23 that "In current circumstances, local planning authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date. While these applications should, of course, be determined in accordance with s.38(6) of the Planning and

Compulsory Purchase Act 2004, local planning authorities should, in making their decisions, focus their attention on development plan policies and other material considerations which may have changed significantly since the original grant of permission."

Having regard to this advice, it is considered appropriate to assess the development with particular consideration on any intervening changes in circumstances since the original permission was granted, including in respect of relevant policies and other developments permitted during that period.

Principle of Development

In terms of policy changes, the application was originally assessed in the context of, amongst others, the then policies of the Development Plan (i.e. those within the East Midlands Regional Plan and those within the adopted North West Leicestershire Local Plan as listed above); since the original planning permission was granted, the East Midlands Regional Plan has been revoked, such that the only remaining relevant Development Plan policies are those as listed under the Adopted North West Leicestershire Local Plan above. However, it is not considered that the revocation of the previously relevant Regional Plan policies would indicate that a different decision on the application would be appropriate.

There have also been changes in National policy since that time, in that, at the time the original application was considered by the Planning Committee, relevant National policy included the then PPS 4 (Planning for Sustainable Economic Growth) and the then PPG 13 (Transport). These documents were replaced by the National Planning Policy Framework in March 2012. Other national planning policy documents to which regard was originally had included the then PPS 1, PPS 9, PPG 15, PPG 17, PPS 23, PPG 24 and PPS 25. All of these documents have also subsequently been replaced.

In terms of town centre uses, it is considered that the policies as set out in the NPPF do not differ significantly from those previously contained within PPS 4 in that the NPPF still sets out a sequential test for main town centre uses outside the existing centre and requires an assessment of impact. With the exceptions of those areas identified as falling outside as set out in the Relevant Planning Policy section above, the majority of the site (and including all of the proposed retail units) is within the Core Town Centre Shopping Area as defined in the North West Leicestershire Local Plan. On this basis, it is considered that, under the terms of the NPPF and the relevant local policies, the scheme would continue to represent appropriate use within the town centre and, notwithstanding the changes to policies in the intervening period, none of these changes would indicate that the scheme was no longer acceptable in principle.

In terms of emerging policy, whilst the weight to be attributed to the policies of the submission draft Core Strategy needs to be limited in accordance with the progress it has made to date towards adoption, it is noted that Policy CS12 continues to seek to direct town centre uses to Coalville town centre; the proposed development would be in accordance with this approach.

As part of its evidence base to inform the policies of the emerging Local Plan, the District Council recently commissioned an update to its previous retail study (2005, and original update 2007); the final report was published in March 2013. Relevant sections of the study relating to Coalville town centre include:

"4.5 The proportion of units given over to convenience and comparison goods uses are both slightly below average. The centre [of Coalville] benefits from a number of small foodstores at the western and eastern peripheries of the centre, although these are likely to cater for

basket/top up shopping to a greater extent than main food shopping. A larger foodstore in the town centre would be likely to draw additional trade into the town centre...."

"4.7 Further measures to improve the environmental quality of the centre would also be beneficial. The redevelopment / refurbishment of the Belvoir Shopping Centre is likely to be an important catalyst in this respect..."

"8.35 [The amalgamation of units] needs to be undertaken as part of a comprehensive redevelopment of the Belvoir Shopping Centre, to improve the appearance of the centre, making it a more attractive shopping environment. The extant permission for the redevelopment of the centre makes provision for this..."

In terms of relevant strategic recommendations as set out within the retail study, the following are particularly relevant to the current application:

- Seek improvement to comparison goods retail offer as a matter of priority, either through the implementation of the Belvoir Shopping Centre permission, or a suitable alternative scheme if permission for the Belvoir Shopping Centre redevelopment / extension is not permitted.
- Support the delivery of a new food store in Coalville town centre, if current applications for the Belvoir Shopping Centre site and / or Hotel Street site are not implemented
- Seek to improve the environmental quality of the centre, including the softening of the visual appearance of the existing Belvoir Shopping Centre
- The Council may wish to direct part of the comparison goods floorspace requirement (subject to expiry of the Belvoir Shopping Centre permission) towards improving "bulky goods" retail provision in Coalville (in particular DIY goods), of a suitable scale relative to the role and function of the town, and controlled by appropriate conditions. Any applications for such development outside the town centre should demonstrate full compliance with the retail "tests" set out in the NPPF.

Whilst this document is useful evidence in assessing the future direction the District Council may wish to take in terms of retail policy, it is, in itself, not a statement of the District Council's policy, and the weight to be afforded to it should have regard to this fact.

It will be noted that the retail study update was published prior to the submission of the current extension of time application, and is therefore couched in terms whereby the intention or otherwise to extend the permission was not known; it will be noted that the retail study suggests supporting delivery of a new food store in Coalville town centre if the Belvoir Shopping Centre or Ford garage site schemes are not implemented. In terms of this issue, and in terms of the suggested need for a new food store in the area around Coalville town centre, it is noted that implementation of this (or, indeed, the Ford garage site scheme) would appear to fulfil this suggested requirement.

In terms of the likelihood of this scheme coming forward over the next three years, it is noted that the current planning permission was granted in 2010 and, to date, has not been implemented (nor has any application been submitted in the interim period for the discharge of conditions attached to the permission). For their part, the applicants' agents comment in their supporting statement that "Although the scheme has not come forward to date, there are some signs that the economic climate is improving. The scheme has the potential to be delivered in the next few years should this extension of time application be granted". Whether or not the scheme is likely to come forward within the life of an extended planning permission is, of course, a matter of opinion. However, should the Local Planning Authority not agree that the permission is likely to be implemented in that time, the officer view is that this would not, in itself, be an

appropriate reason to refuse the application. Whilst it could be argued that approval of a scheme could be seen as potentially frustrating other more deliverable schemes outside of the core town centre shopping area, this should not prevent the Local Planning Authority from granting planning permission for this scheme which, in sequential terms, would be more appropriate than other edge of centre or out of centre schemes. Were an application for a development on a less sequentially preferable site submitted in the future, this would need to be considered on its merits but the weight to be attached to the presence of a more sequentially preferable alternative such as the Belvoir Centre scheme would appropriately have regard to the deliverability of that alternative development. As such, whilst the likelihood of the Belvoir Centre scheme actually being implemented is considered far from certain, this is not considered to represent an appropriate reason to not permit the application, which only needs to be considered on its own merits in planning terms.

Other comments made by the agents in support of the proposals make reference to the employment benefits of the scheme, including the creation of an estimated 1,118 permanent jobs, the majority of which would, the agents suggest, be expected to be taken up by residents in the local area. Furthermore, they also draw attention to the associated construction job benefits. Whether these benefits actually accrue would, again, be dependent on the development being implemented.

Overall in respect of the issues relevant to the principle of permission, therefore, it is considered that, notwithstanding changes to policy (and, not least, the replacement of previously relevant PPG / PPS documents by the NPPF), there are no such changes that would indicate that a different decision on the application would now be appropriate.

Other Issues

As an application for the extension of time of the existing planning permission, there are no changes to the proposed development itself, and hence no amended impacts in terms of issues such as design or neighbour amenity.

The original application was accompanied by a significant amount of supporting information, and the applicants have, in conjunction with officers of the Local Planning Authority, reviewed which of those matters need to be revisited given the potential for changed circumstances. Following this review, updated assessments have been submitted in support of the extension of time application in respect of ecological and transportation issues.

Highways and Transportation

The application is accompanied by a Transport Assessment Update Report, assessing the proposed development, and any changes since the original Transport Assessment was prepared. This indicates that the conclusions of the original Transport Assessment remain valid, and that the development remains acceptable in this regard.

In response to the application, the County Highway Authority notes that it objected to the original application but, given that there have been no changes in circumstances in respect of the local highway network which would materially affect the proposals in an adverse way, the County Council raises no objections to the extension of time application. [Furthermore, the County Highway Authority draws attention to the overall *reduction* in flows in 2013 reported in the Transport Assessment Update Report when compared to the original Transport Assessment surveys of 2007 and 2009, a reduction consistent, the County Highway Authority advises, with

trends experienced both locally and nationally]. In addition, the County Highway Authority notes that, whilst at the time of the original permission, there was a requirement on the developer to provide a pedestrian crossing on Belvoir Road north of Marlborough Square (and as secured, amongst other items, by Condition 47), a zebra crossing has since been installed in this location. However, given the continuing need for other off-site works to be secured by condition, it is recommended that this condition continue to be attached.

In respect to the current application, therefore, it is considered that, subject to the implementation of the previously required contributions, and subject to the imposition of the same conditions as previously attached to the planning permission, the scheme remains acceptable in this regard.

Ecology

The application is supported by an updated ecological report assessing any potential changes to the ecological value of the site since the original application's supporting documents were prepared. The findings of this work indicate that, as a result of further deterioration of buildings, the potential for additional bat roosts has been identified. Other than this, no significant changes are identified. However, as these buildings (whilst within the application site) are not ones directly affected by the proposed works, Leicestershire County Council's Ecologist has no objections to the application.

Other Core Strategy Requirements

In terms of the policies of the emerging Core Strategy not already referred to above, it is noted that they make reference to securing appropriate levels of achievement under BREEAM. Whilst not containing a direct reference to BREEAM, it is considered that Condition 38 of the previous permission (and as repeated under recommended Condition 38 below) would enable an appropriate form of development in accordance with the aspirations of the District Council as set out in the emerging Core Strategy to be met. Informative 9 of the earlier planning permission indicated that a BREEAM "very good" or above rating would be likely to be required.

Insofar as the previously agreed planning obligations are concerned (and as set out under Proposals and Background above), the view continues to be taken that the obligations previously required would meet the relevant tests as set out in Circular 05/2005 and the Community Infrastructure Levy Regulations 2010.

Conclusions

In permitting application 09/00359/FULM, the Local Planning Authority took the view that, as the site lies within Limits to Development and (insofar as the proposed retail development was concerned) within the Core Town Centre Shopping Area as defined in the North West Leicestershire Local Plan, the principle of this form of development would have been acceptable, having regard to the relevant retail policies contained within the then PPS 4 and the Development Plan. Whilst the proposed means of access would not have complied fully with standards set out in the Design Manual for Roads and Bridges (DMRB), and whilst the Local Planning Authority had some unresolved concerns about design, the departures from DMRB standards would not have been so severe as to be unacceptable, nor would the unresolved design issues have warranted a refusal of the scheme, when balanced against the regenerative benefits that the scheme would bring to Coalville town centre. The Local Planning Authority considered that the development would not have had an adverse impact on the amenities of neighbours in terms of loss of privacy, loss of light or overbearing impacts, nor would have

resulted in increased flood risk nor unacceptable harm to ecology or other interests of acknowledged importance. Whilst there have been a number of changes in National and Development Plan policy since the previous planning permission was granted (and including the publication of the National Planning Policy Framework and the revocation of the East Midlands Regional Plan), none of these changes which would indicate that the development would now be unacceptable. When having regard to the limited changes in circumstances and the advice in the DCLG's document "Greater flexibility for planning permissions", approval of an extension of time within which to implement the planning permission would be appropriate. It is therefore recommended that planning permission be granted.

RECOMMENDATION- PERMIT, subject to Section 106 Obligations, and subject to the following condition(s):

- 1 The development shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The proposed development shall be carried out strictly in accordance with the following plans submitted in respect of planning application ref. 09/00359/FULM unless otherwise required by another condition to this permission:
 - Site location plan (0100 Rev A) deposited with the Local Planning Authority on 10 June 2009
 - Existing site plan (0101 Rev A) deposited with the Local Planning Authority on 10 June 2009
 - Demolition plan (0103) deposited with the Local Planning Authority on 10 June 2009
 - Proposed site plan (0104 Rev J) deposited with the Local Planning Authority on 19 February 2010
 - Survey overlay (0105) deposited with the Local Planning Authority on 10 June 2009
 - First floor plan (0106 Rev H) deposited with the Local Planning Authority on 19 February 2010
 - Roof plan (0107 Rev H) deposited with the Local Planning Authority on 19 February 2010
 - Existing site sections (0108) deposited with the Local Planning Authority on 10 June 2009
 - Food store ground floor plan (0130 Rev C) deposited with the Local Planning Authority on 18 February 2010
 - Food store roof plan (0131 Rev A) deposited with the Local Planning Authority on 18 February 2010
 - Food store elevations (0132 Rev C) deposited with the Local Planning Authority on 18 February 2010
 - Hotel and units 6-11 ground floor plan (0135 Rev C) deposited with the Local Planning Authority on 18 February 2010
 - Hotel and units 6-11 first floor plan (0136 Rev B) deposited with the Local Planning Authority on 18 February 2010
 - Hotel and units 6-11 upper floor plans (0137 Rev B) deposited with the Local Planning Authority on 18 February 2010

PLANNING APPLICATIONS- SECTION A

- Hotel and units 6-11 roof plan (0138 Rev A) deposited with the Local Planning Authority on 18 February 2010
- Hotel and units 6-11 elevations (0139 Rev C) deposited with the Local Planning Authority on 18 February 2010
- Cinema and units 12-13 ground floor plan (0142 Rev C) deposited with the Local Planning Authority on 18 February 2010
- Cinema and units 12-13 first floor plan (0143 Rev A) deposited with the Local Planning Authority on 10 June 2009
- Cinema and units 12-13 elevations (0144 Rev B) deposited with the Local Planning Authority on 18 February 2010
- Units 14-19 ground floor plan (0147 Rev C) deposited with the Local Planning Authority on 18 February 2010
- Units 14-19 roof plan (0148 Rev A) deposited with the Local Planning Authority on 18 February 2010
- Units 14-19 elevations (0149 Rev C) deposited with the Local Planning Authority on 18 February 2010
- Units 20-23 ground floor plan (0152 Rev B) deposited with the Local Planning Authority on 19 February 2010
- Units 20-23 ground floor plan (0154 Rev A) deposited with the Local Planning Authority on 18 February 2010
- Units 20-23 ground floor plan (0155 Rev C) deposited with the Local Planning Authority on 18 February 2010
- Car park ground floor plan (0160 Rev B) deposited with the Local Planning Authority on 18 February 2010
- Car park first floor plan (0161 Rev B) deposited with the Local Planning Authority on 18 February 2010
- Car park roof floor plan (0162 Rev B) deposited with the Local Planning Authority on 18 February 2010
- Car park sections (0163 Rev A) deposited with the Local Planning Authority on 18 February 2010
- Car park elevations (0164 Rev B) deposited with the Local Planning Authority on 18 February 2010
- Proposed elevations sheet 1 (0200 Rev D) deposited with the Local Planning Authority on 18 February 2010
- Proposed elevations sheet 2 (0201 Rev C) deposited with the Local Planning Authority on 18 February 2010
- Proposed elevations sheet 3 (0202 Rev C) deposited with the Local Planning Authority on 18 February 2010
- Proposed bridge (0203 Rev F) deposited with the Local Planning Authority on 18 February 2010
- Existing mall elevations sheet 1 (0210) deposited with the Local Planning Authority on 10 June 2009
- Existing mall elevations sheet 2 (0211) deposited with the Local Planning Authority on 10 June 2009
- Proposed site access roundabout option (C4-09058-SK007 Rev G) deposited with the Local Planning Authority on 2 March 2010
- Proposed Hotel Street roundabout (C4-09058-SK008 Rev B) deposited with the Local Planning Authority on 28 January 2010
- Proposed site access preliminary contour plan (C4-09058-110 Rev A) deposited with the Local Planning Authority on 28 January 2010
- Proposed site access preliminary long sections (C4-09058-111 Rev A and C4-09058-112 Rev A) deposited with the Local Planning Authority on 28 January 2010

2010

Reason - To determine the scope of this permission.

- 3 No work shall commence on a phase of the development until such time as precise details of all materials to be used in the construction of the external surfaces of that phase of the development (including samples where appropriate) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the agreed details.

Reason - To ensure a satisfactory appearance, in the interests of amenity, and to comply with Policy E4 of the North West Leicestershire Local Plan.

- 4 The gross internal floor space of any individual proposed unit shall not exceed the floor space for that unit stated on plan no. 0104 Rev J at any time.

Reason - To ensure satisfactory control over the retail impact of the development.

- 5 Notwithstanding the submitted plans, nor the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or Town and Country Planning (General Permitted Development) Order 1995 (as amended) (nor any Orders revoking and re-enacting those Orders), a total of no more than 5,722 square metres of food retail (Class A1) floorspace shall be provided at any time.

Reason - To define the scope of this permission.

- 6 Notwithstanding the submitted plans, nor the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or Town and Country Planning (General Permitted Development) Order 1995 (as amended) (nor any Orders revoking and re-enacting those Orders), a total of no more than 11,454 square metres of non-food retail (Class A1) floorspace shall be provided at any time.

Reason - To define the scope of this permission.

- 7 Notwithstanding the submitted plans, nor the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or Town and Country Planning (General Permitted Development) Order 1995 (as amended) (nor any Orders revoking and re-enacting those Orders), a total of no more than 895 square metres of restaurant and / or café (Class A3) floorspace shall be provided at any time.

Reason - To define the scope of this permission.

- 8 No development shall commence on the site until such time as a landscaping scheme (including hard and soft landscaping, and all means of hardsurfacing, together with future maintenance and management measures) has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in the first planting and seeding season following either the first occupation or the bringing into use of the development hereby approved unless an alternative implementation programme is first agreed in writing with the Local Planning Authority.

Reason - To ensure satisfactory landscaping is provided within a reasonable period, and to comply with Policies E2, E4 and E7 of the North West Leicestershire Local Plan.

- 9 Any tree or shrub which may die, be removed or become seriously damaged shall be replaced in the first available planting season thereafter and during a period of 5 years from the first implementation of the approved landscaping scheme or relevant phase of the scheme, unless a variation to the landscaping scheme is agreed in writing with the Local Planning Authority.

Reason - To provide a reasonable period for the replacement of any trees, and to comply with Policies E2, E4 and E7 of the North West Leicestershire Local Plan.

- 10 No work shall commence on site until such time as precise details of all walls, fences, gates, barriers, bollards or other means of enclosure have, together with a timetable for their implementation, been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and timetable. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no walls, fences, gates, barriers, bollards or other means of enclosure (other than any approved pursuant to this condition) shall be erected, unless planning permission has first been granted by the Local Planning Authority.

Reason - To ensure the development takes the form envisaged by the Local Planning Authority, in the interests of rail safety, in the interests of highway safety, to preserve the amenities of the locality, and to comply with Policies T3 and E4 of the North West Leicestershire Local Plan.

- 11 Notwithstanding the submitted plans, no development shall commence on site until such time as precise details of the proposed floor levels of the proposed buildings and proposed land levels in relation to neighbouring land / buildings (including the adjacent railway) have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure the development takes the form envisaged by the Local Planning Authority, in the interests of amenity, and in the interests of rail safety, and to comply with Policy E4 of the North West Leicestershire Local Plan.

- 12 Notwithstanding the submitted plans, no development shall commence in respect of the construction of the proposed car park and associated access road until such time as section plans detailing the treatment of boundary of the site with Belvoirdale County Primary School (including any proposed retaining walls / structures) have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure the development takes the form envisaged by the Local Planning Authority, in the interests of amenity, and to comply with Policies E3 and E4 of the North West Leicestershire Local Plan.

- 13 The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) updated January 2010 Ref. 1884/FR undertaken by BJB Consultancy Ltd and all relevant mitigation measures detailed within the FRA.

Reason - To prevent flooding by ensuring the satisfactory storage / disposal of surface

water from the site.

- 14 No work shall commence on site until such time as precise details of a scheme of drainage (including a timetable for its provision and a survey of the existing on site foul and surface water sewers to assess the existing foul and surface water discharge rates to the public sewerage system) has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and timetable.

Reason - To ensure the development is provided with a satisfactory means of drainage and to prevent flooding by ensuring the satisfactory storage / disposal of surface and foul water from the site.

- 15 Notwithstanding the submitted plans, nor plan no. 0107 Rev H, no work shall commence on site until such time as a scheme with precise details of all green roofs (including a minimum green roof area of 6,896 square metres, together with a timetable for its implementation) has been submitted to and agreed in writing by the Local Planning Authority. No part of the development for the relevant phase shall be brought into use until such time as the whole of the approved green roofs for that phase have been constructed in accordance with the agreed details and timetable and, once provided, shall thereafter be so maintained.

Reason - To prevent flooding by ensuring the satisfactory storage / disposal of surface water from the site.

- 16 Notwithstanding the submitted details, no work shall commence on site until such time as a scheme for the limitation of surface water run-off generated by all rainfall events up to the 100 year plus 20% (for climate change) critical rain storm (so that it will not exceed the run-off from the undeveloped site and not increase the risk), together with a timetable for its implementation, has been submitted to and agreed in writing by the Local Planning Authority. No part of the development for the relevant phase shall be brought into use until such time as the whole of the approved surface water run-off limitation measures for that phase have been provided in accordance with the agreed details and timetable and, once provided, shall thereafter be so maintained.

Reason - To prevent flooding by ensuring the satisfactory storage / disposal of surface water from the site.

- 17 Development on site shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development and including a timetable for its implementation, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details and timetable. The scheme shall include:

- (i) Confirmation of the existing discharge rates from the site into the public sewerage systems
- (ii) Confirmation of the allowable discharge rate into the public sewerage systems by the provision of a copy of the written confirmation of the allowable surface water discharge from Severn Trent Water
- (iii) Confirmation of the volume of surface water attenuation required based on the allowable discharge rate from Severn Trent Water and details of how all on site surface water between the allowable discharge rate and all events up to the 100

- year plus 20% (for climate change) rainfall event above will be attenuated
- (iv) Provision of the calculated volume of surface water run-off attenuation required in the form of 6,896 square metres (minimum) of green roof, with the remainder provided in accordance with the Management Train detailed within the SuDs Manual Ciria document C697
 - (v) Details of how the scheme shall be maintained and managed after completion.

Reason - To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, to ensure future maintenance of the surface water drainage system.

- 18 This planning permission shall not relate to any alterations to elevations of the existing Belvoir Centre units (save for the approved demolition and works shown on plan nos. 144 Rev B and 0149 Rev C).

Reason - To define the scope of this permission.

- 19 Notwithstanding Condition 18 above, no work shall commence on site until such time as precise details of the proposed alterations to the existing unit as shown on plan no. 0144 Rev B have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure the development takes the form envisaged by the Local Planning Authority, in the interests of amenity, and to comply with Policy E4 of the North West Leicestershire Local Plan.

- 20 No work shall commence on a phase until such time as a further noise impact report detailing all types of plant and machinery proposed to be used in the construction works for that phase and their hours of use has been submitted to and agreed in writing by the Local Planning Authority. No plant or machinery shall be used on site in connection with the construction works unless in accordance with the agreed details.

Reason - To ensure that neighbouring occupiers are not adversely affected by noise during construction works, in the interests of amenity, and to comply with Policy E3 of the North West Leicestershire Local Plan.

- 21 Notwithstanding Condition 10 above, no work shall commence on site until such time as precise details of a scheme of acoustic fencing (including a timetable for its implementation), together with a further noise report assessing its effectiveness, have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and timetable and, once provided, all approved acoustic fencing shall thereafter be so maintained.

Reason - To ensure that neighbouring occupiers are not adversely affected by noise, in the interests of amenity, and to comply with Policy E3 of the North West Leicestershire Local Plan.

- 22 No work shall commence on a phase until such time as a further noise impact report assessing all proposed piling operations associated with the proposed construction works for that phase and their hours of operation, and containing recommendations in respect of such operations, has been submitted to and agreed in writing by the Local Planning Authority. Unless any alteration is first agreed in writing by the Local Planning

Authority, no piling operations shall be undertaken on the site at any time unless in accordance with the agreed details.

Reason - To ensure that neighbouring occupiers are not adversely affected by noise and vibration during construction works, in the interests of amenity, and to comply with Policy E3 of the North West Leicestershire Local Plan.

- 23 No development shall commence on site until a risk based land contamination assessment has been submitted to and approved in writing by the Local Planning Authority in order to ensure the land is fit for use as the proposed development. The assessment should be carried out in accordance with BS10175 Year 2001 Investigation of Potentially Contaminated Sites Code of Practice, BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments, and CLR 11 Model Procedures for the Management of Land Contamination, issued by the Environment Agency. Should any unacceptable risks be identified in the land contamination assessment, a remedial scheme shall be submitted to and agreed in writing by the Local Planning Authority. Should any previously unidentified contamination be identified during the course of development, an assessment of the risk of this contamination and any alterations / implementation of remedial works shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained in perpetuity.

The development shall not be brought into use until such time as a verification report for any works outlined in the remedial scheme relevant to either the whole development or that part of the development has been submitted to and approved in writing by the Local Planning Authority. The verification report shall:

- (i) Contain a full description of the works undertaken in accordance with the agreed remedial scheme.
- (ii) Contain results of any additional monitoring or testing carried out between the submission of the Remediation Proposals and the completion of remediation works.
- (iii) Contain Movement permits of all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required
- (iv) Contain test certificates of imported material to show that it is suitable for its proposed use
- (v) Demonstrate the effectiveness of the approved remedial scheme
- (vi) Include a statement signed by the developer or the approved agent, confirming that all the works specified in the Remediation Proposals have been completed.

Reason - To ensure the safe development of the site, having regard to previous use of it.

- 24 No work shall commence on site until such time as precise details of the proposed height restriction barrier to the Bridge Road access have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details. The development shall not be brought into use until such time as the barrier has been installed and, once provided, shall thereafter be so maintained.

Reason - To ensure the development takes the form envisaged by the Local Planning Authority, to ensure that large delivery vehicles do not access the site via unsuitable routes, and to comply with Policy T3 of the North West Leicestershire Local Plan.

- 25 Notwithstanding the submitted plans, no rear access to adjacent properties shall be provided unless in accordance with precise details first submitted to and agreed in writing by the Local Planning Authority.

Reason - To ensure the development takes the form envisaged by the Local Planning Authority.

- 26 No externally sited plant / equipment shall be installed at any time unless in accordance with precise details (including in respect of its appearance and noise impact) first submitted to and agreed in writing by the Local Planning Authority.

Reason - To ensure the development takes the form envisaged by the Local Planning Authority, and in the interests of amenity, and to comply with Policies E3 and E4 of the North West Leicestershire Local Plan.

- 27 No work shall commence on a phase until such time as precise details of all external lighting (including in respect of its appearance, colour of illumination and luminance, together with a mechanism for identification and subsequent review / mitigation of all lighting within close proximity of the adjacent railway) for that phase have been submitted to and agreed in writing by the Local Planning Authority. No lighting shall be installed at any time unless in accordance with the agreed details (or any subsequently approved scheme).

Reason - To ensure the development takes the form envisaged by the Local Planning Authority, in the interests of amenity, and in the interests of highway and railway safety, and to comply with Policies E3 and E4 of the North West Leicestershire Local Plan.

- 28 No lighting identified under Condition 27 above as potentially affecting the adjacent railway shall be operated for a period of more than three months (commencing with first use of the development) until such time as a scheme for review / mitigation of such lighting's effect on the adjacent railway has been submitted to and agreed in writing by the Local Planning Authority. Thereafter no lighting so identified as requiring mitigation shall be operated until such time as the relevant mitigation works have been implemented and are so maintained.

Reason - In the interests of rail safety.

- 29 No work shall commence on site until such time as an overall site-wide strategy for the provision of waste storage / collection facilities to serve the development has been submitted to and agreed in writing by the Local Planning Authority. No work shall thereafter commence on a phase of the development until such time as precise details of all means of waste storage / collection proposed to be incorporated into the relevant phase as set out in the agreed site-wide strategy (including full details of storage areas and arrangements for collection therefrom, together with a timetable for their provision) have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details (including timetable) and any agreed management measures, and thereafter be so maintained.

Reason - To ensure that appropriate measures are put in place for the suitable storage and disposal of waste from the proposed development.

- 30 No work shall commence on site until such time as a detailed scheme for the provision of off-street vehicle parking space for users of the development and vehicles associated with the construction of each phase of the development (including a timetable for its provision at the various stages of the development process and following completion) has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and timetable, and the agreed parking provision appropriate to the relevant stage shall at all times be available in full.

Reason - To ensure that an appropriate level of off-street parking is provided to serve the development both during and following construction, and to comply with Policy T8 of the North West Leicestershire Local Plan.

- 31 Notwithstanding the submitted plans, no work shall commence on site until such time as precise details of the proposed vehicular access bridge (including a method statement(s) in respect of its construction, hard and soft landscaping (including a timetable for the provision of the landscaping), details of the bridge's "façade" and the proposed gabion clad structure) have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details, and thereafter be so maintained. Any tree which may die, be removed or become seriously damaged shall be replaced in the first available planting season thereafter and during a period of 5 years from the first implementation of the approved landscaping scheme. The development shall not be brought into use until such time as the bridge has been provided in accordance with the agreed details, and is available for use by pedestrians, cyclists and vehicles (including all members of the public) at all times, such that unfettered access to the site and car park is available.

Reason - To ensure the development takes the form envisaged by the Local Planning Authority, in the interests of visual amenity, to ensure that access is made available at the appropriate time, in the interests of rail safety, and to comply with Policies E4 and T3 of the North West Leicestershire Local Plan.

- 32 No work shall commence on site until such time as precise details of measures to provide for replacement habitat for bats (including a timetable for their provision) have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and timetable.

Reason - In the interests of nature conservation, given the loss of potential bat roost sites arising from the demolition of buildings and felling of trees.

- 33 No work shall commence on site until such time as a scheme including details of public safety, crime reduction, and security measures proposed to be implemented in connection with the development (including a timetable for their provision) has been submitted to and agreed in writing by the Local Planning Authority. Unless any alternative timescale is first agreed in writing by the Local Planning Authority, the development shall not be occupied at any time unless in accordance with the agreed scheme.

Reason - In the interests of reducing the opportunities for crime, in the interests of the safety of users of the site, and to comply with Policies E4 and E8 of the North West Leicestershire Local Plan.

- 34 Notwithstanding the submitted tree survey and accompanying plans, no site works of any description shall take place on a phase of the development until such time as the existing trees shown as retained on the proposed layout of that phase have been securely fenced off in accordance with a detailed scheme for their protection (including precise location of root protection areas and associated protection fencing) first submitted to and agreed in writing by the Local Planning Authority. Within the fenced off areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and back-filled by hand, unless any alteration is first agreed in writing by the Local Planning Authority.

Reason - To ensure that existing trees are adequately protected during construction in the interests of the visual amenities of the area, and to comply with Policies E2, E4 and E7 of the North West Leicestershire Local Plan.

- 35 No work shall commence on site until such time as precise details of measures to enable use of the site by cyclists (including designation / signing of dedicated cycle routes, cycle parking facilities, and a timetable for their provision) have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details, and all agreed measures provided in accordance with the agreed details and timetable.

Reason - To encourage use of sustainable measures of travel by users of the site.

- 36 No work shall commence on the construction of the "Town Garden" until such time as precise details of the proposed feature "water wall" forming the boundary to the southern edge of the "Town Garden" have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure the development takes the form envisaged by the Local Planning Authority, in the interests of amenity, and to comply with Policy E4 of the North West Leicestershire Local Plan.

- 37 No work shall commence on a phase until such time as precise details of all rainwater goods, interface between materials and methods of fixing for that phase have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure the development takes the form envisaged by the Local Planning Authority, in the interests of amenity, and to comply with Policy E4 of the North West Leicestershire Local Plan.

- 38 No work shall commence on site until such time as an overall site-wide strategy for the provision of a range of measures proposed to be incorporated into the development in respect of sustainable construction techniques has been submitted to and agreed in writing by the Local Planning Authority. The submitted strategy shall include a summary of the range of measures proposed to be incorporated within each phase of the development, together with details of a mechanism for undertaking of post construction assessment and, where appropriate, mitigation measures (including timetables for submission of assessments for approval and implementation of mitigation). No work shall thereafter commence on a phase of the development until such time as precise details of the measures proposed to be incorporated into the relevant phase as set out in

the agreed site-wide strategy have been submitted to and agreed in writing by the Local Planning Authority. The relevant phases of development shall be carried out in accordance with the agreed details, and thereafter operated in accordance with the provisions of the approved post construction assessment and mitigation measures.

Reason - To ensure the environmental integrity of the scheme is secured.

- 39 No work shall commence on site until such time as precise details of the proposed steps / ramp arrangement designed to provide pedestrian and, where appropriate, cycle access between the proposed rail bridge and retail units, including a timetable for their provision, have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and timetable.

Reason - To ensure the development takes the form envisaged by the Local Planning Authority, in the interests of amenity, and to comply with Policy E4 of the North West Leicestershire Local Plan.

- 40 Notwithstanding the submitted details, nor Condition 53 below, no development in respect of the erection of any building hereby permitted shall commence until such time as a schedule for the submission of large scale drawings of building details and sections in respect of the relevant building (including precise details of all proposed shop fronts) has been submitted to and agreed in writing by the Local Planning Authority. The submitted schedule shall include details of which areas of the proposed works will be included for each building, and a timetable for their submission in relation to anticipated timetables for construction. No building shall be erected beyond the phasing set out in the agreed schedule until such time as the relevant details referred to in the schedule have been submitted to and agreed in writing by the Local Planning Authority, and in accordance with the timescales set out therein. The buildings hereby permitted shall thereafter be constructed strictly in accordance with the agreed details and schedule unless any variation to the schedule is first agreed in writing by the Local Planning Authority.

Reason - To ensure the development takes the form envisaged by the Local Planning Authority, and to ensure a satisfactory appearance of the proposed buildings, in the interests of visual amenity, and to comply with Policy E4 of the North West Leicestershire Local Plan.

- 41 Notwithstanding the submitted details, no work shall commence on site until such time as precise details of the proposed car park building (including details of the "travelator pod", surface materials, treatments and lighting) have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure the development takes the form envisaged by the Local Planning Authority, and to ensure a satisfactory appearance of the proposed buildings, in the interests of visual amenity, and to comply with Policy E4 of the North West Leicestershire Local Plan.

- 42 No work shall commence on a phase until such time as precise details of all trolley bays / storage areas for that phase have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed

details.

Reason - To ensure the development takes the form envisaged by the Local Planning Authority, in the interests of amenity, and to comply with Policy E4 of the North West Leicestershire Local Plan.

- 43 No static and / or mobile market stalls shall be sited on the application site at any time unless in accordance with a scheme detailing their precise design and siting first submitted to and agreed in writing by the Local Planning Authority (or any subsequently agreed alternative).

Reason - To ensure the development takes the form envisaged by the Local Planning Authority, in the interests of amenity, and to comply with Policy E4 of the North West Leicestershire Local Plan.

- 44 Notwithstanding the details shown on plan nos. 0104 Rev J, C4-09058-SK007 Rev G, C4-09058-SK008 Rev B and C4-09058-110 Rev A, nor Condition 2 above, no work shall commence on site until such time as precise details of all the proposed works to form the roundabout junction to London Road / Hotel Street / Whitwick Road have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details. The development shall not be brought into use until such time as the approved scheme has been implemented in full and is available for use.

Reason - To ensure the development takes the form envisaged by the Local Planning Authority, to ensure that a suitable form of access to serve the site is provided at an appropriate time, in the interests of highway safety, and to comply with Policy T3 of the North West Leicestershire Local Plan.

- 45 No work shall commence on site until such time as a Traffic Management Plan for the Belvoir Centre mall (including full details of the proposed access and barrier arrangements controlling vehicular access to mall, together with any associated width restrictions, street furniture and signage) has been submitted to and agreed in writing by the Local Planning Authority. The development shall not be brought into use until such time as the agreed scheme has been installed in full and, once provided, shall thereafter be so maintained.

Reason - To ensure the development takes the form envisaged by the Local Planning Authority, to ensure that large delivery vehicles do not access the site via unsuitable routes, and to comply with Policies E4 and T3 of the North West Leicestershire Local Plan.

- 46 Notwithstanding the submitted plans, no work shall commence on site until such time as precise details of all proposed points of vehicular access to High Street and Belvoir Road as shown on plan no. 0104 Rev J have been submitted to and agreed in writing by the Local Planning Authority. The development shall not be brought into use until such time as the agreed schemes have been implemented in full and are available for use.

Reason - To ensure the development takes the form envisaged by the Local Planning Authority, to ensure that a suitable form of access to serve the site is provided at an appropriate time, in the interests of highway safety, and to comply with Policy T3 of the North West Leicestershire Local Plan.

- 47 Notwithstanding the submitted details, nor Conditions 44 and 46 above, no work shall commence on site until such time as precise details of all off-site highways works / improvements (including alterations to junctions and provision of pedestrian crossings where applicable) have been submitted to and agreed in writing by the Local Planning Authority. The development shall not be brought into use until such time as the agreed schemes have been implemented in full and are available for use.

Reason - To ensure the development makes sufficient provision for anticipated increased use of the wider highway network, in the interests of ensuring the free and safe passage of vehicular traffic in the vicinity of the site, in the interests of pedestrian safety, in the general interests of highway safety, and to comply with Policy T3 of the North West Leicestershire Local Plan.

- 48 Save for any landscaping approved pursuant to Condition 8 above, no planting within the site and within 2 metres of any highway used by vehicular traffic shall be allowed to grow to a height exceeding 0.9 metres above the level of the adjacent carriageway.

Reason - To afford adequate visibility at the accesses / junctions to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and to comply with Policy T3 of the North West Leicestershire Local Plan.

- 49 Notwithstanding the submitted plans, nor Condition 2 above, none of the proposed vehicular accesses shall have a gradient exceeding 1:12 for the first 15 metres behind the highway boundary.

Reason - To enable vehicles to enter and leave the highway in a slow and controlled manner, in the interests of general highway safety, and to comply with Policy T3 of the North West Leicestershire Local Plan.

- 50 No construction works shall take place at any time unless vehicle wheel cleansing facilities are provided within the site and are available for use by all vehicles exiting the site before entering the highway.

Reason - To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway, becoming a hazard for road users.

- 51 Notwithstanding the submitted plans, nor Conditions 2 and 8 above, none of the proposed vehicular accesses shall be brought into use (other than in respect of the use of the relevant access in association with its construction) until such time as the relevant access and any associated turning space have been surfaced with a hard bound material for a distance of at least 15 metres behind the highway boundary in accordance with details first submitted to and agreed in writing by the Local Planning Authority and, once provided, shall thereafter be so maintained.

Reason - To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.), and to comply with Policy T3 of the North West Leicestershire Local Plan.

- 52 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence on site until such time as precise details of pedestrian visibility splays to all proposed

vehicular accesses have been submitted to and agreed in writing by the Local Planning Authority. The development shall not be brought into use until such time as the splays have been provided in full in accordance with the agreed details and, once provided, the said splays shall thereafter be kept clear of all obstructions above 0.6 metres in height above ground level.

Reason - In the interests of pedestrian safety, and to comply with Policy T3 of the North West Leicestershire Local Plan.

- 53 Notwithstanding any other conditions of this permission, no work shall commence on site until such time as a scheme for the phasing of construction works (including details of the phasing relevant to each area of the site and a timetable for the commencement of work within each area) has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure the development takes the form envisaged by the Local Planning Authority, and to ensure that various elements of the proposed scheme comes forward in a logical manner, in the interests of the proper planning of the area.

Notes to applicant

- 1 Planning permission has been granted for this proposal. Having regard to the existing permission, and the limited changes in circumstances since the original outline planning permission was granted, detailed negotiation with the applicant to seek an acceptable solution was not necessary in this instance, save that necessary to ensure that the type and extent of developer contributions remained appropriate to the development in question. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).
- 2 The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:
 - Collapse of shallow coal mine workings.
 - Collapse of, or risk of entry into, mine entries (shafts and adits).
 - Gas emissions from coal mines including methane and carbon dioxide.
 - Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
 - Transmission of gases into adjacent properties from underground sources through ground fractures.
 - Coal mining subsidence.
 - Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

- 3 This decision is in accordance with the resolution of the Planning Committee of 6 August 2013 and is subject to a Section 106 obligation.
- 4 The applicants are reminded of the advice in Informatives 3, 4, 5, 6, 7 and 9 attached to planning permission ref. 09/00359/FULM, the content of which continue to apply in respect of this permission.

**Proposed residential development (400 Dwellings) formation
of access to Burton Road, A1 Shop, D1 Medical centre, C2
Residential care home, Single form entry primary school,
Pumping Station infrastructure and open space provision
(Resubmission)**

**Report Item No
A3**

**Holywell Spring Farm Burton Road Ashby De La Zouch
Leicestershire**

**Application Reference
13/00486/OUTM**

Applicant:

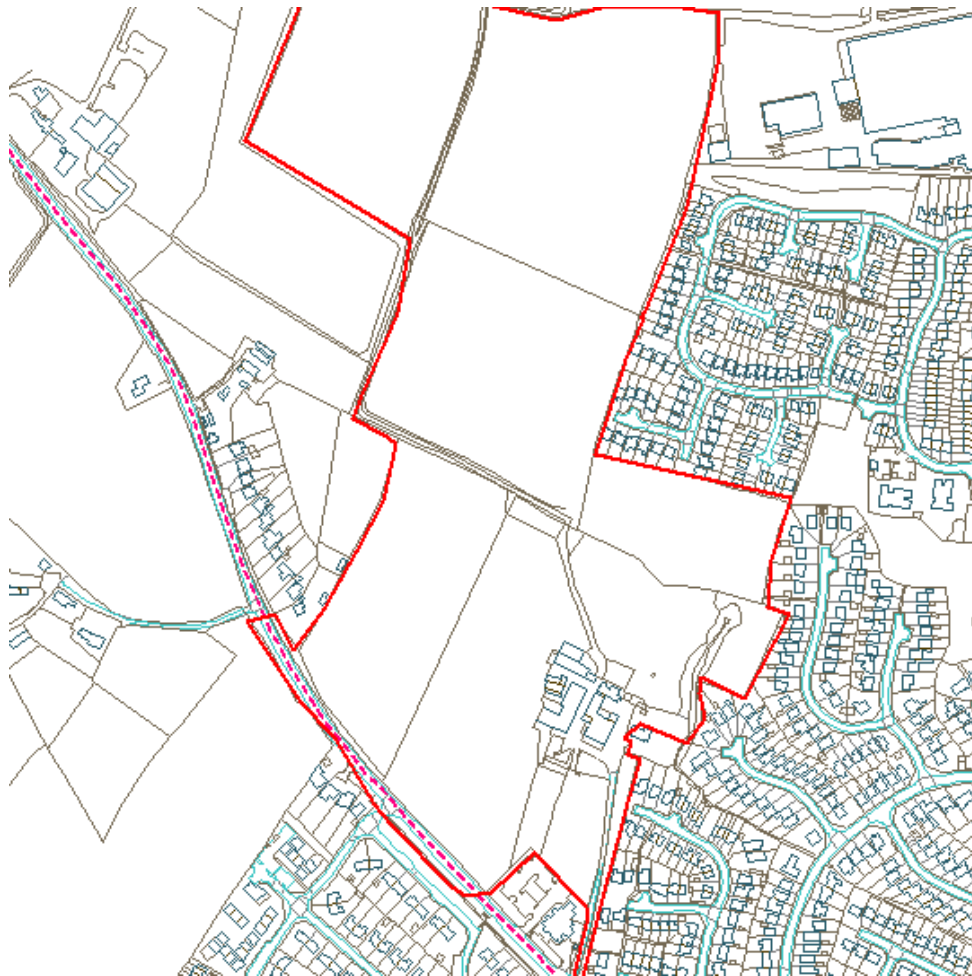
**Date Registered
17 June 2013**

**Case Officer:
James Carpenter**

**Target Decision Date
16 September 2013**

**Recommendation:
PERMIT Subject to a Section 106 Agreement**

Indicative Site Location Plan (For illustrative purposes only)



Reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office
©copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence LA 100019329)

Executive Summary of Proposals and Reasons for Approval

Call In

The application is called to Planning Committee at the request of Cllr. Bayliss, due to local concern over the proposals.

Proposal

This application seeks outline planning permission for residential development residential development (400 dwellings), formation of vehicular accesses to Burton Road, A1 shop, D1 medical centre, C2 residential care home, single form entry primary school, pumping station, infrastructure and open space provision.

Consultations

Members will see from the report below that third party objections have been received in respect of the proposals, including from Ashby Town Council. However all statutory consultees are satisfied that the proposed development would be acceptable subject to suitable conditions and/or Section 106 contributions.

Planning Policy

The application site is green field land outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. Also relevant, however, are the District's housing land requirements, and the need (as set out in the National Planning Policy Framework) to demonstrate a five year supply of housing land availability.

Conclusion

The report establishes that whilst the site is outside Limits to Development, and constitutes a green field site in the defined countryside, its release for housing can no longer be resisted in the context of a recent appeal decision at Moira Road Ashby, the need to deliver housing growth and make up for an identified shortfall across the plan period. The site can come forward in this context without prejudicing the preferred directions of growth identified in the Councils Submission Core Strategy.

RECOMMENDATION:- APPROVAL - SUBJECT TO CONDITIONS AND A SECTION 106 AGREEMENT TO SECURE THE NECESSARY CONTRIBUTIONS AS SET OUT

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommended reasons for approval, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

Introduction

This is an outline planning application for residential development (400 dwellings), formation of vehicular accesses to Burton Road, A1 shop, D1 medical centre, C2 residential care home, single form entry primary school, pumping station, infrastructure and open space provision on 20.49 hectares on land known as Holywell Spring Farm, to the west of Ashby De La Zouch. All matters are reserved except for access.

An illustrative masterplan has been submitted showing the location of various proposed land uses including residential, primary school, care home, medical centre, allotments, community orchard, play hub and local shop along with proposed tree and buffer planting.

The proposals have been screened and do not constitute development requiring an Environmental Impact Assessment

The applicants have engaged with the preparation of the North West Leicestershire Core Strategy since 2009 and have made submissions in response to consultation on the Core Strategy, promoting Holywell Spring Farm as an appropriate location for the future growth of Ashby de la Zouch. The development proposals have been subject to significant community consultation, as set out in the Statement of Community Involvement accompanying the application. The Submission Core Strategy identifies the Councils preferred direction for growth in Ashby de la Zouch as being to the north of the town on land known as Money Hill.

Planning History and background information

Members will be aware that Planning Committee resolved to refuse planning application 11/00594/OUTM, in respect of land at Holywell Spring Farm, Burton Road, Ashby de la Zouch in July 2012, in accordance with the then officer recommendation.

The application sought consent for the same development as now proposed i.e. residential development (400 dwellings), formation of vehicular accesses to Burton Road, A1 shop, D1 medical centre, C2 residential care home, single form entry primary school, pumping station, infrastructure and open space provision (Outline - Access included).

The reasons for refusal were as follows:

- i. The proposed development is considered unacceptable in principle, being held to be contrary to policy S3 of the Local Plan being located on land outside of the Limits to Development. The proposed development is considered contrary to policies CS8 and CS37 to the Pre-Submission Core Strategy as it would result in inappropriate development in the countryside and would fail to reflect the identified preferred direction of growth set out in that document for Ashby de la Zouch.
- ii. The development would result in the loss of some best and most versatile agricultural land and therefore the proposed development would be contrary to paragraph 112 of the National Planning Policy Framework in so far as that document seeks to protect best available agricultural land.

The refusal is currently subject to an appeal (APP/G2435/A/12/2186408). A Public Inquiry into

the appeal convened in February 2013 stands adjourned until October 2013. Members will recall that at the July 2013 Planning Committee they received legal advice from the Counsel instructed to run the appeal for the Council. In light of Counsel's advice, and the Moira Road, Ashby de la Zouch appeal decision, Members decided that they would not continue to contest the appeal and would inform the Planning Inspectorate immediately that the Council will no longer present any evidence against the appeal proposal. This was done on 05 July 2013.

It was concluded that the previous reasons for refusal were neither sustainable nor defensible in light of the Moira Road, Ashby Appeal Inspector's decision which concluded that the Council could not demonstrate a five year housing land supply ("5YHLS"), and it should utilise the Sedgfield method over the Liverpool Method of calculating 5YHLS. In accordance with paragraph 49 of the National Planning Policy Framework ("NPPF"), the Inspector also concluded that NWLDC was an under delivering authority and should therefore deliver an additional 20% of development sites to provide for increased market choice. Additionally, the Inspector concluded that Ashby De La Zouch was a sustainable location for housing growth, and went on to state that as the District Council will need to build on green field and agricultural land in order to meet its overall district wide housing growth, saved policies in the extant Local Plan that sought to restrict development in such locations were out of date, inconsistent with the NPPF, and therefore could not be relied upon.

In short, the Moira Road, Ashby decision foreran and rehearsed all of the arguments that were being put forward by the team defending the Holywell Spring Farm Appeal for the Council. The adjournment of the Holywell Spring Farm appeal Inquiry in February meant that the decision making at Moira Road, Ashby overtook Holywell Spring Farm. The above findings of the Moira Road, Ashby Inspector are clearly material and, in the absence of any compelling reasons to the contrary should, in the interests of consistency in decision making, be followed.

Given that the only reasons for refusal of the Holywell Spring Farm application were matters of principle, and these have been overtaken by the Moira Road, Ashby decision, there now remain no material or defensible grounds for the refusal of the application. Accordingly the applicants have resubmitted their application in order to provide the Council with the opportunity to consider afresh the proposed development, and avoid the need to reconvene the Planning Inquiry. Should permission be granted, as is the recommendation of this report, the applicants have confirmed that the outstanding appeal will be withdrawn.

The applicants, in order to demonstrate a commitment to delivering this site have agreed to shorten the time period that would normally be applied for the submission of reserved matters and to demonstrate that the site will contribute towards the Councils 5 year housing land supply position, and this is secured by condition.

Additionally, the heads of terms for the Section 106 agreement are already being progressed by the applicant, and they have confirmed agreement with the requests made that are confirmed as CIL compliant in this report.

The Site

The western and northern boundaries principally front onto open agricultural land and woodland planting. The existing site is currently in agricultural use with a number of dispersed agricultural buildings. It is accessed from the Burton Road via a private driveway. There is a footpath which runs east west through the middle of the site, Public Rights of Way reference number O76. The new accesses via Oundle Close and Hailebury Avenue would be used for pedestrian/cycle access routes.

The site is located within a walking distance of a number of essential local facilities including a Somerfield supermarket (approx. 1150m), Woodcote primary school (approx. 1000m, route comprising of Oakham Grove, Clifton Drive, Marlborough Way, Canterbury Drive, Sherbourne Drive, Rotherwood Drive onto Smisby Road) and Public House next to the site off Burton Road. These distances are measured from the site boundary.

The nearest employment area from the site is also located 900 metres north of Smisby Road via Hailebury Avenue and Oundle Close, which comprise predominantly industrial units. The distance ranges from approximately 1200 to 2000 metre walking from the proposed furthest dwelling within the site, and is within a comfortable cycling distance. The Chartered Institution of Highways and Transportation (CIHT) "Guidelines for Providing for Journeys on Foot" indicate an acceptable walking distance of 1000 metres for commuting and school journeys, and a preferred maximum of 2000 metres. However, a primary school and a shop are proposed within the site.

The proposed development would be accessed from Burton Road, the main point of access would be a signal controlled junction and a secondary access is priority controlled with a pedestrian crossing point. There is also an emergency access to the northern end of the site, from the adjacent residential area to the east, plus a number of opportunities for footpath and cycle links to the adjacent residential area. Provision is made for the No.2 bus service to penetrate the site.

The proposed convenience store and medical centre are on the Burton Road frontage adjacent to the existing public house. The residential care home and primary school would be located at a focal point towards the centre of the site, around an area of high ground which would be used as open space. The northern end of the site comprises residential development, with the 'Northern Square' acting as a focal point and a community orchard. Allotments are located at the northern end of the site, forming a buffer to the adjacent industrial use.

The development includes the provision of a sports pitch at 'Ingles Hill Park' in the northwestern part of the site. It provides a large area of open space around the retained Holywell Spring and the retention of the brick farm buildings in this area will also be considered. The proposals preserve the existing right of way running east-west through the centre of the site, incorporating it as a green corridor route through the development. A substantial amount of Green Infrastructure is proposed, including National Forest planting, landscaping, routes and green spaces.

2. Publicity

151 No neighbours have been notified.

Site Notice displayed 16 June 2013

Press Notice published 26 June 2013

3. Consultations

Ashby de la Zouch Town Council consulted 19 June 2013

County Highway Authority consulted 19 June 2013

Environment Agency consulted 19 June 2013

Severn Trent Water Limited consulted 19 June 2013

Head of Environmental Protection consulted 19 June 2013

Natural England consulted 19 June 2013
NWLDC Tree Officer consulted 19 June 2013
County Archaeologist consulted 19 June 2013
LCC ecology consulted 19 June 2013
Airport Safeguarding consulted 19 June 2013
National Forest Company consulted 19 June 2013
LCC Fire and Rescue consulted 19 June 2013
LCC Development Contributions consulted 19 June 2013
NHS Leicester, Leicestershire And Rutland Facilities Managme consulted 19 June 2013
Development Plans consulted 19 June 2013
Head Of Leisure And Culture consulted 19 June 2013
Manager Of Housing North West Leicestershire District Council consulted 19 June 2013
Police Architectural Liaison Officer consulted 19 June 2013
LCC/Footpaths consulted 19 June 2013
Highways Agency- Article 15 development consulted 19 June 2013
FRCA (MAFF)- loss of agricultural land consulted 19 June 2013
DEFRA consulted 19 June 2013
LCC Development Contributions consulted 17 July 2013

4. Summary of Representations Received

The following summary of representations is provided. Members will note that full copies of correspondence received are available on the planning file.

Ashby Town Council - Object to the proposals due to:

- Loss of area of separation between Ashby and Woodville.
- Highways and Transport impact
- Question the need for the development and the amount required in Ashby, compared to that in Coalville - The need for these houses has not been established
- Impact on infrastructure - doctors, dentists, secondary school.
- Impact on traders on Westfields estate and in the town centre
- Land allocated for the medical centre but not building the centre itself
- Location of medical centre would be difficult to access for a large number of people and moving out of town would be a major loss to the town.

East Midlands Airport No comments received but previously raised no safeguarding objections subject to condition

Environment Agency has confirmed, following the receipt of a revised Flood Risk Assessment, that they raise no objections to the development subject to conditions.

Highways Agency raise no objections

Leicestershire County Council:

County Archaeologist No comments received but previously raised no objections subject to conditions

County Ecologist advises that all the updated surveys from BSG are satisfactory; the situation appears not to have changed since our previous involvement (11/00594/OUT) and I have no objections to the proposed development.

County Education Authority requires the provision of a 1 hectare site to provide a 210 pupil primary school with suitable playground and associated parking and servicing, with the construction of the first phase of the primary school to accommodate the 89 pupils that would be generated by the development to be agreed with the Local Education Authority. Additionally a financial contribution of £286,018.72 is sought in respect of High School provision .

County Highway Authority has no objections subject to conditions, and subject to Section 106 obligations

County Libraries Authority requests a developer contribution of £24,170.00 to mitigate the impact of the development.

County Rights of Way has no objections subject to conditions

County Waste Management Authority advises that its previous request for a developer contribution of £12,216.00 in order to mitigate the impact on civic amenity waste facilities in the local area is no longer sought as upgrades to existing facilities mean that there is capacity to accommodate the growth created by this development..

NHS England (Leicester and Leicestershire) requests a healthcare contribution of £133,372.04

Leicestershire Constabulary provides no commentary on the ability of the scheme to achieve secured by design and seeks a developer contribution on this application (it was not sought on the 2011 application) of £143,939.00.

National Forest Company make observations seeking 30% of the site area allocated to woodland planting and landscaping on site with a S106 Contribution sought for any shortfall at a value of £20,000 per hectare to enable off site contributions to be made.

Natural England has raised no objections subject to conditions

North West Leicestershire District Council Affordable Housing Enabler acknowledges that the developers have noted that the requirement for affordable housing is 30% on sites yielding 15 units or above within Ashby and that on this site this would equate to 120 homes. The Strategic Housing Team raise no objections.

Leicestershire County Council have also indicated that there is a need for extra care housing within North West Leicestershire and the Strategic Housing Team have highlighted Ashby as a suitable & desirable area for such provision.

North West Leicestershire District Council Environmental Protection has no objection subject to conditions

Severn Trent Water has no objections subject to conditions

17 Third party representations have been received, full copies of which are available to view on the planning file. 16 letters objected on the following grounds:

- Not sustainable development
- Increased possibility of flood risk

- Lack of community benefits, shop is not needed
- Impact on traffic levels and increased accidents that will occur, site access is inadequate.
- Traffic lights will cause a bottleneck
- Loss of agricultural land needed to grow crops
- Impact on the natural environment
- Intrusive in the landscape due to site topography, visual impact.
- Distance of proposed health centre from the town - Medical centre should be in the town centre.
- Concern over use of Milton sewerage plant
- Possibility of contaminated land on site
- Impact on trees and hedgerows
- Impact on public rights of way across the site.
- Loss of Wildlife and protected species
- Over population of Ashby de la Zouch
- Impact from the development of site - impact on existing resident's health and wellbeing, disturbance and harassment, dust and debris.
- Brownfield sites should be used before Greenfield
- Loss of Market Town character by way of urban sprawl
- Loss of outlook and view
- Loss of property value
- Noise impact of development
- Unnatural expansion of the town
- Erosion of community values and social cohesion
- Application driven by profit and financial gain
- Impact on residential streets that will be used as parking areas when the school opens.
- Infrastructure costs not reliable
- Contrary to the Localism Act and undemocratic to permit this site
- Contrary to the views of Ashby Town Council
- Contrary to the Councils preferred direction of growth for Ashby de la Zouch

One letter of support has been submitted by NHS - West Leicestershire Clinical Commissioning Group (CCG) supporting the delivery of a new medical centre in Ashby de la Zouch.

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) (March 2012)

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The NPPF contains a number of references to the presumption in favour of sustainable development.

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

The policies of the East Midlands Regional Plan and North West Leicestershire Local Plan as

set out in more detail in the relevant sections below are consistent with the policies in the NPPF and should be afforded weight in the determination of this application.

Paragraph 11 states that "applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise".

Paragraph 14 sets out the presumption in favour of sustainable development and, in respect of decision making, provides that, unless material considerations indicate otherwise, states that "this means:

- o approving development proposals that accord with the development plan without delay; and
- o where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted."

Paragraph 17 of the NPPF establishes 12 core planning principles including:

- o "[planning should] be genuinely plan-led..."
- o "[planning should] proactively drive and support sustainable economic development ... Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area..."
- o "[planning should] take account of the different roles and character of different areas...recognising the intrinsic character and beauty of the countryside", and
- o "[planning should] actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable"

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

"32 All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

"34 Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas."

"47 To boost significantly the supply of housing, local planning authorities should:

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- identify and update annually a supply of specific deliverable sites sufficient to provide

five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;

"49 Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

"57 It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes."

"59 Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally."

"61 Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."

"100 Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere."

"101 The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding."

"112 Where seeking to develop on agricultural land local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality"

"118 When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;...
- ...- opportunities to incorporate biodiversity in and around developments should be encouraged..."

"123 Planning policies and decisions should aim to...avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development..."

"124 Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan."

"203 Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition."

"204 Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development."

North West Leicestershire Local Plan (August 2002)

The application site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan.

Policy S3 sets out the circumstances in which development will be permitted outside Limits to Development.

Policy H4/1 sets out a sequential approach to the release of land for residential development, and seeks to direct new housing towards previously developed land in accessible locations, well served by, amongst others, public transport and services.

Policy H6 seeks to permit housing development which is of a type and design to achieve as high a net density as possible, taking into account housing mix, accessibility to centres, design etc. Within Coalville and Ashby-de-la-Zouch town centres, local centres and other locations well served by public transport and accessible to services a minimum of 40 dwellings per ha will be sought and a minimum of 30 dwellings per ha elsewhere (in respect of sites of 0.3 ha or above).

Policy H7 seeks good quality design in all new housing developments.

Policy H8 provides that, where there is a demonstrable need for affordable housing, the District Council will seek the provision of an element of affordable housing as part of any development proposal.

Policy E2 seeks to ensure that development provides for satisfactory landscaped amenity open space and secures the retention of important natural features, such as trees.

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings, and presumes against residential development where the amenities of future occupiers would be adversely affected by the effects of existing nearby uses.

Policy E4 requires new development to respect the character of its surroundings.

Policy E6 seeks to prevent development where it would prejudice the comprehensive development and proper planning of a larger area of land of which the site concerned forms

part.

Policy E7 seeks to provide appropriate landscaping in association with new development including, where appropriate, retention of existing features such as trees or hedgerows

Policy E8 requires that, where appropriate, development incorporates crime prevention measures.

Policy F1 seeks appropriate provision for landscaping and tree planting in association with development in the National Forest, and requires built development to demonstrate a high quality of design, to reflect its Forest setting.

Policy T3 requires development to make adequate provision for vehicular access and circulation and servicing arrangements.

Policy T8 requires that parking provision in new developments be kept to the necessary minimum, having regard to a number of criteria.

Policy L21 sets out the circumstances in which schemes for residential development will be required to incorporate children's play areas. Further guidance is contained within the Council's Play Area Design Guidance Note Supplementary Planning Guidance.

Policy L22 provides that major new development will only be permitted where adequate provision is made for open space for formal recreation use.

Other Policies and guidance

The Habitat Regulations

The Conservation (Natural Habitats &c.) Regulations 2010 (the 'Habitats Regulations') provide for the protection of 'European sites', which include Special Areas of Conservation (SACs) and the key issues relating to protected species;

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

Circular 06/2005 sets out the procedures that local planning authorities should follow when considering applications within internationally designated sites and advises that they should have regard to the EC Birds and Habitats Directive in the exercise of their planning functions in order to fulfil the requirements of the Directive in respect of the land use planning system. The Circular sets out a flow chart for the consideration of development proposals potentially affecting European sites;

River Mease Water Quality Management Plan - August 2011

This plan draws together all existing knowledge and work being carried out within the SAC catchment, along with new actions and innovations that will work towards the long term goal of the achievement of the Conservation Objectives for the SAC and bringing the SAC back into favourable condition.

North West Leicestershire District Council Affordable Housing SPD (January 2011)

Key Principle 2 provides that affordable housing will be sought on all sites of 15 or more dwellings in the Ashby area.

Key Principle 3 requires a minimum of 30% of residential units to be available as affordable housing within the Ashby area.

North West Leicestershire District Council Play Area Design Guidance SPG (July 2002)

The District Council's Play Area Design Guidance SPG sets out the relevant requirements in respect of children's play provision required in association with residential development.

6C's Design Guide (Highways, Transportation and Development) - Leicestershire County Council (November 2011)

Paragraphs 3.171-3.176 set out the County Council's guidance in relation to parking standards for residential development. This document also provides further info in relation to motor cycle/cycle parking, the design of on/off-street parking and other highway safety/design matters.

Emerging Core Strategy

The District Council considered its response to the Pre-Submission Core Strategy consultation and suggested changes at its meeting of 26 March 2013. The Council resolved, amongst others, to agree the recommended significant changes, to note the delegated minor changes, to agree to a period of consultation on the significant changes, and to agree to submit the Core Strategy to the Secretary of State as soon as possible following consultation. The Submission Core Strategy was subsequently received by the Secretary of State on 24 June 2013. The following Submission Core Strategy policies are considered relevant and, given the stage that the draft Strategy has reached, should be afforded some (but not full) weight in the determination of this application:

Policy CS1 provides that provision will be made for at least 9,700 new homes (an average of 388 per annum) in the District over the period 2006 to 2031.

Policy CS7 provides that new development, including new facilities and services will be directed to the most sustainable locations in accordance with the settlement hierarchy set out in that policy.

Policy CS8 provides that the countryside will be protected for the sake of its intrinsic character and beauty, and limits development within the countryside to specified uses and of a scale and environmental impact compatible with its rural location.

Policy CS15 provides that sufficient land will be allocated to ensure the overall housing provision of at least 9,700 dwellings over the period 2006-2031.

Policy CS16 provides that all housing developments should be of a good standard of design and have a layout and built form that makes efficient use of land and complements the built form and character of the area in which it is situated, and that proposals for sites of 0.3ha or above should have a minimum net density of 30 dwellings per hectare.

Policy CS17 provides that the District Council will seek a mix of housing types, sizes and tenures in all new housing developments.

Policy CS18 provides, amongst others, that a proportion of affordable housing will be provided on eligible sites.

Policy CS21 provides that all new residential development will have to demonstrate how it satisfies the Council's place-making principles:

Policy CS22 provides that new development will be supported by the provision of new or improved physical, social and green infrastructure needed to enable the amount of development proposed for the area.

Policy CS23 requires new development to maximise the efficient use of existing transport facilities in the district as it looks to a lower carbon future.

Policy CS24 requires new development to minimise carbon dioxide and other greenhouse gas emissions.

Policy CS25 provides that new residential developments will be expected to achieve the highest level technically and financially viable under the Code for Sustainable Homes.

Policy CS26 provides that new development will be directed towards areas at the lowest risk of flooding within the District.

Policy CS28 provides that Strategic Green Infrastructure Network will be protected and enhanced, and that new developments proposed in Policies CS32 to CS42 should contribute to the enhancement of the Strategic Green Infrastructure network.

Policy CS29 provides, amongst others, that new housing development makes provision for appropriate sport, open space and recreation facilities.

Policy CS30 provides, amongst others, that new developments within the National Forest will contribute towards the creation of the forest by including provision of tree planting and other landscape areas within them and/or elsewhere within the National Forest in accordance with National Forest Planting Guidelines.

Policy CS32 provides that new development should contribute to the protection and improvement of the natural environment.

Policy CS33 provides that development will only be allowed in the River Mease Catchment Area where there is capacity at the waste water treatment works that would receive the foul waste and that the development is in accordance with the provisions of the Water Quality Management Plan, including where appropriate contributions to a Developer Contribution Strategy.

Policy CS37 sets out the proposed development strategy for Ashby de la Zouch and identifies a preferred direction for growth to the north of Ashby de la Zouch (to accommodate at least 605 homes)

The Submission Core Strategy includes an Infrastructure Plan (at Appendix.3) , identifying infrastructure requirements in respect of Ashby de la Zouch for education, transport, drainage, green infrastructure, sport open space and recreation, community facilities including civic amenity, and libraries. Other "general" infrastructure requirements for Ashby de la Zouch include Packington flood alleviation and Ashby Town Centre Improvements.

The Submission Core Strategy identifies a settlement hierarchy for locating new development (Policy CS7: Location of Development), including new facilities and services. This hierarchy states that most new housing, employment and retail development will take place in the Coalville Urban Area, the remaining housing and employment development will be located in Rural Centres and small-scale housing and employment development will be located within the Limits to Development of Sustainable Villages. In the existing built-up areas of Rural Villages

small-scale employment development will be permitted together with new housing where it satisfies a range of criteria and in the remaining settlements that fall within Countryside development will be restricted in accordance with the Countryside policy of the Pre-Submission Core Strategy.

The Submission Core Strategy identifies Ashby as a Rural Centre due to its range of services and facilities. Although Ashby is not at the top of the hierarchy it is identified as one of a number of Rural Centres, outside of the Coalville Urban Area, that are suitable to accommodate development.

In terms of housing numbers, for the period 2006-2031 provision is to be made for at least 1,400 dwellings in Ashby, taking into account existing commitments and delivered sites there remains at least 605 dwellings to be provided.

Although the Submission Core Strategy does not allocate sites to accommodate this development it does identify preferred locations. In Ashby the preferred location for most of the new homes is to the north of Ashby, this site (Money Hill) is identified as being able to accommodate all (605) of the required dwellings. In identifying this preferred Broad Location consideration has been given to other potential locations elsewhere in Ashby, including the area within which the application is situated. It was considered by the Council that land north of Ashby represents the most suitable location for development to meet the identified needs in Ashby.

6. Assessment

Principle of Development

The application site is allocated as Countryside on the North West Leicestershire Local Plan Proposals Map. Local Plan Policy S3 states development will only be permitted within this designation where it falls within one of a number of categories. New housing is not supported as an acceptable form of development in the Countryside.

In addition Local Plan Policy H4/1 states that the development of land for housing will be determined on a sequential approach. In terms of the site at Holywell Spring Farm it would fall within category (f) 'other locations where appropriate in the context of other policies contained in the Local Plan'. This is the lowest category and therefore the least preferable location for new development based on the sequential approach set out in the Local Plan.

However, this 'in principle' assessment is materially altered by the conclusions of the Planning Inspectorate when determining the Moira Road Ashby Appeal. The Inspector concluded that North West Leicestershire District Council, in meeting its proposed housing numbers across the district, and in Ashby de la Zouch itself, would have to rely on green field sites and agricultural land, and that policies that sought to restrict development were to be considered out of date. Accordingly, there is no defensible planning justification for refusing the proposals on the basis of these Local Plan policies, given that the NPPF renders them out of date.

The Moira Road, Ashby appeal decision was categorical in determining that the District Council can not demonstrate a five year housing land supply position, regardless of which of the two standard methodologies of calculation are used (Sedgefield or Liverpool). Therefore the District Council can not defend against this position until such time as sufficient consents have been granted and implemented within the District, and the presumption in favour of sustainable development, identified in the NPPF (para.49) holds forth.

Whilst the Council's preferred location for development in Ashby de la Zouch, as set out in the Core Strategy, is Money Hill, and the majority of district wide growth is to be directed to Coalville, it must be remembered that housing delivery is a district wide issue.

Ashby de la Zouch is considered a sustainable location for growth by Government, the Moira Road, Ashby Appeal decision states so. There is a shortfall of housing to be made up somewhere in the district and 400 homes at Holywell Spring Farm will go some way to meet this shortfall. The application site is adjacent to a settlement that is considered a sustainable location for growth by the Secretary of State.

To address the shortfall, and the requirement to bring forward developable sites it is considered that the Holywell Spring Farm site will need to be released in addition to those houses outlined on preferred directions for growth in the Core Strategy. It is evident that the position taken nationally by the Secretary of State and the Planning Inspectorate at Moira Road, Ashby has created the situation whereby both this site and the Money Hill site are now likely to come forward in Ashby de la Zouch within the plan period.

The need for housing land is explicit and current. There will not now be a "beauty parade" between the two main competing sites in Ashby de la Zouch at the examination into the Core Strategy. Whilst the submission of applications on both sites might be seen as circumventing the plan making process and thus premature, this is an inevitable consequence of the Council being unable to demonstrate a five year supply of housing and current planning policy which seeks to deliver growth.

Based on the above it is considered that there are no planning grounds for refusing this application in principle. Members have agreed this in deciding to no longer contest the current appeal on the Holywell Spring Farm site. The reasons for refusal cited when refusing the original application (currently subject of the appeal) no longer hold water in light of the District Councils failure to deliver adequate housing growth as demonstrated in the Moira Road, Ashby appeal decision.

In the absence of a five year housing land supply, and due to the inability of the Council to continue to rely on the saved policies of the Local Plan, (considered out of date by the Secretary of State) it follows that when considering applications in Ashby de la Zouch, the presumption in favour of sustainable development, prescribed at para.49 of the NPPF must be given the most weight in decision making. On the basis that considered as a whole this application is a sustainable development in a sustainable location, it again follows that consent should be granted unless material planning considerations outweigh the acceptability in principle

Members will note that the previous application was considered acceptable in regards of all other material planning considerations and therefore, unless the statutory consultee responses to the current application have raised any issues that weigh materially against the proposal, and would outweigh the need to provide development land, the refusal of this application could not be supported or justified.

Other material planning considerations

It is noted that the applicants sought to develop their proposals during the period of consideration of the previous application, and engaged with the Authority at length on a pre application basis. To date this has included community consultation, engagement with OPUN, the East Midlands Design Review Panel and ongoing liaison with statutory consultees.

Where matters have not already been considered, they are assessed further below:

Impact on the River Mease SAC/SSSI

As part of the Core Strategy development the Council commissioned a Detailed Water Cycle Study (WCS) to address, amongst other matters, issues associated with the River Mease SAC and how new development could be accommodated in a way which does not compromise the integrity of the SAC.

The WCS looked at a range of possible options for doing this, including pumping out of the catchment. The proposal included as part of the current application is to only take those flows out of the catchment originating from the proposed development itself, whereas the WCS considered taking some of the existing flows out of catchment in order to then allow an equivalent amount of new development. It was concluded that this would result in no net change in flow or effluent quality.

The WCS goes on to recommend a strategy which does not involve pumping out of catchment but instead seeks to initially utilise the existing headroom at the Packington Wastewater Treatment Works ("WwTW") and to then look at improvements in treatment at the WwTW. This approach is reflected in the Council's Submission Core Strategy which has been the subject of a Habitats Regulations Assessment which concluded that the approach is compliant with the regulations.

Whilst there is unlikely to be any reason as to why the current proposal for development could not connect to the WwTW at Packington instead of pumping out of catchment, through the River Mease SAC Developer Contribution Strategy, this would result in the remaining headroom at the WwTW being taken up which in turn would mean that the Council's preferred location for development north of Ashby could not be brought forward as envisaged in the Submission Core Strategy.

Whilst the view could be taken that the proposal to pump out of catchment is contrary to the Council's agreed approach to the River Mease SAC issues, on the basis that the Applicants at Holywell Spring Farm have agreed to enter into a Section 106 agreement that would require the delivery of the waste pumping infrastructure (Pumping station, pipe line etc.) to Milton Sewage works (outside of the River Mease catchment) prior to the commencement of development on the site, it is not possible to conclude that the proposal would prejudice the Council's preferred direction for growth. Such an approach can not therefore be considered unacceptable. Whilst the site will not contribute to improving the situation with the River Mease, it will not make the situation any worse. It is further noted that Natural England comments state that they "welcome the proposed connection to Milton as this will negate the impacts on the River Mease SAC/SSSI"

The applicants have confirmed in writing that the scheme to pump out is fully costed, deliverable in terms of land ownership, and does not affect the overall viability of the scheme. On this basis there is no reason to believe that this is not a deliverable solution.

Means of Access and Transportation

All matters are reserved for subsequent approval except for access (insofar as access into and out of the site is concerned). The points of access proposed under the current application show vehicular access via two new vehicular accesses to the Burton Road frontage.

The western most access takes the form of a signal junction which will serve the majority of the development, with a secondary access to the east formed as a right turn ghost island priority

junction. It is anticipated that, as part of these works the 30mph speed limit will be moved westwards to include the signal junction. Traffic regulation order will be required and therefore further consultation would be a requirement to implement 30mph by reducing the length of the existing 40mph.

Proposed access arrangement

The proposed access arrangements are shown on DTA drawing no. 11057-23 revision D. The proposal includes for a signalised junction, a ghost island right turn lane, and access to a pumping station, together with bus stop provision and an extension of the existing 30mph speed limit.

Junction capacity assessments

The Applicant has used the Leicester and Leicestershire Integrated Transport Model (LLITM) to model the impact of the development. In addition, detailed junction capacity assessments have been undertaken at the following junctions:

- o A511/Ashby Road roundabout
- o A511/Smisby Road roundabout
- o A511/Nottingham Road roundabout junction,
- o Burton Road/Marlborough Way mini roundabout junction,
- o Burton Road/Hill Street priority junction,
- o Burton Road/The Callis mini roundabout junction,
- o Derby Road/Elford Street mini roundabout junction,
- o Brook Street/North Street mini roundabout Junction,
- o Derby Road/Market Street mini roundabout junction,
- o Kilwardby Street/Bath Street mini roundabout junction,
- o Nottingham Road/Resolution Road/Dents Road signal junction
- o Wood Street/Upper Church Street signal junction

It is agreed that no mitigation is required at these junctions.

Travel Plan

The submitted Travel Plan is considered suitable to support the planning application. However, the Travel Plan contains no targets, monitoring mechanism, or remedial measures if targets are not met. Therefore, a revised Travel Plan should be submitted to address these concerns and should be secured by way of planning condition.

Internal layout

This is an Outline application with all matters (except access) reserved. Therefore, the proposed indicative internal layout has not been checked in terms of its suitability for adoption by the Highway Authority.

Contributions

In order to mitigate the impacts of the development on the local highway network, contributions are sought and are covered below under the S106 matters.:

In view of the above, the County Highway Authority raises no objections to the proposals on highway safety grounds subject to conditions, and subject to the contributions set out, which would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use. The scheme is furthermore considered to comply generally with the accessibility and transportation requirements of the Submission Core

Strategy (insofar as they are directly relevant to the development of this particular site).

Initial discussions between the County Council and the applicant have indicated that two new bus stops are to be provided on Burton Road outside the new primary access to the development and improvements to two existing stops on Burton Road to the east of the new secondary access; and new bus stops within the development site (three if bus penetration one way or five if two way including one by the primary school on the turning loop): all with raised and dropped kerbs to allow level access, information display cases, and shelters.

Discussions have also been had about increasing the daytime bus frequency serving the site to every 30 minutes from 151st occupation until 1 year after final occupation with the bus service to penetrate the site from 151st occupation or, if earlier, from when dwellings situated more than 400m from the nearest bus stop in Burton Road are first occupied.

Appropriately worded conditions are proposed by the County Council in order to secure the necessary delivery of this.

The proposed development is therefore considered acceptable in terms of Means of Access and Transportation issues.

Flood Risk and Drainage

An updated flood risk assessment and drainage strategy has been submitted with the application, confirming that the site lies within Flood Zone 1. The site is therefore considered suitable for development in principle (and in flood risk sequential terms, would meet the requirements of the NPPF).

The Environment Agency has concluded that subject to further details to be secured by conditions and through the reserved matters stage that the outline drainage arrangements are acceptable.

Landscape and Visual Impact

The application has been accompanied by a landscape and visual impact assessment (LVIA).

The LVIA assess the impacts of the proposed development and concludes that no visual effects are recorded as greater than moderate adverse significance. Given that all development regardless of scale can be expected to have some visual impact. Officers broadly concur with the assessment as submitted by the applicants. Subject to appropriate landscaping, the visual impacts of the proposals would be reasonable and notwithstanding the site's location outside Limits to Development, unacceptable impacts on the amenities of the surrounding area would not be likely to arise.

In terms of the actual amounts of landscaping proposed, the National Forest Company comments that, based on the National Forest Company's guidance, 30% of the area would be required to be provided as woodland planting and landscaping (which would equate to circa 6ha). The National Forest Company is pleased to note the commitment of the applicants to contribute to National Forest Planting, and the development of a woodland character to the development and has confirmed that the development was set out on the most recently revised masterplan meets their requirements subject to conditions.

Overall, therefore, subject to the provision of a satisfactory extent of National Forest planting, and subject to an appropriate form of development being proposed at the reserved matters stage(s), it is considered that the landscape and visual effects of the proposed development are

acceptable.

Ecology

The application is supported by Ecological reports including and ecological survey (subject to updates during the determination process) tree survey, bat survey and hedgerow survey. A site walkover and winter bird survey has also been undertaken, the results of which were submitted for consideration by the statutory consultee. Neither Natural England or the County Ecologist raise objections.

Cultural Heritage

The application is supported by assessments of the archaeological implications of the proposed development, A Geophysical and Field walking Survey was carried out and the site has also been subject of trial trenching, overseen by the County Archaeologist to ascertain the archaeological significance of the site. The County Archaeologist previously concluded that any outstanding issues can be dealt with by way of condition.

Residential Amenity

In terms of amenity issues, the impacts of the proposed development needs to be considered both in terms of the impacts on the future living conditions of residents of the proposed development, having regard to the site's location, as well as on existing residents arising from the proposed development. These are considered in turn below.

The proposals are accompanied by a Noise Assessment. This confirms that the vast majority of the site is within Noise Exposure Category A, where noise need not be a determining factor. The site frontage along Burton Road is within Category B, where mitigation may be required for the residential properties on the frontage. The development frontage has been set back behind landscaping and measures such as acoustic ventilation can be incorporated to mitigate any noise. The potential for intermittent noise from the adjacent KP Factory to the north-east of the site has also been considered and a buffer of planting and allotments provided between the proposed dwellings and factory site.

In terms of the impacts on neighbouring occupiers arising from the proposed development, whilst an illustrative masterplan has been submitted, all matters except part access are reserved for subsequent approval. As such, there is no reason to suggest that the eventual form of development proposed at the reserved matters stage(s) would necessarily result in undue loss of amenity to adjacent occupiers, and the scheme is, at this outline stage, acceptable in this regard.

Air Quality

An air quality assessment has been carried out for the proposed development of Holywell Spring Farm.

Baseline and future predicted road traffic flows have been used to model air pollution levels. The potential for construction dust nuisance has been considered through a qualitative impact assessment. It is anticipated that the construction phase represents a 'substantial risk' of causing significant dust effects if mitigation measures are not applied due to the large number of residential properties within the immediate vicinity of the development. Therefore, best practice mitigation measures have been recommended to minimise the risk and ensure impacts are not significant.

The District Council's Environmental Protection team has raised no objections to the proposals on air quality grounds.

Geo-Environmental Conditions and Mining Risk

A desk based geo-environmental report has been submitted with the application which provides an assessment of the site's ground conditions, and indicates that there are no impediments to the site's development in terms of contamination or general ground conditions. The site is not within the zone of physical influence on the surface from past or present mine workings.

The District Council's Environmental Protection team raises no objection subject to conditions.

Design

The application is supported by a Design and Access Statement and a subsequent Addendum setting out the applicants' proposals, and explaining the approach taken in terms of design.

Having reviewed the Design and Access Statement and Addendum, the District Council's Urban Designer considers that the scheme offers the potential to achieve a good standard of design and therefore raises no objection. He confirms that he has provided advice to the applicant that needs to be addressed in any future reserved matters application to ensure that a good standard of design is achieved.

It is noted that the scheme has developed in response to an assessment of the site and its wider context, in particular the architectural character of the established settlement of Ashby de la Zouch. The assessment of the context is simple yet effective and culminates in the production of a set of worksheets that will be used as the basis for creating a development with a sense of place that reflects the most distinctive elements of the settlement in respect of the form, layout and appearance of buildings. The worksheets are considered to be excellent and provide a basis for the future development of the site. It is clear to see how the scheme has evolved.

The DAS Addendum provides further evidence relating to the design principles that will be employed to achieve a scheme that integrates parking well and is consistent the proposed approach to urban grain. Figure 3 and 7 of the Addendum are useful in demonstrating the successful integration of parking and those elements that contribute to this success, i.e. planting together with hard and soft boundary treatments. It will be important to retain these features and principles at any future Reserved Matters stage; as if they are lost the promised outcome will also be easily lost. It is considered that a Design Code should be conditioned for this reason and on this basis the proposals are considered acceptable in terms of design.

Provision of local facilities

Barton Willmore was instructed by North West Leicestershire District Council in November 2011 to provide retail planning advice in respect of a planning application on this site, and considered the proposed retail element against the then extant PPS4. The report concluded that the proposed retail store was out of centre. However the report identified that the proposed convenience store (subject to the wider scheme being acceptable) would accord with PPS4 Policy EC15 and noted that there is no clear evidence that the proposal is likely to lead to a significant adverse impact against PPS4 Policy EC16, subject to both the size of retail unit and its use as a convenience store being controlled by condition. The advice is considered to hold weight, even with the advent of the NPPF.

The application proposes that a site be made available for a new medical centre for Ashby. Whilst there is an acknowledged need for such a facility there is no identified need for it to be in this locality. There is no reason why such a facility could not be provided as part of the Council's preferred location north of Ashby which would be a more central location and hence accessible to a wider section of the population. It would appear, from the correspondence received from

third parties, that the preference would be for the Medical Centre to be located in closer proximity to the town centre. Therefore, the inclusion of a medical centre as a proposed land use does not, at this outline stage, weigh either in favour or against this application.

The commitment of the applicants to make provision for an Extra Care facility, is considered to be desirable by the Councils Affordable Housing Enabling Officer, albeit it could also be reasonably expected to be provided on the Councils preferred direction for growth site at Money Hill. Therefore, the inclusion of an Extra Care facility as a proposed land use does not, at this outline stage, weigh either in favour or against this application.

Loss of agricultural land.

Whilst the loss of best and most versatile agricultural land was previously cited as a reason for refusal, the fact that the Moira Road, Ashby appeal decision ruled that to meet its housing requirements the District Council would need to build on Greenfield and agricultural land, it can not now be sustained as a reason for refusal. Such an approach could not be considered to be in conformity with the guidance in the NPPF. The lack of a five year housing land supply overrules the weight that can be afforded to the sites agricultural land value.

Other Matters

Developer Contributions

Paragraphs 203 and 204 of the NPPF set out the Government's policy in respect of planning obligations and, in particular, provide that planning obligations should be:

- necessary to make the proposed development acceptable in planning terms;
- directly related to the proposed development; and
- fairly and reasonably related in scale and kind to the proposed development.

Equivalent legislative tests are contained within the Community Infrastructure Levy (CIL) Regulations 2010.

The relevant developer contributions are as set out below:

Affordable Housing contributions

Affordable Housing Thresholds

The adopted Affordable Housing Supplementary Planning Document (2011) indicates that all new developments yielding 15 dwellings or more in the Ashby area trigger a requirement for 30% affordable housing provision. In seeking to provide up to 400 dwellings this proposal triggers that affordable housing provision, which equates to 120 affordable homes. The Strategic Housing Team acknowledges that the applicant has indicated that this will be met on the application details.

Property types & tenures

The Strategic Housing Team recognise that the tenure split of 79% rented housing and 21% intermediate in line with the Council's Affordable Housing Supplementary Planning Document is also recognised by the applicant.

The Strategic Housing Team acknowledge the desire to provide for a 60 bed extra care scheme within the affordable housing numbers and also recognise that depending on the level of additional facilities that may be included (treatment rooms, communal areas, cafe, hairdressers etc) the overall number of affordable units may not be policy compliant as a consequence.

These matters can be finalised at the reserved matters stage, but an open market proportion of the extra care provision would be acceptable in order to increase the viability of the provision for the managing Registered Provider and also to maintain the number of affordable general needs properties across the rest of the development.

As stated the Strategic Housing Team recognises that the extra care requirements are pivotal in determining the remaining affordable housing provision on the site. If we assume that 60 units will be provided as extra care the Strategic Housing Team would be happy to accept an affordable mix based on the following

120 homes in total

50% as extra care apartments
10% as additional 1 bed apartments
10% as 2 bed bungalows
15% as 2 bed houses
10% as 3 bed houses
5% as 4+ bed houses

As the application is an outline proposal the Strategic Housing Team acknowledges that the above is a starting point in the negotiations and would be happy to discuss the mix of the proposed affordable housing property types with the developers in due course.

Standards & Location

It is expected that that the properties would be developed to the Homes & Communities Agency design and quality standards, irrespective of HCA grant input and meet the Code for Sustainable Homes Level 3 criteria at least. The Strategic Housing Team acknowledges that the applicant has recognised that the affordable units should be distributed in pockets across the development. These properties should be well related to, and indistinguishable from, the market housing on the site.

The current proposal provides an acceptable interpretation of the affordable housing requirements and should, subject to finalising the property mix, meet the BfL assessment criteria 'Meeting local housing requirements: does the development provide a mix of housing types and tenures that suit local requirements'

It is considered that the agreed affordable housing contributions are appropriate and meet the requirements of the NPPF and the legislative tests are contained within the Community Infrastructure Levy (CIL) Regulations 2010.

Education contributions

In respect of the proposed education contributions, Leicestershire County Council comments as follows:

Primary School Sector Requirement Site for 210 place school and building of first phase to accommodate 96 pupils.

The site falls within the catchment area of Ashby Church of England Primary School. The School has a net capacity of 315 and 442 pupils are projected on the roll should this development proceed; a deficit of 127 places (of which 31 are existing and 96 are created by this development).

There are 3 other primary schools within a two mile walking distance of the development:

Ashby Willesley Primary School Surplus 23

Ashby Hill Top Primary School Deficit 1

Woodcote Primary School Deficit 78

The overall deficit including all schools within a two mile walking distance of the development is 183 places. The 96 deficit places created by this development can therefore not be accommodated at nearby schools and a claim for an education contribution of 96 pupil places in the primary sector is justified.

However although S106 funding would normally be used to remodel or extend the catchment school which is Ashby de la Zouch Church of England Primary School, this school does not have the potential for extension to accommodate additional pupils as it occupies a very constrained site with no potential to extend the land available.

It is noted from the description of the proposed development there is a reference to a single form entry primary school and LCC would seek clarification from the developer what they mean and are proposing. On this basis a suitable site of 1 hectares to accommodate a 210 (7 Class) primary school and suitable play ground and associated areas for parking and servicing will be required as well as the construction of the first phase of the primary school to accommodate the 96 pupils generated by this proposed development. The detailed design and specification of the first phase of the primary school would need to be approved in writing by the County Council as Local Education Authority prior to the submission of any detailed planning application for such a building.

High School Sector Requirement £286,018.72

This site falls within the catchment area of Ashby Ivanhoe College. The College has a net capacity of 949 and 965 pupils are projected on roll should this development proceed; a deficit of 16 pupil places (of which a surplus of 24 is existing and a deficit of 16 is created by this development). There are no other high schools within a three mile walking distance of the site. Ashby Ivanhoe College can only partly accommodate the pupils generated by the development so a claim for an education contribution in this sector is therefore justified.

In order to provide the additional high school places anticipated by the proposed development, the County Council requests a contribution for the high school sector of £286,018.72. Based on the table above, this is calculated the number of deficit places created by the development (16) multiplied by the DFE cost multiplier in the table above (£17,876.17) which equals £286,018.72.

This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Ashby Ivanhoe College.

The contribution would be spent within 5 years of receipt of final payment.

Upper School Sector Requirement £0

This site falls within the catchment area of Ashby School. The School has a net capacity of 1841 and 1838 pupils are projected on roll should this development proceed; a surplus of 3 pupil places after taking into account the 40 pupils generated by this development. An education contribution will therefore not be requested for this sector.

Total Requirement: Site for 210 place primary school and building of first phase to

accommodate 96 pupils + £286,018.72

It is considered that the agreed Education contributions are appropriate and meet the requirements of the NPPF and the legislative tests are contained within the Community Infrastructure Levy (CIL) Regulations 2010.

National Forest Planting contributions

The National Forest Company seek 30% of the site area to be allocated to woodland planting and landscaping on site with a S106 Contribution sought for any shortfall at a value of £20,000 per hectare to enable off site contributions to be made.

It is considered that the agreed National Forest Planting contributions are appropriate.

Civic Amenity contributions

A contribution is no longer sought.

Library Services contributions

A contribution of £24,170 is proposed to be made by the developer for library services in accordance with the requirements of Leicestershire County Council.

It is considered that the agreed Library Service contributions are appropriate and meet the requirements of the NPPF and the legislative tests are contained within the Community Infrastructure Levy (CIL) Regulations 2010.

Healthcare contributions

Leicestershire County and Rutland PCT requests a healthcare contribution of £133,372.04 based upon a contribution commensurate to the anticipated increased population arising from this development. The applicants are agreeable to making this contribution.

It is considered that the agreed Healthcare contributions are appropriate and meet the requirements of the NPPF and the legislative tests are contained within the Community Infrastructure Levy (CIL) Regulations 2010.

Transportation contributions

1. A Construction Traffic Routeing Agreement to be submitted to and approved in writing by the Leicestershire County Council. During the period of construction, all traffic to and from the site shall use the agreed route at all times.

Justification: To ensure that all construction traffic associated with the development does not use unsatisfactory roads to and from the site.

2. One Travel Pack per dwelling; can be provided through LCC at a cost of £52.85 per pack/dwelling. If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC.

Justification: To inform new residents from first occupation what sustainable travel choices are available in the surrounding area.

3. Two six-month bus passes per dwelling; can be provided through LCC at an average cost of £325.00 per pass.

Justification: To encourage new residents to use bus services as an alternative to the private car to establish changes in travel behaviour from first occupation.

4. Appointment of a Travel Plan Co-ordinator for a period to 5 years after completion of the

development.

Justification: To ensure effective implementation and monitoring of the site wide Travel Plan submitted in support of the Planning Application.

5. A contribution of £240.00 for provision of information display cases at two existing bus stops on Burton Road.

Justification: To encourage new residents to use bus services as an alternative to the private car to establish changes in travel behaviour from first occupation.

It is considered that the agreed Transportation contributions are appropriate and meet the requirements of the NPPF and the legislative tests are contained within the Community Infrastructure Levy (CIL) Regulations 2010.

Leisure Services contributions

The leisure request is not sufficiently evidenced nor based on an assessment of capital project expenditure that would be required as a direct result of this development. It can not be concluded that the development would be unacceptable unless otherwise subject to payment of the Leisure Services request. It is concluded that the Leisure request can not be considered CIL compliant, and will therefore not be secured by the Section 106 Agreement.

Policing Contributions

Appeal decisions in respect of whether the approach set out by the Police are CIL compliant vary from appeal to appeal across Leicestershire. It is evident however, that where the issue of CIL compliance is pressed, for example at the Stephenson's Green Appeal, Coalville, the Planning Inspectorate invariably conclude that the Police requests are not CIL compliant. However where the developer is willing to accept a contribution request simply to secure an easier passage through the inquiry process (as at Moira Road Ashby), the police requests generally pass through unchallenged.

Despite the lengthy submission from the Leicestershire Constabulary, there remains a lack of clarity over how the perceived capital costs (if indeed such costs may properly be described as capital rather than revenue expenditure) are directly related to this development, and moreover how, absent a developer contribution towards these costs, the development would be unacceptable. Furthermore, there is no rational basis for concluding that because a new development is located in a town with a certain level of crime it automatically follows that the same crime profile can be anticipated in a new development. Despite the amount of detail that is put forward in the police submission, the costings provided are considered to be without substance.

Members are advised that it is the role of taxation and not the planning system to make up for shortfalls in police funding. In any case, the new homes in this development will generate an increase in police precept equivalent to the 400 homes proposed. It is thus concluded that the Police request can not be considered CIL compliant, and as a result should not be cited as a reason for granting planning permission.

Conclusions

The Site is located in countryside and is contrary to the preferred direction of growth for Ashby de la Zouch as set out in the Submission Core Strategy. However the Council is unable to demonstrate a five year housing land supply. On this basis the NPPF clearly states that restrictive policies such as Local Plan S3 and H4/1 should be set aside and a presumption in favour of sustainable development must apply.

Ashby is a sustainable location for residential growth, and the proposal has to be considered to be sustainable development. No objections are raised by statutory consultees that have not been satisfactorily addressed by way of condition or legal agreement. Whilst the concerns of local residents and the Town Council are noted, they do not outweigh the acceptability in principle of this site in the context of the NPPF and recent appeal decisions that are binding on the Council

Whilst not the Councils preferred direction for growth the fact that the site comes forward with a foul drainage solution that does not impinge on the required capacity at the Packington Waste Water Treatment Works that would be needed by the Councils preferred site at Money Hill, the Holywell Spring Farm site can come forward without prejudicing the delivery of Money Hill. The reality of the five year housing supply position is that Holywell Spring Farm will go towards meeting the district wide shortfall in addition to the preferred site at Money Hill.

RECOMMENDATION:- APPROVAL - SUBJECT TO CONDITIONS AND A SECTION 106 AGREEMENT TO SECURE THE NECESSARY CONTRIBUTIONS AS SET OUT

- 1 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason- to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 Notwithstanding condition 1, application for approval of all of the reserved matters relating to 200 of the dwellings hereby permitted shall be made to the Local Planning Authority before the expiration of two years from the date of this permission and the development hereby permitted shall begin before the expiration of one year from the date of approval of the reserved matters for these 200 dwellings.

Reason – to comply with the requirements of section 91 of the Town and Country Planning Act 1990 (as amended) and to expedite the delivery of housing on the site given the weight afforded to the ability of the site to contribute towards the Councils five year housing land supply position.

- 3 No development shall take place within any phase of the development unless and until full details of the access (save for the details of vehicular accesses into the site from Burton Road) to and within that phase, scale, layout and appearance of all buildings and landscaping (hereafter referred to as the reserved matters) have been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

- 4 In respect of those matters not reserved for later approval, the development hereby permitted shall be carried out in accordance with the following approved plans:
 - o Masterplan 09.100_19H

- o Site Location Plan 09.100_32A
- o Site Accesses Drawing 11057-23
- o Design & Access Statement July 2011 and by Design & Access Statement Addendum dated February 2012.

Reason - for the avoidance of doubt and to determine the scope of this permission in the interests of proper planning.

- 5 The development hereby permitted shall not provide more than 400 dwellings net.

Reason - in order to secure an acceptable form of development for this site and to accord with the aims and objectives of the National Planning Policy Framework.

- 6 No development shall take place unless and until a Design Code and Phasing Plan (including a detailed masterplan) for the entirety of the site has been submitted to and approved in writing by the Local Planning Authority. The Design Code and Phasing Plan should substantially accord with the principles and parameters described and illustrated in the Masterplan 09.100_19H, the Design & Access Statement July 2011, Design & Access Statement Addendum dated February 2012 unless otherwise agreed by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason - To ensure an appropriate form of design and to comply with Policies E4 and H7 of the North West Leicestershire Local Plan and to accord with the aims and objectives of the National Planning Policy Framework.

- 7 No development shall commence until full details of the proposed pumping station and rising main method of disposing of foul waste outside of the catchment of the River Mease SAC have been approved by the Local Planning Authority. Any improvement works required to the sewerage network and/or Milton sewage treatment works shall be implemented as approved. No occupation of dwellings approved by this permission shall occur until these works have been completed

Reason - To ensure the satisfactory disposal and treatment of foul waste and to protect the status of the River Mease SAC and to accord with the aims and objectives of the National Planning Policy Framework.

- 8 None of the development consented shall be occupied until such time as the agreed pumping station and rising main solution are provided and operational.

Reason - To ensure the satisfactory disposal and treatment of foul waste and to protect the status of the River Mease SAC and to accord with the aims and objectives of the National Planning Policy Framework.

- 9 No development shall commence on the site (or, in the case of phased development, in respect of the relevant phase) unless and until a scheme of foul drainage and surface water drainage for that phase has been submitted to and agreed in writing by the Local Planning Authority. This will be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

- o Surface water drainage system/s to be designed in accordance with either the National SUDs Standards, or CIRIA C697 and C687, whichever are in force when the detailed design of the surface water drainage system is undertaken.
- o Limiting the discharge rate generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- o Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm.
- o Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.
- o Details of how the on site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.
- o details of how the scheme shall be maintained and managed after completion

None of the buildings within the relevant phase shall be brought into use until such time as the relevant scheme has been implemented in full in accordance with the approved details.

Reason - To prevent the increased risk of flooding, to improve and protect water quality and improve habitat and amenity in the interests of environmental quality and to accord with the aims and objectives of the National Planning Policy Framework.

- 10 No development shall commence on the site (or, in the case of phased development, in respect of the relevant phase) until such time as a surface water drainage scheme for the site (or relevant phase), based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development (including a timetable for its implementation), has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details and timetable. The submitted scheme shall demonstrate:

- o The utilisation of above ground holding sustainable drainage techniques;
- o The limitation of surface water run-off to equivalent greenfield rates;
- o The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
- o Responsibility for the future maintenance of drainage features.

Reason - To prevent the increased risk of flooding, to improve and protect water quality, to improve habitat and amenity, to ensure the future maintenance of the sustainable drainage structures and to accord with the aims and objectives of the National Planning Policy Framework.

- 11 No development shall commence on site until an intrusive site investigation and Risk Based Land Contamination Assessment, inline with the requirements of the Geo-environmental desk study conducted by Shepherd Gilmour Environmental Limited Report No. T0106 NTM (ME1167) dated July 2011, has been submitted to and approved

in writing, by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:

- o BS10175 Year 2011 Investigation Of Potentially Contaminated Sites Code of Practice;
- o BS8485 Year 2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and
- o CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan must be prepared and submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of:

- o CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

The Verification Plan shall be prepared in accordance with the requirements of:

- o Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
- o CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the land is fit for purpose and to ensure that the proposed development does not results in deterioration of controlled waters and to accord with the aims and objectives of the National Planning Policy Framework.

- 12 Prior to occupation of any part of the completed development, a Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme relevant to either the whole development or that part of the development. Prior to occupation of any part of the completed development, a report showing the findings of the Verification Investigation shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:
- o Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
 - o Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
 - o Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
 - o Contain Test Certificates of imported material to show that it is suitable for its proposed use;

- o Demonstrate the effectiveness of the approved Remedial Scheme; and
- o Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

Reason - To ensure that the land is fit for purpose and to accord with the aims and objectives of the National Planning Policy Framework.

- 13 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason - To prevent mobilisation of contamination to controlled waters and to accord with the aims and objectives of the National Planning Policy Framework.

- 14 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated July 2013, Ref: C865-x0228-Rev-, undertaken by Shepherd Gilmour Infrastructure Ltd and the following mitigation measures detailed within the FRA:

1. Limiting the discharge rate and storing the surface water run-off generated on site by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. Sections 3.7, and 3.10 to 3.18, and as shown on the outline master drainage plan drawing No. C865-210 Revision C.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- 15 No development shall take place within any phase of the development unless and until full details of a landscape and biodiversity management plan, including long-term design objectives, management responsibilities and maintenance schedules for all hard and soft landscaped areas (except privately owned domestic gardens) within that phase, together with a timetable for its implementation has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, or in accordance with any subsequent variations first submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt the landscape management plan shall include the following information:

- the extent and type of new planting (planting to be of native species)
- details of maintenance regimes
- details of any new habitat created on site
- details of treatment of site boundaries and/or buffers around water bodies
- details of management of SuDs schemes present within the development site
- details of urban biodiversity design to be integrated into the development.

Reason - To ensure the protection of wildlife and supporting habitat, to secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy, and to comply with Policies E2 and E7 of the North West

Leicestershire Local Plan and to accord with the aims and objectives of the National Planning Policy Framework.

- 16 The first reserved matters application for each phase of the development shall be accompanied by full details of all measures proposed in respect of the enhancement of the biodiversity of the area, including proposals in respect of future maintenance and a timetable for the implementation of the relevant measures. The development shall thereafter be undertaken and occupied in accordance with the agreed measures and timetable unless otherwise agreed in writing with the local planning authority.

Reason - To ensure the development contributes to the meeting of Biodiversity Action Plan priorities, and to accord with the aims and objectives of the National Planning Policy Framework.

- 17 No hedgerows shall be removed or soil stripping undertaken pursuant to this planning permission during the months of March to August inclusive unless first agreed in writing by the Local Planning Authority. Should nesting birds be found during construction work, work in the area shall cease immediately, and shall not resume until such time as the young have left the nest.

Reason - In the interests of nature conservation, and to accord with the aims and objectives of the National Planning Policy Framework.

- 18 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources(as described in Annex 2 of the NPPF). Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority as a part of the first reserved matters submissions required by Conditions 1 and 2 above. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure the scheme provides for a sustainable form of development, and to accord with the aims and objectives of the National Planning Policy Framework.

- 19 All reserved matters applications for the erection of dwellings shall include full details of the proposed dwellings' anticipated level of achievement in respect of criteria / sub-categories contained within the Code for Sustainable Homes. None of the dwellings hereby permitted shall be occupied until such time as evidence to demonstrate the relevant dwelling's compliance with the relevant criteria has been submitted to and agreed in writing by the Local Planning Authority.

Reason - To ensure the environmental integrity of the scheme is secured and to accord with the aims and objectives of the National Planning Policy Framework.

- 20 All reserved matters applications for the erection of non-residential development shall include full details of the proposed buildings' anticipated level of achievement within the Building Research Establishment's Environmental Assessment Method (BREEAM). No building shall be brought into use until such time as an assessment of the building has been carried out by a registered BREEAM assessor and a BREEAM Certificate has been issued for the relevant building certifying that the relevant BREEAM Level has been achieved

Reason - To ensure the environmental integrity of the scheme is secured and to accord with the aims and objectives of the National Planning Policy Framework..

- 21 The retail food store hereby permitted shall not exceed 1,000 square metres gross floorspace at any time.

Reason - To ensure the development takes the form envisaged by the Local Planning Authority, and to ensure satisfactory control over the retail impact of the development and to accord with the aims and objectives of the National Planning Policy Framework..

- 22 Prior to the commencement of any part of the development hereby permitted, a detailed design of the proposed signalised site access junction at Burton Road, as indicatively shown on DTA drawing no. 11057-23 revision D, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any part of the development, the approved junction shall be provided in full and available for use.

Reason: To provide vehicular access to the site, in the interests of highway safety, and to comply with Policy T3 of the North West Leicestershire Local Plan and to accord with the aims and objectives of the National Planning Policy Framework.

- 23 Prior to the commencement of any part of the development hereby permitted, a detailed design of the proposed ghost island site access junction at Burton Road, as indicatively shown on DTA drawing no. 11057-23 revision D, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of the 151st dwelling or the medical centre, the approved junction shall be provided in full and available for use.

Reason: To provide vehicular access to the site, in the interests of highway safety, and to comply with Policy T3 of the North West Leicestershire Local Plan and to accord with the aims and objectives of the National Planning Policy Framework.

- 24 Prior to the commencement of any part of the development hereby permitted, a detailed design of the proposed pumping station access at Burton Road, as indicatively shown on DTA drawing no. 11057-23 revision D, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any part of the development, the approved junction shall be provided in full and available for use.

Reason: To provide vehicular access to the site, in the interests of highway safety, and to comply with Policy T3 of the North West Leicestershire Local Plan and to accord with the aims and objectives of the National Planning Policy Framework.

- 25 No development shall commence on the site until such time as a construction management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic associated with the development does not lead to on-street parking problems in the area and to accord with the aims and objectives of the National Planning Policy Framework.

- 26 Notwithstanding the submitted Residential Travel Plan, a scheme of measures to reduce the amount of single occupancy car journeys to/from the site, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in accordance with the submitted details.

Reason: To ensure that adequate steps are taken to provide a transport choice/a choice in mode of travel to/from the site and to accord with the aims and objectives of the National Planning Policy Framework.

- 27 No development shall commence until such time as a scheme for the provision of a new or diverted bus service between Ashby de la Zouch town centre and Burton on Trent serving the development has been submitted to and approved in writing by the Local Planning Authority.

The details of the scheme shall include hours of operation, service frequencies, routing, and the provision of necessary on and off site bus stop infrastructure (including pole and flag, bus shelter, raised kerbs and information display case).

The scheme shall include any works/measures required for the initial implementation of the scheme, together with a phased programme for the implementation of any remaining measures required by the scheme as the development progresses.

The scheme shall cover a minimum period of 5 years from commencement of the service. No more than 150 dwellings shall be occupied until such time as all of the approved scheme is fully operational.

Reason - To ensure that adequate steps are taken to provide a choice in mode of travel to and from the site and to accord with the aims and objectives of the National Planning Policy Framework.

- 28 No development shall commence until full details of surface water drainage, including attenuation facilities, have been submitted to and approved by the Local Planning Authority though consultation with East Midlands Airport. Details shall include cross sectional bank profiles of any open water areas, mean residence time of attenuated water and mean water levels.

Reason - In the interests of the safe and effective operation of East Midlands Airport and to accord with the aims and objectives of the National Planning Policy Framework.

Erection of one no. 500KW wind turbine and associated access track, areas of hardstanding and control building

Report Item No
A4

Land At Ashby Road Coleorton Coalville Leicestershire

Application Reference
13/00265/FUL

Applicant:
Mr Gary Owens

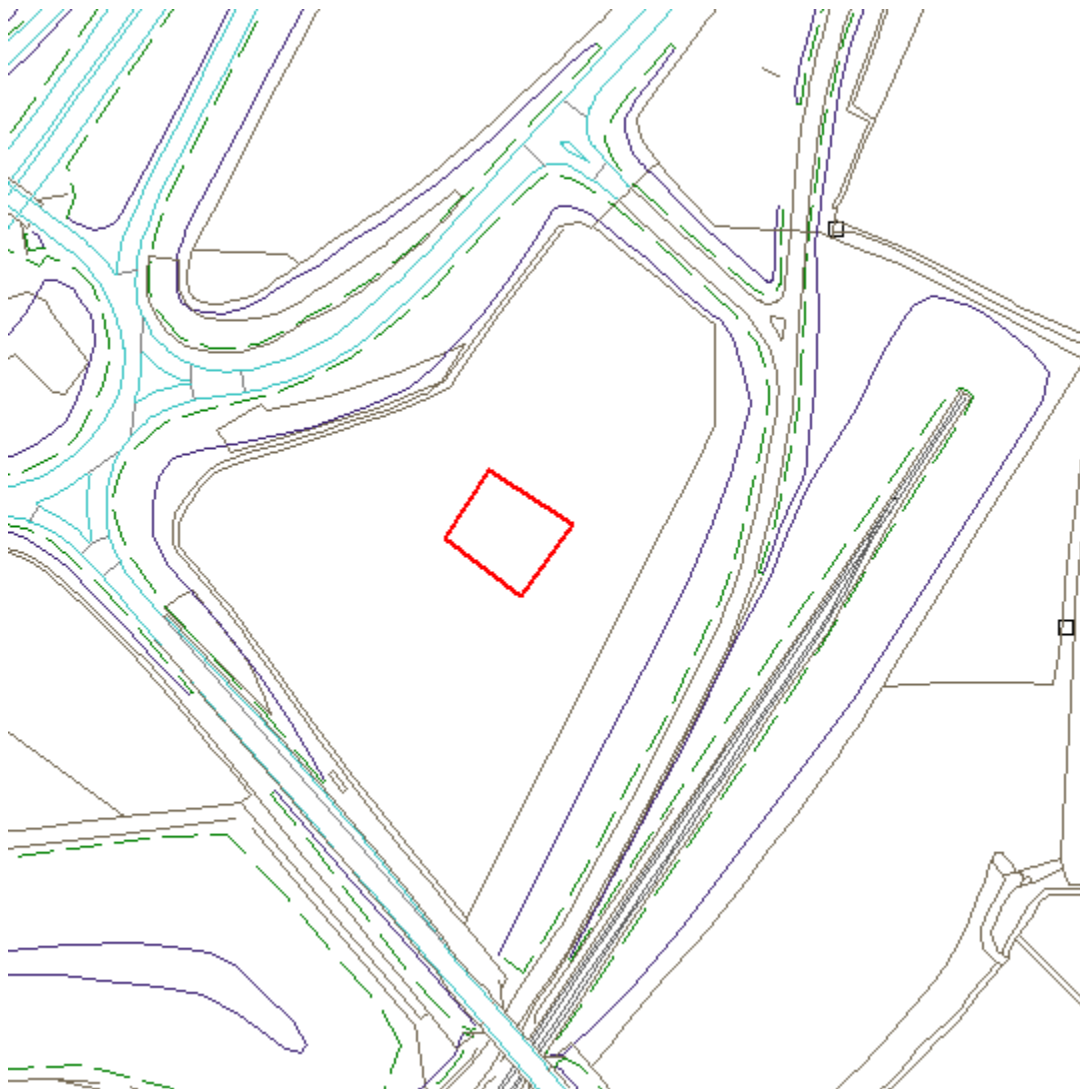
Date Registered
14 March 2013

Case Officer:
Adam Mellor

Target Decision Date
9 May 2013

Recommendation:
PERMIT

Indicative Site Location Plan (For illustrative purposes only)



Reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office
©copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence LA 100019329

PLANNING APPLICATIONS- SECTION A

EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR APPROVAL

Call In

This application has been brought to Planning Committee as it is considered to be of significant public interest.

Proposal

The application proposes the erection of a 90 metre high wind turbine to tip, 60 metres to hub, along with an associated access track, concrete crane pad, temporary construction compound, transformer station and a substation/control building at part of the Lounge Disposal Point with the site being to the north of the A511 and east of the A42 and A512 on Ashby Road, Coleorton.

Consultation

Two representations from third parties have been received objecting to the application and objections have also been received from Packington Parish Council and Coleorton Parish Council. All other statutory consultees have no objections.

Planning Policy

The development would comply with all relevant policies of the Local Plan as well as Paragraphs 17, 98, 118, 119, 123, 131, 132, 134, 188, 189 and 215 of the NPPF; Policies CSA1, CS7 (Location of Development); CS8 (Countryside); CS21 (Well-Designed Buildings and Places); CS23 (Transport); CS25A (Renewable Energy); CS28 (Strategic Green Infrastructure); CS30 (The National Forest); CS32 (Biodiversity and Geodiversity) CS33 (River Mease Special Area of Conservation); CS34 (Conserving and Enhancing the Historic Environment) and CS42 (Rural Area) of the emerging Core Strategy and the Habitats Regulations, Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System), River Mease Water Quality Management Plan - August 2011 and Planning for Renewable Energy: A Companion Guide to PPS 22.

Conclusion

In the circumstances that the proposal would accord with the aims of Policy S3 of the Local Plan and Policy C8 of the emerging Core Strategy, as well as the fact that the NPPF does not explicitly prevent renewable energy proposals from being located within the countryside, it is considered that the principle of the development would be acceptable. It is considered that the landscape could accommodate a single turbine without its overall character being significantly harmed. Although there would be some impact on and change to the landscape, the turbine would not significantly undermine or change its character or that of the National Forest and therefore on balance this impact is not so significantly detrimental to the landscape or its visual amenities to justify a reason for refusal, as such the development would not conflict with Policy E4 of the Local Plan or Policies CS21, CS28 or CS30 of the emerging Core Strategy. There would also not be a significant effect in terms of cumulative impacts due to the heights and locations of the turbines, which already exist or are proposed within the surrounding area, as well as the intervening landforms and vegetation. It is also considered that the significance of the setting of the surrounding heritage assets would be preserved given the position of the turbine in relation to the heritage assets as well as the presence of built forms of development, major transport infrastructure, pylons/phone masts, vegetation and an undulating landform. There would also be some public benefit to the provision of the turbine given the improvement to the environmental conditions, by virtue of the turbine being a renewable energy form, and the diversion of excess electricity to the National Grid and as such the development accords with Paragraphs 131, 132 and 134 of the NPPF and Policy CS34 of the emerging Core Strategy. The development would not have an adverse impact on the amenities of neighbouring properties in terms of noise, vibration, shadow flicker or outlook which would ensure compliance

with Paragraphs 98 and 123 of the NPPF, Policy E3 of the Local Plan and Policy CS25A of the emerging Core Strategy. It is considered that the proposal will not have an adverse impact on bats, birds or other protected species or their habitats, subject to appropriate conditions, and as such the proposal would accord with Paragraphs 118 and 119 of the NPPF, Policy CS32 of the emerging Core Strategy, the Habitats Regulations and Circular 06/05. There would be no adverse impacts on pedestrian or highway safety, or aviation (subject to a Grampian conditions), which would ensure compliance with Policy T3 of the Local Plan and Policy CS23 of the emerging Core Strategy. It can be ascertained that the proposal will not, either alone or in combination with other plans or projects, have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI, due to there being no foul drainage connection and provision being made to discharge surface water run-off to permeable or porous areas within the site and as such the development would accord with Paragraph 118 of the NPPF, Policy CS33 of the emerging Core Strategy, the 2010 Habitats Regulations and Circular 06/05. It is considered that the wider public interest of tackling climate change by reducing carbon emissions should be taken into account and the proposal would not raise any significant concerns in relation to other material considerations and other matters raised by third parties would not provide sufficient justification to refuse the application. The development therefore accords with the planning policies identified above.

RECOMMENDATION:- APPROVAL - SUBJECT TO CONDITIONS

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommended reasons for approval, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

Permission is sought to erect one wind turbine on land at Ashby Road, Coleorton. The land in question is situated to the south-east of Ashby Road (A512) and north-east of the A511 and forms part of the UK Coal Lounge Disposal Point. Vehicular access to the site is provided off the A512 and it is noted that the land in question is situated outside the defined limits to development, as identified in the North West Leicestershire Local Plan.

The proposed turbine would consist of a tubular steel tower supporting three blades which would have an overall height of 90.0 metres to the tip of its blades and a hub height of 60.0 metres. It is proposed that the turbine will have a peak electrical generation of 500kW and will provide power for the distribution building granted planning permission under application reference 07/01372/FUL with any additional energy being directed to the National Grid. Access to the turbine will be provided off the existing road into the Lounge site with a new permanent access track being provided which would have a length of 76.0 metres. Along with the above a 525.0 square metre concrete crane pad would be installed, a temporary construction compound (24.0 metres x 13.0 metres) provided, a transformer station (3.0 metres by 2.5 metres by 3.0 metres) sited next to the tower and a substation/control building (6.0 metres by 3.0 metres by 3.0 metres) set to the north-east of the turbine.

The mast will be sited in a predominately rural area characterised by a mixture of development including open arable fields and commercial and industrial uses on the edge of Ashby De La Zouch which lies to the south-west of the site. Public footpaths M30, M60 and M60A lie to the north-east and east, respectively, of the turbine at distances of 290.0 metres (M30 and M60) and 1350 metres (M60A) away. The A511, A512 and Junction 13 of the A42 lie 130.0 metres (south-west), 120.0 metres (north-west) and 269.0 metres (north-west), respectively, from the site with the nearest dwelling, Flagstaff Farm, being situated to the north-east at a distance of 570.0 metres away. The site lies within the catchment area for the River Mease Special Area of Conservation (SAC).

Following the consultation response received from the County Council Ecologist the position of the base of the turbine has been moved so that it would be at least 66.0 metres from the vegetation to the south-eastern boundary of the site. Whilst the turbine has been repositioned the amended plan (Ref: HE1001/25/03 Revision 1) shows an area of micro-siting, indicated by a red dashed line, which ensures that should the development need re-siting all assessments and reports provided would still be of relevance given that they have taken into account any potential relocation of the turbine.

The proposal has been assessed in respect of the Environmental Impact Assessment (EIA) Regulations 2011. Whilst the proposal is classed as development under paragraph 3(i) of Schedule 2 to the Regulations it has been concluded that this proposal is not considered to constitute EIA development under the 2011 Regulations as its impacts are considered to not be significant.

Planning History

Originally planning permission was granted for the Lounge Disposal Point in August 1986 (ref: 84/0640/C) for a temporary period of five years which proposed a restoration scheme. A restoration scheme was approved in October 1998 and in December 1999 planning permission was granted for the continued use of the site for the dispatch of coal by rail from the Hicks Lodge Extension opencast coal site until 31 July 2004. The use of the site ceased on 31st July

2004 and the restoration scheme should have been completed by the 31 July 2005. On 21st July 2005 UK Coal submitted an application to defer the restoration scheme by 3 years and this application was refused on the 13th October 2005. A planning inquiry appealing this decision was also dismissed in January 2007. As a consequence of this dismissal an application for the erection of a rail connected distribution building and associated works (Ref: 07/01372/FUL) was submitted which was approved on the 16th July 2012.

2. Publicity

184 Neighbours have been notified (Date of last notification 26 March 2013)

Site Notice displayed 16 April 2013

Press Notice published 3 April 2013

3. Consultations

Coleorton Parish Council consulted 26 March 2013
English Heritage- Grade I/II* Listed Park/garden consulted 15 May 2013
Ashby de la Zouch Town Council consulted 26 March 2013
Packington Parish Council Victoria Roe consulted 26 March 2013
MOD Safeguarding consulted 27 March 2013
National Air Traffic Services consulted 27 March 2013
Leicester & Rutland Wildlife Trust consulted 27 March 2013
National Forest Company consulted 27 March 2013
County Highway Authority consulted 27 March 2013
Head of Environmental Protection consulted 27 March 2013
Natural England consulted 27 March 2013
LCC ecology consulted 27 March 2013
Airport Safeguarding consulted 27 March 2013
NWLDC Conservation Officer consulted 27 March 2013
English Heritage- Grade I/II* LB Works consulted 27 March 2013
County Planning Authority consulted 27 March 2013
Development Plans consulted 27 March 2013
LCC/Footpaths consulted 27 March 2013
Highways Agency- Article 15 development consulted 27 March 2013
Ramblers' Association consulted 27 March 2013

4. Summary of Representations Received

The following summary of representations is provided. Members will note that full copies of correspondence received are available on the planning file.

Ashby De La Zouch Town Council objects to the application and states: *"The appearance of the wind turbine will be obtrusive on the landscape and an alternative source of energy using photovoltaic panels on the roof of the building at the Lounge Distribution Centre would be a preferred option."*

Coleorton Parish Council raised the following concerns to the application: *"the noise from the turbine, particularly as the noise would travel to Farm Town in the direction of the prevailing wind, and the visual impact on the rural landscape. It is clear from the photographs supplied that the present view from Farm Town is of open fields, so the turbine will be a definite intrusion."*

East Midlands Airport Safeguarding has no objections subject to two conditions which restrict the final height of the turbine and ensure that the Airport is notified when the turbine becomes

operational.

English Heritage initially objected to the application and stated: *"The appearance of rotating turbine blades in the view east across the garden earthworks at Ashby would be (depending in degree on their prominence) harmful to the significance of the monument (Ashby Castle) by virtue of the introduction of distracting and alien elements in to the appreciation and experience of these closely designed earthwork features. The specific aesthetic qualities of an historic formal garden are very vulnerable to such intrusions."* Following a receipt of an additional photomontage English Heritage has no objections and states: *"This directly addresses the question we raised as to visibility and on the basis of the additional material there does not appear to be a substantial visual impact given the relative heights of the turbine and housing in this important view from ground level."*

Highways Agency has no objections.

Leicestershire County Council - Ecology has no objections and states: *"This is a large turbine (60m hub height, 30m blade length) and therefore NE's guidelines for bats and large turbines TIN059 apply. Most bat species fly along lines of trees etc rather than across open ground, so as long as the blade tips are at least 50m from an ecological feature that may be used by most species of bats for foraging/roosting etc, the risk to bats is low. By using the formula in TIN051, and assuming the ecological feature height around the site is 15m, the turbine base must be 66m from the outer extent (NOT the hedgeline) of surrounding hedges/trees etc; I disagree with fpcr's calculation of 59m (see 4.17 of the Ecological Appraisal, Feb 2013), as this is based on a feature height of 6m, which does not allow for additional growth of trees during the active life of the turbine. 66m distance is readily achievable on site, although the location on the site plans may need to be slightly adjusted; As the site is c. 1km from woodland, I do not feel there is any additional risk to woodland species, Noctule, which is known to fly across open ground between woodlands. The other two species known particularly at risk (Leisler's and Nathusius') are rare in Leicestershire, and we have no records from the vicinity of the proposed site; Although the site nearby (the former Lounge disposal site, now a candidate Local Wildlife Site) is locally very good for some species of birds, none of the species known to be at high risk from turbines are in significant numbers, and I am in agreement with fpcr's assessment of the impact on birds as 'minor negligible.' Although I share concern over the possible impact on barn owls, in comparison with the existing high risk to this species posed by the adjacent motorway and A road, I feel that any possible additional risk caused by the turbine would be negligible; On the basis of the above assessment, and with the condition that the turbine is within the field shown on Fig2.3, the site layout plan (HE1001/25/03) at least 66m from the outer extent of the surrounding hedges, I have no objections to this application."*

Leicestershire County Council - Highways has no objections subject to a note to the applicant.

Leicestershire County Council - Planning Authority has no objections and states: *"The application lies within a mineral consultation area but, given the type and scale of development being proposed, the Mineral Planning Authority raises no objection to the proposal. The County Council has no comment to make respect of Waste Planning either."*

Leicestershire County Council - Rights of Way has no detailed comments to make and states: *"I am attaching an extract from the Definitive Map of Public Rights of Way, and would draw your attention in particular to the routes of footpaths M60 and M30 located to the north east of the application site. Both these footpaths are situated outside the fall-over distance for the turbine, and similarly would not be affected by the construction of the vehicular access track"*

to the proposed turbine location. Users of the footpaths would not, therefore, be adversely affected by the proposed development."

National Air Traffic Services objects to the application and states: *"It has been determined that the terrain screening available will not adequately attenuate the signal, and therefore this development is likely to cause false primary plots to be generated; A reduction in the radar's probability of detection, for real aircraft, is also anticipated."* The radar affected would be the Clee Hill Radar and this is deemed to have an unacceptable technical impact on the operation of Prestwick Centre Air Traffic Control (ATC).

NWLDC - Environmental Protection no objections.

Packington Parish Council objects to the application for the following reasons: *"1. They feel that this type of electricity generation is inefficient and ineffective; 2. Wind turbines are a danger to wildlife and birds; 3. Visually, wind turbines spoil the environmental area."*

Third Party Representations

Two letters of representation have been received from the occupants of The Granary West Farm, Farm Lane, Farm Town and No. 120 Leicester Road, New Packington who object to the application on the following grounds:-

- *"I feel this will be a blot on this beautiful countryside. There is NO need for a 90Metre High Turbine to be installed and as a electrical engineer a lot smaller turbine will give the same output of 500kW and not ruin the eyeline and with the location and wind direction and volume this can be achieved, without the ridiculous height;"*
- *"My northerly windows face directly on to it. My primary concern will be the view from the upstairs windows which currently have uninterrupted views of the land and sky across the field to the west of Cornworthy."*

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The NPPF contains a number of references to the presumption in favour of sustainable development. It states that local planning authorities should:

- o approve development proposals that accord with statutory plans without delay; and
- o grant permission where the plan is absent, silent or where relevant policies are out of date unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

The NPPF (Para 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

Paragraph 17 sets out the 12 key principles that should underpin plan-making and decision-

taking which include:

- o always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- o take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- o support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- o contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;
- o conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;

Paragraph 98 indicates that when determining planning applications, local planning authorities should:

- o not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- o approve the application (unless material considerations indicate otherwise) if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas;

Paragraph 118 outlines that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- o if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- o proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;

Paragraph 119 states that 'The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined;

Paragraph 123 indicates that planning policies and decisions should aim to:

- o avoid noise from giving rise to the significant adverse impacts on health and quality of life as a result of new development;
- o mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- o recognise that development will often create noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put them on because of changes in nearby land uses since they were established;

Paragraph 131 outlines that in determining planning applications, local planning authorities should take account of, amongst other things, the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional; Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional;

Paragraph 134 indicates that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use;

Paragraph 188 outlines that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community;

Paragraph 189 states that local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they do offer. They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community before submitting their applications.

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

North West Leicestershire Local Plan

Policy S1 sets out 13 criteria which form the strategy for the adopted Local Plan;

Policy S3 sets out the circumstances in which development will be permitted outside Limits to Development;

Policy E2 seeks to ensure that development provides for satisfactory landscaped amenity open space and secures the retention of important natural features, such as trees;

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings;

Policy E4 seeks to achieve good design in new development and requires new development to respect the character of its surroundings;

Policy E7 seeks to provide appropriate landscaping in association with new development including, where appropriate, retention of existing features such as trees or hedgerows;

Policy F1 seeks appropriate provision for landscaping and tree planting in association with development in the National Forest, and requires built development to demonstrate a high quality of design, to reflect its Forest setting;

Policy F2 states that the Council will have regard to the existing landscape character of the site and the type of development when seeking new planting;

Policy F3 seeks to secure implementation of agreed landscaping and planting schemes for new development by the imposition of planning conditions and/or the negotiation of a planning agreement;

Policy T3 requires development to make adequate provision for vehicular access, circulation and servicing arrangements;

Policy T20 seeks to prevent development that would adversely affect the operational integrity or safety of East Midlands Airport;

Submission Version Core Strategy

The District Council considered its response to the Pre-Submission Core Strategy consultation and suggested changes at its meeting of 26 March 2013. The Council resolved, amongst others, to agree the recommended significant changes, to note the delegated minor changes, to agree to a period of consultation on the significant changes, and to agree to submit the Core Strategy to the Secretary of State as soon as possible following consultation. The Submission Core Strategy was subsequently received by the Secretary of State on 24 June 2013. The following Submission Core Strategy policies are considered relevant and, given the stage that the draft Strategy has reached, should be afforded some (but not full) weight in the determination of this application:

Policy CSA1 states that when considering development proposals the District Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework;

Policy CS7 provides that new development, including new facilities and services will be directed to the most sustainable locations in accordance with the settlement hierarchy set out in that policy;

Policy CS8 sets out the types of development that can be acceptable in the countryside, subject to the development requiring a rural location;

Policy CS21 provides that all new development will have to demonstrate how it satisfies the Council's place-making principles;

Policy CS23 requires new development to maximise the efficient use of existing transport

facilities in the district as it looks to a lower carbon future;

Policy CS25A sets out the circumstances where renewable energy schemes will be encouraged and supported;

Policy CS28 advises that the Strategic Green Infrastructure Network, which includes the National Forest, will be protected and enhanced;

Policy CS30 sets out the priorities for the National Forest and that landscaping will be required;

Policy CS32 sets out that new development should protect and enhance the most ecologically sensitive areas and that it should not result in significant harm to the network of local and national ecological features, habitats and designated sites in the District;

Policy CS33 sets out the criteria for new development in the catchment area of the River Mease Special Area of Conservation;

Policy CS34 requires the historic environment to be conserved and enhanced;

Policy CS42 sets out the proposed development strategy for the Rural Area;

Other Guidance

The Habitat Regulations

The Conservation (Natural Habitats &c.) Regulations 2010 (the 'Habitats Regulations') provide for the protection of 'European sites', which include Special Areas of Conservation (SACs) and the key issues relating to protected species;

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

Circular 06/2005 sets out the procedures that local planning authorities should follow when considering applications within internationally designated sites and advises that they should have regard to the EC Birds and Habitats Directive in the exercise of their planning functions in order to fulfil the requirements of the Directive in respect of the land use planning system. The Circular sets out a flow chart for the consideration of development proposals potentially affecting European sites;

River Mease Water Quality Management Plan - August 2011

This plan draws together all existing knowledge and work being carried out within the SAC catchment, along with new actions and innovations that will work towards the long term goal of the achievement of the Conservation Objectives for the SAC and bringing the SAC back into favourable condition;

Planning for Renewable Energy: A Companion Guide to PPS22

The Companion Guide offers practical advice as to how the policies in the former PPS22 (which has been cancelled by the NPPF) can be implemented on the ground. This document has not been explicitly cancelled by the NPPF although the support for renewable energy in policy terms has been carried forward in the NPPF and therefore the information and advice set out within the Companion Guide can be given some weight and used as a reference guide when considering applications relating to renewable energy;

Footnote 17 on Page 22 of the National Planning Policy Framework

In assessing the likely impacts of potential wind energy development when identifying suitable

areas, and in determining planning applications for such development, planning authorities should follow the approach set out in the National Policy Statement for Renewable Energy Infrastructure (read with the relevant sections of the Overarching National Policy Statement for Energy Infrastructure, including that on aviation impacts). Where plans identify areas as suitable for renewable and low carbon energy development, they should make clear what criteria have determined their selection, including for what size of development the areas are considered suitable.

6. Assessment

The main considerations in the determination of this application relate to the principle and sustainability of the development and its impact on landscape character and visual amenities, the historic environment, residential amenities, protected species, aviation, highway safety and the River Mease Special Area of Conservation.

Principle of the Development

The application site is located outside the limits to development where permission for new development would not normally be granted unless it is for certain uses as set out under Policy S3 of the Local Plan. In terms of the development proposal it is considered that it would fall within criteria (c) (is a public service or utility which cannot, for operational reasons, be accommodated within the defined Limits) of Policy S3 and as such would constitute an acceptable form of development in this location. This view is further supported by the appeal decision for application reference 12/00343/FUL (Wind Monitoring Mast at Stretton en le Field) (Appeal Ref: APP/G2435/A/12/2185513) where the planning inspector stated: *"the mast is however a utility, as it relates to the provision of electricity, and it would be unlikely to be able to be accommodated within the LP defined Limits of Development."* In any case Policy CS8 of the emerging Core Strategy supports the location of renewable energy schemes in the countryside and this is a more recent policy direction.

Policy CS25A indicates that proposals for renewable energy schemes will be encouraged where (a) the proposal does not have a significant adverse impact on the historic and natural landscape, landscape character or the natural environment, (b) the proposal does not have an adverse impact on the amenity of the area in respect of noise, dust, odour and traffic generation both during construction and when operational; and (c) provision is made for the removal of the facilities and remediation of the site should it cease to be operational. Both criteria's (a) and (b) are to be discussed in more detail in the relevant sections of this report and with regards to criteria (c) appropriate conditions could be attached to any planning permission granted to ensure that the facility was removed at the end of its 'operational' life.

Paragraph 97 of the NPPF outlines that Local Planning Authorities should *"recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources"* in order to help increase the use and supply of renewable energy, and one of the core planning principles at Paragraph 17 of the NPPF is that decisions should *"support the transition to a low carbon future and encourage the use of renewable resources (for example by the development of renewable energy)."* At Paragraph 98 it also states that *"applicants should not be required to demonstrate the overall need for renewable energy and that planning applications should be approved if their impacts are or can be made acceptable."*

In the circumstances that the NPPF supports proposals which provide energy from renewable energy, as well as the fact that Policy S3 of the Local Plan and Policy CS8 of the emerging Core Strategy would support renewable energy projects in the countryside, it is considered that the overall principle of the provision of a wind turbine would be acceptable.

The government recently announced that it will amend secondary legislation to make pre-application consultation with local communities compulsory for the more significant onshore wind applications and that it will issue new planning practice guidance shortly to assist local councils in their consideration of planning applications for onshore wind proposals. The requirement for compulsory pre-application consultation has not yet come into operation and the proposed guidance has not yet been published and therefore neither can be a material consideration in the determination of this application. Furthermore the Secretary of State advises that the requirement for compulsory pre-application consultation will relate to 'the more significant onshore wind applications' and may therefore not apply to single wind turbines in any event. A statement of community involvement has been submitted in support of the application which identifies that a public exhibition was held on the 26th November 2012 at Ashby Methodist Church between 12:30 and 19:30 which was attended by 17 people. Prior to the exhibition A5 invitation leaflets were distributed to 2500 properties surrounding the development site, as well as elected ward members and emails directed to Ashby Town Council, Coleorton Parish Council, Ravenstone with Snibston Parish Council and Packington Parish Council. Of the 17 attendees only 1 person returned a completed comments form which simply related to the accuracy of the photomontages. In light of this feedback the applicants reviewed the accuracy of the photomontages and confirmed that they were displayed correctly. Whilst it has not been specified by the Government what constitutes a 'wind farm' it is considered that one turbine would not consist a 'wind farm,' in any case public consultation has been conducted prior to the submission of the application which accord with the aims of Paragraphs 188 and 189 of the NPPF.

Landscape and Visual Impact

It is identified, in Paragraph 17 of the NPPF, that planning should *"recognise the intrinsic character and beauty of the countryside and supporting thriving rural communities within it,"* and Paragraph 109 states that the planning system should protect and enhance valued landscapes. Paragraph 98 of the NPPF also states that when determining wind turbine planning applications, local planning authorities should *"approve the application if its impacts are (or can be made) acceptable."*

Policy CS25A of the emerging Core Strategy states that renewable energy schemes will be encouraged and supported where the proposal does not (allowing for any mitigation measures) have a significant adverse impact on the historic and natural landscape, landscape character or the natural environment. Policy CS21 of the Pre-Submission Core Strategy states that *"All new development will have to demonstrate how it satisfies the Council's place making principles."*

The Environmental Report, at Chapter 6, contains a Landscape and Visual Impact Assessment (LVIA) evaluates the effect of the proposed turbine on landscape character and visual amenity. The effect of the development depends on its scale, as well as the sensitivity of its surroundings and the capacity of those surroundings to absorb the impact of the turbine given its physical characteristics, the topography, consistency and content of the landscape, and the cumulative effects of other development.

The LVIA follows the Guidelines for Landscape and Visual Impact Assessment, Second Edition (Landscape Institute and IMEA 2002). This assessment includes the potential effects on local landscape character and landscape designations, as well as the potential effects on views experienced by people from nearby residential properties on the surrounding roads, as well as those people cycling and walking in the local area.

Photomontages from nine viewpoints have been provided which range from 0.9km to 6.9km

from the turbine. Most of these were not agreed with the Local Authority, although one was provided during the course of the application following a request from English Heritage. It is identified that the 'original' nine viewpoints tie in with the 'zone of theoretical visibility' (ZTV) which shows widespread fragmented visibility to central, north-eastern, southern and south-western areas across the study area, albeit, in reality, pockets of vegetation and built form will restrict views from some of these areas. It is considered that the viewpoints selected offer a useful range of study providing a ninety degree angle of view, which illustrates the typical extent of view experienced by the viewer, at close to middle distances. The level of study is considered to be proportionate to this scale of scheme and there are no local, national or international landscape designations affected. The ZTV indicate that the turbine could be theoretically visible from much of the nearby countryside and in views up to 30km away. However, it should be noted that topography will affect how visible the turbine will be in these views and that the ZTV does not take into account any screening from vegetation or buildings.

Impact on the Character of the Landscape

The turbine will be sited on a 0.9ha open grassed field adjacent to a former coal distribution site. The site is characterised by a varying topography with the southern area of the former stocking yard being at a lower level. The areas to the north of the A511 are more elevated moulded profiles. In terms of the conditions of the landscape to the south of the A511 the site is covered predominately by areas of low quality grassland and sporadically located scrub, small trees and hedgerow vegetation, with former access tracks, areas of hard standing and derelict ancillary buildings. To the north of the A511, the existing site condition resembles more defined arable fields with vegetated boundaries. A disused railway line runs through the site in a linear route running north-east to south-west. It is in this area that the turbine would be situated.

Adjoining the application site along its northern and eastern boundaries is open and flat farm land, which extends across the surrounding landscape in all directions, with generally well established field boundaries. The western site boundary is demarcated by the A512, with the A42 dual-carriageway beyond, separating the site from a business park and residential areas of Ashby De La Zouch.

With regards to the wider landscape it is considered that this is predominately characterised by undulating and gently rolling open agricultural farmland (arable/pasture fields), extending in all directions, with the centre of Ashby De La Zouch around 1.6km to the west of the site. In addition to Ashby De La Zouch there are other settlements such as Swannington, Ravenstone, Packington, Blackfordby, Coleorton, Farm Town, Griffydham, Newbold, Sinope and Lount within 5km of the application site as well as dispersed residential and non-residential farmsteads within the wider landscape. Several sizeable plantation woodlands also exist within the wider surrounding landscape as well as the 'heart' of the National Forest. The surrounding land topography would also be described as 'varied' with the areas to the north being more generally elevated than those to the south and steep sided embankments along the railway line.

Although there is a lack of formal landscape designation, or recognition, and the environmental report concludes that the *"application site is of low landscape quality due to its current condition and use, and has no discernible landscape attributes,"* it is accepted that character of the area is likely to be 'valued' by its residents. Paragraph 17 of the NPPF also recognises that the *"intrinsic character and beauty of the countryside"* is a material planning consideration.

In terms of Local Landscape Designations within 15km it is identified that there are no Areas of Great Landscape Value (AGLV) but there are nine registered parks and gardens (RPG's) within this study area which are Swarkestone Old Hall (11.6km to the north); Garendon (11.4km to the east); Melbourne Hall (7.9km to the north); Whatton House (13km to the north-east); Coleorton

Hall (1.3km to the north-east); Calke Abbey (4.9km to the north); Bretby Hall (8.6km to the north-west); Staunton Harold Hall (3.7km to the north); Stapenhill Cemetery (13km to the north-west).

The site lies within Natural England's Landscape Character Area of the Leicestershire and South Derbyshire Coalfield (National Character Area (NCA) 71) and some of its key characteristics make reference to the area's former mining heritage. The 'Lounge Disposal Point' supported the opencast mining conducted at Lounge although it is considered that in the present day the mining heritage is less evident in this part of the District when compared to others and overall the locality is rural, agricultural and quite open in its character.

The site would also lie within the Coalfield Character Area identified in the Leicester, Leicestershire and Rutland Landscape and Woodland Strategy of 2001 by Leicestershire County Council and within the 'Enclosed Farmlands' Character Area identified in the National Forest Strategy of 2004. Whilst it is recognised that there is a distinctive landscape character around Coleorton most of the area is characterised by a gently undulating landform. The turbine will also be visible in longer views from the Mease/Sence Lowlands Landscape Character Area that covers the southern part of the District and the Langley Lowlands Landscape Character Area covering a north-eastern part of the District as well as parts of Charnwood Borough Council's Administrative Area. These areas are mainly characterised by an undulating landscape with frequent small valleys and mixed arable and pasture farmland (Mease/Sence Lowlands) and a rolling landform with a well wooded appearance influenced by woodland within and beyond the character area (Langley Lowlands). The District Council commissioned a Settlement Fringe Assessment in 2010 which is an assessment of the landscape value around the settlement fringes where part of the application site would fall within Urban Fringe 4 of the Ashby De La Zouch Fringe Assessment which is described as 'Land to the South of Ashby and A511.' It is identified that *"this fringe includes prominent higher ground and rolling farmland within views from Ashby and in views towards Ashby to the south. The landform within this fringe is important in reducing the scale of Ashby in views from the landscape to the south. Pockets such as the former colliery site are enclosed by mounding and less visible within the wider landscape."*

The LVIA section of the Environmental Report concludes that the ZTV within the Coalfield Character Area would be fragmented and that even closer distance views will be intermittent due to the undulating landform and the established roadside/field boundary vegetation screening assisting in absorbing the turbine into the surrounding context. In terms of the Mease/Sence Lowlands Character Area it is considered that this areas greater distance from the application site, as well as the fragmented ZTV, undulating landform and presence of wooded areas/hedgerow trees, will lead to any prominent views of the turbine being highly unlikely. With regards to the Langley Lowlands Character Area it is again considered that there would be a fragmented ZTV, due to the rolling landform and well wooded landscape, and in the circumstances that the turbine is visible it would appear as an insignificant element on the horizon line in the background landscape. Any 'significance of change' to the landscape character would be slight/moderate for the Coalfield and slight/negligible for the Mease/Sence Lowlands and Langley Lowlands and in the circumstances that the main features of the landscape character would not be altered as a result of the proposed turbine it is considered that the development would not sufficiently detract from any of the existing landscape elements.

It is also considered that the lack of any statutory landscape designations on or around the site is significant in assessing the level of harm arising from the proposal, although it is noted that the site lies within the National Forest. In any case the application site does not have a particularly high scenic quality, given its association with the 'Lounge Disposal Point' and main

highways, but does contribute to the rural landscape in the immediate vicinity of the site which would undoubtedly be altered by the presence of the proposed turbine. Given its stature, most local residents, visitors and passers-by would probably regard the turbine, initially at least, as an alien feature and the majority of the people would be likely to perceive the development as detracting from the character of the landscape.

Although the proposal would result in a noticeable difference to the landscape, given that the landscape displays characteristics which are relatively common within rural areas of England, and it is not within any formal designations or sensitive areas, it is considered that the landscape could accommodate a single turbine without its overall character being significantly harmed.

Impact on Visual Amenities

The LVIA considers visual impacts within 5km of the turbine site, as well as the cumulative impact with other turbines. It is concluded that none of the settlements within the study area will be impacted on significantly and in general the undulating nature of the landscape, mature vegetation and built development will restrict views to intermittent. Significant visual change is concluded for one residential property, however, the residential amenity assessment has concluded no substantial effects. Users of the transport and recreational routes are likely to experience clear closer distance views of the turbine, however, for most routes this would only be experienced for a short period of time due to the intervening built-up areas, established roadside vegetation and mature woodland areas. There are considered to be several sensitive receptors in the area, in particular the nearby public footpaths as well as cycle routes, Registered Parks and Gardens (nearest being Coleorton Hall, Staunton Harold Hall and Calke Abbey) and the nearest residential communities of Ashby De La Zouch, Packington, Blackfordby, Ravenstone, Coalville, Normanton le Heath, Swannington, Worthington and Coleorton/Peggs Green.

Moderate adverse effects are identified in the LVIA at a number of places, including from Ashby De La Zouch, National Cycle Route 633 (which runs along the western boundary of the site and follows part of the A512) and the public footpath from Rough Park to Farm Town (to the north-east of the site). It is identified that within Ashby the majority of residential areas would be screened from the proposed development due to their location as well as the density and height of the surrounding built form and boundary vegetation. The isolated residential properties to the north-east of Ashby, along the B587, as well as those to the south-east of the A42 (New Packington) would have their visibility restrained by the roadside vegetation and established mature trees along the A42. Any longer distance views established from Ashby would be partial and intermittent with the turbine appearing as a minor vertical element on the skyline with only the upper parts visible due to the intervening established vegetation. Whilst views would be established from National Cycle Route 633 as it runs along the western boundary of the site any prominent views would only be apparent from this stretch of the route due to its remainder being enclosed by close proximity screening elements to the west (i.e. through built up areas of Ashby) and well vegetated country lanes and wooded areas to the north (in Rough Park). In terms of the public footpath it is considered that partial and intermittent to no views would be likely to the north of the A512, due to the undulating nature of the landform and intervening close proximity screening from adjacent roadside hedgerows and field boundary vegetation, whilst to the south of the A512 close proximity and clear and distinct views would be likely with the turbine being a prominent feature within the foreground. However, as the route of the footpath turns east any open views would become infrequent as the footpath would follow the line of adjacent field boundaries, from some locations no view would be established due to the undulating nature of the surrounding landform.

Slight adverse impacts include those from Packington (2.4-3.3km to the south-west); Blackfordby (4.6km to 5.0km to the north-west); Ravenstone (4.0-4.5km to the south-east); Coalville (3.9-5.0km to the south-east); Normanton le Heath (4.0-4.5km to the south); Swannington (3.7-4.5km to the south-east); Worthington (4.6-5.0km to the north-east); Coleorton/Peggs Green (2.6-3.7km to the east); National Cycle Route 52 (to the east and south-east); The Ivanhoe Way National Trail (to the south-east and south); the A42 (to the west); A512 (to the west) and A511 (to the south). A negligible impact occurs from the minor roads within the vicinity of the site.

It is considered that the LVIA is a reflective assessment of the sensitivity of the landscape which identifies that the receptors would be within the medium and the low-medium magnitude of change to the landscape as a result of the turbine. The views in which the impact would be moderately adverse would appear to be an accurate reflection, due to their proximity to the site, and although the turbine would be in close proximity, and as a result quite prominent, it would be screened by existing mature vegetation and there would predominately only be intermittent views along public routes and from the built up areas. It is also considered that whilst the implications to Farm Town have not been assessed as part of the LVIA the implications to this settlement are likely to be similar to those of Ashby which would result in a moderately adverse impact. In any case a photomontage from Farm Town has been provided from a site 0.8km to the east which shows that the turbine would be visible but would be partially screened by the landform and vegetation and would also be viewed in the context of its relationship with an electricity pylon.

The slight adverse impacts to the settlements identified are also considered to be acceptable given that the photomontages provided from Church Lane, Ravenstone (4.0km), Ashby Road, Packington (1.3km) and School Lane, Normanton le Heath (4.0km) show that whilst the turbine would be visible on the skyline it would not be substantially prominent and would be viewed in the context of its relationship with mature vegetation, buildings and other features such as pylons.

It is clearly impossible to mitigate the visual impacts of a wind turbine. However although there will be an impact on the landscape, in particular the turbine being visually prominent from closer views, vegetation and topography will help to screen the turbine and there are also a limited number of direct open views at close proximity. The level of visual prominence will reduce further away from the turbine, with distance, topography, and existing vegetation, buildings and electricity pylons/telephone communication masts reducing its overall prominence. The use of a non-reflective off-white colour to the tower and blades will also reduce the turbine's visibility in longer views. As noted above the area is considered to not be of significant scenic quality and it is not within any nationally or locally statutory landscape designation. Whilst there will be some impact on and change to the landscape, given the above circumstances the turbine would not significantly undermine or change its character or that of the National Forest and therefore on balance this impact is not so significantly detrimental to the landscape and its visual amenities to justify a reason for refusal. As such the proposal would not conflict with the principles of Policy E4 of the Local Plan as well as Policies CS21, CS28 and CS30 of the emerging Core Strategy.

Cumulative Impact

The cumulative impact of wind turbines should also be taken into account. Currently within the District there are two medium-large turbines in operation at East Midlands Airport. Planning permission was granted in October 2011 for a 24.8 metre turbine at Hall Farm, Swebstone Road (11/00430/FUL) approximately 6.5km to the south of the site; in September 2012 for two 21 metre high turbines at Mount St Bernard Abbey, Oaks Road (12/00358/FUL) approximately

7.5km to the east of the site and in July 2012 for a 40 metre turbine at Hill Farm, Willesley Woodside (12/00297/FUL), 4.7km to the south-west of the site, although this particular turbine has not yet been erected. An application for a 74 metre turbine at Cattows Farm, Normanton Lane, Heather (13/00165/FUL), 5.2km to the south of the site, was also recently approved at the Planning Committee of the 2nd July 2013. In addition an application for two 45 metre turbines at Farm Town, Coleorton (13/00266/FUL), 1.6km to the south-east is also currently under consideration with the Local Authority.

Two turbines are also proposed at Haunton in Lichfield but these currently do not have planning permission and would be over 17km from the site. A 79 metre turbine at Appleby Parva in Hinckley and Bosworth was refused and is currently at appeal. Applications have not been submitted for potential wind farms at Chilcote/Stretton en le Field and Austrey in North Warwickshire/Hinckley and Bosworth.

The LVIA does not include the above proposals in its assessment but has taken into account three other sites which are as follows: -

- o Two turbines to a tip height of 126m at Derby Sewerage Works 18km to the north;
- o Two turbines to a tip height of 102m at Hogs Hill 10.2km to the south-west;
- o One turbine to a tip height of 79m at 11.9km to the south-west;

It is concluded that there is a slight cumulative effect on the residential settlements (apart from Worthington and Coleorton/Peggs Green where there would be no effect) surveyed as well as the cycle routes and public footpaths although the vegetation, intervening landscape feature and landform would prevent any cumulative view being established which would be supported by the photomontages provided.

There may be some simultaneous views of the proposal with the turbines at Hill Farm, Lounge and Farm Town from the A42, A512 and other local roads, with the two turbines at Farm Town being the most apparent in any views due to their proximity to the site. It is, however, considered that in viewpoints where the proposed turbine is in close proximity the others will be in the distance at differing heights and given the undulating landform, mature vegetation and the fact that the turbines at Hall Farm and Mount St Bernard's Abbey are much smaller in height it is considered that the cumulative impacts of the proposals would not have a substantially negative impact on the visual appearance of the landscape given the other man-made features which exist (telegraph poles, electricity pylons, telephone communication masts).

Historic Environment

A heritage assessment has been submitted in support of the application which assesses the impacts of the development on the significance of scheduled ancient monuments, Grade I and II* listed buildings and conservation areas within a 5km radius as well as Grade II listed buildings within a 2km radius and non-designated archaeological heritage assets within a 750m radius. Within the surveyed areas it is identified that there are seven scheduled monuments, twenty-five Grade I and II* listed buildings, one hundred and five Grade II listed buildings and seven conservation areas.

The nearest scheduled monument would be 1.5km from the site (Coal mining remains at The Coney, 500m south of Coleorton Hall), nearest Grade I and II* listed building would be 4km away (Church of the Holy Trinity - Grade II*), nearest Grade II listed building would be 1.6km away (Hall Farmhouse) and nearest conservation area would be 1.5km away (Coleorton Hall). These would therefore be designated heritage assets, as defined in the NPPF, which form an important part of the history of the area and are considered to be of some significance which

have value for this and future generations.

It is concluded that there would be an unlikely impact on any features of archaeological interest as there is a lack of post-medieval remains recorded within the study site and the lack of possible post-medieval features/structures noted on historic maps as such there is low potential for remains of this period. In any case only a small area of land would be disturbed for the turbine base and access road.

In terms of the scheduled monuments it is concluded that the proposal would lie beyond the setting of the monuments and as such there would be no intervisibility between the turbine and monuments which would ensure there would be no impact on the setting or significance of these heritage assets. With regards to the Grade I and II* listed buildings it is considered that views of the turbine from the churches will be blocked by mature vegetation and the intervening topography and as such there would be no change to the setting or significance of the churches. There would also be no impact on the setting or significance of the identified Grade II listed buildings due to the mature vegetation, presence of the A42 and landscaped gardens around these sites. In terms of the conservation areas there would be no impacts on the Staunton Harold conservation area, due to the intervening woodland and topography, and negligible impacts on the conservation areas of Heath End, Blackfordby, Coleorton Hall, Ashby De La Zouch, Packington and Ravenstone. These negligible impacts are anticipated due to the potential for views, albeit limited, of the turbine being established from these areas although the topography, presence of built forms of development, mature vegetation, intervening countryside and major road interchanges mitigating these impacts.

English Heritage were consulted on the application and initially identified that *"due to the height of the turbine there was evident potential for harm to the significance of the Scheduled and Grade I Listed, Ashby Castle through setting impact. There is no viewpoint provided from the castle and the Heritage Assessment does not consider in detail the impact on this designated asset, so the degree of harm to the significance of this nationally important monument cannot be assessed from the material submitted."* It was concluded that to assess this impact *"the appearance of rotating turbine blades in the view east across the garden earthworks at Ashby would be (depending in degree on their prominence) harmful to the significance of the monument by virtue of the introduction of distracting and alien elements in to the appreciation and experience of these closely designated earthwork features. The specific aesthetic qualities of an historic formal garden are very vulnerable to such intrusions."*

On the basis of this consultation an additional photomontage and revised heritage assessment were requested from the applicant with English Heritage being consulted accordingly. English Heritage as a consequence stated *"on the basis of the additional material there does not appear to be a substantial visual impact given the relative heights of the turbine and housing in this important view from ground level."* As a result of this English Heritage advise that the application should be determined in accordance with local and national planning guidance. It is also noted that the Council's Conservation Officer has no objections to the proposal.

In the circumstances that neither English Heritage nor the Council's Conservation Officer objects to the conclusions of the submitted heritage assessment it is considered that its findings can be supported and are an accurate assessment of the potential effects.

The proposed turbine would not result in substantial harm to the significance of the heritage assets and as such it is to be determined in accordance with the aims of Paragraph 134 of the NPPF and Policy CS34 of the emerging Core Strategy. Paragraph 134 of the NPPF concludes that *"where a development proposal will lead to less than substantial harm to the significance of*

a designated heritage asset, this harm should be weighed against the public benefits of the proposal." Policy CS34 of the emerging Core Strategy also identifies that "heritage assets, and their setting, will be protected and conserved. The conservation of assets which reflect the District's industrial and coalmining heritage will be a particular priority."

It is considered that the provision of the turbine would provide some public benefits given that any excess energy generated would be directed to the National Grid which in turn would provide electricity to the commercial and residential properties within the immediate area. Furthermore the wider public interest of tackling climate change by reducing carbon emissions should be taken into account and is a material consideration.

In any case the further the heritage assets are from the turbine the less its impacts would be to their setting with the use of non-reflective paint assisting in mitigating this impact. In the circumstances that the heritage assets would also be viewed in the context of their relationships with other built forms of development, as well as pylons and mobile communication masts, the overall implications would not be substantially detrimental and overall the proposal would not conflict with the principles of Paragraphs 131, 132 and 134 of the NPPF as well as Policy C34 of the emerging Core Strategy.

Residential Amenities

As set out on the Department of Energy and Climate Change's (DECC) website, at the current time government advice is that the ETSU report is the relevant guidance against which turbines should be assessed in terms of noise impact. A Noise Impact Assessment for the turbine has been submitted in support of the application and this shows that the predicted turbine noise level at the two nearest properties, Flagstaff Farm (to the north-east) and Gamekeepers Cottage (to the south-east), would be 34.3 and 32.0 dB(A), respectively, which would be below the ETSU-R-97 acceptable level of 35 dB(A). The Ashby Premier Inn at Flagstaff Island lies to the north-west of the site and the predicted noise level at this point would be 37.6 dB(A), which would be slightly above the acceptable level, however it has been agreed with the Council that a level of 38.0 dB(A) at this point would be acceptable due to the proximity of the hotel to the A42 which would generate higher levels of noise. On the basis of these calculations the Council's Environmental Protection team has no objections and as such it is considered that the turbine would not generate a level of noise which would be sufficiently detrimental to the amenities of neighbouring properties.

In terms of vibration, the DECC's website advises that 'There is no evidence that ground transmitted low frequency noise from wind turbines is at a sufficient level to be harmful to human health.' A comprehensive study of vibration measurements in the vicinity of a modern wind farm was undertaken in the UK in 1997 by ETSU for the DTI (ETSU W/13/00392/REP). Measurements were made on site and up to 1km away in a wide range of wind speeds and direction. The study found that:

- o Vibration levels of 100m from the nearest turbine were a factor of 10 less than those recommended for human exposure in critical buildings (i.e. laboratories for precision measurement).
- o Tones above 3.0 Hz were found to attenuate rapidly with distance, the higher frequencies attenuating at a progressively increasing rate.

On the basis of this government advice, vibration is considered to not be an issue in this case given the sufficient distance to residential receptors.

Consideration is also given to potential shadow flicker to residential properties (created by passing of the blades across direct sunlight). The DECC advises that there are a number of

variations in determining the likelihood of this occurring and its significance, in particular that it only occurs within 130 degrees either side of north from a turbine and that potential shadow flicker is very low more than 10 rotor diameters (in this case 600 metres) from a turbine. A shadow flicker assessment has been provided in support of the application and this indicates that the majority of structures impacted on would be commercial premises to the west of the site as well as the Premier Inn to the north-west although any impacts on the commercial premises would be between the hours of 05:30 and 08:15 and on the hotel between 10.01 and 10.49.

The only residential property impacted upon would be Flagstaff Farm, which lies at a distance of 570 metres to the north-east of the site, and it is anticipated that the total number of days on which exposure would be possible would be 41 with a maximum exposure on the worst day of 27 minutes. It is also outlined in the report that the time of the day when exposure would be possible would be between 15.38 - 16.36, with the relevant dates of the year when exposure would be possible being between the 29th January to 18th February and 23rd October to 12th November. Whilst a shadow flicker impact may occur it is noted that that mature vegetation exists to the south of the dwelling, as well as an outbuilding which may assist in reducing any potential shadow flicker impact.

Paragraph 98 of the NPPF indicates that local planning authorities should *"approve the application if its impacts are (or can be made) acceptable,"* the shadow flicker assessment outlines that *"the loss of amenity can be mitigated through use of the various effective mitigation options available to rectify problems; Operational mitigation may include fitting shutters or curtains to windows and planting or constructing garden screening in the first instance. If these measures are not suitable then automatic turbine control systems can be programmed and activated to fully mitigate this."* In conclusion it is considered that the commercial premises and hotel would not be impacted on significantly, given that they would not be occupied at all times of the day, and any impacts are predominately early in the morning. In terms of the residential property it is acknowledged that there could be a shadow flicker impact but the figures presented are a 'worst case scenario' and as such the natural climate of the UK, the fact that the blades will not rotate for all of the daylight hours and natural obstructions (such as trees or buildings) would lessen the overall impact to an extent which would ensure that it would not have a sufficiently detrimental impact on the occupant's amenities. In any case an appropriate condition could be secured on any consent granted for the mitigation measures identified in the shadow flicker assessment to be implemented should complaints be received.

As part of the LVIA an assessment on residential properties within a 1km radius of the application site was undertaken this identified twenty property groups. These are as follows: -

- o Birch Way, Ashby De La Zouch (five terraced dwellings 950m to the north-west);
- o Oak Crescent, Ashby De La Zouch (properties, 870-930m to the west);
- o Nottingham Road, Ashby De La Zouch (properties 820-950m to the west);
- o Nottingham Road, Ashby De La Zouch (properties 960-990m to the west/north-west);
- o Nottingham Road, Ashby De La Zouch (two detached properties 950m to the north-west);
- o Astley Way, Ashby De La Zouch (properties 950m to the north-west of the turbine);
- o Astley Way, Ashby De La Zouch (properties 880-920m to the west/north-west of the turbine);
- o Astley Way, Ashby De La Zouch (apartment blocks 875m to the north-west);
- o Astley Way, Ashby De La Zouch (properties 970m to the north-west);
- o Naseby Drive, Ashby De La Zouch (properties 970m to the west of the turbine);
- o Edgehill Way, Ashby De La Zouch (two detached properties to the north-west);
- o No. 219 Nottingham Road, Ashby De La Zouch (detached property 720m to the north of

- o the dwelling);
- o Tollgate Cottage, Nottingham Road, Ashby De La Zouch (detached property 640m to the north);
- o No. 207 Nottingham Road, Ashby De La Zouch (detached property 680m to the north);
- o Nos. 183, 185 and 187 Nottingham Road, Ashby De La Zouch (three detached properties 630m to the north/north-west);
- o No. 175 Nottingham Road, Ashby De La Zouch (detached property 600m to the north-west);
- o No. 163 Nottingham Road, Ashby De La Zouch (detached property 610m to the north-west);
- o Flagstaff Farm, Ashby Road, Coleorton (detached property 550m to the north-east);
- o Gamekeepers Cottage, Corkscrew Lane, Farm Town (detached property 700m to the south-east);
- o Cornworthy, Corkscrew Lane, New Packington (detached property 970m to the south);

Of these properties it is identified that only Cornworthy would be subject to a full view of the turbine. A partial/oblique view would be established from Birch Way, Tollgate Cottage, 219 and 175 Nottingham Road and Flagstaff Farm and no view would be established from the remainder of the properties identified. Although Cornworthy would be subject to a full view of the turbine the property is situated 970m from the proposal and given the intervening vegetation coverage, which would provide some screening, there would be a sense of separation and perspective and as such the turbine would not appear as a dominant feature.

Overall the proposal would not conflict with the principles of Paragraphs 98 and 123 of the NPPF, Policy E3 of the Local Plan and Policy CS25A of the emerging Core Strategy.

Protected Species and Ecology

An ecological appraisal and ornithological assessment have been submitted in support of the application. The ecological appraisal identifies that the site comprises *"a former UK Coal industrial site that has been stood derelict for several years, therefore has areas of regenerating ephemeral/short perennial habitats, grasslands and developing scrub, in addition to improved pasture fields, hard standing, small areas of woodland and hedgerows a stream and several drainage ditches. An unused rail track runs under the A551 road bridge to the east of the site."* All of these features could be used by European Protected Species (EPS) and as such species may be affected by this 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.

It is identified in the assessment that the River Mease Special Area of Conservation (SAC) lies 2.1km to the south-west of the site, at its closest point; the Lount Meadows Site of Special Scientific Interest (SSSI) lies approximately 2km to the north of the site; the New Lount Nature Reserve lies approximately 2.2km to the north-east of the site and Rough Park ancient and replanted woodland lies approximately 1.3km to the north-east. Although grassland would be lost to the siting of the turbine and access track given the buffer distance that will be maintained between the works and habitats of ecological interest the proposal would only impact on habitats unsuitable to support protected species.

In relation to bats the turbine (including its blades) needs to be sited at least 50 metres from any bat habitat features (e.g. trees, woodland, hedgerow), as set out in Natural England's guidance TIN051 and TIN059. The County Ecologist has determined, on the basis of the formula within TIN051, that the base of the turbine, assuming an ecological feature height of 15m around the site, should be 66.0 metres from the outer extent of the surrounding hedges and trees which

conflicts with the submitted ecological appraisal which identifies the distance should be 59.0 metres based on a feature height around the height of 6.0 metres. It is considered that the assumption of a feature height around the site of 15.0 metres is not unreasonable due to the fact that during the lifetime of the turbine trees and hedges would grow. As a result of this consultation the base of the turbine has been re-sited so that it would be 66.0 metres from the south-eastern boundary of the site (the closest area of vegetation) and the development would now be considered acceptable in ensuring that there would be no detrimental impact on bats. Given that the site would be over 1km from woodland it is also considered that there would be no additional risks to the woodland species, Noctule, or another two species particularly at risk (Leisler's and Nathusius') given that they are rare in Leicestershire and there are no records of the species in the vicinity of the site.

In respect of birds the ecological appraisal, as well as ornithological assessment, concluded that the proposed wind turbine would have a low likelihood of an impact on birds due to:

- o *The absence of Schedule 1 (Wildlife and Countryside Act 1981) and/or Annex 1 (EU Birds Directive) species in significant numbers, including birds which may be sensitive to wind farm effects identified in Appendix 1 of the Natural England technical Note TIN069;"*
- o *"The proposed turbine site is not within, or in the vicinity of (5km radius), designated or proposed Special Protection Areas (SPAs), ornithological Ramsar Sites and ornithological SSSIs;"*
- o *"There have been no identification of known bird migration routes and local flight paths, wetland sites and other locations where potentially vulnerable species may occur in relatively high concentrations within the local area;"*
- o *"There are no topographical features such as ridges and valleys which may funnel or otherwise concentrate bird flight activity;"*

There would also be a low risk of impacts to a barn owl, red kite and little-ringed plover and given the small and enclosed nature of the site it is unlikely that it would be utilised by flocking birds during the winter season given the presence of more suitable fields within the vicinity of the site. On the basis of these findings the County Ecologist has no objections as whilst the Lounge disposal site, which is now a candidate Local Wildlife Site, is locally very good for some species of birds none of the species known to be at high risk from turbines are in significant numbers and as such the impacts on birds would be 'minor negligible.' Although there is considered to be a greater potential for impacts on barn owls the overall increase in risk would be negligible due to the proximity of the site to the A42, A511 and A512. Given these conclusions, as well as the fact that alternative habitats exist close to the site (e.g. other hedgerows, woodland, trees and pastureland) and birds would naturally take evasive action to avoid structures and upon the sighting of a new feature in the landscape may be put off the area entirely, it is considered that the turbine would not have a significant impact on the population status of breeding birds on the site or within the locality.

A trapping exercise was undertaken in 2011 to remove great crested newts from habitats to the west of the newt fencing, which lies to the south-east of the turbine siting, and as such it is highly unlikely that great crested newts would be present within this area and they will be continued to be excluded during the duration of the works associated with the development of the rail distribution building. The short sward improved grassland the turbine would be located on would also not be suitable habitat for this species and given that the development would be sited over 110 metres from the newt exclusion fencing it is considered that there would be no adverse impacts on great crested newts. Nonetheless it is recommended that 'best practice' be employed during the development works and a condition on any consent granted would secure this.

An active badger sett is currently present on the site in close proximity to the setting lagoons which are towards the south-western corner of the site. This sett, however, is to be closed under licence from Natural England as part of the works associated with the development of the rail distribution building with the badgers being relocated to retained habitats to the south or east of the rail track. It is indicated that the turbine, and associated works, would be around 500 metres from any known active sett and given the distance and relatively small area of ground works it is considered that the development would not have an adverse impact on badgers. The suggested mitigation measures for the protection of badgers during construction would however be secured via a planning condition.

In terms of other protected species the improved grassland fields would not be considered suitable habitats for reptiles (such as slow-worm, common lizard and grass snake) or invertebrates (such as Dingy skipper and grizzled skipper - strong flying butterflies). The invertebrates are also low flying types who fly close to vegetation which would ensure that the sweep of the turbine would not impact on their flight paths, the lowest sweep would be 30 metres above ground level. In these circumstances the development would not impact on the integrity of these species.

Overall the proposal would accord with the aims of Paragraphs 118 and 119 of the NPPF, Policy CS32 of the emerging Core Strategy, the Habitats Regulations and Circular 06/05.

Aviation

East Midlands Airport is located 12km to the north of the site and consultation was carried out with the airport with a letter, dated the 7th March 2012, stating that: *"we have concluded that in isolation this development could be accommodated without materially impacting upon the continued safe operation of aircraft at East Midlands airport; the risk that would result from your proposed development is tolerable and we would therefore not be minded to object should you seek planning consent."* The Airport has submitted comments which outline that they do not object to the development subject to the imposition of planning conditions on any consent.

The National Air Traffic Service (NATS) objected to the application on the basis of the technical impacts the turbine would have on the safeguarding of aviation radars at Clee Hill which lead to an unacceptable impact on the en-route radars operated by NATS at the Prestwick Centre Air Traffic Control (ATC).

It would not be unreasonable to refuse the application on the basis of NATS objection, however, the agent for the application has questioned its validity given that the submitted diagrams show turbines within the radar's area which do not exist or are not consented. It is also been posed that a 'Grampian' style condition be utilised on any consent to overcome the objection with Grampian conditions meeting with the requirements of Paragraph 164 of the NPPF and National Policy Statement (EN1) section 5.4, which states, under paragraph 5.4.18, that: *where a proposed energy infrastructure development would significantly impede or compromise the safe and effective use of civil or military aviation or defence assets and or significantly limit military training, the IPC may consider the use of 'Grampian,' or other forms of condition which relate to the use of future technological solutions, to mitigate impacts."* The use of Grampian style conditions on planning consents has been deemed acceptable to the Planning Inspectorate on approving appeals at Fraisthorpe Wind Farm (APP/E2001/A/12/2179233), Land East of the A165 Bridlington Road at Manor Farm, Fraisthorpe, Bridlington, East Riding of Yorkshire, and Chiplow Wind Farm (APP/V2635/A/11/2154590), Land Between Bagthorpe, Barmer and Syderstone, Main Road, Bagthorpe, King's Lynn, Norfolk, and in these circumstances it is considered that the objection of NATS could be overcome accordingly by the use of this type of

condition to ensure that no turbine is erected until the impacts on the radar are mitigated to a satisfactory level.

The Ministry of Defence (MoD) have also been consulted on the application but have not provided a response to date although the application submission indicates that the site is not located within a low flying military area and is a significant distance from the closest military aviation site. Any comments received will be reported on the update sheet.

Highway Safety

Paragraph 54 within the companion guide to PPS22 states that drivers are faced with a number of varied and competing distractions during any normal journey, including advertising hoardings, which are deliberately designed to attract attentions and that at all time drivers are required to take reasonable care to ensure their own and other's safety. The guide therefore states that wind turbines should therefore not be treated any differently from other distractions a driver must face and should not be considered particularly hazardous.

The County Highway Authority and the Highways Agency have no objections in relation to highway safety and adverse impact in relation to distraction to drivers. The safe fall-over distance expected is the height of the turbine plus 10% (in this case 99.0 metres), and this is achieved in respect of the A511; A512 and A42 as well as the public rights of way and a railway line to the south-east.

It is specified in the application that the route of the turbine would begin at Immingham and would take a route consisting of the M18, M1, A42 and A512. On the basis of this route the County Highways Authority have no objections and overall the development would not conflict with Policy T3 of the Local Plan or Policy CS23 of the emerging Core Strategy.

Impact on the River Mease Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI)

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC), which was designated in 2005. The 2010 Habitat Regulations and Circular 06/2005 set out how development proposals within an SAC should be considered. Regard should also be had to paragraph 118 of the NPPF and Policy CS33 of the pre-submission Core Strategy. During 2009 new information came to light regarding the factors affecting the ecological health of the River Mease SAC, in particular that the river is in unfavourable condition due to the high level of phosphates within it. Discharge from the sewerage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal will have a significant effect on the SAC is required.

The River Quality Management Plan was published in August 2011 and was drawn up to ensure there is no adverse impact on the SAC from further development. The site lies 2.1km from the River Mease but a stream that runs through the site, at a distance of 177 metres from the turbine, is a tributary of the Gilwiskaw Brook which in turn is a tributary of the River Mease SAC. The proposal would not generate any foul drainage discharge and given the nature of the turbine there would be no increases in surface water run-off from the site. Although the access track and crane pad will be permanent a condition can be imposed requiring it to be constructed from a permeable material, in order to limit surface run-off, or provision made for the direction of surface water to a soak-away. A condition could also be imposed which would request the submission of a method statement for construction, which should adhere to the guidance contained within the Environment Agency Pollution Prevention Guidelines PPG5, in order to prevent contamination of the stream which eventually discharges into the River Mease SAC.

Given these circumstances it can therefore be ascertained that the proposal will not, either alone or in combination with other plans or projects, have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

Other Matters

The projected lifespan for this turbine is around 25 years and as such there will be decommissioning impacts. As it is not possible to project what ecological, highway and physical changes may occur around the site in that period, a condition to ensure prior submission of decommissioning detail is required. A temporary permission for 25 years is appropriate to ensure that any replacement, if at all, is considered appropriately.

A representation has been received which identifies that a turbine with a lower height could be utilised on the site which would still achieve the potential output, with it being noted that the application currently under consideration at Cattows Farm (13/00165/FUL) proposes a turbine with a tip height of 74 metres which would have an output of 500kw. In response to this representation the agent for the application has stated: *"turbines have differing efficiency rates and generally the higher the turbine is, the more renewable energy is generated (as the wind speeds are higher further from the ground). Furthermore, the larger the turbine blades are (i.e. the larger the swept area) the more efficient the turbines are as they cover a larger area and are able to extract more energy from the wind. The key consideration is not the rating of the turbine (i.e. 500kw) but how frequently it will be achieving its maximum rated output. For a larger turbine with larger blades, this will generally be a larger proportion of the time and thus more renewable electricity would be generated; Therefore, there is always a balance to be made between the height of the turbine and the renewable electricity generated. We consider that any benefits of a reduction in the height by 16m, from a visual perspective, would be negligible compared to the benefits of the additional renewable energy generated (around 20% more)."*

Given that Paragraph 98 outlines that local planning authorities should *"not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy,"* and furthermore the wider public interest of tackling climate change by reducing carbon emissions should be taken into account and is a material consideration, it is considered that the proposal would reduce the carbon footprint for the District and the additional height would assist in producing the maximum amount of energy more of the time. This, coupled with the fact that the proposal with a tip height of 90m would not have a significantly detrimental impact on the visual appearance of the landscape, would justify the overall height of the turbine. Any energy generated would also be of benefit to applicant's rail connection distribution centre, should it be constructed, as it would allow the company to offset its running costs in order to remain competitive and sustain its business in the long term.

The British Horse Society suggests a 200 metre exclusion zone around bridle paths to avoid wind turbines frightening horses although this is not a statutory requirement. The nearest footpath/bridleway (which may be used by horses) is 290 metres away. It is also considered unlikely that horse riders would utilise the nearest roads (A511 and A512) given the speed of vehicles on these roads. The land surrounding the site is in the ownership of the applicant and given the potential development approved under application reference 07/01372/FUL it is unlikely that it would be utilised for the keeping of horses, although should it be used for these purposes it is likely that the horses could be kept at least 200 metres from the turbine. Any land beyond the land in the ownership of the applicant would be a sufficient distance from the turbine. As such it is considered that the proposal is unlikely to significantly adversely impact on horses.

The Midlands has recently transferred from analogue to digital transmission of television programming. It is indicated in the application submission that *"wind turbine developments are known to have a lesser impact on digital television than analogue televisions,"* however should a reduction in television reception occur as a result of the development it is outlined that the following mitigation measures could be implemented to rectify the problem: *upgrade the receiving aerials (e.g. with directional receiving aerials) for affected households; re-tune the television receivers at affected households or provision of a bespoke 'self-help' solution (this could comprise a new low-powered transmitter, a cable network, a satellite receiver or a combination of these measures).* The applicant has agreed to a planning condition which would require them to meet the cost of any investigation and effectively rectify any problems which may arise in a timely manner and it is considered that the inclusion of this condition would ensure that the proposal would not adversely affect television reception in the nearby homes as well as the business premises.

The proposed turbine would be situated over 450m from the closest link managed by the Joint Radio Company (JRC) and as such they have no objections. Atkins (independent consultants) also advised the applicant to liaise with Severn Trent Water, with contact being made in April 2012, who confirmed they would only respond to consultation requests where they had a concern with the proposal. To date no representation has been received from Severn Trent Water and as such it is considered that this would mean they have no objections to the turbine. MLL and Everything Everywhere, telecommunication operators, also have no objections to the proposal.

The underground cabling to link the turbine to the proposed substation is within the red line boundary on the submitted plan and is therefore part of the application. As it is underground it will not have any visual impacts and will not have any implications for other planning considerations. In any case it appears that the cabling could be provided under permitted development rights relating to statutory undertakers. Furthermore the proposed substation is also permitted development subject to the approval of the details of the substation by the Authority.

In relation to ice throw it is indicated in the Environmental Statement that *"the turbine can continue to operate with a very thin accumulation of snow or ice, but will shut down automatically as soon as there is sufficient build up to cause aerodynamic or physical imbalance of the rotor assembly."* Once any ice has thawed, and as a consequence the turbine restarts, there is a possibility that fragments of ice or snow would be released from the rotor and will drop within close proximity to the turbine. Given the distance to the nearest areas where members of the public would be situated (i.e. public footpaths) as well as the slow rotational speed of the rotor when it restarts the risk to public safety would be minimal which would accord with the guidance within the Companion Guide to PPS22.

The appropriate design of modern turbines, as well as the incorporation of lightning conductors, would ensure that should the turbine be struck by lightning it is unlikely that it would be significantly damaged. It is also noted that the blades are designed so that they would remain attached to the hub should the turbine be affected by lightning and in any case if the turbine is damaged it would automatically shut down. These measures, coupled with the distance to areas where members of the public would be situated, are considered to be satisfactory in ensuring the development would not compromise the safety of the public.

It is outlined in the environmental report that *"the proposed development will be constructed and operated in accordance with all appropriate UK and European health and safety legislation to ensure the risk to public safety is minimised and kept within acceptable levels."* It further states

that "wind turbines have a proven track record with regards to public safety. A very small number of wind turbines have been known to lose parts of the rotor assembly through accidental damage due to lightning or mechanical failure, though such incidents are very rare and hence are well publicised Wind turbines in the UK have not injured any member of the public to date," as well as "turbine control and monitoring systems operate with several levels of redundancy to protect the plant from damage. In the case of faults arising, including over-speed of the blades, overpower production, or loss of grid connection, turbines shut down automatically through braking mechanisms. In addition, turbines may be fitted with vibration sensors so that in the unlikely event a blade is damaged, the turbine will automatically and immediately shut down." The information within the report would correlate with the guidance contained within Paragraph 49 of the Companion Guide to PPS22, which states that "experience indicates that properly designed and maintained wind turbines are a safe technology and that the very few accidents that have occurred involving injury to humans have been caused by failure to observe manufacturers' and operators' instructions for the operation of the machines," as well as Paragraph 50 which outlines that "the only source of possible danger to human or animal life from a wind turbine would be the loss of a piece of blade or, in most exceptional circumstances, of the whole blade." In the circumstances that most blades are composite structures with no bolts or other separate components and therefore blade failure is most unlikely.

The impact on the use of nearby recreation and tourist facilities also need to be taken into account, although it would be difficult to quantify that the turbine would result in people not visiting the public footpaths, or any of the other nearby facilities, as this is very much down to people's preference and that there is no way of demonstrating that the proposal would reduce visitors to the area. The proximity of the turbine to the nearest public footpath would also ensure that there would be no adverse noise implications to users of these facilities and, in any case, these users are not afforded protection from noise impacts and people are unlikely to spend long periods of time at these facilities. In these circumstances a reason for refusal on the basis of the proposal resulting in a reduction in visitors to the area could not be justified.

Although an objection has been received indicating that "uninterrupted views of the land and sky across the field to the west of Cornworthy" would potentially be lost it is considered that an impact on a view is not a material planning consideration which could be taken into account in the determination of the application.

Consultation has been undertaken with neighbouring Parish Councils as well as other statutory consultees. Consultation letters were also sent to 183 properties within approximately 1km distance of the site with site notices being displayed on Market Street in Ashby De La Zouch and Lower Moor Road in Coleorton.

Conclusions

In the circumstances that the proposal would accord with the aims of Policy S3 of the Local Plan and Policy C8 of the emerging Core Strategy, as well as the fact that the NPPF does not explicitly prevent renewable energy proposals from being located within the countryside, it is considered that the principle of the development would be acceptable. It is considered that the landscape could accommodate a single turbine without its overall character being significantly harmed. Although there would be some impact on and change to the landscape, the turbine would not significantly undermine or change its character or that of the National Forest and therefore on balance this impact is not so significantly detrimental to the landscape or its visual amenities to justify a reason for refusal, as such the development would not conflict with Policy E4 of the Local Plan or Policies CS21, CS28 or CS30 of the emerging Core Strategy. There would also not be a significant effect in terms of cumulative impacts due to the heights and

locations of the turbines, which already exist or are proposed within the surrounding area, as well as the intervening landforms and vegetation. It is also considered that the significance of the setting of the surrounding heritage assets would be preserved given the position of the turbine in relation to the heritage assets as well as the presence of built forms of development, major transport infrastructure, pylons/phone masts, vegetation and an undulating landform. There would also be some public benefit to the provision of the turbine given the improvement to the environmental conditions, by virtue of the turbine being a renewable energy form, and the diversion of excess electricity to the National Grid and as such the development accords with Paragraphs 131, 132 and 134 of the NPPF and Policy CS34 of the emerging Core Strategy. The development would not have an adverse impact on the amenities of neighbouring properties in terms of noise, vibration, shadow flicker or outlook which would ensure compliance with Paragraphs 98 and 123 of the NPPF, Policy E3 of the Local Plan and Policy CS25A of the emerging Core Strategy. It is considered that the proposal will not have an adverse impact on bats, birds or other protected species or their habitats, subject to appropriate conditions, and as such the proposal would accord with Paragraphs 118 and 119 of the NPPF, Policy CS32 of the emerging Core Strategy, the Habitats Regulations and Circular 06/05. There would be no adverse impacts on pedestrian or highway safety, or aviation (subject to a Grampian conditions), which would ensure compliance with Policy T3 of the Local Plan and Policy CS23 of the emerging Core Strategy. It can be ascertained that the proposal will not, either alone or in combination with other plans or projects, have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI, due to there being no foul drainage connection and provision being made to discharge surface water run-off to permeable or porous areas within the site and as such the development would accord with Paragraph 118 of the NPPF, Policy CS33 of the emerging Core Strategy, the 2010 Habitats Regulations and Circular 06/05. It is considered that the wider public interest of tackling climate change by reducing carbon emissions should be taken into account and the proposal would not raise any significant concerns in relation to other material considerations and other matters raised by third parties would not provide sufficient justification to refuse the application. It is therefore recommended that the application be permitted.

RECOMMENDATION:- APPROVAL - SUBJECT TO CONDITIONS

- 1 The development shall be begun before the expiration of three years from the date of this permission.

Reason - to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 This development shall be implemented in accordance with drawing numbers HE1002/25/01 Revision 0 (Site Context); HE1002/25/01 Revision 0 (Indicative Access Route); HE1001/25/02 Revision 0; HE1002/25/04 Revision 0; HE1002/25/05 Revision 0; HE1002/25/06 Revision 0; HE1002/25/07 Revision 0; HE1002/25/01 Revision 0, received by the Local Authority on the 14th March 2013, and drawing number HE1002/25/03 Revision A, received by the Local Authority on the 14th June 2013, unless otherwise required by another condition of this permission.

Reason - to determine the scope of this permission.

- 3 The overall height of the turbine shall not exceed 90 metres to the tip of the blades or 60 metres to the hub height, when the turbine is in the vertical position, as measured from the natural ground level immediately adjacent to the turbine base. The blades of the

turbine shall not exceed 30 metres in length and there shall be no more than three blades.

Reason - to define the scale parameters of the development, in the absence of full details, and to ensure that the ecological, noise and visual impacts of the turbine do not vary during its lifetime.

- 4 The final height of the turbine must not exceed 235.84m AOD.

Reason - to protect the Outer Horizontal Surface in accordance with Civil Aviation Publication CAP 168.

- 5 No development shall commence until a scheme for the detailed external appearance of the turbine including scale, materials, colour finish and aviation lighting have been submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details which shall thereafter be so retained.

Reason - in the absence of precise details and in the interests of the visual amenity of the area.

- 6 No development shall commence on site until details of the materials to be used in the construction of the control building have been submitted to and agreed in writing by the Local Planning Authority.

Reason - to protect the visual amenities of the area as no precise details have been provided.

- 7 The permission hereby granted shall endure for a period of 25 years from the date when electricity is first exported from the wind turbine to the electricity grid network (the 'First Export Date'). Written confirmation of the First Export Date shall be provided to the Local Planning Authority and East Midlands Airport no later than 28 days after the event.

Reason: In recognition of the limited life expectancy of the development hereby approved, and to ensure that the use does not become permanently established on the site; so that a record can be kept of all operational turbines to aid in the assessment of cumulative impact in the interests of air safety, as the cumulative impact of wind turbine generation developments, which are in relatively close proximity, could compromise the safe control of aircraft in this area.

- 8 Not later than 12 months before the end of this permission, a scheme for the decommissioning of the turbine and restoration of the site shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include a method statement and timetable for the dismantling and removal of the wind turbine, access track and associated above ground works and foundations, details of the route and any highway works to transport turbine for the site, site restoration measures and mitigation measures to be undertaken during the decommissioning period to protect wildlife and habitats. Decommissioning and site restoration shall be completed in accordance with the approved details within 12 months of the expiry of this permission.

Reason - To ensure the highway, ecological, noise, and any other physical impacts can be properly assessed in the context of the area at the time of decommissioning.

- 9 If the wind turbine hereby permitted fails to operate for a continuous period of six months, a scheme for the repair or removal of the turbine shall be submitted to and agreed in writing by the Local Planning Authority within three months of the end of that six month period, or any extended period agreed in writing by the Local Planning Authority. The scheme shall include, as relevant, a programme of remedial works where repair is required; or a method statement and timetable for the dismantling and removal of the wind turbine, access track and associated above ground works and foundations details of the route and any highway works to transport the turbine from the site, site restoration measures and mitigation measures to be undertaken during the decommissioning period to protect wildlife and habitats. The agreed scheme shall be completed within 12 months of the date of its approval by the Local Planning Authority.

Reason - To ensure the highway, ecological, noise, and any other physical impacts can be properly assessed in the context of the area at the time of decommissioning.

- 10 The access track shall only be constructed of a permeable material.

Reason - in the interests of visual amenity and to prevent adverse impacts on the River Mease Special Area of Conservation/SSSI.

- 11 No development shall commence on site until such time as a detailed method statement for construction of the turbine and access track has been submitted to and agreed in writing by the Local Planning Authority. The method statement should set out methodologies to remove any risk of fuel, soils, building materials and waste water entering the stream during construction, including how and where materials, fuel and plant will be stored and contained, containment of waste water on the construction site, use of site spill kits and briefing to construction staff. Construction works relating to the development hereby approved shall be carried out in accordance with the agreed method statement.

Reason - to prevent an adverse impact on the River Mease Special Area of Conservation.

- 12 During construction and decommissioning of the turbine, the mitigation measures outlined in Paragraphs 4.30 and 4.34 of the Ecological Appraisal by FPCR Environment and Design Limited of the 19th February 2013, received by the Local Authority on the 14th March 2013, shall be adhered to.

Reason - to ensure the protection of protected species in particular badgers and great crested newts.

- 13 Operations that involve the destruction and removal of vegetation shall not be undertaken during the months of March to August inclusive unless otherwise agreed in writing by the Local Planning Authority that breeding birds will not be adversely affected by any works.

Reason - to reduce the impact of the proposal on nesting birds, which are a protected species.

- 14 Prior to the First Export Date a scheme providing for the investigation and alleviation of any electro-magnetic interference to any television signal caused by the operation of the wind turbine shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall provide for the investigation by a qualified television engineer, within a set timetable of any complaint of interference with television reception at a lawfully occupied dwelling (defined for the purposes of this condition as a building within Use Class C3 and C4 of the Use Classes Order) which existed or had planning permission at the time permission was granted, where such complaint is notified to the developer by the Local Planning Authority within 18 months of the First Export Date. Where impairment is determined to be attributable to the wind turbine hereby approved, mitigation works shall be carried out in accordance with a scheme which has first been agreed in writing by the Local Planning Authority.

Reason - to address any issues relating to television interference.

- 15 No wind turbine shall be erected until a Primary Radar Mitigation Scheme to mitigate the impact of the development upon the Primary Radar Installation at Clee Hill and the air traffic management operations of NATS (En Route) plc (incorporated under the Companies Act (3155567) whose registered office is 4000 Parkway, Whiteley, Fareham, Hants PO15 7FL or such other organisation licensed from time to time under sections 5 and 6 of the Transport Act 2000 to provide air traffic services to the relevant managed area (within the meaning of Section 40 of the Act)) has been submitted to and approved in writing by the Local Planning Authority.

Reason - to mitigate the turbine's technical impact on aviation safeguarding radars.

- 16 The wind turbine hereby approved shall not be erected until the Primary Radar Mitigation Scheme approved by the Local Planning Authority pursuant to Condition 15 has been implemented and the development shall thereafter be operated fully in accordance with the approved scheme.

Reason - to mitigate the turbine's technical impact on aviation safeguarding radars.

Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).
- 2 As of the 22nd November 2012 written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97.00 per request. Please contact the Local Planning Authority on (01530) 454665 for further details.
- 3 Bats are a rare and declining group of species. Hence, all British species of bat and bat roosts are fully protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats) Regulations 1994 making it an offence to

intentionally kill or injure or disturb these species whilst in a place of shelter or protection or disturb bat roosts. If bat or bat roosts are discovered during work on the development, the relevant work should be halted immediately and Natural England (Tel. 0115 929 1191) should be notified and further advice sought. Failure to comply with this advice may result in prosecution and anyone found guilty of an offence is liable to a fine of up to £5,000.00 or to imprisonment for a term not exceeding six months, or both.

4 The applicant must ensure that people carrying out the works are made aware of the legal status of breeding birds, and that they proceed with care to ensure that if any breeding birds are present, they are not killed, injured or disturbed. If a breeding bird is discovered it should be left undisturbed and the relevant work should be halted immediately until the young birds have flown. Failure to comply with this may result in prosecution any anyone found guilty of an offence is liable to a fine of up to £5,000.00 or to imprisonment for a term not exceeding six months, or both, as it is an offence to disturb nesting/breeding birds.

5 The applicants are advised that, under the provisions of the Site Waste Management Plan Regulations 2008, the works may require the preparation of a Site Waste Management Plan (SWMP). Further information can be obtained from the Department for Environment Food and Rural Affairs at www.defra.gov.uk.

6 The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.decc.gov.uk

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website www.coal.decc.gov.uk.

Erection of two dwellings along with alterations to an existing dwelling

Report Item No
A5

9 Apiary Gate Castle Donington Derby DE74 2JA

Application Reference
13/00016/FUL

Applicant:
Mr Simon Beresford

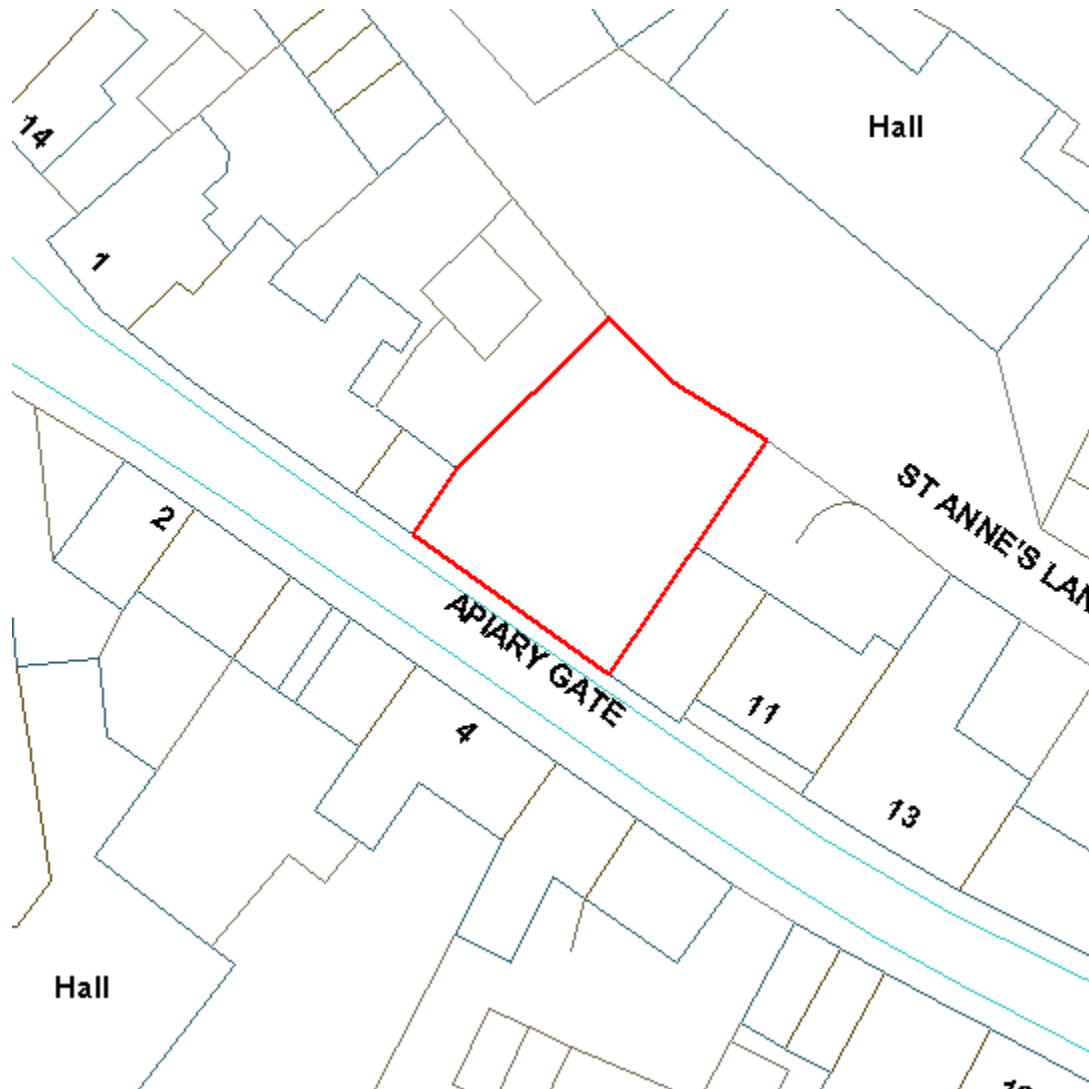
Date Registered
4 January 2013

Case Officer:
James Mattley

Target Decision Date
1 March 2013

Recommendation:
PERMIT

Indicative Site Location Plan (For illustrative purposes only)



Reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office ©copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence LA 100019329)

EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR APPROVAL

Call In

The application falls to be determined by the Planning Committee as the application has been called in by Councillors of Castle Donington.

Proposal

Planning permission is sought for the erection of two dwellings along with alterations to an existing dwelling at 9 Apiary Gate, Castle Donington. The subject property is located within Limits to Development and is situated within the Castle Donington Conservation Area. An existing two storey side extension to No.9 Apiary Gate and stone walls fronting Apiary Gate and St Anne's Lane would be demolished to allow for the construction of the two terraced dwellings. Each dwelling would measure 4.5 metres in width, 8 metres in length, 5.5 metres in height to the eaves and 8.2 metres in height to the ridge. A two storey rear extension is also proposed to the existing dwelling. It would measure 2.8 metres in length, 2.8 metres in width and would have a pitched roof measuring 4.6 metres in height to the eaves and 6.2 metres in height to the ridge.

Two boundary walls, one fronting St Anne's Lane and one fronting Apiary Gate would be demolished in order to make way for the proposed development. The Local Planning Authority is considering an application for Conservation Area Consent (13/00100/CON) for this work.

Consultations

A total of six objections (from two separate occupiers) have been received along with objections from Castle Donington Parish Council. No other objections have been received from any other statutory consultees.

Planning Policy

The application site lies within the limits to development and in a sustainable settlement where the principle of residential dwellings are considered to be acceptable. Also material to the determination of the application and the weight that can be attached to these policies is the supply of housing in the context of the National Planning Policy Framework (NPPF).

Conclusion

The site lies within limits to development and in a sustainable location where the principle of development is acceptable. The submitted scheme is considered acceptable in terms of its impact on highway safety, residential amenity and design. The proposal would not adversely affect the character and appearance of the Conservation Area. There are no other relevant material planning considerations that indicate planning permission should not be granted. Therefore, taking all of the above into account, it is considered that the application complies with the relevant development plan policies and all other material considerations, and it is therefore recommended that the application be permitted subject to conditions.

RECOMMENDATION:- APPROVAL - SUBJECT TO CONDITIONS

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommended conditions, and Members are advised that this summary should be read in conjunction with the detailed report.

1. Proposals and Background

Planning permission is sought for the erection of two dwellings along with alterations to an existing dwelling at 9 Apiary Gate, Castle Donington. The application site is formed by a two storey end terrace that fronts onto Apiary Gate and backs onto St Anne's Lane. To the east and south east of the dwelling is raised land that forms part of the curtilage of the dwelling. The site is located in a predominantly residential area with dwellings surrounding the site although there is a community hall located off St Anne's Lane that is to the north east of the application site. The subject property is located within Limits to Development and is situated within the Castle Donington Conservation Area.

An existing two storey side extension to No.9 Apiary Gate and stone walls fronting Apiary Gate and St Anne's Lane would be demolished to allow for the construction of the two terraced dwellings. Each dwelling would measure 4.5 metres in width, 8 metres in length, 5.5 metres in height to the eaves and 8.2 metres in height to the ridge. The dwellings would each provide three bedroom accommodation spread over three floors with the upper floor bedroom contained within the roof space. Each dwelling would benefit from one off street car parking space in a rear yard that would be accessed from St Anne's Lane. The submitted plans also show a small amenity area and space for bin storage within the rear yard.

A two storey rear extension is also proposed to the existing dwelling. It would measure 2.8 metres in length, 2.8 metres in width and would have a pitched roof measuring 4.6 metres in height to the eaves and 6.2 metres in height to the ridge. The submitted plans also show that the existing dwelling would benefit from a rear yard that would allow for one off street car parking space, a small amenity area and space for bin storage.

Two boundary walls, one fronting St Anne's Lane and one fronting Apiary Gate would be demolished in order to make way for the proposed development. The Local Planning Authority is considering an application for Conservation Area Consent (13/00100/CON) for this work.

Amended plans have been received during the course of the application which has clarified the extraction systems to be used and provided larger chimneys. An additional document has also been received from the applicant in order to address a number of concerns that have been received during the course of this application. The applicant has also forwarded on an expression of interest from a local person.

The application is accompanied by a design and access statement and a heritage statement.

Pre-application advice has been given prior to the submission of this application.

Relevant Planning History:

05/01845/FUL - Erection of a two storey side extension and single storey rear extension - permitted.

2. Publicity

17 Neighbours have been notified (Date of last notification 26 February 2013)

Site Notice displayed 15 January 2013

Press Notice published 16 January 2013

3. Consultations

Castle Donington Parish Council consulted 7 January 2013
County Highway Authority consulted 11 January 2013
Severn Trent Water Limited consulted 11 January 2013
County Archaeologist consulted 11 January 2013
Airport Safeguarding consulted 11 January 2013
NWLDC Conservation Officer consulted 11 January 2013

4. Summary of Representations Received

The following summary of representations is provided. Members will note that full copies of correspondence received are available on the planning file.

Castle Donington Parish Council object to the proposal on the following grounds:

- _ is planning permission required for demolition?
- _ insufficient information on materials for construction;
- _ over-intensive development of the site;
- _ inadequate parking provision;
- _ dangerous egress and access for vehicles;
- _ inadequate amenity space;
- _ loss of light and open aspect on Apiary Gate;
- _ two and a half storey properties are not in keeping with the surrounding Conservation Area.

The Parish Council have received the applicant's amended comments and still object because the development is over intensive and it remains concerned over parking and turning as the Church Hall is not shown on the plans. St Anne's is a well-used road and the Church Hall is used on a regular basis. Cars are only able to pass by encroaching onto the Church Hall car park which at times is sectioned off with bollards.

Airport Safeguarding raise no objection to the proposal.

County Archaeologist originally recommended that the application was deferred until such time as an Archaeological Impact Assessment was carried out. However, following the submission of detailed archaeological information the County Archaeologist raises no objection subject to the imposition of relevant conditions.

County Highway Authority raises no objections to the proposed development subject to the inclusion of planning conditions.

Severn Trent Water has no objection to the proposal subject to the inclusion of planning conditions.

Third Party Representations

A total of 6 letters of representation have been received (from 2 separate occupiers) which object to the application on the following grounds:

- _ The plans seems contradictory and needs clarification;
- _ The proposed two storey rear extension would adversely affect the terraced character of the street;
- _ Would result in overlooking towards No.7 Apiary Gate;
- _ The rear outdoor space is small and not in accordance with the Council's Development Guidelines;

- _ The proposal would impact upon the maintenance of surrounding dwellings;
- _ The proposal would impact on the stability of surrounding dwellings;
- _ A two and a half storey dwelling with roof lights is out of keeping with the surrounding Conservation Area;
- _ The car parking spaces would be compromised by the proposed gates;
- _ The proposal would result in excavation of the raised land and is likely to require heavy goods vehicles that would be unsuitable on the surrounding road network and unsafe for pedestrians;
- _ Inaccuracies in the design and access statement, heritage statement and planning application forms;
- _ The proposal does not provide sufficient levels of off-street car parking;
- _ The access arrangements are unsatisfactory particularly when the church hall is in use;
- _ There is no pavement along St Anne's Lane;
- _ Consideration should be given to archaeology;
- _ An investigation for water courses should be undertaken;
- _ Concern over the structural integrity of the surrounding walls;
- _ Fire Safety Regulations would be compromised;
- _ Proposal would not comply with the Party Wall Act 1996;
- _ Disagree with the County Highway Authority that St Anne's lane is little used;
- _ There would be inadequate visibility splays;
- _ St Anne's lane is used by vulnerable road users;
- _ Over-intensive development of the site;
- _ No part of the existing cottage should be demolished;
- _ The applicant's supplementary comments are not an accurate reflection of the meeting that took place;
- _ Would not be in accordance with the advice in the NPPF.

5. Relevant Planning Policy

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The NPPF contains a number of references to the presumption in favour of sustainable development. It states that local planning authorities should:

- o approve development proposals that accord with statutory plans without delay; and
- o grant permission where the plan is absent, silent or where relevant policies are out of date unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

The NPPF (Para 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

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

North West Leicestershire Local Plan

Policy S2 sets out that development will be permitted on allocated sites and other land within the Limits to Development, where it complies with the policies of this Local Plan.

Policy H4/1 sets out a sequential approach to the release of land for residential development, and seeks to direct new housing towards previously developed land in accessible locations, well served by, amongst others, public transport and services. This policy reflects advice in the NPPF.

Policy H6 seeks to permit housing development which is of a type and design to achieve as high a net density as possible, taking into account housing mix, accessibility to centres, design etc.

Policy H7 seeks good quality design in all new housing development.

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings, and presumes against residential development where the amenities of future occupiers would be adversely affected by the effects of existing nearby uses.

Policy E4 indicates that in the determination of planning applications regard will be had to the wider settings of new buildings; new development should respect the character of its surrounding, in terms of scale, design, height, massing, materials of construction, the spaces between and around buildings and the street scene generally.

Policy T3 requires development to make adequate provision for vehicular access, circulation and servicing arrangements.

Policy T8 sets out the criteria for the provision of parking associated with development. In relation to car parking standards for dwellings, an average of 1.5 spaces off-street car parking spaces per dwelling will be sought.

Emerging Core Strategy

The District Council considered its response to the Pre-Submission Core Strategy consultation and suggested changes at its meeting of 26 March 2013. The Council resolved, amongst others, to agree the recommended significant changes, to note the delegated minor changes, to agree to a period of consultation on the significant changes, and to agree to submit the Core Strategy to the Secretary of State as soon as possible following consultation. The Submission Core Strategy was subsequently received by the Secretary of State on 24 June 2013. The following Submission Core Strategy policies are considered relevant and, given the stage that the draft Strategy has reached, should be afforded some (but not full) weight in the determination of this application:

Policy CS1 provides that provision will be made for at least 9,700 new homes (an average of 388 per annum) in the District over the period 2006 to 2031.

Policy CS7 provides that new development, including new facilities and services will be directed to the most sustainable locations in accordance with the settlement hierarchy set out in that policy.

Policy CS15 provides that sufficient land will be allocated to ensure the overall housing provision of at least 9,700 dwellings over the period 2006-2031.

Policy CS16 provides that all housing developments should be of a good standard of design and have a layout and built form that makes efficient use of land and complements the built form and character of the area in which it is situated, and that proposals for sites of 0.3ha or above should

have a minimum net density of 30 dwellings per hectare.

Policy CS17 provides that the District Council will seek a mix of housing types, sizes and tenures in all new housing development.

Policy CS21 provides that all new residential development will have to demonstrate how it satisfies the Council's place-making principles:

Policy CS22 provides that new development will be supported by the provision of new or improved physical, social and green infrastructure needed to enable the amount of development proposed for the area.

Policy CS23 requires new development to maximise the efficient use of existing transport facilities in the district as it looks to a lower carbon future.

Policy CS32 provides that new development should contribute to the protection and improvement of the natural environment.

Other Policies

6C's Design Guide (Highways, Transportation and Development) - Leicestershire County Council

Paragraphs 3.171-3.176 set out the County Council's guidance in relation to parking standards for residential development. This document also provides further info in relation to motor cycle/cycle parking, the design of on/off-street parking and other highway safety/design matters.

6. Assessment

Principle and Sustainability

The site is located within the limits to development where the principle of residential development is considered acceptable subject to compliance with the relevant policies of the adopted North West Leicestershire Local Plan and other material considerations.

Policy H4/1 of the Local Plan relating to the release of land for housing states that a sequential approach should be adopted. These are outlined as criteria (a) to (f) and the application site would fall within criterion (e) i.e. other appropriate land within a settlement which satisfies the criteria for designation as a Rural Centre. The second section of the policy goes on to outline a set of criteria relating to the sustainability of the location. Castle Donington by its designation as a Rural Centre benefits from a range of public services and facilities that could contribute to reducing the reliance of future occupants of the dwelling on the private car. As a result, it is considered that the proposal for two dwellings would not be contrary to the approach set out in Policy H4/1 of the Local Plan and the advice in the NPPF.

Density

Policy H6 of the North West Leicestershire Local Plan both seek to permit housing development which is of a type and design to achieve as high a net density as possible, taking into account factors such as housing mix, accessibility to centres and design. Policy H6 of the North West Leicestershire Local Plan also requires a minimum density of 40 dwellings per hectare within locations well served by public transport and accessible to services and a minimum of 30 dwellings per ha elsewhere. The NPPF states that Local Planning Authorities should set out their own approach to housing density to reflect local circumstances.

The site area is stated as 0.022 hectares and includes the existing dwellinghouse and therefore the presence of three dwellings on the site would result in a density of 136 dwellings per hectare. If the existing dwelling and its proposed reduced garden area are taken out of consideration then the two dwellings would be positioned on land measuring around 0.015 hectares. The proposal for two dwellings on this parcel of land would have a density of 133 dwellings per hectare. Whilst this is clearly above the minimum density outlined in Policy H6 it is noted that the policy does not have a maximum density and, therefore, it is not considered to automatically conflict with Policy H6 of the Local Plan. The Policy states that other considerations need to be taken into account including accessibility to centres and design which are considered in more detail below.

Design

The need for good design in new residential development is outlined not only in Local Plan Policy H7, but also paragraphs 57, 60 and 61 of the NPPF, with paragraph 61 outlining that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Policy E4 indicates that in the determination of planning applications regard will be had to the wider settings of new buildings; new development should respect the character of its surrounding, in terms of scale, design, height, massing, materials of construction, the spaces between and around buildings and the street scene generally.

The site also lies within the Castle Donington Conservation Area and under the NPPF 9 Apiary Gate can be considered to be a non-designated heritage asset located within a designated heritage asset (the Conservation Area). No.9 Apiary Gate is designated as an unlisted building of architectural or historic interest in the Castle Donington Conservation Area Appraisal and Study (CDCAAS). This document describes the character of Apiary Gate and St Anne's Lane as follows: "These short lanes comprise a mixture of two storey buildings displaying a wide variety of construction methods including stone, half-timbering with render and red brickwork. Apiary Gate is one of the parts of the historic core apparently least altered during the prosperity of the Georgian period and contains a number of buildings of pre-1700 construction. A strong sense of enclosure is provided by the continuous built up frontage to both sides of the street and the narrowness of the lane...St Anne's Lane has a relatively open nature largely as a result of building demolitions in the first half of the twentieth century. St Anne's Lane forms a back lane to Apiary Gate."

Whilst the CDCAAS indicates that a strong sense of enclosure is provided from both sides of the street, the application site does not wholly respect that character as there is a gap in the street that provides views towards existing side elevations and a wall and fence that is not a positive contribution to the surrounding Conservation Area. The proposal would, therefore, provide an opportunity to complete the frontage along Apiary Gate and enhance the street scene.

The proposal would result in the loss of the side extension to 9 Apiary Gate. However, the loss of this element is compensated by the infilling of the adjacent site, thereby improving the appearance of the Conservation Area. Generally, the character of the proposed dwellings is in keeping with the character of the Conservation Area and the windows are similar in style to others found in the Conservation Area. Although the properties would contain rooms within the roof there would not be any dormer windows (these were considered unacceptable at the pre-application advice stage) and rooflights would be confined to the rear of the development and could be conditioned to ensure that they are of an appropriate design to the surrounding

Conservation Area. The Council's Conservation Officer requested some alterations to the design of the proposal during the course of the application and at the pre-application advice stage in order to achieve an acceptable balance in relation to the void/mass on the front elevation and to ensure that chimneys were enlarged.

Objections have been received regarding the demolition of the existing walls that front Apiary Gate and St Anne's Lane. A separate Conservation Area Consent application has been made in respect of this issue. In terms of the loss of these walls, the Council's Conservation Officer has no objection provided the stones are reused on site either in a plinth of the proposed building or in ancillary rear garden structures which could form a planning condition.

With regards to the two storey rear extension onto the existing dwelling, whilst it is accepted that the immediately adjacent dwellings do not benefit from two storey rear extensions this does not mean that such a development is unacceptable. The extension would have an appropriate scale and form and would butt up to the side elevation of the proposed new dwelling. In addition, it is also noted that other properties in the surrounding area benefit from two storey rear extensions including No.4 Apiary Gate which is located immediately across the road.

In terms of design issues, therefore, it is considered that the proposed dwellings are appropriate in this area and would not detract from the character and appearance of the Conservation Area, and the requirements of Local Plan Policies E4, H7 and the advice contained in the NPPF are considered to be met by the scheme.

Archaeology

The current proposals will result in significant alteration to the standing building, including demolition of the 19th century extension. The works will also result in considerable ground works within the adjacent vacant plot. The latter appears to have been unoccupied since at least the earlier 19th century, and possibly the late 18th. Given the recorded presence of medieval burgrave plots on Apiary Gate, this suggests a strong potential for well preserved buried archaeological remains and, therefore, the County Archaeologist requested the submission of a historic building assessment and a field evaluation (including trial trenching).

The applicant's agent has provided this additional information and the County Archaeologist is satisfied that the proposal is acceptable in relation to archaeology subject to the inclusion of relevant planning conditions.

Highway Safety

With regard to car parking, the Local Plan includes parking standards in the Annex (based on Leicestershire County Council parking standards) that seeks to ensure that no more than an average of 1.5 off-street car parking spaces are provided per dwelling, and were based on the advice contained in PPG3. PPG3 has now been superseded by the advice in the NPPF which is less prescriptive in terms of parking standards. The advice in the NPPF is that Local Planning Authorities should, amongst other things, take account of expected levels of car ownership, the type, mix, accessibility and use of the development and the opportunities for public transport.

In terms of car parking on the site, the submitted plans show that each plot would benefit from one car parking space which is below the required level of 1.5 spaces per dwelling in the Local Plan. Whilst this level of car parking is lower than that recommended in the Local Plan and also falls short of the maximum standards stipulated in the 6Cs Design Guide, it has to be borne in mind that the site occupies an accessible location in the centre of Castle Donington. Taking this into account and that the County Highway Authority raise no objection to the level of parking then the scheme is considered acceptable in this regard.

The County Highway Authority has also considered the highway safety aspects of the proposed development. They consider that whilst St Anne's Lane is far from ideal in terms of its geometry, the absence of any recorded accidents over the last 5 years suggests that highway users drive appropriately to the conditions and as such, it is not considered that the additional dwellings would bring about a material change in existing conditions. On this basis the scheme is considered to be acceptable in relation to highway safety.

The concerns of the Parish Council and neighbouring residents in relation to highway safety are recognised. However, the County Highway Authority has no objections to the proposed development subject to relevant highway conditions. Therefore, it is not considered that the proposal would conflict with highway safety policies T3 and T8 in the Local Plan or the advice in the NPPF.

Other Issues

In relation to the concerns expressed regarding the lack of amenity space it is recognised that each dwelling would only have a small amount of amenity space. However, the site is located in very close proximity to the town centre where many properties only benefit from small yards and little amenity space and it is also recognised that other properties in the surrounding area have access to similar sized amenity spaces. The submitted plans show that each dwelling would be able to park one vehicle whilst maintaining a bin and cycle storage area and room for outside table and chairs. Whilst a larger amenity space would have been more desirable, given the town location of the site and the surrounding area this issue alone is not considered so detrimental as to warrant refusal of the application. The Council's Development Guidelines do contain standards relating to the amount of private garden area but this document no longer carries any weight in the determination of planning applications.

It is considered that an adequate level of information has been provided in order for a detailed assessment of the design and appearance of the dwellings to be made. Planning conditions can be attached to the grant of any planning approval requiring more information to be submitted in relation to the precise finish and colour of the materials.

Although concern has been expressed regarding the movement of Heavy Goods Vehicles during construction works, this would be temporary in nature and would be in relation to the construction of only two dwellings. Taking this into account, it is not considered that the application should be refused on this matter.

Incorrect plans were originally scanned into the website but were removed from the website and further consultation took place. Issues regarding maintenance, structural stability, loss of a view, fire safety, foundations and the party wall act are not material planning considerations.

The site is not located in a flood risk area and, therefore, there is no requirement for a Flood Risk Assessment (FRA) to be submitted. Given this there is no valid planning reason for requesting an investigation for water courses.

Conclusion

The site lies within limits to development and in a sustainable location where the principle of development is acceptable. The submitted scheme is considered acceptable in terms of its impact on highway safety, residential amenity and design. The proposal would not adversely affect the character and appearance of the Conservation Area. There are no other relevant material planning considerations that indicate planning permission should not be granted. Therefore, taking all of the above into account, it is considered that the application complies with

the relevant development plan policies and all other material considerations, and it is therefore recommended that the application be permitted subject to conditions.

RECOMMENDATION:- APPROVAL - SUBJECT TO CONDITIONS

- 1 The development shall be begun before the expiration of three years from the date of this permission.

Reason- to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by a condition of this permission:

Drawing No. 810-004 deposited with the Local Planning Authority on 4 January 2013;
Drawing No. 810-001 deposited with the Local Planning Authority on 4 January 2013;
Drawing No. 810-002 deposited with the Local Planning Authority on 20 February 2013;
Drawing No. 810-003 deposited with the Local Planning Authority on 20 February 2013.

Reason- To determine the scope of this permission.

- 3 Notwithstanding the submitted plans, nor Condition 2 above, no development shall commence on site until details/samples (as appropriate) of the:-

- i. sample panel of the bricks, brick bond, and mortar
- ii. eaves and verges
- iii. roofing materials including rooflights
- iv. rain water goods (including outlet pipes and mechanical extraction systems)
- v. windows and doors (including heads and cills)
- vi. chimneys including method of construction
- vii. gates
- viii. bin and cycle stores

have been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the works shall be executed in accordance with that agreement.

Reason - To ensure that the works are executed in an appropriate manner given the sites location in the Conservation Area.

- 4 Notwithstanding the submitted plans, nor Condition 2 above, no development shall commence on site until such time as precise details of the treatment of all hard surfaces have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure the development provides for a satisfactory form of design, in the interest of amenity.

- 5 Notwithstanding the submitted plans, nor Condition 2 above, no development shall commence on the site until such time as a detailed scheme for the boundary treatment of the site has been submitted to and agreed in writing by the Local Planning Authority.

The development hereby permitted shall not be brought into use until such time as the approved scheme has been implemented in full (unless an alternative timescale is first agreed in writing by the Local Planning Authority). Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no gates, fences, walls or other means of enclosure (other than any approved pursuant to this condition) shall be erected, unless planning permission has first been granted by the Local Planning Authority.

Reason - To preserve the amenities of the locality.

- 6 No development shall commence on site until drainage plans for the disposal of surface water and foul sewage have been submitted to and agreed in writing with the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason - To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

- 7 No development shall commence on site until such time as detailed finished floor levels and site levels (in relation to a fixed datum point) have been submitted to and agreed in writing with the Local Planning Authority. The scheme shall be carried out in accordance with the agreed details.

Reason - To ensure appropriate land levels and because the submitted drawings indicate that site levels could alter after an on-site inspection.

- 8 Notwithstanding the submitted plans, nor Condition 2 above, no dwelling shall be occupied until such time as precise details of the positioning and finishes of utility boxes to individual units have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure an appropriate form of design.

- 9 No development shall commence on site until details of the re-use of the materials from the demolished wall (including revised elevations if necessary) has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall be carried out in accordance with the agreed details.

Reason - To ensure that historic fabric is incorporated into the scheme in an appropriate manner.

- 10 No demolition and no development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. No demolition and no development shall take place other than in accordance with the agreed scheme.

Reason - To ensure satisfactory archaeological investigation and recording.

- 11 The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the

approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason - To ensure satisfactory archaeological investigation and recording.

- 12 The car parking shown within the curtilage of each dwelling shall be provided, hard surfaced and made available for use before the dwelling is occupied and shall thereafter be permanently so maintained.

Reason - To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

- 13 No part of the development, its supports or foundations shall be positioned in, on, over, upon, or within any part of the public highway.

Reason - In the general interests of highway safety.

Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England)) Order 2010 (as amended).
- 2 As of April 6th 2008 written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97 per request. Please contact the Local Planning Authority on 01530 454666 for further details.

Demolition of existing walls (Conservation area consent)

Report Item No
A6

9 Apiary Gate Castle Donington Derby DE74 2JA

Application Reference
13/00100/CON

Applicant:
Mr Simon Beresford

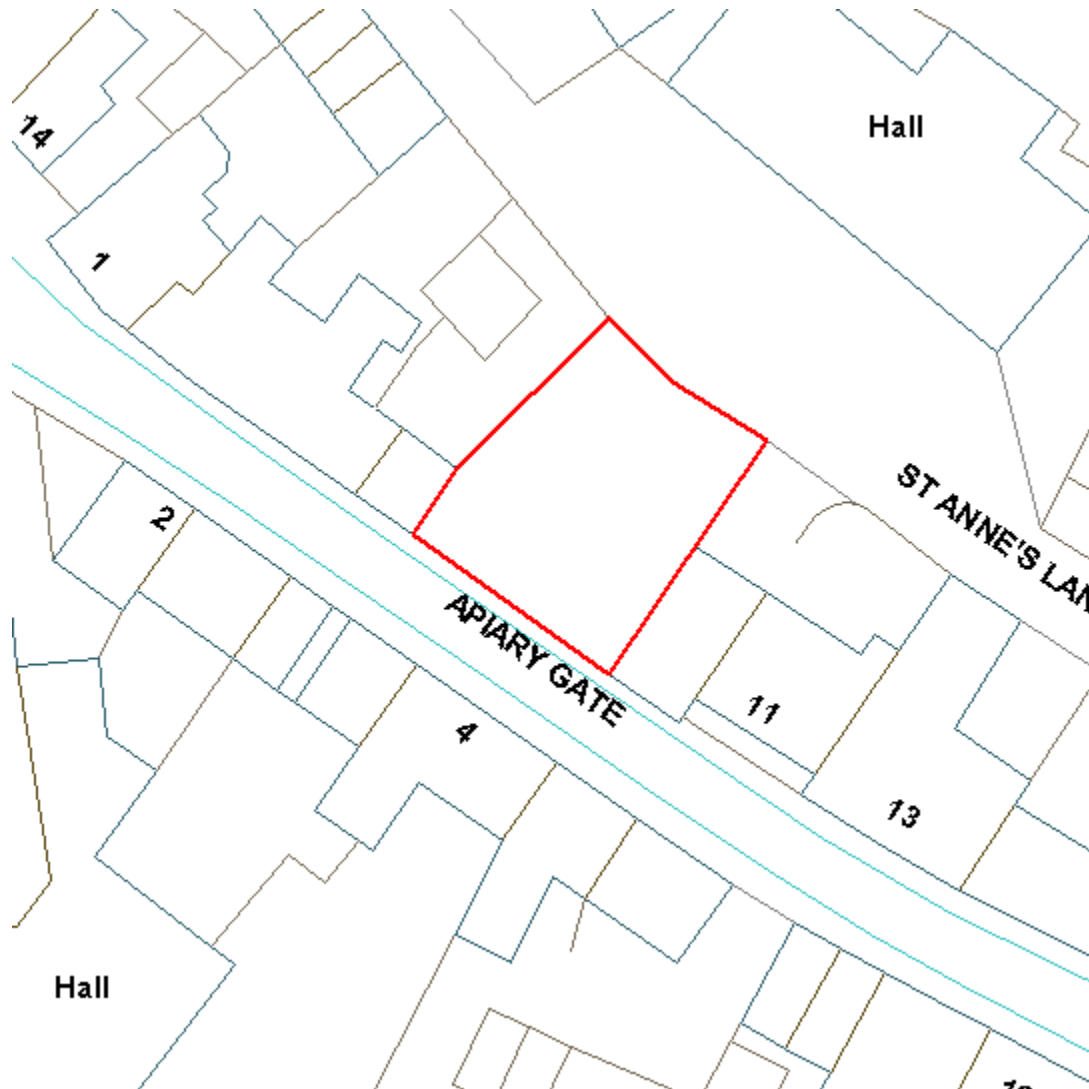
Date Registered
6 February 2013

Case Officer:
James Mattley

Target Decision Date

Recommendation:
PERMIT

Indicative Site Location Plan (For illustrative purposes only)



Reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office
©copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence LA 100019329)

EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR APPROVAL

Call In

The application falls to be determined by the Planning Committee as the application has been called in by Councillors of Castle Donington.

Proposal

Conservation area consent is sought for the demolition of existing walls at 9 Apiary Gate, Castle Donington. The walls are located within the Castle Donington Conservation Area. Two boundary walls, one fronting St Anne's Lane and one fronting Apiary Gate would be demolished in order to make way for the proposed development that is currently being considered under planning application 13/00016/FUL.

Consultations

A total of three letters of objection (from one occupier) has been received along with objections from Castle Donington Parish Council. No other objections have been received from any other statutory consultees.

Planning Policy

There are no policies in the Local Plan that are directly relevant to the determination of Conservation Area Consent Applications. The necessary planning policy guidance can be found in the National Planning Policy Framework.

Conclusion

The demolition of the two walls would not be significantly detrimental to the heritage asset of the Conservation Area. In these circumstances the development would accord with Paragraphs 131 and 132 of the NPPF. It is therefore recommended that the application be permitted.

RECOMMENDATION:- APPROVAL - SUBJECT TO CONDITIONS

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommended conditions, and Members are advised that this summary should be read in conjunction with the detailed report.

Main Report

1. Proposals and Background

Conservation area consent is sought for the demolition of existing walls at 9 Apiary Gate, Castle Donington. The walls are located within the Castle Donington Conservation Area.

Two boundary walls, one fronting St Anne's Lane and one fronting Apiary Gate would be demolished in order to make way for the proposed development. The boundary wall fronting Apiary Gate is constructed in stone and measures over 1.0 metres in height and the boundary wall fronting St Anne's Lane is constructed predominantly in stone but contains a brick coping course.

The Local Planning Authority is also considering an application for planning permission for the erection of two dwellings along with alterations to an existing dwelling under planning reference 13/00016/FUL.

Relevant Planning History:

05/01845/FUL - Erection of a two storey side extension and single storey rear extension - permitted.

2. Publicity

14 Neighbours have been notified (Date of last notification 6 February 2013)

Site Notice displayed 15 February 2013

Press Notice published 13 February 2013

3. Consultations

Castle Donington Parish Council consulted 6 February 2013

NWLDC Conservation Officer consulted 11 February 2013

4. Summary of Representations Received

The following summary of representations is provided. Members will note that full copies of correspondence received are available on the planning file.

Castle Donington Parish Council object to the application for the same reasons as they object to the planning application (13/00016/FUL). The reasons for objecting to the planning application are:

- _ is planning permission required for demolition?
- _ insufficient information on materials for construction;
- _ over-intensive development of the site;
- _ inadequate parking provision;
- _ dangerous egress and access for vehicles;
- _ inadequate amenity space;
- _ loss of light and open aspect on Apiary Gate;
- _ two and a half storey properties are not in keeping with the surrounding Conservation Area.

Third Party Representations

Three letters of representations have been received from one occupier which object to the

proposal on the following grounds:

- o Both stone walls are of architectural and historic interest and contribute to the Conservation Area;
- o There is no reference to the demolition of the existing extension to No.9 Apiary Gate;
- o Would not be in accordance with the advice in the NPPF;
- o The proposed two storey rear extension would adversely affect the terraced character of the street.

5. Relevant Planning Policy

National Planning Policy Framework

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The NPPF contains a number of references to the presumption in favour of sustainable development.

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

In relation to the Conservation Area designation, as a heritage asset, Paragraph 131 requires that in determining planning applications, local planning authorities should take account of, amongst others, the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 132 goes on to say that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 133 indicates that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. It is also noted that Paragraph 136 states that the loss of the whole or part of a heritage asset should not be permitted without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

North West Leicestershire Local Plan

There are no policies within the North West Leicestershire Local Plan relevant to the determination of this application.

Emerging Core Strategy

The District Council considered its response to the Pre-Submission Core Strategy consultation and suggested changes at its meeting of 26 March 2013. The Council resolved, amongst others, to agree the recommended significant changes, to note the delegated minor changes, to agree to a period of consultation on the significant changes, and to agree to submit the Core Strategy to the Secretary of State as soon as possible following consultation. The Submission Core Strategy was subsequently received by the Secretary of State on 24 June 2013. The following Submission Core Strategy policies are considered relevant and, given the stage that the draft Strategy has reached, should be afforded some (but not full) weight in the determination of this application:

Policy CS34 requires that heritage assets, and their setting, will be protected and conserved;

and that where opportunities arise, schemes that make a positive contribution and enhance existing heritage assets will, be considered favourably.

6. Assessment

The main issue in the determination of this application for Conservation Area Consent is the impact on the heritage assets of the Breedon on the Hill Conservation Area.

The walls to be demolished both have some heritage value but on the basis that the stones are reused on site either in a plinth of the proposed building or in ancillary rear garden structures it is not considered that the loss of the walls would result in any significant harm to or loss of significance of the heritage asset of the Conservation Area within which the walls are set. It is also noted that the Council's Conservation Officer has no objection to the proposal subject to ensuring that the stones are re-used.

Summary Reasons for Granting Conservation Area Consent

The demolition of the two walls would not be significantly detrimental to the heritage asset of the Conservation Area. In these circumstances the development would accord with Paragraphs 131 and 132 of the NPPF. It is therefore recommended that the application be permitted.

RECOMMENDATION:- APPROVAL - SUBJECT TO CONDITIONS

- 1 The works to which this consent relates shall begin not later than the expiration of three years from the date of this consent.

Reason- To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

- 2 No development shall commence on site until details of the re-use of the materials from the demolished wall (including revised elevations if necessary) has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall be carried out in accordance with the agreed details.

Reason - To ensure that historic fabric is incorporated into the scheme in an appropriate manner.

Erection of metal steps (Retrospective)

Report Item No
A7

20 Talbot Street Thringstone Coalville Leicestershire

Application Reference
13/00440/FUL

Applicant:
Mr A Carlin

Date Registered
28 May 2013

Case Officer:
Elizabeth Hindle

Target Decision Date
23 July 2013

Recommendation:
PERMIT

Indicative Site Location Plan (For illustrative purposes only)



Reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office
©copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence LA 100019329

EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR APPROVAL

Call In

The application has been brought before Planning Committee for determination at the request of Councillor Spence on the grounds of the impact upon the visual amenity of the area and neighbour concerns.

Proposal

The application seeks retrospective permission for the erection of a metal staircase at the rear No. 20 Talbot Street. The staircase provides access to a parcel of woodland to the rear (north) of the property. According to the application documents, access is required for the purpose of maintaining the woodland.

Consultations

A total of four representations have been received from members of the public, objecting to the proposed development. No objections have been received from the County Ecologist or the District Council's Tree Officer. No response has been received from Whitwick Parish Council.

Planning Policy

The application site lies within the defined Limits to Development.

Conclusion

The site is situated within the defined limits to development where the principle of this form of development is acceptable. Despite the concerns raised through representations, it is considered that the development does not result in significant harm to the amenities of occupiers of surrounding properties in terms of overlooking, noise or disturbance to warrant refusal. As the woodland is only accessible via other residential properties it is not considered that the development significantly reduces the security of surrounding properties. Whilst the structure is not in keeping with the natural setting of the woodland, the development is not in a prominent position and is not considered to have a significant impact on the visual amenity of the wider environment. It has been confirmed that the development is not detrimental to trees or the ecology of the site. It is therefore recommended that the application be permitted.

RECOMMENDATION:- APPROVAL - SUBJECT TO CONDITIONS

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommended conditions, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

The application relates to the residential property of No. 20 Talbot Street and a parcel of woodland to north of the property. The woodland is set at a significantly lower level than the residential property, with an almost sheer drop at the end of the residential garden. The application has been submitted in order to gain retrospective permission for a metal staircase which has been constructed to provide access from the rear garden of No. 20 Talbot Street to the woodland. According to the application documents, access is required for the purpose of maintaining the woodland.

The staircase is approximately 10.6m long and 0.7m wide and has a galvanised finish which has been partially spray painted in green and brown.

According to the application documents, the applicant owns No. 20 Talbot Street as well as part of the woodland to the north of the property. There is a section of the woodland that does not fall within the applicant's ownership; this section adjoins the rear of 20 Talbot Street and separates the residential property from the woodland owned by the applicant. The staircase extends over the rear boundary of the residential property onto the land outside of the applicants ownership. The applicant has been unable to identify the owner of this land and so, in accordance with application requirements, has provided notice of the application in local newspaper.

2. Publicity

7 Neighbours have been notified (Date of last notification 30 May 2013)

3. Consultations

Whitwick Parish Council consulted 30 May 2013

4. Summary of Representations Received

The following summary of representations is provided. Members will note that full copies of correspondence received are available on the planning file.

Whitwick Parish Council - No response received.

Third party representations - 4no. letters of representation received, objecting to the development on the following grounds:

- Safety concerns;
- The design is unsympathetic and out of keeping with the natural environment
- The steps are visually intrusive;
- Loss of privacy for surrounding residents;
- Impact upon ecology; the access will disturb habitats;
- Security concerns;
- The steps have been constructed without planning permission on ground that the applicant does not own;
- The land is a natural woodland, not a garden, and was previously accessed via residential properties for maintenance so it is questionable whether such a large and imposing structure is required.

5. Relevant Planning Policy

National Planning Policy Framework

The Department of Communities and Local Government published the National Planning Policy

Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The NPPF contains a number of references to the presumption in favour of sustainable development.

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

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

Adopted North West Leicestershire Local Plan

Policy S2 sets out that development will be permitted on allocated sites and other land within the Limits to Development, where it complies with the policies of this Local Plan.

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings.

Policy E4 seeks to achieve good design in new development.

Policy E8 requires crime prevention measures to be incorporated where appropriate.

Emerging Core Strategy

The District Council considered its response to the Pre-Submission Core Strategy consultation and suggested changes at its meeting of 26 March 2013. The Council resolved, amongst others, to agree the recommended significant changes, to note the delegated minor changes, to agree to a period of consultation on the significant changes, and to agree to submit the Core Strategy to the Secretary of State as soon as possible following consultation. The Submission Core Strategy was subsequently received by the Secretary of State on 24 June 2013. The following Submission Core Strategy policies are considered relevant and, given the stage that the draft Strategy has reached, should be afforded some (but not full) weight in the determination of this application:

Policy CS21 (Well-Designed Buildings and Places) provides that all new development will have to demonstrate how it satisfies the Council's place-making principles.

6. Assessment

Residential Amenity

The site is surrounded on all sides by residential properties. It is noted that concern has been raised within the representations that the development impacts upon the privacy of surrounding residents, together with concern over the impact on views from the residential properties and on security.

It is noted that many of the boundaries to surrounding properties are relatively open and allow the residents to look out onto the woodland. The loss of a view is not a material planning consideration and therefore can not be taken into account. Whilst the development is intended to improve/provide access to the woodland, the access is required for management purposes and is not intended in connection with an alternative use for the site. As such it is not considered that there would be a significantly increased level of activity at the woodland that would substantially impact upon the privacy of surrounding residents. Furthermore it is not deemed

that the development provides any new views into any of the surrounding properties that can not already be gained from the woodland or the rear garden of 20 Talbot Street. Equally it is not considered that the development would have any significant impacts upon the amenities of local residents in terms of noise or disturbance.

With regards to security, as the woodland is only accessible via other residential properties it is not considered that the development significantly reduces the security of surrounding properties.

It is therefore deemed that the development accords with Policies E3 (Residential Amenities) and E8 (Crime Prevention) of the Local Plan.

Design

The staircase structure is of a basic design and, given the distance it needs to span, is of a fairly substantial form. Presently there are two water tanks positioned at the top of the staircase, used to weigh the structure down, however it is understood that these could be removed and the structure bolted down. As described above, the staircase is constructed from galvanised steel and the applicant has applied spray paint in green and brown in an attempt to 'camouflage' the development. The green paint applied is not of a particularly natural shade and as such it is deemed that a finish in the brown paint (or similar) would be more appropriate.

The woodland to which the staircase provides access to is a private land with no public access. It is also surrounded on all sides by the rear gardens of residential properties along Talbot Street, Coverdale and Langton Close. To some of the surrounding properties the boundaries are relatively open visually and so provide views into the woodland. However, from the public domain there are no significant views into the site and as such the structure is not clearly visible from public vantage points. The structure is not considered to be in keeping with the natural environment within which it is set, however it is not in a prominent position and so does not have a significant impact on the visual amenity of the wider environment. As such it is considered that a reason for refusal on the grounds of its design and impact on the visual amenity of the local environment could not be sustained in this instance.

It is recommended that if planning permission is granted, conditions should be incorporated to request that the staircase is finished in a more appropriate paint colour and that the large water tanks are removed.

Other Matters

The County Ecologist has confirmed that there are no ecology objections to the development. It was requested that a condition be imposed to require the applicants to submit a management plan for approval prior to any works to the woodland commencing. As the application does not relate to works to the woodland such a condition can not be imposed, however a note to applicant could be used to advise them accordingly.

Similarly the works have not/do not affect any trees at the site and the Council's Tree Officer has raised no objection to the development.

Concern has been raised that part of the land to which the application relates does not fall within the applicant's ownership, however, the ownership of the land is not a matter for consideration under the application. It is noted that appropriate notification has been undertaken by the applicant and no response to this notification has been received.

Conclusion

The site is situated within the defined limits to development where the principle of this form of development is acceptable. Despite the concerns raised through representations, it is considered that the development does not result in significant harm to the amenities of occupiers of surrounding properties in terms of overlooking, noise or disturbance to warrant refusal. As the woodland is only accessible via other residential properties it is not considered that the development significantly reduces the security of surrounding properties. Whilst the structure is not in keeping with the natural setting of the woodland, the development is not in a prominent position and is not considered to have a significant impact on the visual amenity of the wider environment. It has been confirmed that the development is not detrimental to trees or the ecology of the site. It is therefore recommended that the application be permitted.

RECOMMENDATION:- APPROVAL - SUBJECT TO CONDITIONS

- 1 Before the expiration of three months from the date of this permission the water tanks positioned at the top of the staircase shall be removed and the staircase structure shall be finished with paint in a colour first agreed in writing by the Local Planning Authority.

Reason: In the interest of the visual amenity of the environment.

- 2 This permission hereby grants retrospective consent for the erection of the metal staircase only and does not grant permission for any works to trees within the woodland or relate to any change of use of the woodland to which the staircase serves.

Reason: For the avoidance of doubt

- 3 The development hereby permitted shall be strictly in accordance with the following plans, unless otherwise required by a condition of this permission:
 - o Drawing titled, 'DIAGRAM: CROSS SECTION OF EMBANKMENT AND STEPS LOCATION', deposited with the Local Planning Authority on 28 May 2013;
 - o Drawing titled, 'DIAGRAM OF STEPS AND HANDRAILS', deposited with the Local Planning Authority on 28 May 2013;
 - o Site location plan titled, ' 20 Talbot Street _ Woodlands', deposited with the Local Planning Authority on 28 May 2013;

Reason- To determine the scope of this permission.

Notes to applicant

- 1 The applicant is advised that in the interest of nature conservation the County Ecologist and North West Leicestershire District Council's Tree Officer should be consulted on the management plan for the woodland. Please contact the Local Planning Authority for contact details.
- 2 Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

Erection of one dwelling

Report Item No
A8

84 Ashby Road Woodville Swadlincote Derby

Application Reference
13/00376/FUL

Applicant:
Mr & Mrs M Stevenson

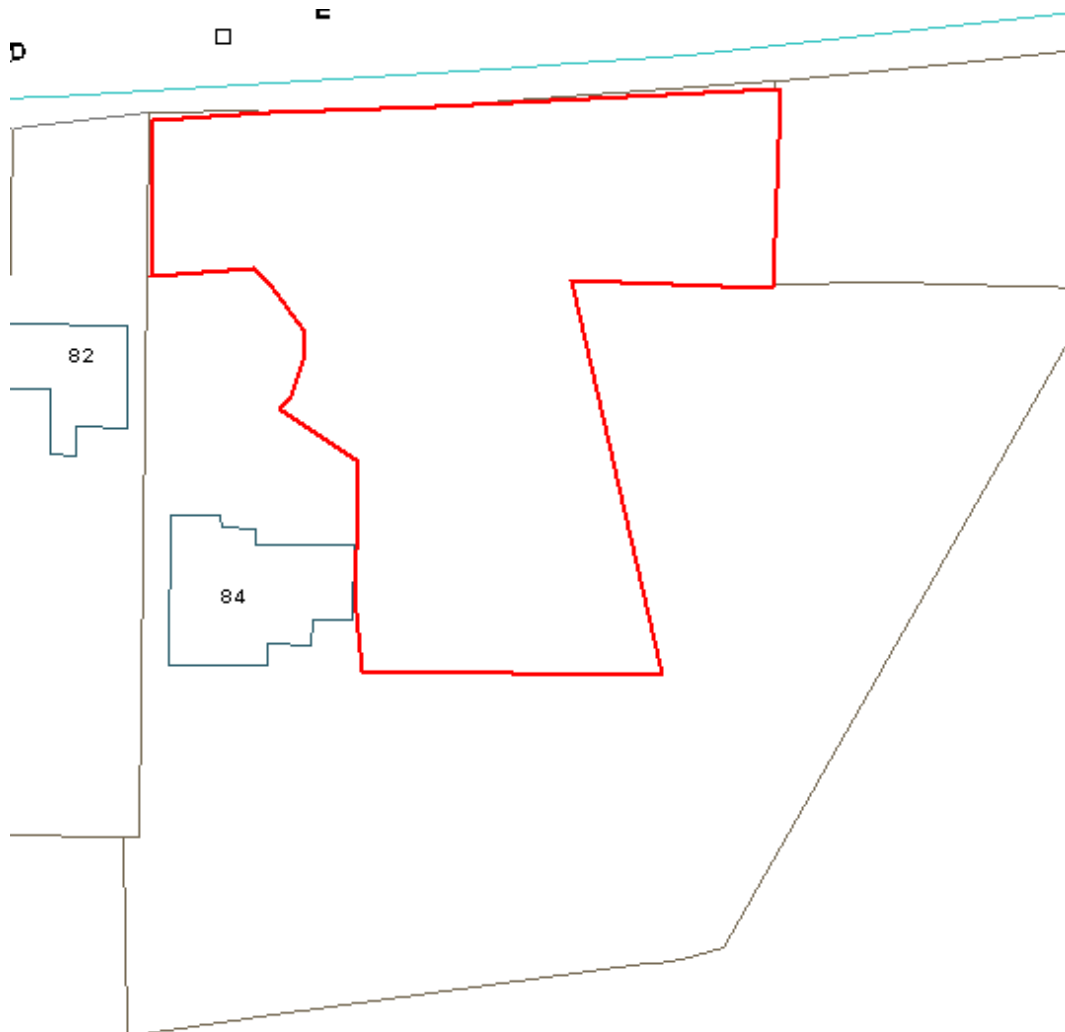
Date Registered
21 May 2013

Case Officer:
Adam Mellor

Target Decision Date
16 July 2013

Recommendation:
PERMIT

Indicative Site Location Plan (For illustrative purposes only)



Reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office
©copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence LA 100019329

EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR APPROVAL

Call In

The application is brought to the Planning Committee as the agent for the application is related to three serving councillors (Caroline Large, Charles Meynell and Richard Blunt).

Proposal

Planning permission is sought for the erection of one dwelling at 84 Ashby Road, Woodville which is within the defined limits to development. A new dwelling with a maximum width of 10.4 metres and maximum length of 12.1 metres with the use of a pitched gable ended roof with an eaves height of 5.0 metres and overall height of 7.9 metres would be constructed to the north-east of No. 84 along with a single detached garage. A new vehicular access to serve the existing and proposed dwelling would also be formed.

Consultations

No letters of representation have been received from third parties and Ashby Town Council, County Highways Authority and Severn Trent Water have no objections.

Planning Policy

It is considered that the development would accord with all relevant policies of the North West Leicestershire Local Plan as well as Paragraphs 49, 57, 60, 61 and 118 of the National Planning Policy Framework (NPPF) and Policies CSA1 (Presumption in Favour of Sustainable Development); CS7 (Location of Development); CS16 (Housing Density); CS21 (Well-Designed Buildings and Places); CS23 (Transport); CS24 (Climate Change and New Development); CS28 (Strategic Green Infrastructure); CS30 (The National Forest); CS33 (River Mease Special Area of Conservation) and CS42 (Rural Area) of the emerging North West Leicestershire Local Plan: Core Strategy.

Conclusion

The site is situated within the defined limits to development where the principle of this form of development is acceptable and the proposal would also be considered to be within a sustainable location given its proximity to Woodville and would not result in the substantial loss of any residential amenity land. On this basis the development would accord with Paragraphs 14, 49 and 53 of the NPPF; Policy H4/1 of the Local Plan and Policies CS7 and CS42 of the emerging Core Strategy. Whilst the density of the development would be below the expected standards it is considered that the sensitivity of the site to overdevelopment, the need to provide appropriate landscaping and the design constraints of the area would ensure that the achieved density would be acceptable and would not conflict with the principles of Policy H6 of the Local Plan and Policy CS16 of the emerging Core Strategy. It is considered that the position of the dwelling and its overall scale would ensure that it would have an acceptable relationship, in terms of overbearing, overshadowing or overlooking impacts, with all existing dwellings as well as any future dwellings situated to the south of the site which would ensure compliance with Policy E3 of the Local Plan. It is considered that the design of the dwelling would be commensurate with properties in the surrounding area, by virtue of its design features, and has been positioned in the site so that it reflects the building line of the majority of detached dwellings along this stretch of Ashby Road. In these circumstances it would respect the character and form of the streetscape and would not have an adverse visual impact on the appearance of the open landscape to the west and south of the site which would ensure compliance with Paragraphs 57, 60 and 61 of the NPPF, Policies E4, F1 and H7 of the Local Plan and Policies CS21 and CS24 of the emerging Core Strategy. The new vehicular access into the site to serve the proposed dwelling and current dwelling, as well as potentially any

future dwellings, would be considered an enhancement over the existing access and would provide adequate visibility in both directions. Sufficient off-street parking would be accommodated onto the site as well as manoeuvring facilities to ensure that vehicles exit the site in a forward direction. On this basis the proposal would accord with Policies T3 and T8 of the Local Plan and Policy CS23 of the emerging Core Strategy. Subject to a condition being imposed on any consent outlining that only the mains sewer would be utilised for the disposal of foul and surface water run-off from the site it is considered that the integrity of the River Mease SAC would be preserved given that the drainage is directed to a waste water treatment works outside the catchment area of the River Mease SAC. As such the development would accord with Paragraph 118 of the NPPF; Policy CS33 of the emerging Core Strategy; the 2010 Habitats Regulations and Circular 06/05. Additional landscaping would also be included as part of the development proposals which would ensure compliance with Policies E7, F1, F2 and F3 of the Local Plan and Policy CS30 of the pre-submission Core Strategy. The development therefore accords with the planning policies stated above.

RECOMMENDATION:- APPROVAL - SUBJECT TO CONDITIONS

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommended conditions, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the erection of one dwelling at 84 Ashby Road, Woodville. No. 84 is a two-storey detached dwelling situated on the southern side of Ashby Road (A511), where it is set back 32.0 metres from the public highway. An existing vehicular access to the site provides off-street parking to the frontage of the property as well as access to an integral double garage. The site is situated within the defined limits to development, as identified in the North West Leicestershire Local Plan, and the surrounding area consists of residential properties, which vary in their type and design, and open rural countryside.

Outline planning permission has previously been granted for the erection of a dwelling and garage (details of access and layout) (09/00731/OUT) and two dwellings with garages (details of access, layout and scale) (10/00751/OUT) on the 16th September 2009 and 9th November 2010, respectively, on the site of No. 84 Ashby Road.

It is indicated, in the supporting design and access statement, that due to the expiry of the outline planning permission, 09/00731/OUT, a revised application has been submitted, albeit a detailed application, which proposes one dwelling on the same site as that previously agreed under the aforementioned application although the footprint of the dwelling has increased from 137.5 square metres to 185.4 square metres.

The proposed dwelling would have a maximum width of 10.4 metres and maximum length of 12.1 metres with the use of a pitched gable ended roof with an eaves height of 5.0 metres and overall height of 7.9 metres. Part of the length would include a two-storey rear projection which would extend 5.6 metres from the western part of the southern (rear) elevation of the dwelling with a width of 5.2 metres and use of a pitched gable ended roof with an eaves height of 5.0 metres and overall height of 7.4 metres. A single storey extension would also project 3.2 metres from the eastern part of the southern (rear) elevation which would have a width of 5.2 metres and use of a roof with an eaves height of 2.5 metres and overall height of 5.0 metres where it would join with the roof of the main dwelling in a 'cat-slide' manner. A chimney, with breast, would be added to the eastern (side) elevation of the property along with a porch which would extend 0.8 metres from the centre of the northern (front) elevation with a width of 3.6 metres and use of a pitched roof with an eaves height of 2.1 metres and overall height of 3.9 metres. It is indicated on the plans that the dwelling would provide a lounge, hall, dining room, water closet, garden room and kitchen/breakfast area at ground floor level and four bedrooms, two en-suites and a bathroom at first floor level for the occupants.

In addition to the dwelling a detached garage would be situated 8.0 metres from the southern (rear) elevation of the property and would have a width of 3.0 metres, length of 6.0 metres and use of a pitched gable ended roof with an eaves height of 2.5 metres and overall height of 4.6 metres. It is shown that the garage could potentially be extended, if required, although it is noted that the garaging for one of the plots approved on the outline consent 10/00751/OUT would have its garaging in this location. A new vehicular access to serve the proposed and existing dwelling would also be formed along the lines of that previously agreed within the outline consents.

A design and access statement incorporating a River Mease Special Area of Conservation (SAC) impact statement have been submitted in support of the application.

The planning history of the site, as well as No. 84 Ashby Road is as follows: -

- o 74/1231/P - Erection of a bungalow and formation of an access - Refused 8th April 1975;
- o 86/0638/P - Ground floor front and side extensions and two-storey rear extension - Approved 20th August 1986;
- o 01/00266/OUT - Erection of detached dwelling and garage (outline - siting means of access) - Refused 23rd May 2001;
- o 01/00399/FUL - Erection of two-storey and single storey side extensions including the demolition of an existing single storey side extension - Approved 24th May 2001;
- o 01/01045/OUT - Erection of a detached dwelling and garage (outline - siting and means of access) - Approved 5th December 2001;
- o 03/01685/FUL - Change of use from agricultural land to domestic garden - Refused 27th November 2003;
- o 04/00168/FUL - Erection of single storey rear extension to form a conservatory - Approved 17th March 2004;
- o 04/01812/OUT - Erection of detached dwelling and garage (outline - siting and means of access) (renewal of outline planning permission 01/01045/OUT) - Approved 20th January 2005;
- o 05/00810/FUL - Erection of single storey front extension to form study and canopy - Refused 4th July 2005;
- o 06/01660/FUL - Erection of two-storey, single storey and first floor front, side and rear extensions and alterations to roof - Approved 14th December 2006;
- o 07/01621/REM - Erection of a detached dwelling and garage (reserved matters) - Approved 18th December 2007

The previous applications for outline planning permission and reserved matters could not be implemented due to highway issues. One of the conditions required the access to be moved to provide for 90m x 2.4 visibility splays in both directions which would have required the access to be moved further east which would not have left adequate land to accommodate the single plot. As such, the proposal was subsequently amended to site the dwelling further into the site and form a shared access in order to overcome the highway issue, this was as considered under the identified outline planning applications 09/00731/OUT and 10/00751/OUT.

2. Publicity

2 neighbours have been notified (Date of last notification 19 June 2013)

Site Notice displayed 10 June 2013

3. Consultations

Ashby De La Zouch Town Council consulted 5 June 2013

Severn Trent Water Limited consulted 5 June 2013

Ashby de la Zouch Town Council consulted 5 June 2013

County Highway Authority consulted 5 June 2013

4. Summary of Representations Received

The following summary of representations is provided. Members will note that full copies of correspondence received are available on the planning file.

Ashby De La Zouch Town Council no objections.

Leicestershire County Council - Highways no objections given previous approvals.

Severn Trent Water Limited no objections.

Third Party Representations

No third party representations have been received.

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The NPPF contains a number of references to the presumption in favour of sustainable development. It states that local planning authorities should:

- o approve development proposals that accord with statutory plans without delay; and
- o grant permission where the plan is absent, silent or where relevant policies are out of date unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

The NPPF (Para 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

Paragraph 49 outlines that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites;

Paragraph 57 outlines that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes;

Paragraph 60 outlines that planning policies and decisions should not impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness;

Paragraph 61 outlines that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment;

Paragraph 118 outlines that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying particular principles;

North West Leicestershire Local Plan

Policy S2 of the Local Plan provides that development will be permitted on allocated sites and other land within the Limits to Development, identified on the Proposals Map, where it complies with the policies of the Local Plan;

Policy E2 seeks to ensure that development provides for satisfactory landscaped amenity open space and secures the retention of important natural features, such as trees;

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings;

Policy E4 seeks to achieve good design in new development and requires new development to respect the character of its surroundings;

Policy E7 seeks to provide appropriate landscaping in association with new development including, where appropriate, retention of existing features such as trees or hedgerows;

Policy F1 seeks appropriate provision for landscaping and tree planting in association with development in the National Forest, and requires built development to demonstrate a high quality of design, to reflect its Forest setting;

Policy F2 states that the Council will have regard to the existing landscape character of the site and the type of development when seeking new planting;

Policy F3 seeks to secure implementation of agreed landscaping and planting schemes for new development by the imposition of planning conditions and/or the negotiation of a planning agreement;

Policy T3 requires development to make adequate provision for vehicular access, circulation and servicing arrangements;

Policy T8 requires that parking provision in new developments be kept to the necessary minimum, having regard to a number of criteria;

Policy H4/1 sets out a sequential approach to the release of land for residential development, and seeks to direct new housing towards previously developed land in accessible locations, well served by, amongst others, public transport and services;

Policy H6 seeks to permit housing development which is of a type and design to achieve as high a net density as possible, taking into account housing mix, accessibility to centres, design etc. Within Coalville and Ashby-de-la-Zouch town centres, local centres and other locations well served by public transport and accessible to services a minimum of 40 dwellings per ha will be sought and a minimum of 30 dwellings per ha elsewhere (in respect of sites of 0.3 ha or above).

Policy H7 seeks good quality design in all new housing development;

Emerging Core Strategy

The District Council considered its response to the Pre-Submission Core Strategy consultation and suggested changes at its meeting of 26 March 2013. The Council resolved, amongst others, to agree the recommended significant changes, to note the delegated minor changes, to agree to a period of consultation on the significant changes, and to agree to submit the Core Strategy to the Secretary of State as soon as possible following consultation. The Submission Core Strategy was subsequently received by the Secretary of State on 24 June 2013. The following Submission Core Strategy policies are considered relevant and, given the stage that the draft Strategy has reached, should be afforded some (but not full) weight in the determination of this application:

Policy CSA1 states that when considering development proposals the District Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework;

Policy CS7 provides that new development, including new facilities and services will be directed to the most sustainable locations in accordance with the settlement hierarchy set out in that policy;

Policy C16 provides that new development should have a layout and built form that makes efficient use of land and complements the built form and character of the area in which it is situated. A minimum density of 30 dwellings per hectare will apply to site areas in excess of 0.3 hectares but the development should not compromise the need for good design under Policy CS21;

Policy CS21 provides that all new development will have to demonstrate how it satisfies the Council's place-making principles;

Policy CS23 requires new development to maximise the efficient use of existing transport facilities in the district as it looks to a lower carbon future;

Policy CS24 requires new development to minimise carbon dioxide and other greenhouse gas emissions;

Policy CS28 advises that the Strategic Green Infrastructure Network, which includes the National Forest, will be protected and enhanced;

Policy CS30 sets out the priorities for the National Forest and that landscaping will be required;

Policy CS33 sets out the criteria for new development in the catchment area of the River Mease Special Area of Conservation;

Policy CS42 sets out the proposed development strategy for the Rural Area;

Other Guidance

The Habitat Regulations

The Conservation (Natural Habitats &c.) Regulations 2010 (the 'Habitats Regulations') provide for the protection of 'European sites', which include Special Areas of Conservation (SACs) and the key issues relating to protected species;

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

Circular 06/2005 sets out the procedures that local planning authorities should follow when considering applications within internationally designated sites and advises that they should have regard to the EC Birds and Habitats Directive in the exercise of their planning functions in order to fulfil the requirements of the Directive in respect of the land use planning system. The Circular sets out a flow chart for the consideration of development proposals potentially affecting European sites;

River Mease Water Quality Management Plan - August 2011

This plan draws together all existing knowledge and work being carried out within the SAC catchment, along with new actions and innovations that will work towards the long term goal of

the achievement of the Conservation Objectives for the SAC and bringing the SAC back into favourable condition.

6. Assessment

Principle of the Development

The site is located within the limits to development where the principle of residential development is considered acceptable subject to compliance with the relevant policies of the adopted North West Leicestershire Local Plan and other material considerations. Policy H4/1 of the Local Plans aims to direct new housing development to sustainable locations and doing so sets out a sequential approach to the release of housing land. Regard should also be paid to Paragraphs 14 and 49 of the NPPF and Policies CS7 and CS42 of the emerging Core Strategy.

The application site is currently scrub land and it is not clear whether it constitutes part of the residential amenity area to No. 84 or not. In terms of the sequential approach, the application site would fall within criterion (f) of Policy H4/1, which is last in the sequential list. Woodville has a number of local services including shops, a public house and there is a school and village hall in nearby Blackfordby. Although this would suggest that the proposal would not sit particularly well in respect of the sequential test and sustainability of the location it is considered that Woodville would likely constitute a rural centre under Policy CS7 of the emerging Core Strategy, which would be considered one of the most sustainable settlements for new development, and given that the site is within walking distance to services and facilities and public transport hubs it is considered that a reason for refusal on the grounds of sustainability could not be justified. The previous approvals for development on the site would also be a material consideration in favour of supporting the proposal.

In the circumstances that the land was considered residential garden to No. 84, Paragraph 53 of the NPPF would be of relevance which outlines that inappropriate development of residential gardens should be resisted where there is the potential that development would cause harm to the local area. Whilst the provision of a dwelling to the frontage of No. 84 would ultimately result in an visual impact on the streetscape and surrounding area, the degree of harm would not be sufficiently detrimental given that it would be read in the context of its relationship with other built forms. A sufficient amenity area to the existing property would be retained and the provision of additional landscaping would assist in reducing the overall visual impact. On the basis that the land is not protected open space or countryside, and the principle of development has previously been established, it is considered that the development would not conflict with the principles of Paragraph 53.

Density

Policy H6 of the North West Leicestershire Local Plan seeks to permit housing development which is of a type and design to achieve as high a net density as possible taking into account factors such as housing mix, accessibility to centres and design. Policy H6 of the North West Leicestershire Local Plan also requires a minimum density of 40 dwellings per hectare within locations well served by public transport and accessible to services and a minimum of 30 dwellings per hectare elsewhere. The aims of Policy H6 are also reflected in Policy CS16 of the emerging Core Strategy.

With a site area of 0.14 hectares, the proposal would have a density of 7.14 dwellings per hectare. Whilst this density would fall well below the 30 advised in Policy H6 (as well as Policy CS16) these policies also identify that it is important to factor into any assessment the principle of good design as well as green space and landscaping requirements. In the circumstances that the Local Authority values good design in its approach to residential development and there

would be a need to incorporate a strong landscaping scheme, given the site's setting within the National Forest, it is considered that the density proposed would represent an efficient use of the land, with a higher density of dwellings creating a development which would be at odds with the character of the immediate area given its setting. In these circumstances the proposal would not substantially conflict with the principles of Policy H6 and CS16 of the emerging Core Strategy as to warrant a refusal of planning permission.

Residential Amenity

It is considered that the properties most immediately affected by the proposed developments would be No. 84 Ashby Road, a two-storey detached dwelling, situated to the south-west of the site and the two residential dwellings, approved under application reference 10/00751/OUT, to the south of the site.

In the circumstances that the dwelling would be situated to the north-east of No. 84 it is considered that there would be no significantly adverse overshadowing implications and the position and orientation of the proposal, as well as the position of habitable room windows on No. 84, would also ensure that there would be no adverse overbearing implications given that no direct views would be established onto the proposal and the distance involved (8.6 metres). As the proposal would be orientated away from No. 84 there would be no overlooking implications to the existing property and no windows exist in the side elevation of No. 84 which would cause adverse impacts on the future amenities of any occupant of the new dwelling.

Under application reference 10/00751/OUT the layout was agreed and as such the development would lead to there being a distance between the two-storey rear projection to the new dwelling and the northern (side) elevation of a dwelling on Plot 1 of the above consent of around 16.0 metres. This distance is considered sufficient in ensuring that any future development to the rear of the proposal would not have any adverse impacts on the occupant's amenities in terms of overbearing or overshadowing impacts. There would also be no adverse overlooking impacts given that any subsequent application to progress the outline planning consent could ensure that no windows are installed in the northern (side) elevation of the dwelling on Plot 1 which would provide views towards the application site. The above distance would also be acceptable in ensuring that the development of a dwelling on the application site would not prejudice the future development of the land to the south.

A distance of 21.0 metres and 58.0 metres, respectively, would exist between the proposed dwelling and the eastern (side) elevation of No. 82 and western (side) elevation of No. 92 and these distances are considered sufficient in ensuring that there would be no adverse impacts on the occupant's amenities.

The position and scale of the detached garage would also not have a significant impact on the amenities of neighbouring properties.

Should the outline planning permission on land to the south of the dwelling be progressed than it would lead to vehicles passing between the side elevations of the proposed dwelling as well as No. 84 which could create noise implications to the occupant's amenities. However, the level of additional activity as a result of the proposal is unlikely to be significant and would not be dissimilar to having a development on a corner site with a side road running close to the dwelling and its rear garden, which was considered in a recent appeal decision to be a yardstick for an acceptable standard (Appeal Ref: APP/G2435/A/08/2065885/WF). In these circumstances, as well as the fact that this relationship has already been considered acceptable by the granting of the outline planning permission, it is considered that a reason for refusal on noise or smell grounds on any future occupant's amenities could not be justified in this instance.

In these circumstances the proposal would accord with Policy E3 of the Local Plan.

Design

The need for good design in new residential development is outlined not only in Local Plan Policies E4 and H7 but also Paragraphs 57, 60 and 61 of the NPPF with Paragraph 61 outlining that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. The site is also located within the National Forest and as such Policy F1 of the Local Plan as well as Policy CS21 of the pre-submission North West Leicestershire Local Plan: Core Strategy would also be of relevance along with Policy CS24 which support energy efficiency in new developments.

The southern side of Ashby Road (A511) is characterised, predominately by large detached dwellings within big plots which follow a relatively established building line. No. 84 goes against this grain by being situated a greater distance from the road than the dwellings to the west of the site. No. 92, to the east, is also a semi-detached property which abuts the public highway although its separation from No. 84 ensures that it is not viewed in the same context. The placement of the dwelling would be relatively in line with the established building line along Ashby Road, although it would be slightly angled to Ashby Road. In the circumstances that the principle of a residential dwelling in this position has been previously established it is considered that its overall size and form would be reflective of properties within the vicinity of the site and as such it would not have a sufficiently detrimental impact on the character of the streetscape or the wider appearance of the rural landscape beyond the site given its association with other built forms.

The dwelling would be constructed from brick, render and clay tiles which would be commensurate with properties within the vicinity of the site and the general design characteristics of the property, including the use of 'gables' and chimney, would be reflective of properties within the vicinity of the site. In the circumstances that the property has drawn upon the 'positive characteristics' of dwellings within the area and has drawn upon inspiration from the National Forest, by the use of a timber porch and timber windows and doors, it is considered that it would respect the appearance of the streetscape and surrounding area and as such would accord with Paragraphs 57, 60 and 61 of the NPPF, Policies E4, F1 and H7 of the Local Plan and Policies CS21 and CS24 of the emerging Core Strategy.

Highway Safety

The County Highways Authority has no objections given the previous approvals which have been granted. As part of application reference 09/00731/OUT the former access issues into the site were resolved by the dwelling being set further back into the site than previously approved under application references 01/01045/OUT, 04/01812/OUT and 07/01621/REM which allowed for the provision of a 2.4m x 90m visibility splay to the west and a 2.4m x 120m visibility splay to the east. This access provision has been continued through into this application submission and essentially provides a shared access for the existing dwelling at No. 84 as well as the proposed dwelling and the two dwellings with outline consent, and as part of these works the existing access would be closed. In the circumstances that these works are secured via planning conditions then it is considered that the proposals would accord with Policy T3 of the Local Plan and Policy CS23 of the emerging Core Strategy.

A double garage would be retained for No. 84 and an additional garage, along with parking to the frontage of the garage, would be provided to serve the new dwelling. It is considered that

this provision would ensure that sufficient off-street parking would be provided for the site along with adequate manoeuvring facilities to ensure that vehicles exit the site in a forward direction. On this basis the development would accord with Policy T8 of the Local Plan.

Impact on the River Mease Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI)

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC), which was designated in 2005. The 2010 Habitat Regulations and Circular 06/2005 set out how development proposals within an SAC should be considered. Regard should also be had to paragraph 118 of the NPPF and Policy CS33 of the pre-submission Core Strategy. During 2009 new information came to light regarding the factors affecting the ecological health of the River Mease SAC, in particular that the river is in unfavourable condition due to the high level of phosphates within it. Discharge from the sewerage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal will have a significant effect on the SAC is required.

The River Mease Water Quality Management Plan (WQMP) has been drawn up to ensure there is no adverse impact on the SAC from further development and includes an action to establish a developer contribution framework to fund a programme of actions to restore and provide new benefits to the river. The River Mease Developer Contribution Scheme (DCS) has been produced to meet this action of the WQMP so that the costs of improving the quality of the water in the river are met by potential developers. The DCS advises that all new development which contributes additional wastewater to the foul water catchment areas of the treatment works within the SAC catchment area will be subject to a developer contribution. The DCS has been assessed against and is considered to meet the three tests of the 2010 Community Infrastructure Levy Regulations, which are also set out at paragraph 204 of the NPPF.

The application forms indicate that foul drainage discharge from the site would be dealt with via the mains sewer system and the provision of an additional dwelling on the site will ultimately lead to increases in foul drainage discharge from the site. Whilst this may be the case it has been demonstrated, under the previous application submissions, that foul drainage discharge from the site would be directed to Milton which is situated outside the catchment area of the River Mease SAC. Surface water run-off would also be directed to the mains and in these circumstances the integrity of the River Mease SAC would be preserved in accordance with the planning policies identified above, subject to a condition ensuring that only the mains sewer is utilised for foul/water disposal from the site given that any other methods could have implications to the River Mease.

Landscaping

As the site is within the National Forest it is considered that a strong landscaping scheme would need to be incorporated as part of the development proposals. The landscaping shown on the submitted plans shows that new hedges would be provided to the site boundaries and given that appropriate planting of native species could be achieved via a planning condition it is considered that the proposals would accord with Policies E7, F1, F2, F3 and Policy CS30 of the pre-submission Core Strategy.

Conclusions

The site is situated within the defined limits to development where the principle of this form of development is acceptable and the proposal would also be considered to be within a sustainable location given its proximity to Woodville and would not result in the substantial loss of any residential amenity land. On this basis the development would accord with Paragraphs 14, 49 and 53 of the NPPF; Policy H4/1 of the Local Plan and Policies CS7 and CS42 of the

emerging Core Strategy. Whilst the density of the development would be below the expected standards it is considered that the sensitivity of the site to overdevelopment, the need to provide appropriate landscaping and the design constraints of the area would ensure that the achieved density would be acceptable and would not conflict with the principles of Policy H6 of the Local Plan and Policy CS16 of the emerging Core Strategy. It is considered that the position of the dwelling and its overall scale would ensure that it would have an acceptable relationship, in terms of overbearing, overshadowing or overlooking impacts, with all existing dwellings as well as any future dwellings situated to the south of the site which would ensure compliance with Policy E3 of the Local Plan. It is considered that the design of the dwelling would be commensurate with properties in the surrounding area, by virtue of its design features, and has been positioned in the site so that it reflects the building line of the majority of detached dwellings along this stretch of Ashby Road. In these circumstances it would respect the character and form of the streetscape and would not have an adverse visual impact on the appearance of the open landscape to the west and south of the site which would ensure compliance with Paragraphs 57, 60 and 61 of the NPPF, Policies E4, F1 and H7 of the Local Plan and Policies CS21 and CS24 of the emerging Core Strategy. The new vehicular access into the site to serve the proposed dwelling and current dwelling, as well as potentially any future dwellings, would be considered an enhancement over the existing access and would provide adequate visibility in both directions. Sufficient off-street parking would be accommodated onto the site as well as manoeuvring facilities to ensure that vehicles exit the site in a forward direction. On this basis the proposal would accord with Policies T3 and T8 of the Local Plan and Policy CS23 of the emerging Core Strategy. Subject to a condition being imposed on any consent outlining that only the mains sewer would be utilised for the disposal of foul and surface water run-off from the site it is considered that the integrity of the River Mease SAC would be preserved given that the drainage is directed to a waste water treatment works outside the catchment area of the River Mease SAC. As such the development would accord with Paragraph 118 of the NPPF; Policy CS33 of the emerging Core Strategy; the 2010 Habitats Regulations and Circular 06/05. Additional landscaping would also be included as part of the development proposals which would ensure compliance with Policies E7, F1, F2 and F3 of the Local Plan and Policy CS30 of the pre-submission Core Strategy. It is therefore recommended that the application be permitted.

RECOMMENDATION:- APPROVAL - SUBJECT TO CONDITIONS

- 1 The development shall be begun before the expiration of three years from the date of this permission.

Reason - to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 This development shall be implemented in accordance with drawing numbers 84ARW.013 Revision A; 84ARW.HT2 and 84ARW.SGA, received by the Local Authority on the 21st May 2013, unless otherwise required by another condition of this permission.

Reason - for the avoidance of doubt and to determine the scope of the permission.

- 3 Notwithstanding the details shown on the approved plans, no development shall commence until a schedule of external materials and brick bonds to be used in the new dwelling (and including all means of hard surfacing/enclosures), and external finishes to render and the window/door units (including colours) have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details which shall thereafter be so retained.

Reason - to enable the Local Planning Authority to retain control over the external appearance, in the interests of the amenities of the area.

- 4 No development shall commence on site until the positioning and treatment of utility boxes and details of rainwater goods including external finishes have been submitted to and agreed in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved details which shall thereafter be so retained.

Reason - in the interests of neighbouring amenities and the visual amenities of the locality.

- 5 Notwithstanding the details shown on the approved plans, no development shall commence until detailed drawings of the chimney stacks, eaves/verge detailing and mid-course brick detail to the property has been first submitted to and agreed in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved details which shall thereafter be so retained.

Reason - to enable the Local Planning Authority to retain control over the external appearance as no precise details have been submitted.

- 6 Notwithstanding the details shown on the approved plans, no development shall commence until details of landscaping for the site (including hard and soft landscaping) have been submitted to and approved in writing by the Local Planning Authority. The approved soft landscaping scheme shall be implemented in the first planting and seeding season following the bringing into use of the development hereby approved and the approved hard landscaping scheme shall be implemented before the development hereby permitted is brought into use, unless alternative implementation programmes are first agreed in writing by the Local Planning Authority. Any tree or shrub which may die, be removed or become seriously damaged shall be replaced in the first available planting season thereafter and during a period of 5 years from the first implementation of the approved landscaping scheme or relevant phase of the scheme, unless a variation to the landscaping scheme is agreed in writing with the Local Planning Authority.

Reason - To ensure satisfactory landscaping and boundary treatments are provided within a reasonable period and to provide a reasonable period for the replacement of any trees.

- 7 No development shall commence on site until the existing trees shown to be retained on the approved plans have been securely fenced off with protective fencing. Details of the extent and construction of the protective fencing shall first have been submitted to and approved in writing by the Local Planning Authority. Within the fenced areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and back-filled by hand, unless first agreed in writing by the Local Authority.

Reason - to ensure the existing trees are adequately protected during construction in the interests of the visual amenities of the area.

- 8 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 7 metres behind the Highway boundary (hedgeline) and shall be hung so as to open inwards only.

Reason - to enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.

- 9 The gradient of the shared access drive shall not exceed 1:12 for the first 5 metres behind the Highway boundary.

Reason - to enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety.

- 10 Before first occupation of the new dwelling hereby permitted, the turning facilities shall be provided within the site as shown on Drawing Number 84ARW.013 Revision A, received by the Local Authority on the 21st May 2013, in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall be available for use at all times.

Reason - to enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users.

- 11 The existing vehicular access shall be closed permanently within one week of the new access being brought into use and the existing vehicular crossings reinstated to the satisfaction of the Local Planning Authority in consultation with the Highway Authority.

Reason - to reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points.

- 12 For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.

Reason - to ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction.

- 13 Prior to the first occupation of the dwelling on the site the areas shown for car parking on drawing number 84ARW.013 Revision A, received by the Local Authority on the 21st May 2013, shall be provided and thereafter shall permanently remain available for car parking.

Reason - to ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

- 14 Before first occupation of the new dwelling, the shared private access drive shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the Highway boundary and shall be so maintained at all times.

Reason - to reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)

- 15 Before first use of the development hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the Highway boundary on both sides of the new access drive with nothing within those splays higher than 0.6 metres above ground level, in accordance with the current standards of the Highway Authority and shall be so maintained in perpetuity.

Reason - in the interests of pedestrian safety.

- 16 Before first use of the development hereby permitted, the visibility splays as shown on drawing number 84ARW.013 Revision A, received by the Local Authority on the 21st May 2013, shall be provided at the junction of the shared access drive with Ashby Road. These shall be in accordance with the standards contained in the current County Council design guide and shall be so maintained in perpetuity. Nothing shall be allowed to grow above a height of 0.9 metres above the adjacent carriageway level within the visibility splays.

Reason - to afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.

- 17 The shared private access drive shall be a minimum of 4.25 metres wide for at least the first 5 metres behind the Highway boundary and have 6 metres control radii at its junction with Ashby Road the adopted road carriageway. The access drive once provided shall be so maintained at all times.

NOTE: If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides.

Reason - to ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway.

- 18 Prior to the new dwelling being occupied, a metalled footway of a minimum width of 1.5 metres shall be provided along the site frontage.

Reason - in the interests of road and particularly pedestrian safety, as well as to improve the sustainability of the development and to encourage alternative transport choice.

- 19 No development shall commence on site until details of existing and proposed site levels and the finished floor level of the dwelling, which should be related to a fixed datum point off the site, has been submitted to and agreed in writing by the Local Planning Authority. Once agreed the development shall be carried out in accordance with the approved details.

Reason - to determine the scope of the permission and in the interests of residential amenity.

- 20 The development hereby approved shall only use the mains sewer for its foul and surface water run-off.

Reason - any other means of dealing with foul discharge could have an adverse impact on the River Mease Special Area of Conservation.

Notes to applicant

- 1 Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).
- 2 As of the 22nd November 2012 written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97.00 per request. Please contact the Local Planning Authority on (01530) 454665 for further details.
- 3 All works within the limits of the highway with regard to the reinstatement of the existing access and creation of new access and footway shall be carried out to the satisfaction of the Highways Manager - (telephone 0116 3050001).
- 4 This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from either the Adoptions team (for 'major' accesses) or the Highways Manager. For further information, including contact details, you are advised to visit the County Council website as follows: - For major accesses see Part 6 of the "6Cs Design Guide" (Htd) at www.leics.gov.uk/Htd. For other minor, domestic accesses, contact the Service Centre Tel: 0116 3050001.
- 5 The developer will be required to enter into a suitable Legal Agreement with the Highway Authority for the off-site Highway works (footway) before development commences.
- 6 The submission indicates a 2.0 metre wide footway. Given the location and level of activity that could be expected, the Highway Authority would be prepared to accept a narrower width (minimum of 1.5 metres) than that shown on the submitted plans.
- 7 If the road within the proposed development is to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development. If an agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.
- 8 Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the Highway Authority.
- 9 The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place. It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.decc.gov.uk
Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal

PLANNING APPLICATIONS- SECTION A

mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website www.coal.decc.gov.uk.

SECTION B- OTHER MATTERS

There are no items in this section

LIST OF APPLICATIONS FOR PLANNING COMMITTEE 6 August 2013

Section A – Planning Applications

Item	Reference	Details	Amend	Print	Sign	Sent
A1	12/00007/OUT M					
A2	13/00330/EXT M					
A3	13/00486/OUT M					
A4	13/00265/FUL					
A5	13/00016/FUL					
A6	13/00100/CON					
A7	13/00440/FUL					
A8	13/00376/FUL					

Section B – Other Matters

Item	Reference	Details	Amend	Print	Sign	Sent
------	-----------	---------	-------	-------	------	------