

APPENDIX B

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

3 September 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.

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A3	13/00205/FUL	Retrospective application for the change of use of land for the storage of military equipment including tanks, armoured fighting vehicles, heavy vehicles and trailers, off road 4 x 4 vehicles and associated servicing and maintenance equipment Tank Mania Measham Lodge Farm Gallows Lane
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A5	13/00526/FULM	Change of use of land for recreational activities (including shooting, bushcraft and nature trails), the installation of car park and pathways along with the siting of three buildings and a toilet Land At Melbourne Road Newbold Ashby De La Zouch
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A7	13/00580/FUL	Change of use to mix of agriculture and keeping of horses and erection of building to provide shelter for the welfare of horses, sheep and goats, secure storage for agricultural equipment and retention of hardstanding Field Number 6939 Coleorton Lane Packington
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A9	13/00440/FUL	Erection of metal steps (Retrospective) 20 Talbot Street Thringstone Coalville
A10	13/00362/LBC	Internal alterations to outbuilding to provide living accommodation (amended scheme)(listed building consent) Ley Farm Callans Lane Heath End

Section B – Other Matters

There are no items in this section

SECTION A- PLANNING APPLICATIONS

Erection of up to 105 dwellings, public open space, earthworks, balancing pond, structural landscaping, car parking, and other ancillary and enabling works (Outline - All matters reserved)

Report Item No
A1

Land South Of Grange Road Grange Road Hugglescote
Leicestershire

Application Reference
12/00922/OUTM

Applicant:
Mr Andrew Tildesley

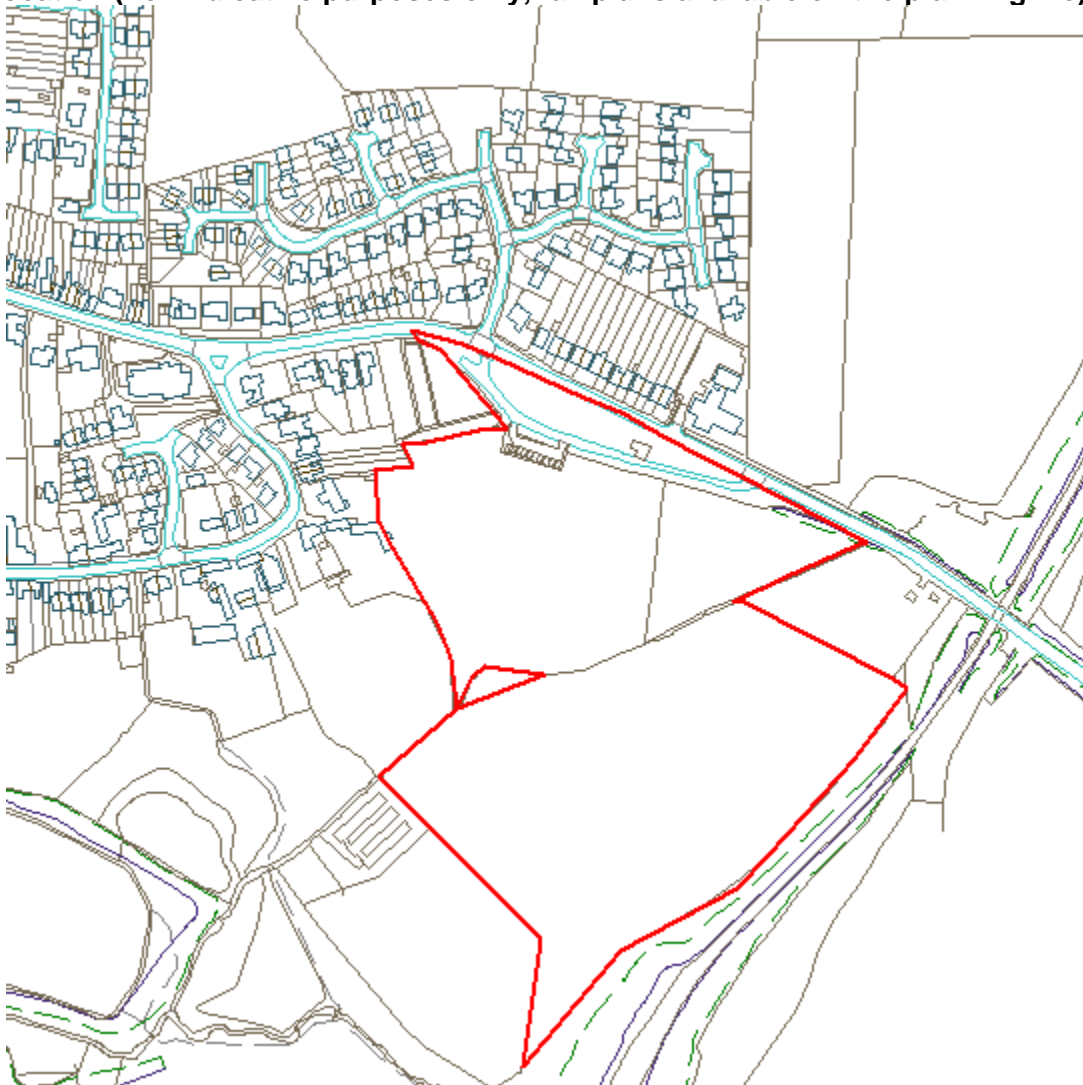
Date Registered
9 November 2012

Case Officer:
James Knightley

Target Decision Date
8 February 2013

Recommendation:
PERMIT Subject to a Section 106 Agreement

Site Location (For indicative purposes only, full plans available on the planning file)



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Executive Summary of Proposals and Reasons for Approval

Proposal

This application seeks outline planning permission for residential development of up to 105 dwellings and associated works

Consultations

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

Planning Policy

The application site lies outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. Policy CS36 of the 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 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 East Coalville as set out in the 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 would, it is considered, be able to be undertaken in a manner 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 7.3 hectares primarily in agricultural use for up to 105 dwellings on land to the south of Grange Road, Hugglescote.

All matters are reserved for subsequent approval; however, an illustrative masterplan has been submitted showing the proposed dwellings (provided in two main areas of the site), together with areas of public open space / children's play, proposed and retained tree planting / landscaping and surface water attenuation facilities. The application as originally submitted included the means of vehicular access (from Grange Road) for consideration at the outline stage. However, the applicants have subsequently amended the application such that this matter is now also reserved.

The site is crossed by a watercourse, and is adjacent to various other land uses including woodland, open / "scrub" land, residential curtilage, a cemetery and a disused railway connecting to the former South Leicester Colliery in Ellistown, now used on an informal basis as a recreation route.

In respect of the application as originally submitted, vehicular access was proposed by way of a new priority access with ghost island, provided through an existing landscaped area separating Grange Road from an informal car park / lay-by; on this scheme, the existing lay-by would be stopped up (for vehicular use) and with a new lay-by formed to serve the existing pumping station.

In terms of other matters of access (and including non-vehicular routes into the site, and vehicular, cycle and pedestrian routes *through* the site), these are also reserved for consideration at the reserved matters stage(s), although the illustrative masterplan indicates a network of routes linking the site to adjacent land / existing recreational routes.

2. Publicity

44 Neighbours have been notified (Date of last notification 1 July 2013)

Site Notice displayed 21 November 2012

Press Notice published 28 November 2012

3. Consultations

LCC ecology consulted 5 February 2013

Hugglescote And Donington Le Heath Parish Council consulted 21 November 2012

County Highway Authority consulted 21 November 2012

Environment Agency consulted 21 November 2012

Severn Trent Water Limited consulted 21 November 2012

Head of Environmental Protection consulted 21 November 2012

Natural England consulted 21 November 2012

NWLDC Tree Officer consulted 21 November 2012

County Archaeologist consulted 21 November 2012

NWLDC Urban Designer consulted 21 November 2012

LCC Development Contributions consulted 21 November 2012
NHS Leicester, Leicestershire And Rutland Facilities Managme consulted 21 November 2012
Development Plans consulted 21 November 2012
Head Of Leisure And Culture consulted 21 November 2012
Manager Of Housing North West Leicestershire District Council consulted 21 November 2012
Police Architectural Liaison Officer consulted 21 November 2012
LCC/Footpaths consulted 21 November 2012
Highways Agency- Article 15 development consulted 21 November 2012
Network Rail consulted 21 November 2012
National Forest Company consulted 21 November 2012
DEFRA consulted 21 November 2012
FRCA (MAFF)- loss of agricultural land consulted 21 November 2012
Ramblers' Association consulted 21 November 2012
LCC Fire and Rescue consulted 21 November 2012
Head Of Street Management North West Leicestershire District consulted 21 November 2012
Office Of Rail Regulation consulted 11 January 2013

4. Summary of Representations Received

Environment Agency has no objections subject to conditions (subject to the Local Planning Authority being satisfied in respect of the sequential test)

Highways Agency has no objections

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

- Flood risk
- Proposed dwellings shown on top of an alleged culvert
- Children's play area shown in an area liable to flooding
- Additional congestion at Hugglescote Crossroads
- Air pollution
- Insufficient capacity at Hugglescote Primary School
- Should provide for a green corridor between the current urban areas and the old mineral line, providing a green lung
- Sign vehicular access and car parking for the closed cemetery should be maintained
- The lay-by should be the route and from the development

Leicestershire County Council Local Education Authority requests developer contributions of £304,895.05 in respect of additional provision in the primary school sector

Leicestershire County Council Library Services Development Manager requests a developer contribution of £5,710

Leicestershire County Council Highway Transportation & Waste Management Authority requests a developer contribution of £7,462 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 £35,844 in respect of policing is provided

National Forest Company comments that the proposals have the potential to meet the 20% 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 refers the Local Planning Authority to its standing advice in respect of protected species

Network Rail has no objections subject to conditions

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

Severn Trent Water has no objections subject to conditions

Third Party Representations

10 representations have been received, objecting on the following grounds:

- Site liable to flooding
- Site liable to subsidence
- Agricultural / greenfield sites should not be developed when previously-developed sites are available
- Insufficient infrastructure (including schools, healthcare, and highway network capacity)
- More dwellings proposed than allowed for in the Strategic Housing Land Availability Proforma
- Site should be a natural corridor for wildlife and recreation
- Site not originally part of the Bardon Grange development in the Core Strategy
- Unsafe access
- Speeding traffic on Grange Road
- Unsafe proposed pedestrian crossing
- Loss of countryside
- Impact on visual amenity
- Reduction in separation between Hugglescote and Ellistown
- Bardon bypass required to alleviate congestion at Hugglescote Crossroads and on Grange Road
- Access to site should be via existing lay-by
- Mini-roundabouts should be provided
- Hedge to site frontage should be maintained
- Additional pedestrian crossing should be provided
- Construction traffic should avoid passing by existing dwellings and the Grange Road Surgery

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..."

"120 To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location.... Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner."

"121 Planning policies and decisions should also ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;...
- .- adequate site investigation information, prepared by a competent person, is presented."

"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)

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

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 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 East Coalville for, amongst others, education, healthcare, transport, SuDS, green infrastructure, recreation, 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 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 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 outside Limits to Development, it is well related to the existing built up area of the settlement.

In terms of the site's 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 4.33 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 East Coalville identified in the Submission Core Strategy (Policy CS36), and based on an expected delivery of 90 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 4.20 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

A Strategic Development Area to the South-East of Coalville
The principal means of accommodating new housing and employment growth...in the Coalville Urban Area will be in the form of a Strategic Development Area to the south-east of the town. The Allocations and Development Management Policies Development Plan Document will demonstrate (or in advance of this document being prepared any planning application) how the area will be developed and provide for:

- i. A high quality, sustainable, mixed use development that is well connected and has a functional relationship with the wider Coalville Urban Area;
- ii. The creation of linked but distinct neighbourhoods having regard to the character of the existing built form of the Coalville Urban Area.

Housing

- iii. At least 3,500 new dwellings, of which 2,820 will be built by 2031; and
- iv. A mix of housing sizes, types and tenures, including provision for affordable housing in accordance with Policy CS19;

Employment

- v. 20-25 hectares of employment land;
- vi. Starter and 'grow-on' units (including managed workspace);

Transport

- vii. Provision of a vehicular access road to the A511 at the junction of Bardon Road and Stephenson Way
- viii. Reserve land for the purpose of accommodating a relief road/bypass from Grange Road to Bardon Road so as to provide relief to Bardon Road and the surrounding area;

Education

- ix Two primary schools, each capable of accommodating some 420 pupils;
- x Secondary education provision in the Coalville Urban Area.

Local Centres

- xi Two Local Centres each to include a range of small shops of a local nature, serving a small catchment;
- xii Open space, sport and recreation facilities;
- xiii Health care facilities;
- xiv Community facilities and/or places of worship.

Green Infrastructure

- xv. The enhancement of, and links to, the Strategic Green Infrastructure Network (the National Forest and Coalville Urban Fringe);
- xvi. Incorporation and enhancement of the River Sence corridor within the green infrastructure network;
- xvii Substantial areas of local green infrastructure and National Forest planting, including large blocks of woodland planting;
- xviii The reuse and enhancement of the disused Coalville-Hugglescote Railway as a recreation and nature conservation trail;

Safety and Protection

- [xix] Consideration of measures in connection with groundwater source protection...

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....
- iii Mitigation of unacceptable risks associated with any increase in traffic (both vehicular and pedestrian) at the following: Bardon Hill No. 1 & No. 2, Grange Road, and Ellistown No. 1 & No. 2 level crossings;
- 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

- iv Drainage Systems (SuDS); and 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 East Coalville, wherein at least 3,500 dwellings are envisaged (of which at least 2,820 would be built by the end of the Core Strategy plan period (2031) and, on the basis of the housing trajectory contained within the draft Core Strategy, 480 units are anticipated to be delivered within the next five years). 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.

At the time that the Pre-Submission Core Strategy was considered by the District Council in April 2012, the report considered by members included a proposed Study Area which was anticipated to form the basis of a defined extent of the proposed South East Coalville Broad Location; the application site falls within the identified Study Area. Whilst the site falls within the Study Area, the applicants are not currently part of the developer consortium which is intending to bring forward the wider South East Coalville development. Nevertheless, the application site has been included within the consortium's emerging masterplan documents (and the general location of proposed development within this part of the Study Area as indicated by the consortium generally accords with that shown on the illustrative masterplan forming part of the application documents, as does the proposed use (i.e. residential)). Insofar as the comprehensive development of the Broad Location is concerned, it would be considered preferable for the developers of the application site to be part of the consortium. Having said that, however, it is noted that, by virtue of the former railway (now used as an informal recreational route), the site (which is on the edge of the Study Area) is separated from other development areas (physically, visually and in terms of the logical means of vehicular access) within the Study Area. In view of this, it is considered that the bringing forward of this site in isolation from the remainder of the Study Area would not, in this case, lead to any material harm in terms of the proper planning of the area, nor would it prejudice the comprehensive development and proper planning of the wider Broad Location of which it forms part, and would therefore, in this regard, satisfy adopted Local Plan Policy E6. This position would appear to be supported by the overall form of development currently being proposed by the wider consortium. The site is also adjacent to a smaller parcel of "scrub" / woodland (understood to have formerly been used as a nurseries) to the north eastern corner of the site (adjacent to the former railway bridge) which also lies within the Study Area. On the basis of the illustrative masterplan, there would appear to be no reason why the proposed development would necessarily preclude development of this site if this were to be proposed in the future; the County Highway Authority also advises that, in capacity terms, the originally proposed access onto Grange Road would have been likely to be more than sufficient to accommodate the number of dwellings likely to be achievable on a site of this size. Again, therefore, no prejudice of the development of adjacent land would appear likely.

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 Zones 2 and 3, it confirms that no dwellings would be erected within that zone.

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. Whilst the applicants have not provided a detailed assessment of the agricultural quality of the site, they note that the provisional data provided by MAFF indicates it would be Grade 3b (and not, therefore, BMV).

However, also of relevance to this issue is the limited size of the site (and, hence, the limited impact on loss of agricultural land). Whilst the NPPF does not suggest that release of smaller BMV sites is acceptable, 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 significant proportion 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.

Overall in terms of agricultural land quality, therefore, the evidence available indicates that the land would not constitute BMV but, even if some or all of it were, given the limited extent of land lost, it is not considered that this would be a significant loss. However, this would need to be weighed against other material considerations and, whilst some (albeit limited) adverse impacts in this regard cannot be ruled out, 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 would not be sufficient to suggest that planning permission should be refused. 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 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 east 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

As set out above, when the application was submitted, all matters were reserved for subsequent approval except for access (insofar as vehicular access into and out of the site was concerned). The point of access proposed showed vehicular access via a new ghost island priority junction to Grange Road, with the access road passing through the existing grassed area of highway land separating the carriageway from the existing lay-by; the County Highway Authority confirms that this access has been subject to a Stage 1 Road Safety Audit. Under the previously proposed details, the existing lay-by would become a pedestrian route and, at its western end, a new pedestrian crossing to Grange Road provided. The illustrative layout also shows other potential pedestrian links into and through the site; these would also 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 as well as a Residential Travel Plan. The amended Transport Assessment indicates that, in the applicants' consultants' opinion, the development is in a location that offers opportunities for journeys to local facilities to be undertaken by foot, including schools, shops, public houses, Hugglescote Surgery and the Millfield Recreation Ground. Whilst there are no bus routes currently passing the site frontage, various services are available from 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 nearest bus stops on Central Road would be in the order of 450m from the site entrance (although further from dwellings within the site); clearly this would not meet the relevant Core Strategy criterion, although it would be anticipated that services would be likely to use the Grange Road route in the future so as to access the proposed wider South East Coalville development once the level of housing growth were at a level where public transport services would be viable.

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:

Dennis Street / Grange Road priority junction:

The submitted PICADY assessment is agreed. It is agreed that no mitigation is required because it can be demonstrated that the junction will operate within capacity in the 2017 "with development" scenario.

Hugglescote Crossroads:

No junction capacity assessment has been submitted for Hugglescote Crossroads. In the submitted Transport Assessment it is acknowledged that the junction is currently operating over capacity.

The development will have an impact at Hugglescote crossroads. However, as stated in the Transport Assessment, Leicestershire County Council will be investigating options for junction capacity improvements at this location.

Until such time as a scheme has been identified, a scenario of "short term pain" for "long term gain" is considered to be acceptable. Therefore, it is agreed that this development should contribute towards improvements to the wider highway network in Coalville (which includes for Hugglescote Crossroads) as considered appropriate by North West Leicestershire District Council.

Birch Tree roundabout:

The submitted ARCADY assessment is agreed. It is agreed that no mitigation is required because it can be demonstrated that the junction will operate within capacity in the 2017 "with development" scenario.

Site access junction:

The submitted PICADY assessment is agreed. It is agreed that the junction would operate well within capacity in the 2017 "with development" scenario.

Other mitigation proposals required by the County Highway Authority (and sought as Section 106 contributions) are as follows:

- 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 £6,000 towards iTrace monitoring (transportation monitoring software)
- 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 view of the conclusions as set out above, the County Highway Authority raises no objections to the proposals on highway safety grounds subject to conditions, and subject to the contributions as set out above. Insofar as the strategic highway network is concerned, the Highways Agency does not consider that the proposed development would have a material impact on the closest strategic route (the M1) and raises no objections.

Notwithstanding that the County Highway Authority raised no objections to the originally proposed site access which was found to provide for a suitable form of access into and out of the site, the arrangement proposed would, it is understood, not have enabled ghost islands to be provided in the future to both the application site and the Wainwright Road junction, should that junction require improvement. The land to the north of Wainwright Road also forms part of the wider South East Coalville direction of growth and, based on the content of the recently published draft development brief for that area (and considered by Cabinet on 23 July 2013), a secondary connection to that site could be required from Grange Road. As such, it is considered that approval of the scheme as originally proposed may not be appropriate if it were to have the effect of prejudicing the delivery of housing to other parts of the South East Coalville direction of growth. Whilst not formally submitted, and not forming part of the application proposals, a potential alternative access design has been produced which would have the effect of increasing the separation between the site access and Wainwright Road. This does not form part of the application as submitted, and could, potentially, involve increased expense. Leicestershire County Council confirms that, whilst the application has been amended to exclude access at the outline stage, there is a technical solution that would allow for a ghost

island access junction to this site from Grange Road, as well as a ghost island junction to the existing Wainwright Road to cater for any future development accessed from this direction. Therefore, insofar as the issues pertinent to the current application are concerned, it is considered that the submitted information indicates that, in principle, a suitable access solution can be found which would be acceptable in terms of both highway safety and the proper planning of the area and, on this basis, it is considered appropriate to grant outline planning permission whilst reserving access.

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 improvements at the Hugglescote Crossroads, and an appropriate contribution of £500,000 has been calculated. It is also noted that objection has been raised in terms of the impacts on air quality at the Hugglescote Crossroads. Whilst the District Council's Environmental Protection team have been monitoring air quality in this location for some time, air quality levels are not such that designation as an AQMA is currently proposed; no objections are raised by the Environmental Protection team on air quality grounds.

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 to be submitted to the District Council in due course and subject to 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. They advise that the initial calculations indicate 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 that the

quantum of affordable housing would need to be reduced so as to render the scheme viable.

The sum proposed (i.e. £500,000) 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 (i.e. as required by the County Highway Authority and as set out above).

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 stage. The route of public Right of Way N84 passes through the northern part of the site (connecting Grange Road with Dennis Street), and the site abuts Right of Way N50 to the south east, which also connects the site with Dennis Street (Right of Way N79), along with the Millfield Recreation Ground and land to the south of Grange Road (via the former railway). Potential linkages are also shown to the south east of the site, again connecting to the former railway, currently used as an informal recreational route. Whilst all means of access other than the principal vehicular point 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. In terms of Right of Way N84, Leicestershire County Council's Rights of Way Officer notes that the route of the right of way as shown on the illustrative masterplan does not follow the definitive map route (it appears to follow the currently walked route, the definitive map route not currently being passable), and advises that the applicants would need to apply for a diversion order, and should provide suitable surfacing of the route. Whilst the illustrative masterplan would not appear to preclude use of either the definitive or walked route, any matters relating to how the right of way were incorporated into the development would be more appropriately considered at the reserved matters stage(s); were a formal diversion necessary to accommodate the development subsequently proposed, this would need to be pursued under the appropriate legislation at that time if required.

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 Assessment. In order to implement the (illustrative) proposed vehicular access to Grange Road, the formation of a new road would be required, crossing an existing grassed area of highway to the site frontage; a number of trees on this area of verge are protected by Tree Preservation Order (TPO) T181.

The Landscape and Visual Assessment considers the site's context in relation to surrounding development / landscape, and considers the impact upon a total of 16 viewpoints, both within and outside of the application site; longer distance views are, however, not considered likely given the surrounding topography and vegetation which serve to limit the visibility of the site from further afield. Overall, the Landscape and Visual Assessment concludes that development

in accordance with the Illustrative masterplan would allow a sympathetic urban extension to be created that, subject to appropriate detailed design, would not appear discordant with the character of the area, nor result in any material impact on the quality of the surrounding landscape. In view of the context of the site, it is accepted that these conclusions are reasonable.

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 areas of existing vegetation would be retained throughout the site and, in particular, to the central area of the site. Also proposed are other areas of landscaping within the site, with the total quantum of public open space / landscaping constituting approximately 55% of the total site area as indicated on the illustrative masterplan (or approximately 50% when excluding the retained highway verge forming part of the site). It is considered that the scheme as indicated on the illustrative masterplan represents a suitable balance between built development and landscaping, and the development of the site in the manner indicated on the illustrative masterplan (i.e. two principal parcels of development either side of a central open space based around the watercourse) would serve to provide for a suitable form of development which, whilst lying adjacent to the existing built up area of the town, is outside Limits to Development as defined in the adopted Local Plan, and would in a sense form a "semi-rural" gateway to the settlement of Hugglescote.

Trees cover much of the site, including TPO protected trees along Grange Road, and a significant number of unprotected trees in the vicinity of the watercourse within what would, on the basis of the illustrative material, be likely to be retained as open space. In general terms the Tree Officer has no objections to the proposed development, although notes the likely impact from the proposed access (as shown on the originally submitted access plans) and makes further observations in respect of other trees' protection zones. No overriding concerns are raised, however, and there would appear to be no reason why the most important trees could not be adequately accommodated at the reserved matters stage(s). Given the likely need to amend the route of the proposed access through the area affected by the TPO, it may be that other protected trees could be affected in lieu of those affected by the originally submitted access. Such matters would need to be considered in more detail as part of any reserved matters application for the access, but it is not considered that the presence of the TPO trees need preclude a satisfactory form of access being implemented, having regard to the disposition of the trees and their quality.

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

Flood Risk and Drainage

A Flood Risk Assessment (FRA) and a Foul Water Drainage Strategy have been submitted in support of the application. The Environment Agency flood zone maps indicate that the majority of the site lies within Flood Zone 1, although parts of the central part of the site (i.e. adjacent to the existing watercourse) fall within Zones 2 and 3. However, it is not proposed to erect any dwellings within these higher risk areas, and the dwellings (which would be located in Zone 1 only) are proposed to have their finished floor levels 0.6m above the 1% with climate change flood level. Whilst the proposed dwellings would be located outside of Zones 2 and 3, the Environment Agency advises that the sequential test would nevertheless still need to be applied as the application site includes such areas. In this instance it is considered that the sequential

test would be satisfied given the limitation of proposed dwellings' siting to areas within Zone 1. Whilst the site includes land falling outside of Zone 1, it is considered reasonable to accept that this in itself should not prevent the sequential test being passed, particularly when having regard to the availability of alternative sites, and the need to release land for housing as set out above. It is noted that areas of public open space / children's play could be subject to flooding during extreme events. However, the approach to location of appropriate uses as set out in the NPPF does not preclude such uses, and it is accepted that no significant harm would be likely to result from the inaccessibility of these areas for a limited period during such extreme events, given the relatively low frequency of such events. The Environment Agency raises no objection to the application subject to the Local Planning Authority determining that the sequential test is passed. Insofar as the proposed access road crossing the watercourse is concerned, the FRA confirms that it will be designed so as to ensure that the performance of the floodplain remains unaffected; this is reflected in the conditions recommended to be attached by the Environment Agency. The FRA also confirms that, as the existing floodplain would be unaffected by the development, no compensatory storage would be required (in as far as the floodplain is concerned).

In terms of on-site surface water drainage, the application documents indicate that the development would direct surface water into the existing watercourse. In order to attenuate any increased rates of discharge into the watercourse, it is proposed to incorporate two storage ponds (i.e. one either side of the watercourse) so as to accommodate the 1 in 100 year plus 30% storm event.

Insofar as foul drainage is concerned, it is proposed to connect to existing combined sewers which cross the site. Given the topography of the site, it is proposed to discharge foul water by gravity to two new pumping stations (one either side of the watercourse) from which the foul sewerage would be conveyed into the public combined sewers. The Environment Agency and Severn Trent Water have no objections to this element of the proposals.

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 (and including a Building for Life assessment) 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, subject to the indicative pedestrian links being retained, 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 to determine conclusively the design quality of the scheme in many respects and, therefore, the "Amber" indicators should not be seen as a reason for concern at this stage. At any future reserved matters stage, however, the District Council's Urban Designer considers that careful consideration should be afforded to how the northern part of the development can robustly reflect the positive architectural characteristics of the settlement and how the southern half can reflect the ideas being developed for the south village area of the proposed wider South East Coalville development.

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

out in the recommendation below.

Residential Amenity

In terms of amenity issues, the impacts of the proposed development need 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 are reserved for subsequent approval. Any reserved matters scheme would need to be appropriately devised at the edges of the site adjacent to other dwellings (primarily to the north western part of the site where the illustrative masterplan shows proposed dwellings in the vicinity of existing dwellings off Dennis Street) 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.

In terms of potential impacts to occupiers of existing dwellings on Grange Road, on the basis of the submitted masterplan, these would appear likely to be insignificant. Whilst there would be likely to be some impacts on occupiers of dwellings directly adjacent to the potential site access (and including from vehicular movements and, for example, car headlights of vehicles emerging from the site), it is accepted that such impacts would not represent unacceptably adverse loss of amenity, and a refusal of planning permission on such an issue would be unlikely to be sustainable on appeal.

Ecology

The application is supported by an Ecological Appraisal of the site. This provides that the closest statutorily designated sites of nature conservation of importance to the application site are approximately 2km from the site (being the Bardon Hill Quarry and Bardon Hill Sites of Special Scientific Interest (SSSIs)); no adverse impacts are anticipated in terms of these sites. In terms of non-statutory designation, none are located within 1km of the application site, although the site itself includes a potential Local Wildlife Site, and a number of other potential Local Wildlife Sites are within close proximity. In terms of the potential Local Wildlife Site within the application site itself, it is proposed that this be retained within the proposals (i.e. as part of the public open space), and suitably buffered and protected in order to minimise potential effects during and after construction. In terms of the other potential Local Wildlife Sites located in close proximity to the site boundary, again the Appraisal recommends that appropriate protection during construction would be required in order to minimise disturbance effects.

In terms of the biodiversity value of the site, this is generally considered to be low, largely comprising grazed species poor grassland. Features of ecological interest identified within the Appraisal include swamp, standing and running water, hedgerows, scrub, hedgerows and trees which, it confirms, would largely be retained within the proposals.

Insofar as protected species are concerned, the Appraisal identifies potential habitat / foraging areas for bats, birds, badger, reptiles and great crested newt within the site (although no direct evidence of badger or great crested newts was found on the site). Having regard to the overall findings, and subject to various recommendations in respect of mitigation measures and additional future survey work, the Appraisal concludes that no adverse impacts on ecological interests would result.

Leicestershire County Council's Ecologist has been consulted on the proposals, and raises no objections subject to conditions securing the various mitigation measures and a management plan for the potential Local Wildlife Site. Natural England has no objections but refers to its standing advice; this appears to indicate that the proposals are acceptable subject to conditions.

The proposals are therefore considered to be acceptable in terms of their ecological impacts, subject to the imposition of suitably-worded conditions.

Heritage Issues

The application is supported by an archaeological Geophysical Survey Report. This concludes that, whilst there are various mining-related remains within the site, there would appear to be little else likely to be of archaeological interest; no representations have been received from the County Archaeologist.

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 geo-environmental site 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. It is noted that concern has been raised regarding potential subsidence within the site; the submitted geo-environmental assessment confirms that eight seams of coal have been worked underneath the site at depths of between 80 and 240 metres (having last been worked in 1983) and that ground movements from those workings should now have ceased. The site is not within a Coal Authority referral area but is subject the Coal Authority's standing advice (and as set out in Informative 3 within the recommendation below). The District Council's Environmental Protection team raises no objection to the application subject to conditions, and including in respect of further investigations and mitigation measures where required.

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. up to 21 dwellings) as per the Local Planning Authority's current requirements for the Coalville area for a scheme of this scale. 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. As set out above, the applicants have undertaken some initial viability calculations, and that these indicate 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. In accordance with the approach to the prioritisation of transportation infrastructure over affordable housing as set out in the District Council's policy, they have also considered whether the scheme could be rendered viable by reducing affordable housing, and they advise that they are able to provide a minimum affordable housing contribution of 10%.

Clearly an affordable housing contribution of 10% 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 if this level of contribution is the highest that can be demonstrated as viable; if a higher contribution is subsequently found to be viable by the Local Planning Authority's independent assessors, then it is considered that this higher level should be secured. 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, with the open space including an on-site equipped children's play area. In terms of the extent of the equipped parts of the play area, on the basis of the illustrative details, this would be in the order of 400 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 105 dwellings, an area for children's play of 2,100 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 immediate vicinity of the equipped play area (and as discussed under Landscape and Visual Impact above), 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 on-site "kickabout" and recreational open space provision is not proposed, the applicants have advised that they would be agreeable to making a financial contribution to the nearby Millfield Recreation Ground subject to appropriate justification. Whilst (like the application site) this recreation ground falls within the Parish of Hugglescote and Donington le Heath, it remains a District Council facility and, at the time of preparing this report, it is understood that the District Council's Parks Section is seeking to liaise with the Parish Council in respect of this matter so as to be able to advise on the capacity or otherwise of the recreation ground to be able to accommodate the additional users likely to be generated by this development and, if applicable, whether any appropriate measures could be implemented with a financial contribution. Any further comments subsequently received will be reported on the Update Sheet. Subject to appropriate justification for a contribution and its amount, however, it is considered that such a contribution could be appropriate. If so, the implications of making such a contribution would need to be taken into account in the detailed viability calculations.

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 20% 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 area of Hugglescote Community Primary School. The School has a number on roll of 424 and 647 pupils are projected on the roll should this development proceed; a deficit of 223 places (of which 197 are existing and 26 would be created by this development).

The County Council also refers to four other primary schools within a two mile walking distance of the development, namely Belvoirdale Community Primary School, Ellistown Community Primary School, Broom Leys School and All Saints Church of England Primary School. Belvoirdale Community Primary School and Broom Leys School have surpluses of 94 and 46 places respectively; Ellistown Community Primary School and All Saints Church of England Primary School have deficits of 12 and 35 places respectively. Having regard to these other schools, the overall deficit including all schools within a two mile walking distance of the development is 130 places. The 26 deficit places created by this development could not therefore be accommodated at nearby schools and a claim for an education contribution in respect of 26 school places in the primary sector (equating to £304,895.05) is made. The County Council also comments that, as there are plans for a new primary school in this area, this contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing facilities at the primary school that the children from the development would be expected to attend.

High School Requirements:

The site falls within the catchment areas of Newbridge High School. The School has a net

capacity of 590 and 635 pupils are projected on roll should this development proceed; a deficit of 45 pupil places (of which 34 are existing and 11 would be created by this development). However taking the two other high schools into account within a three mile walking distance of the development (namely Ibstock Community College and Castle Rock High School), there would be an overall surplus for the area of 109 places, and no contribution in respect of the High School sector is therefore requested.

Upper School Requirements:

The site falls within the catchment area of King Edward VII Science & Sports College. The College has a net capacity of 1193 and 1105 pupils are projected on roll should this development proceed; a surplus of 88 places after taking into account the 11 pupils generated by this development, and 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 £7,462 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 £5,710 is proposed to be made by the developer for library services in accordance with the requirements of Leicestershire County Council.

Contributions sought by Leicestershire Police

Leicestershire Police requests a developer contribution of £35,844 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 has been provided, 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 East 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:

- 1 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, 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 the reserved matters 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 one year from the date of approval of the last of the reserved matters to be approved.

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 plan:
- Site location plan (CSa/1940/108 Rev B) deposited with the Local Planning Authority on 9 November 2012
- Notwithstanding the submitted details, this permission shall not relate to the proposed site vehicular access (050 Rev B and 053 Rev D) deposited with the Local Planning Authority on 9 November 2012 and 27 June 2013 respectively.

Reason - To determine the scope of this permission, and for the avoidance of doubt.

- 5 Notwithstanding Conditions 1, 2 and 3 above, the first reserved matters application shall include a masterplan for the whole of the site setting out indicative details of access, site layout, areas of open space / children's play, landscaping, density parameters and scale, as well as details of any proposed phasing of development. All subsequent reserved matters applications shall be in accordance with the approved masterplan unless any alteration to the masterplan is first 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 A total of no more than 105 dwellings shall be erected.

Reason - To define the scope of this permission.

- 7 The development permitted by this planning permission shall not be carried out other than in strict accordance with the approved Flood Risk Assessment (FRA) dated August 2012, ref. TRN10736/reports/fra Hugglescote undertaken by Waterman and the following mitigation measures detailed within the FRA:
- Finished floor levels set no lower than 600mm above the 100 year plus 20% (for climate change) flood level applicable at each phase of the development (to Ordnance Datum (AOD));
 - Minimum 4m easement between the extent of the 100 year plus 20% (for climate change) critical flood event level and the development parcel boundaries;
 - No built development within the 100 and 1,000 year flood plain outlines (Flood Zones 2 and 3) as established by this (see Appendix F);
 - Provision of watercourse crossings in accordance with current best practice guidance; and
 - Limiting the discharge rate for surface water run-off and provision of surface water

attenuation storage on the site, so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

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 the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the watercourse.

8 No development shall commence on the site until such time as a surface water drainage scheme for the site (or, in the case of phased development, for the relevant phase of the site), based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, together with 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:

- 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 the surface water run-off generated by the all rainfall events up to the 100 year plus 20% for commercial, 30% for residential (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 attenuation storage on the site to accommodate the difference between the allowable discharge rate and all rainfall events up to the 100 year plus 20% for commercial, 30% for residential (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 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.

Reason - To prevent flooding by ensuring the satisfactory storage / disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

9 The development hereby permitted shall not be commenced until such time as a scheme to detail each individual watercourse crossing (including pedestrian footbridge and vehicular crossings) and demonstrating that there will be no raising of ground levels, that bridge soffit levels as set will not result in elevated flood levels, and that there will be no loss of flood plain storage due to the provision of any new crossing of the Hugglescote Brook, has been submitted to, and approved in writing by the Local Planning Authority, in consultation with the Environment Agency and Lead Local Flood Authority (LLFA). The scheme shall include, but not be exclusive of:

- Limiting the number of crossings of the Hugglescote Brook, and removal of the existing footpath crossing where applicable;
- Crossings to be provided as clear span bridges or arches in preference to any culverting (including the upgrading of existing crossings, where upgrading is required or proposed);
- Bridge soffits set a minimum of 600mm above the modelled 100 year plus 20% (for climate change) flood level applicable at the crossing site;

- Bridge abutments set back beyond the top of the natural bank of the watercourse;
- Where necessary, culverts designed in accordance with CIRIA C689 (including up sizing to provide a free water surface and natural bed), and to have a minimum width / length of culvert essential for access purposes;
- Provision of compensatory flood storage for all ground levels raised within the 100 year flood plain applicable at any crossing sites, including proposed location, volume (calculated in 200mm slices from the flood level) and detailed design (plans, cross, and long sections) of the compensation proposals;
- Compensatory flood storage provided before (or, as a minimum, at the ground works phase) of the vehicle bridge and any other crossing construction;
- Detailed designs (plans, cross, long sections and calculations) in support of any crossing;
- Details of how the scheme shall be maintained and managed after completion;
- Modelling - re-run with the detailed design of watercourse crossings, and to future proof the proposed development an assessment of the flood extents on the site should be carried out with the culvert restriction of Grange Road removed from the model; and
- A timetable for the relevant works.

The scheme shall be fully implemented and subsequently maintained, 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 in consultation with the Environment Agency and LLFA.

Reason - To avoid adverse impact on flood storage, to reduce the risk of flooding to the proposed development and future occupants, to reduce the risk of flooding to adjacent land and properties, to improve and protect water quality, to improve habitat and amenity, and to ensure future maintenance of the surface water drainage system.

- 10 No development shall commence on the site until such time as a construction working method statement to cover all watercourse works (including pedestrian and vehicular crossings) has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme (or any amended method statement subsequently submitted to and agreed in writing by the Local Planning Authority).

Reason - To protect local watercourses from the risk of pollution.

- 11 No development shall commence on the site (or, in the case of phased development, within the relevant phase of the site) until such time as a scheme of foul drainage for the site / phase, and including a timetable for its implementation, has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and timetable. The submitted scheme shall demonstrate that any additional flows discharging into the foul sewerage drainage network will not cause deterioration in the operation of any combined sewer overflows either upstream or downstream on the network and that there will not be an increase in spill frequency or volume from any CSOs affected by the increase in volume within the sewerage network.

Reason - To ensure that the development is provided with a satisfactory means of drainage, and an increase in spill frequency or volume would result in the discharge of raw sewage to the River Sence thereby risking deterioration of the water body and failure to meet Water Framework Directive standards.

- 12 Notwithstanding the submitted details, no development shall commence on the site until such time as a plan of the trial pit and window sample locations to which the investigations set out in the submitted geoenvironmental site assessment relate has been submitted to and agreed in writing by the Local Planning Authority.

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

- 13 No development shall commence on the site until such time as a Risk Based Land Contamination Assessment report on the further works outlined in section 9.1.1 of RSK report Project No. 301011-1(00) Grange Road, Hugglescote dated May 2012 has been submitted to and agreed in writing by the Local Planning Authority. The assessment shall be carried out in accordance with:

- BS10175 Year 2011 Investigation of Potentially Contaminated Sites Code of Practice;
- BS8576 Year 2013 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOCs);
- 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 water receptors 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 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, and to accord with the aims and objectives in respect of pollution as set out in the National Planning Policy Framework.

- 15 No work shall commence on site until such time as precise details of proposed mitigation and / or management measures (and including a timetable for their implementation) as set out in sections 4.1 to 5.10 (inclusive) of the Ecological Appraisal (Rev A dated 23.08.12), sections 5.1 to 5.6 (inclusive) of the Reptile Report (dated 27.09.12), and sections 4.1 to 5.10 (inclusive) of the Bat Survey Report (dated 16.01.13) (all prepared by FPCR) have been submitted to and agreed in writing by the Local Planning Authority. Unless any alternative measures are first agreed in writing by the Local Planning Authority, no development shall be undertaken at any time other than in strict accordance with the agreed measures and timetable.

Reason - In the interests of nature conservation.

- 16 No work shall commence on site until such time as a conservation management plan for the candidate Local Wildlife Site (and including a timetable for its implementation) has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out and occupied in accordance with the agreed management plan and timetable.

Reason - In the interests of nature conservation.

- 17 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.

- 18 No development shall commence on the site until such time as a construction management plan, including wheel cleansing facilities and construction vehicle parking facilities, and a timetable for their provision, has been submitted to and agreed in writing by the Local Planning Authority. Unless any alternative management plan has first been submitted to and agreed in writing by the Local Planning Authority, no development shall be undertaken at any time other than 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 No work shall commence on site until such time as a scheme of works to the Bardon Hill level crossing 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, no part of the development shall be occupied until such time as the agreed works have been carried out in full in accordance with the agreed scheme of works.

Reason - In the interests of railway 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 Your attention is drawn to the attached report of Network Rail.
- 11 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.
- 12 The applicants' attention is drawn to the attached assessment of the District Council's Urban Designer.
- 13 The applicants are advised that this is an outline planning permission with all matters reserved and that the Local Planning Authority will expect any associated reserved matters application(s) relating to access and layout to have regard to the need to avoid the prejudicing of the development of nearby land.
- 14 This decision is in accordance with the resolution of the Planning Committee of 3

September 2013 and is subject to a Section 106 Obligation.

Residential development of up to 135 dwellings including the demolition of 138,140 and 142 Bardon Road along with new access and highway improvements to Bardon Road and associated open space and landscaping (Outline - All matters other than part access reserved)

**Report Item No
A2**

**Land Adjacent To 138,140 And 142 Bardon Road Coalville
Leicestershire LE67 4BJ**

**Application Reference
13/00218/OUTM**

**Applicant:
Barwood Development Securities Limited**

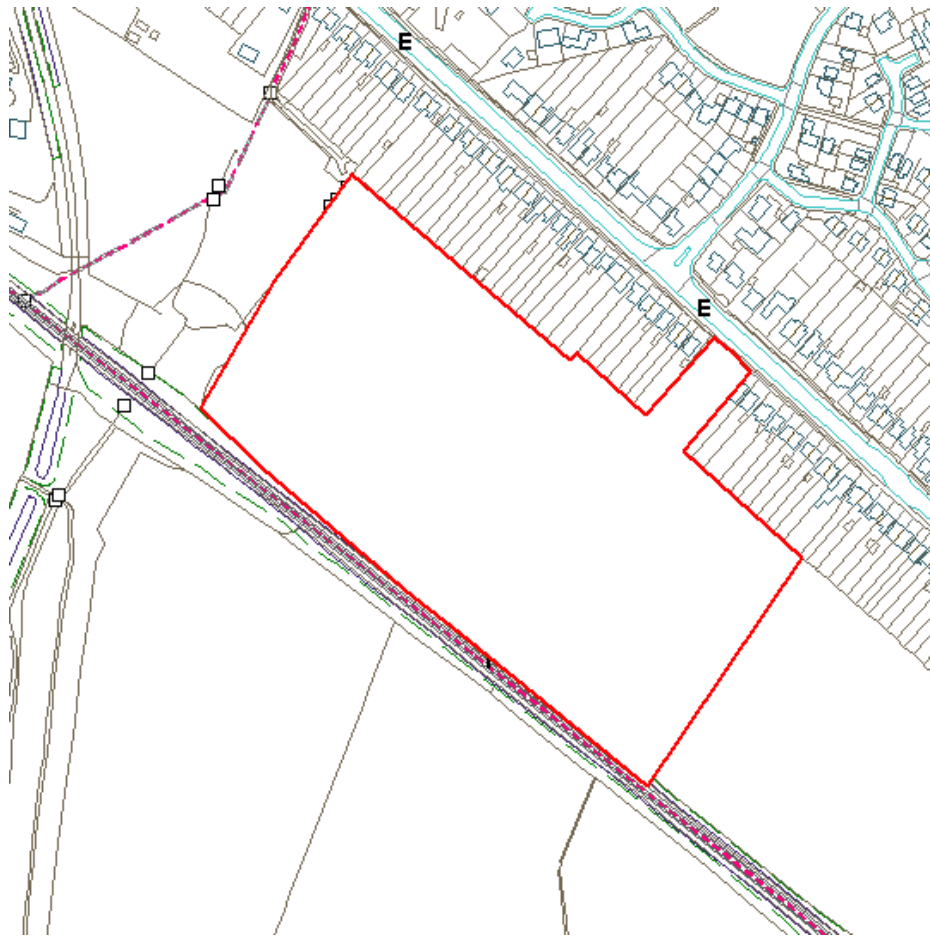
**Date Registered
15 March 2013**

**Case Officer:
James Mattley**

**Target Decision Date
14 June 2013**

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

Site Location (For indicative purposes only, full plans available on the planning file)



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Executive Summary of Proposals and Reasons for Approval

Proposal

This application seeks outline planning permission for residential development of up to 135 dwellings including the demolition of 138,140 and 142 Bardon Road along with new access and highway improvements to Bardon Road and associated open space and landscaping.

Consultations

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

Planning Policy

The application site lies outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. Policy CS36 of the 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 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 east Coalville as set out in the 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.

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

Outline planning permission is sought for a residential development of up to 135 dwellings including the demolition of 138,140 and 142 Bardon Road along with new access and highway improvements to Bardon Road and associated open space and landscaping. The site measures 6.18 hectares and is located to the south of existing properties along Bardon Road. Whilst all matters other than part access are reserved for subsequent approval, an illustrative masterplan has been submitted showing the proposed dwellings, together with a central area of children's play and landscaping and on site National Forest planting.

Vehicular access is proposed onto Bardon Road and would necessitate the demolition of 138, 140 and 142 Bardon Road. The proposal includes a new right hand turn lane on Bardon Road in order to access the development. Existing residential development is located to the north of the site, the land to the south of the site is subject to proposed residential development. The National Forest Railway line is located adjacent to the southern boundary of the site. The proposed Bardon link road would be located to the north-west of the application site and the applicants are agreeable to providing a contribution for the capital cost of constructing an access road from the application site to the new Bardon link road.

The application has been called in by Councillor Specht due to local concern and highway issues.

2. Publicity

109 Neighbours have been notified (Date of last notification 25 March 2013)

Site Notice displayed 26 March 2013

Press Notice published 3 April 2013

3. Consultations

Hugglescote And Donington Le Heath Parish Council
County Highway Authority
Severn Trent Water Limited
Head of Environmental Protection
Natural England
Tree Officer
County Archaeologist
LCC ecology
NWLDC Urban Designer
LCC Development Contributions
NHS Leicester, Leicestershire And Rutland Facilities Managme
Development Plans
Head Of Leisure And Culture
Manager Of Housing North West Leicestershire District Council
Police Architectural Liaison Officer
Highways Agency- Article 15 development
Network Rail
National Forest Company
FRCA (MAFF)- loss of agricultural land
DEFRA
LCC Fire and Rescue

Environment Agency
HM Railway Inspectorate

4. Summary of Representations Received

Environment Agency has no objection subject to the inclusion of relevant conditions.

Highways Agency has no objection to the planning application.

Hugglescote and Donington Le Heath Parish Council note that the application site is located within a neighbouring parish but does not support the application due to the access and exit arrangements.

Leicestershire Fire and Rescue Service has concerns regarding the design of internal roads within the development.

Leicestershire County Council Archaeologist raises no objection to the proposal subject to the imposition of archaeology conditions.

Leicestershire County Council Ecologist states that the ecologist report is satisfactory and raises no objections to the proposal subject to conditions.

Leicestershire County Council Highway Authority states that it cannot be demonstrated that there are any highway safety implications associated with this proposal and raises no objections subject to conditions and obligations.

Leicestershire County Council Highway Transportation & Waste Management Authority requests a developer contribution of £9,381 in order to mitigate the impact on civic amenity waste facilities in the local area.

Leicestershire County Council Local Education Authority requests a contribution of £36,297.03.

Leicestershire County Council Library Services Development Manager requests a contribution of £7,890.

Leicestershire Police requests a contribution of £47,919.

Natural England supports the recommendations made in the submitted ecology report and raises no objections to the proposed development.

National Forest Company welcomes the level of strategic landscaping and raises no objection to the proposed condition subject to the inclusion of relevant planning conditions.

Network Rail has no objection in principle to the development subject to a number of requirements including a developer contribution of £8,500 towards improvement works at an existing level crossing.

NHS England (Leicestershire and Lincolnshire Area) requests a developer contribution of £11,472.85.

North West Leicestershire District Council Environmental Health has no objections subject

to the recommendations contained within the submitted noise report.

Severn Trent Water has no objection to the proposal subject to the inclusion of drainage conditions.

Third party representations:

A total of 91 representations have been received which object to the application on the following grounds:

- _ The proposal will increase traffic along Bardon Road which cannot cope with the amount of traffic that already uses it;
- _ The access arrangements are unsafe and there have already been accidents along Bardon Road;
- _ No dwelling should be allowed to be built unless the Bardon Link Road has been constructed;
- _ Traffic calming measures should be provided;
- _ Proposal would bring further traffic through smaller streets such as Botts Way and Waterworks Road;
- _ Existing traffic calming measures are ineffective;
- _ The proposal would create a staggered crossroads with the Botts Way junction;
- _ The proposed right turn lane will conflict with the existing right turn filter lane;
- _ Traffic from the proposed development should be forced to turn left;
- _ No mention of how traffic will be able to turn right when exiting the proposed development;
- _ Construction vehicles would struggle to leave the site given the volume of traffic along Bardon Road;
- _ No traffic calming on Botts Way which will become a rat run should this development be approved;
- _ Proposal would result in increased pedestrian traffic crossing Bardon Road;
- _ The proposal has unacceptable drainage arrangements;
- _ The proposal would impact upon existing flood plain;
- _ The existing pumping station is already at capacity;
- _ The proposal would impact upon existing ecological features including protected species;
- _ Other land should be built on before this application;
- _ Noise and vibration assessment does not consider the impact on existing residents;
- _ NPPF says that significant impacts should be avoided on health and quality of life;
- _ The applicant should provide new window and doors to existing residents along Bardon Road to protect against noise and vibration;
- _ Impact of the proposal upon property prices;
- _ The precise number of houses proposed should be provided;
- _ The local infrastructure and services cannot cope with additional housing;
- _ Proposal would bring further pollution;
- _ If the proposal is accepted then residents of Bardon Road should be given financial compensation;
- _ The proposal would exacerbate the existing health problems of residents;
- _ The proposal seems to have no collaboration with the wider Pegasus development;
- _ Housing is not required when there are so many existing empty properties;
- _ This proposal would result in a piecemeal approach to planning;
- _ The only public transport along this section of Bardon Road is bus 29 which is unlikely to be sufficient to enable new residents to rely on public transport;
- _ The indicative masterplan shows back gardens on new properties butting up to the rear of existing gardens and many of these gardens have access directly onto the application site;

- _ Dwellings would be located in close proximity to the existing railway line serving Bardon Quarry;
- _ Proposal would result in suburban development with no suitable access to the natural environment;
- _ The site is sectioned off from the wider Pegasus area by the railway line that would prevent interaction and the sharing of amenities between the sites;
- _ New residents would be reliant on the private car;
- _ Vehicles exiting the site will illuminate habitable rooms and infringe on privacy;
- _ The developers stated that the play ground would be for the wider community;
- _ No through link across the railway is to be provided;
- _ No services are being provided as part of this development;

Three letters of support have been received which includes the following:

- _ Coalville desperately needs new market and affordable housing;
- _ The retention of the hedgerows and trees and areas of open space would respect the National Forest;
- _ Long rear gardens of Bardon Road should ensure against significant impacts;
- _ Proposal would not have a significant highway impact.

In addition a copy of a petition that has been sent directly to the County Highway Authority has also been submitted to the Local Planning Authority. The petition contains 67 petition slips.

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)

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 East Coalville for education, healthcare, transport, drainage, green infrastructure, local centre and community facilities. 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

In terms of the principle of development, 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 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 outside Limits to Development. This policy nevertheless sets out criteria relevant to release of land. Insofar as the site's location is concerned, and whilst it is outside Limits to Development, it is well related to the existing built up area and included within the South East Coalville Draft Development Brief. In terms of the sustainability credentials of the site, the site is located the following (approximate) distances away from a range of services:

Newsagent - 320 metres
Petrol Station (with shop) - 500 metres
Post Office - 1000 metres
Broom Leys Primary School - 850 metres
Newbridge High School - 1400 metres
Co-Op Mini Supermarket - 1000 metres
Bus Stop - 150 metres

The 29/29A bus service provides a regular bus service (runs every 30 minutes) and would be located in close proximity to the site access which would allow future residents an alternative to using a private car. In addition, within approximately 2km walking distance of the site are a range of shops and services located in Coalville Town Centre as well as potential employment destinations such as Bardon Industrial Estate, Whitwick Business Park and Bardon Hill Quarry. The application site is located in fairly close proximity to the range of services/facilities listed and would also be in close proximity to other services and facilities that are proposed to be provided in the future as part of the wider South-East Coalville area. Taking these matters into account, it is considered that the site would be located within a sustainable area.

In terms of the site's 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 Local Plan. Indeed the proposed directions of growth set out within the Submission Core Strategy suggest this to be the case.

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 4.33 years (based on the "Sedgefield" approach and a 20% buffer) which represents a significant shortfall in relation to the requirements of the NPPF. Granting planning permission on this site would increase supply to 4.46 years (based on 90 of the 135 dwellings being built in the 5 year period).

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 against 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, the relevant sections of 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 20 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 certain sub-category requirements of Code for Sustainable Homes.

E New non-residential buildings on large sites in the Coalville Urban Area will be expected to meet certain sub-categories of the Building Research Establishment's Environmental Assessment Method.

F North West Leicestershire District Council will work with a range of partners to secure the implementation of the Coalville Regeneration Strategy and achieve the revitalisation of Coalville Town Centre by working:

- i. In partnership with other landowners and developers to bring forward major new retail and associated development within the Town Centre; and
- ii. In partnership with landowners, businesses and public sector organisations to bring the heart back in to the Town Centre by seeking improvements to the physical environment and accessibility of the Town Centre.

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

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

Policy CS36: Coalville Urban Area Broad Growth Locations

The principal means of accommodating new housing and employment growth on in the Coalville Urban Area will be in the form of a Strategic Development Area to the south-east of the town. A Masterplan for the comprehensive development of this area will be prepared to provide for:

- i. A high quality, sustainable, mixed use development that is well connected and has a functional relationship with the wider Coalville Urban Area;
- ii. The creation of linked but distinct neighbourhoods having regard to the character of the existing built form of the Coalville Urban Area.

Housing

- iii. At least 3,500 new dwellings, of which 2,820 will be built by 2031; and
- iv. A mix of housing sizes, types and tenures, including provision for affordable housing in accordance with Policy CS19;

Employment

- v. At least 20 Hectares of employment land mainly for B1 Business and B2 General Industrial uses (as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended));
- vi. Provision of starter and 'grow-on' units (including managed workspace);

Education

- vii. Two primary schools, each capable of accommodating some 420 pupils;
- viii. Secondary education provision in the Coalville Urban Area.

Local Centres

- ix. Two Local Centres each to include a range of small shops of a local nature, serving a small catchment;
- x. Open space, sport and recreation facilities;
- xi. Health care facilities;
- xii. Community and/or faith facilities.

Green Infrastructure

- xiii. The enhancement of, and links to, the Strategic Green Infrastructure Network (the National Forest and Coalville Urban Fringe);
- xiv. Substantial areas of local green infrastructure and National Forest planting;

xv. The reuse and enhancement of the disused Coalville-Hugglescote Railway as a recreation and nature conservation trail;

Safety and Protection

xvi. Consideration of measures in connection with groundwater source protection;

xvii. Mitigation of unacceptable risks associated with any increase in traffic using the Grange Road level crossing.

In terms of the proposals' performance in relation to the emerging Core Strategy policies (and, in particular, Policy CS36), the main issue with the application is whether this proposal would be well connected and has a functional relationship with existing and proposed development in the area, particularly as the applicants have not joined the consortium of developers that are working on a masterplan for the wider area. In relation to this matter, the indicative masterplan shows that the main access point to the development would be from Bardon Road but the indicative layout would not prevent the adjacent land being developed and the applicants have agreed to provide the capital cost of constructing an access road from the application site to the new link road (when the link road has been constructed). This would help to ensure that the proposal links in with the wider south east Coalville Area. It is further noted that the indicative masterplan also includes a possible future pedestrian connection from the site to the land to the south of the railway line. In addition, the applicants have confirmed that they would not include any ransom strips either side of the development. Whilst this would not strictly be a planning matter it could be controlled to some extent by an obligation in the legal agreement to ensure that there is unfettered access to the land to the east and west of the application site. Indeed, this has been requested by the County Highway Authority and the applicants are agreeable to this obligation.

It is clear that the proposed future connection between the application site and the proposed Bardon link road would not be provided immediately (as the applicants do not control the land and the link road has yet to be constructed) and it is unclear as to whether the proposed pedestrian link over the railway is deliverable. These matters impact on whether the scheme can be considered to be well connected and have a functional relationship with both existing and proposed development in the area. However, the pedestrian link over the railway is not included in the current South East Coalville Draft Development Brief and, on this basis, it is difficult to argue that this is essential to make the proposed development acceptable in planning terms. Therefore, it is considered that refusal of the scheme on this basis would not be warranted; particularly as the reserved matters scheme could be designed for this link to connect into the site should Network Rail (or any other body) decide to construct a pedestrian bridge over/under railway line. On the basis of these matters, it is considered the scheme would be relatively well connected to existing development, given its access immediately to Bardon Road, and its connectivity could potentially be further improved to proposed development should the connection be provided to the Bardon Link Road. In light of this, it is not considered that the proposed scheme would conflict with Policy CS36 of the emerging Core Strategy.

Policy E6 of the existing local plan states that development will not be permitted where it would prejudice the comprehensive development and proper planning of a larger area of land of which the site concerned forms part. Taking into account the range of measures proposed, such as the agreement that there would be no ransom strips included as part of the development, it is not considered that the granting of this planning application would impact on the comprehensive planning of the wider south east Coalville area and, therefore, the scheme is considered to be compliant with Policy E6 of the Local Plan.

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 (such as off-site highway works), and are as set out in the relevant sections below. It is clear that this application on its own could not provide for the full range of infrastructure but it would contribute towards some of the measures and more importantly, it would not prevent the full range of measures being provided as part of the comprehensive planning for the wider area.

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 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 east 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) 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

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 a new junction to Bardon Road. Whilst the illustrative layout shows internal access roads and pedestrian links through the site, these would be a matter for the reserved matters stage(s) (although their impact on the overall potential accessibility and connectivity of the site still ought to be considered).

The application is accompanied by a Transport Assessment as well as a Travel Plan. The 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 bus stops in close proximity along Bardon Road. The County Highway Authority advises that various measures to encourage public transport use should be secured by way of a Section 106 obligation.

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/Hermitage Road Roundabout;
- A511 Broom Leys Road Signals;
- A511 Bardon Road/Bardon Roundabout
- Hugglescote Crossroads

However, the assessments presented in the report demonstrate that the impact on these junctions is minor and, therefore, no off-site junction improvements are considered to be justified. The County Highway Authority do not disagree with these findings in the Transport Assessment.

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:

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. Provision of bus shelters at the two nearest bus stops on Bardon Road at a cost of £4908.00 per shelter.

Justification: To encourage new residents to use bus services as an alternative to the private car.

5. Improvements to one bus stop on Bardon Road (including raised and dropped kerbs to allow level access) at a cost of £3263.00.

Justification: To encourage new residents to use bus services as an alternative to the private car.

6. 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.

7. An iTrace monitoring fee of £6000.00.

Justification: To enable Leicestershire County Council to provide support to the appointed Travel Plan Co-ordinator, audit annual Travel Plan performance reports to ensure that Travel Plan outcomes are being achieved, and to take responsibility for any necessitated planning enforcement.

8. A contribution towards improvements to the wider highway network in Coalville as considered appropriate by North West Leicestershire District Council.

Justification: To accommodate the wider growth in Coalville, including the impact from this development, as identified in Policy C36 of the 'North West Leicestershire Local Plan: Core Strategy (Submission Draft).

9. A contribution towards the design and construction of a vehicular connection between the application site and the Bardon link road.

Justification: To accommodate the wider growth in Coalville as identified in Policy C36 of the 'North West Leicestershire Local Plan: Core Strategy (Submission Draft).

10. The downgrading of the vehicular access to Bardon Road to pedestrian/cycle/emergency use only following the opening of the Bardon link road between Bardon Road/Stephenson Way and the connection to the application site and including that connection.

Justification: To accommodate the wider growth in Coalville as identified in Policy C36 of the 'North West Leicestershire Local Plan: Core Strategy (Submission Draft) and in the interests of highway safety to prevent traffic rat running to avoid the proposed signalised junction at Bardon Road/Stephenson Way.

11. Unfettered access to the land to the immediate east and west of the application site so as not to prejudice future development of these land parcels, including for vehicular access to the Bardon link road.

Justification: To accommodate the wider growth in Coalville as identified in Policy C36 of the 'North West Leicestershire Local Plan: Core Strategy (Submission Draft).

In respect of the proposed access arrangements, the County Highway Authority comments that the proposed access arrangement include for a ghost island junction on Bardon Road which has been subjected to an independent Stage 1 Road safety Audit. No road safety issues were identified and, on this basis, the County Highway Authority raises no highway safety objections to the proposed access arrangements.

The County Highway Authority notes that this application is in outline only and, therefore, the proposed indicative internal layout as shown on the submitted Indicative Masterplan has not been checked in terms of its suitability for adoption by the Highway Authority (and would need to include various details including traffic calming measures). However, it is not clear from the submitted masterplan how the indicative alignment of the proposed internal access road would allow for connection to the proposed Bardon link road. This would need to be addressed at the reserved matters stage and suitable notes to applicant are recommended in respect of this.

The County Highway Authority require that a vehicular connection should be provided between the application site and the proposed Bardon link road. This vehicular connection should be available for use at the same time as the Bardon link road and the applicant should contribute to the design and construction of this connection. As stated previously, this could be secured by a suitably worded legal agreement. The County Highway Authority also require that at such time as the Bardon link road between Bardon Road/Stephenson Way and the vehicular connection to the application site and the connection itself is available for use by vehicular traffic, the proposed vehicular access at Bardon Road should be downgraded to a pedestrian/cycle/emergency access only. This is required on highway safety grounds to prevent traffic 'rat running' through the site to avoid the proposed signalised junction at Bardon Road/Stephenson Way. The applicants are agreeable to paying this contribution subject to undertaking future viability assessment work.

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 £600,000 has been calculated. The applicants are agreeable to paying this contribution subject to undertaking future viability assessment work.

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 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 and essential contribution towards 'kick starting' 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. This scheme is also likely to be one of the first to contribute towards prioritising highway infrastructure contributions in accordance with the cabinet resolution of June 2013. Separate contributions are also proposed in respect of other highways works which would be required to accommodate this development.

The Highway Agency has been consulted on the application and considers that the proposed development is not expected to have a material impact on the closest strategic route (M1 motorway). To reiterate, the County Highway Authority raise no highway safety objections to the proposed scheme subject to the inclusion of relevant conditions and obligations. Taking these matters into account, therefore (and including the applicants making an appropriate contribution towards transportation infrastructure), the proposed development is considered acceptable in terms of Means of Access and Transportation issues.

Neighbours' and Future Occupiers' Amenities

In terms of the impacts on neighbouring occupiers arising from the proposed buildings themselves are concerned, this would need to be assessed at the reserved matters stage(s); notwithstanding the details shown on the illustrative layout, there would appear to be no reason in principle why up to 135 units could not be provided on the site in a manner which would not adversely impact upon neighbours' amenities.

In terms of the impacts on existing and future occupiers the main issues are considered to be that of air quality, vibration and noise arising predominantly from Bardon Road and the nearby railway line. The application is accompanied by a Noise, Vibration and Air Quality Assessment.

With regard to road noise, the new dwellings located along the north eastern site boundary (closest to Bardon Road) would be most affected and there would need to be sound reduction mitigation carried out to ensure that noise standards are satisfied. Appropriate sound reduction can be achieved by the use of thermal double glazing to these units and passive acoustic ventilators can be installed to allow for windows to open on those properties that are located closest to Bardon Road. With regards to railway noise impacting on future occupiers, dwellings

located on the southern boundary would also have to use similar sound reduction mitigation to ensure that appropriate noise standards are reached.

In terms of additional traffic noise affecting existing properties, the main area of concern would be the section of access directly onto Bardon Road. The indicative proposals indicate that there are potentially four dwellings proposed to the west of this access road and these would screen some of the existing dwellings and gardens from vehicles using the new access. There are no dwellings proposed on the indicative masterplan on the other side of the access but the erection of a 1.8 metre high acoustic barrier would ensure against any significant noise impacts.

With regards to railway vibration, the submitted report indicates that given the low incidence of train movements coupled with the low likelihood of complaint that no specific vibration control measures would be required to the proposed dwellings. In terms of air quality issues, the site is not located within the Coalville Air Quality Management Area. The report concludes that there would be no significant change to the air quality adjacent to Bardon Road and, therefore, it is not considered that the proposal would cause significant air quality issues to either existing or proposed dwellings.

On the basis of the mitigation measures proposed (which can be secured by way of planning conditions), the Environmental Services Manager has no objections and it is not considered that the proposal would result in significant adverse impacts on health or quality of life. Accordingly, the requirements Policy E3 of Local Plan are considered to have been met by the scheme and the proposal would not conflict with paragraph 123 of the NPPF.

A letter of objection has stated that vehicles exiting the site would illuminate habitable rooms and infringe on privacy. As already stated it is considered that the proposed new dwellings and acoustic barrier would protect properties to the south of Bardon Road. In terms of vehicles headlights shining into properties over the road from vehicles exiting the site this would be no different to the existing situation from vehicles exiting Botts Way (located around 50 metres away). Taking this into account, and that the Council's Environmental Services Manager does not raise concerns surrounding this matter, then this is not considered to be a significant issue that would warrant a reason for refusal.

Design

The proposed scheme has been assessed by the District Council's Urban Designer, and rated in accordance with CABE's new Building for Life criteria which scores on the basis of red/amber/green rather than a points based scoring system. The Council's Urban Designer has reviewed the proposals and considers that the scheme offers the potential to perform well against Building for Life. Given the outline nature of the application, and the scope that the Urban Designer considers there to be for building on the scores achieved thus far on the illustrative layout at the reserved matters stage(s), the Urban Designer raises no objection to the scheme.

However, he advises that, a key challenge for any future reserved matters application relates to the creation of character and how a place with a local or otherwise distinctive character can be created by drawing influence from the positive and distinctive characteristics of the local area and/or the National Forest. It would be 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 and in turn create a locally distinctive or National Forest inspired identity.

Therefore, whilst the scheme is not sufficiently advanced to be assessed fully against Building for Life, it is considered that it has been demonstrated that, in principle, an appropriate scheme could be secured at the reserved matters stage(s), and would comply with the relevant Development Plan policies and advice in the NPPF.

Density

Local Plan Policy H6 provides that, for sites of 0.3 hectares and above, residential development should meet a minimum density of 40 dwellings per hectare within locations well served by public transport and accessible to services, and a minimum density of 30 dwellings per hectare elsewhere. The emerging Core Strategy also states that there should be a minimum net density of 30 dwellings per hectare but that lower housing densities will be accepted where justified by the characteristics of an individual site and higher densities will be encouraged in locations that offer, or have the potential to offer, a choice of transport options and are accessible to other services and facilities. The NPPF states that local planning authorities should set their own approach to housing density to reflect local circumstances. The former advice in PPS3 provided that net dwelling density includes those site areas which will be developed for housing and directly associated uses, including access roads within the site, private garden space, car parking areas, incidental open space and landscaping and children's play areas. Whilst this has now been superseded in the NPPF the methodology contained within it for working out net dwelling density would, in the absence of any other guidance in the NPPF, Local Plan or the emerging Core Strategy, still be relevant.

The application site area is given as 6.18 hectares and the maximum of 135 dwellings proposed by the developers would therefore equate to a maximum density of 21.8 dwellings per hectare, which would fall short of the requirements set out in Policy H6 and the emerging Core Strategy. However, when considering that significant parts of the site would be taken up by the creation of strategic landscape and habitat areas and public open space, the net dwelling density would be in the region of 32 dwellings per hectare. This is considered to be an acceptable density in relation to the advice in Policy H6 of the Local Plan and the emerging advice in the Core Strategy. In coming to this conclusion it is also recognised that the Council's Urban Designer raises no objection to the density and layout of the development on the site.

Landscape and Visual Impact

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

The site is not protected by any national landscape designations. The application site is located on the south eastern edge of Coalville and would be confined between existing residential properties fronting onto Bardon Road and the railway embankment along the south west boundary. The surrounding landscape is characterised by large industrial development and Bardon Quarry as well as plans for further housing development to the south of the railway line in addition to the already approved Bardon Grange scheme. Taking into account the nature of the surrounding area, the report indicates that the landscape is low/medium sensitivity to the type of development proposed and could absorb suitably designed development without causing any significant detrimental harm to the wider landscape.

The visual impact assessment considers the impacts of the proposed development from a total of eight viewpoints, including points in the immediate vicinity of the application site, as well as from more distant viewpoints. In terms of the anticipated impacts on public views, the most significant effects would be limited to properties on Bardon Road whose rear gardens back onto the site and a public footpath close to the north-west boundary of the site. However, the visual

impact arising from the proposal would be at worst moderate and slightly adverse respectively.

These conclusions are considered reasonable, and it is accepted that, subject to appropriate landscaping, the visual impacts of the proposals would be reasonable and that, notwithstanding the site's location outside Limits to Development, unacceptable impacts on the amenities of the surrounding area would not be likely to arise. Overall, therefore, 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 and Trees

The application is supported by an ecological appraisal. This concludes that the site is dominated by poor semi-improved grassland, scrub and ornamental communities of negligible nature conservation value along with some mature trees and hedges.

The appraisal concludes that there are no statutory designated sites within or in close proximity to the site boundary, the closest non-statutory designated sites are located 50m to the west and 208m to the north and would be highly unlikely to be affected by the proposed development. The site is considered to be of low biodiversity value. Some of the habitats provide interest to wildlife, in particular the trees provide potential habitats for invertebrates, nesting birds and other wildlife. It is noted that the majority of the trees on the site would be retained as part of the proposal. The hedgerows are considered to be of low to moderate nature conservation and some of these would be cut through and some would be completely lost in order to provide the access into the site. The report accepts that this hedgerow loss would result in a minor negative impact but this can be compensated for through the use of suitable planting within the area of public open space.

In response to the application, Leicestershire County Council's ecologist considers that the report is satisfactory and no species or habitats of more than local significance were identified. The ecologist considers that the indicative masterplan is good in terms of protection of existing habitat feature and enhancements and the two SUDS features have the potential to provide wetland/marshy grassland habitats. Overall, the Leicestershire County Council's ecologist raises no objections subject to the inclusion of relevant planning conditions.

For its part, Natural England does not consider, subject to conditions, that protected species or landscapes would be impacted upon. Natural England makes suggestions in relation to nature conservation enhancements, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes, which would need to be addressed at the reserved matters stage.

As noted above, the majority of the trees on the site would be retained as part of the proposal and the Council's Tree Officer raises no objection to the proposal. The tree officer notes that a TPO tree (T1 Hawthorn) within the curtilage of 138 Bardon Road would be removed but this is not a prime specimen and mitigation planting at the proposed entrance would offset its loss. A tree protection plan is recommended as a condition and recommendations for the layout of dwellings are suggested in relation to the submission of future reserved matters applications.

Therefore, subject to the imposition of suitably-worded conditions and notes to applicant the submitted scheme is considered acceptable in ecological terms and in terms of the impact upon trees.

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).

It is proposed that the surface water drainage system for the proposed development will be split into two separate eastern and western systems due to the topology of the site. This drainage strategy would result in the creation of two attenuation ponds in the south-west corner of the site and a separate attenuation pond in the south-east corner of the application site.

In terms of foul water drainage, this would also be split into two separate systems. The eastern system would drain via gravity to the south east of the application site where it would be pumped via a rising main to a Severn Trent Water sewer in Bardon Road. The western system would drain via gravity to the west of the application site where it would be pumped via a rising main to a Severn Trent Water sewer in Bardon Road. In order to facilitate the flows in Bardon Road, it is understood that Severn Trent Water would undertake some minor improvement works to the existing Bardon Road pumping station to increase available capacity. It is also understood, due to the wider development proposals in the area, Severn Trent Water consider it likely they would need to provide a new foul gravity sewer to the west of the development site which would drain south and, therefore, Severn Trent Water would look to remove the pumping station on site and enable the site to drain by gravity to this new sewer line.

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. In coming to this conclusion it is noted that the Environment Agency and Severn Trent Water raise no objections to the proposed development subject to the inclusion of relevant planning conditions.

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 listed below.

Affordable Housing

The development originally proposed to provide 20% of the scheme as affordable housing (i.e. 27 units, assuming the construction of the maximum 135 dwellings as proposed). In terms of tenure split, the District Council's Affordable Housing Enabler advises that a tenure split of 79% social rented and 21% intermediate housing will be sought.

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, particularly as the applicants now intend to provide the capital cost of constructing a

connection to the Bardon Link Road in addition to the off-site highway contribution, although it is noted that the applicants have indicated that, regardless of the outcome of the viability assessment work, they would anticipate that a minimum contribution of 10% would be provided. Clearly this would fall below the minimum 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 emerging 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.

Transportation Contributions

As set out under Highway Safety above, the County Highway Authority has requested the following developer contributions, required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, reducing car use and highway safety:

- _ A Construction Traffic Routeing Agreement;
- _ 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;
- _ Two six-month bus passes per dwelling; can be provided through LCC at an average cost of £325.00 per pass;
- _ Provision of bus shelters at the two nearest bus stops on Bardon Road at a cost of £4908.00 per shelter;
- _ Improvements to one bus stop on Bardon Road (including raised and dropped kerbs to allow level access) at a cost of £3263.00;
- _ Appointment of a Travel Plan Co-ordinator for a period to 5 years after completion of the development;
- _ An iTrace monitoring fee of £6000.00;
- _ A contribution towards improvements to the wider highway network in Coalville as considered appropriate by North West Leicestershire District Council;
- _ A contribution towards the design and construction of a vehicular connection between the application site and the Bardon link road;
- _ The downgrading of the vehicular access to Bardon Road to pedestrian/cycle/emergency use only following the opening of the Bardon link road between Bardon Road/Stephenson Way and the connection to the application site and including that connection;
- _ Unfettered access to the land to the immediate east and west of the application site so as not to prejudice future development of these land parcels, including for vehicular access to the Bardon link road.

The applicants are agreeable to making the majority of these contributions but state that the requirement for free bus passes must be based on formal application for those passes (i.e. not simply handed out to all 135 households) and that the bus shelter contribution is not justified as the 2 nearest stops have shelters already available. The County Highway Authority has been asked to clarify their position in respect of these matters and any response will be reported to members on the update sheet.

Education

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

follows:

Primary School Requirements:

The site falls within the catchment area of Coalville Broom Leys Primary School. The School has a net capacity of 595 pupils and 598 pupils are projected on roll should this development proceed; a deficit of 3 places (a surplus of 27 is existing and a deficit of 3 is created by this development). There are four other primary schools within a two mile walking distance of the development and the 3 deficit places created by this development can therefore not be accommodated at nearby schools. In order to provide the additional primary school places anticipated by the proposed development the County Council request a contribution of £36,297.03. The applicant's are agreeable to making this contribution.

High School Requirements:

The site falls within the catchment area of Castle Rock High School. The school has a net capacity of 600 pupils and 529 pupils are projected on roll should this development proceed; a surplus of 71 places after taking into account the 13 pupils created by this development. Therefore, no education contribution is requested in respect of the High School sector.

Upper School Requirements:

The site falls within the joint catchment area of Coalville King Edward V11 Science and Sport College. The College has a net capacity of 1193 pupils and 1103 pupils are projected on roll should this development proceed; a surplus of 90 places after taking into account the 13 pupils created by this development. Therefore, no education contribution is requested in respect of the Upper School sector.

Play and Public Open Space

The indicative masterplan shows that provision is proposed to be made for 0.78ha of public open space on site that would be located centrally and includes a children's equipped play area. Taking into account the overall size of the recreation area, a suitable sized children's equipped play area could be provided at the reserved matters stage. Therefore, the proposal is considered to be in accordance with Local Plan Policy L21 and the Play Area Design Guidance SPG.

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. 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. 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.

However, the Council's Leisure Service team consider that an off-site contribution would be applicable in this instance and request a developer contribution of £135,000. The leisure request is, at the current time, not sufficiently evidenced nor based on an assessment of capital project expenditure that would be required as a direct result of this development. Therefore, it is

concluded that the leisure request cannot be considered CIL compliant, and will therefore not be secured by the Section 106 Agreement. The Council's Leisure Service team has been asked to provide more details on their submitted request and any response will be reported to members on the update sheet.

National Forest Planting

The applicants propose 1.2ha of strategic landscaping which is considered to meet the National Forest Company's Planting Guidelines. The National Forest Company welcomes the commitment to meet the planting guidelines and requests that the reserved matters application(s) show significant areas of tree planting, which along with the retained trees, would help create a wooded character to the development. Subject to the inclusion of relevant conditions which include, amongst other things, tree protection measures, drainage and management plans the National Forest Company raise no objection to the proposed development.

Civic Amenity

The nearest civic amenity site is located at Coalville and residents of the proposed development are likely to use this site. Therefore, a civic amenity contribution of £9381 is requested.

Library Services

The proposed development on Bardon Road is within 1.7km of Coalville Library and the proposal would impact on local library services in respect of additional pressures on the availability of local library facilities. Therefore, a library contribution of £7890 is requested.

Healthcare

NHS England (Leicestershire and Lincolnshire Area) requests a developer contribution of £11,472.85 based upon a contribution commensurate to the anticipated increased population arising from this development. The applicants are agreeable to making this contribution.

Network Rail

Network Rail consider that the proposed development could potentially increase the use of an existing level crossing (Bardon Hill No.1) and that improvement works should be carried out to improve the safety of this level crossing. A developer contribution of £8,500 is sought in respect of this matter. The applicants have considered this request and state that the crossing has no relationship to the proposed development. The proposals provide no direct link to this route and in order to access the crossing a pedestrian would need to walk around 750m from the centre of the site. They estimate that the site would generate around 50 walking trips per day and most of these would be consumed by trips to the schools and local amenities. Based on the fact the crossing and public footpath provides access to no facilities it seems unlikely this will be used to any significant degree.

On the basis of the information submitted, it is not clear how the requests are directly associated with the proposed housing scheme and not clear as to why, if not provided, this would make the scheme unacceptable in planning terms. Therefore, it is not considered that the requested contributions comply with Regulation 122 of the CIL Regulations, and it would therefore not be lawful for such contributions to be taken into account as a reason for granting planning permission.

Contributions sought by Leicestershire Police

Leicestershire Police requests a developer contribution of £47,919 in respect of policing as set out in the consultation response above. This money is requested in relation to staff, equipment, , police vehicles, improving force communications and database capacity, CCTV, contribution towards vehicles and extension to premises in Coalville, Enderby and Loughborough. On the basis of the information submitted, it is not clear how the requests are directly associated with the proposed housing scheme and not clear as to why, if not provided, this would make the scheme unacceptable in planning terms. Therefore, it is not considered that the requested contributions comply with Regulation 122 of the CIL Regulations, and it would therefore not be lawful for such contributions to be taken into account as a reason for granting planning permission.

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 Circular 05/2005 and the CIL Regulations and are in accordance with paragraph 204 of the NPPF which states that planning obligations should only be sought where they are 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.

Other

The proposal would result in the demolition of three properties along Bardon Road but the dwellings are not considered to be of such amenity value that they should be retained. It is noted that the indicative masterplan includes for a replacement dwelling (specified as a feature building) along Bardon Road and the design of this dwelling would need to be assessed at the reserved matters stage.

Letters of objection have been received raising concern that the proposal would result in increased levels of pedestrian traffic crossing Bardon Road. The County Highway Authority do not consider this to be a significant issue. It is also noted that an existing pedestrian crossing is located around 150 metres to the east of the site access which would allow for the safe crossing of pedestrians.

In terms of issues with construction vehicles accessing and exiting the site, the County Highway Authority request a condition in relation to a construction management plan as well as a construction traffic routing agreement that would have to be included within the legal agreement. Subject to these matters it is considered that issues regarding construction vehicles would be adequately addressed and, in any case, this construction traffic would be temporary in nature.

With regards to neighbour concerns raised but not addressed above, issues regarding property values, financial compensation, private access and maintenance are not planning matters and, therefore, should not be considered in the determination of this planning application. The application specifies that the proposal would relate to a residential scheme of up to 135 dwellings; the precise number of dwellings would be specified at the reserved matters stage(s). The proposed children's play area would be available to the wider community.

Conclusions

As set out in the main report above, whilst 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 east 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 relatively well connected to existing development, given its access immediately to Bardon Road, and its connectivity could potentially be further improved once the connection to the Bardon link road has been provided. The applicants are agreeable to providing a financial contribution towards the capital cost of delivering this connection.

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 the following conditions and the completion of a Section 106 legal agreement;

- 1 Save for the details of vehicular access into the site from Bardon Road, details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") for the relevant phase (as defined under Condition 5 below) shall be submitted to and approved in writing by the Local Planning Authority before any development begins in respect of the relevant phase.

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 Bardon Road), 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 91 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, unless otherwise required by a condition of this permission:
- Site location plan (5195_L_101_A) deposited with the Local Planning Authority on 15 March 2013;
 - Proposed site access arrangements (20337_03_002) deposited with the Local Planning Authority on 15 March 2013.

Reason - To determine the scope of this permission.

- 5 Notwithstanding Conditions 1, 2 and 3 above, the first reserved matters application shall include a masterplan for the whole of the site setting out indicative details of site layout, areas of open space / children's play, landscaping, density parameters and scale, as well as details of any proposed phasing of development. All subsequent reserved matters applications shall be in accordance with the approved masterplan unless any alteration to the masterplan is first 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 (including where undertaken in a phased manner) takes place in a consistent and comprehensive manner.

- 6 A total of no more than 135 dwellings shall be erected.

Reason - To define the scope of this permission.

- 7 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 scheme for the disposal of foul and surface water drainage has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented as approved.

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.

- 8 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated March 2013, Ref: 20337/PH/03-13/3318 undertaken by M-EC and the following mitigation measures

detailed within the FRA:

_ 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 - Sections 7.0, 8.0 and 9.0 (specifically Paragraphs 7.3, 8.6 (Table 2), 8.7, 9.3 to 9.5 and 9.7 to 9.10);

_ Provision of compensatory flood storage for any raising of land currently below 151.45m AOD - Paragraphs 6.10 and 9.14, and as outlined on Drawing No. 20337 02 003 revision F;

_ Finished floor levels are set no lower than 151.55m above Ordnance Datum (AOD) - Paragraphs 6.11 and 9.13. Please Note: The Environment Agency recommend internal finished floor levels are set a minimum of 600mm above the predicted flood level of 151.45m, at 152.05m AOD.

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, to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and to reduce the risk of flooding to the proposed development and future occupants.

- 9 Development 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, 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 before the development is completed.

The scheme shall also 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 the discharge rate and storing 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.
- 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.

Reason - to prevent the increased risk of flooding, to improve and protect water quality and

improve habitat and amenity.

- 10 No development approved by this planning permission shall take place until such time as a scheme to provide compensatory flood storage on a like for like level basis, has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented at the ground works phase of the development, 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 an increase in the the risk of flooding to the proposed development, adjacent properties, land and infrastucture.

- 11 No development shall take place until a construction working method statement to cover the compensatory flood storage works has been submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.

Reason - To ensure against significant risks of damage to water dependent species and habitat and to diffuse pollution of the water environment arising from ground works.

- 12 No development shall commence on the site until such time as a programme of archaeological work, commencing with an initial phase of geophysical survey and trial trenching, has been detailed within a Written Scheme of Investigation first submitted to and agreed in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions, and:

- The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme);
- The programme for post-investigation assessment;
- Provision to be made for analysis of the site investigation and recording;
- Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- Provision to be made for archive deposition of the analysis and records of the site investigation; and
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation

No development shall take place at any time other than in accordance with the agreed Written Scheme of Investigation. None of the dwellings shall be occupied until such time as the site investigation and post investigation assessment has been completed in accordance with the programme set out in the agreed 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, and to comply with the NPPF.

- 13 No development shall commence on the site (or, in the case of phased development, in respect of the relevant phase) at any time after 1 May 2015 unless, within a period of not more than two years prior to the commencement of development, a survey of badgers

present on and using the site has been undertaken and the results (together with precise details of any associated mitigation measures and 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 any agreed mitigation measures and timetable.

Reason - In the interests of nature conservation, and to comply with the NPPF.

- 14 No work shall commence in respect of the erection of any dwelling until such time as precise details of all measures proposed in respect of protection of occupiers of the relevant dwelling from noise (based on the conclusions contained in Paragraph 8 of the 'Noise, Vibration and Air Quality Assessment') and a timetable for their implementation have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in full in accordance with the agreed details, and in accordance with the agreed timetable.

Reason - To ensure that occupiers of the proposed dwellings are protected from noise, in the interests of amenity.

- 15 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 site specific tree protection plan 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 - As the existing tree protection measures are not considered satisfactory and to ensure that existing trees are adequately protected during construction in the interests of the visual amenities of the area.

- 16 Save for any works associated with the formation of the access as shown on M-EC drawing no. 20337_03_002 rev B, no development shall commence on the site until such time as the Bardon Road site access junction as shown on M-EC drawing no. 20337_03_002 rev B 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 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.

- 18 Notwithstanding the submitted Residential Travel Plan, 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 scheme of measures to reduce the amount of single occupancy car

journeys to/from the site, including a timetable for their implementation, has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in accordance with the submitted details and timetable.

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

- 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. 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.

- 20 The first reserved matters application in respect of the matter of landscaping shall provide for an ecological / landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), together with a timetable for its implementation. The development shall be carried out in accordance with the landscape management plan, or in accordance with any subsequent variations first submitted to and agreed in writing by the Local Planning Authority.

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 provide for an appropriate form of development.

Notes to applicant

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

The Applicant should be advised to refer to Leicestershire County Council's adopted highway design guidance 'The 6C's Design Guide'. Table DG1 of that Guide provides details of the general geometry of internal residential roads, including design speed, and the criteria for shared surfaces.

- 2 All works within the limits of the public highway shall be carried out to the satisfaction of the Highway Area Manager (telephone 0116 305 2202).
- 3 The Developer will be required to enter into an Agreement with the Highway Authority under s278 of the Highways Act 1980 for works within the highway and detailed plans shall be submitted and approved in writing by the Highway Authority. The s278 Agreement must be signed and all fees paid and surety set in place before the highway works are commenced.
- 4 C.B.R tests shall be taken and submitted to the County Council's Area Manager prior to development commencing in order to ascertain road construction requirements.
- 5 All street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the Developer, who shall first obtain separate consent of the Highway Authority.
- 6 If you intend to provide temporary directional signing to your proposed development, you

must ensure that prior approval is obtained from the County Council's Area Manager for the size, design and location of any sign in the highway. It is likely that any sign erected in the highway without prior approval will be removed.

Before you draw up a scheme, the Area Manager's staff (telephone 0116 305 2104) will be happy to give informal advice concerning the number of signs and the locations where they are likely to be acceptable.

- 7 - Provision of on-site affordable housing (level to be agreed)
- National Forest Planting
- Financial contribution in respect of healthcare
- Financial contribution in respect of education
- Financial contribution in respect of libraries
- Financial contribution in respect of civic amenity
- Provision / maintenance of a children's play area
- Provision of travel packs to first occupiers of the new dwellings
- Provision of bus passes to first occupiers of the new dwellings
- Improvements to the nearest bus stop
- Construction traffic routeing
- Appointment of a travel plan co-ordinator
- An 'i-trace' monitoring fee
- Off-site highway infrastructure contributions
- Contribution towards the design and construction of a link road between the application site and the Bardon link road
- Unfettered access to the land to the immediate east and west of the application site
- Downgrading of the Bardon Road access following the opening up and connection being established to the Bardon link road
- Section 106 monitoring

8 At the reserved matters stage, the Local Planning Authority and County Highway Authority would expect the internal access roads to be compatible with the proposed Bardon link road. At this stage it is anticipated that the main highway through the site would have to be re-positioned further to the south along the western boundary.

9 The Council's Urban Designer advises the following:

- That any future RM will be required to meet 'Building for Life 12', i.e. secure 12 green indicators.
- That any future RM application adheres to the Development Framework submitted (Figure 10, Design and Access Statement, p.30) guided by the street typology characteristics detailed on pages 35-39 of the submitted Design and Access Statement.
- That sufficient budget provision is allocated for hedgerow boundary treatments to all plots, allowing for a strong landscape character to be established throughout the development.
- That the trees along the main street network are arranged to create a formal avenue, with trees semi-mature standard planted, i.e. min height 5.5m and girth of 25-30cms. The applicant will be expected to consult with the Council's Tree Officer at an early stage when preparing any future reserved matters application.

10 In relation to Condition 11 the Environment Agency would expect the method statement to cover the following requirements:

_ timing of works;

- _ methods used for all channel, bankside water margin works;
 - _ machinery (location and storage of plant, materials and fuel, access routes, access to banks etc);
 - _ protection of areas of ecological sensitivity and importance
 - _ site supervision
- 11 Under the terms of the Land Drainage Act 1991, the prior written consent of Lead Local Flood Authority (Leicestershire County Council) is required for any proposed works affecting the flow of any ordinary watercourse or to any existing or proposed structure forming part of the ordinary watercourse drainage system.
- 12 The 1200mm and 900mm diameter culverts and 750mm diameter surface water sewers may need trash or security screens installing as part of this development. Any such screens should be designed in accordance with the Trash Screen Guidance 2009 (available from the EA on request).
- 13 According to the OS map the head of a watercourse lies adjacent to the railway at grid reference SK 43868 13098, the Environment Agency therefore recommend further investigations are undertaken at this location, because should an additional culvert exist passing from the site underneath the railway, then this may provide an alternative discharge point for surface water from the eastern part of the site.
- 14 During the period of construction, oil and fuel storage will be subject to the Control of Pollution (Oil Storage) (England) Regulations 2001. The Regulations apply to the storage of oil or fuel of any kind in any kind of container which is being used and stored above ground, including drums and mobile bowsers, situated outside a building and with a storage capacity which exceeds 200 litres. A person with custody or control of any oil or fuel breaching the Regulations will be guilty of a criminal offence. The penalties are a maximum fine of £5000 in Magistrates' Court or an unlimited fine in Crown Court. Further details of the Regulations are available from the Environment Agency.
- 15 It is recommended that the installation of fittings that will minimise water usage such as low, or dual, flush WC's, spray taps and economical shower-heads in the bathroom are installed. Power showers are not recommended as they can consume more water than an average bath. Water efficient versions of appliances such as washing machines and dishwashers are also recommended. For outdoors consider installing a water butt, or even a rainwater harvesting system, to provide a natural supply of water for gardens. Simple treatment systems exist that allow rainwater to be used to supply WC's within the home. Following the above recommendations will significantly reduce water consumption and associated costs when compared to traditional installations. Rainwater harvesting utilises a free supply of fresh water and reduces the cost to the environment and the householder.
- 16 In relation to condition 20, it is recommended that details of biodiversity enhancements (such as roosting opportunities for bats and/or the installation of bird nest boxes) are included.
- 17 Your attention is drawn to the comments of Network Rail in their e-mail response of 25 April 2013 15:38.
- 18 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).

Retrospective application for the change of use of land for the storage of military equipment including tanks, armoured fighting vehicles, heavy vehicles and trailers, off road 4 x 4 vehicles and associated servicing and maintenance equipment

Report Item No
A3

Tank Mania Measham Lodge Farm Gallows Lane Measham

Application Reference
13/00205/FUL

Applicant:
Tankmania Ltd

Date Registered
27 February 2013

Case Officer:
Adam Mellor

Target Decision Date
24 April 2013

Recommendation:
PERMIT

Site Location (For indicative purposes only, full plans available on the planning file)



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EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR APPROVAL

Call In

This application has been brought to Planning Committee given its association with application reference 13/00290/FULM, for the continued use of land adjacent to this site for the operational use of military vehicles, although it is noted that this application is assessed on its own merits.

Proposal

The proposed storage area for the vehicles would be on an area 20 metres by 20 metres and would be situated to the north-west of the farmhouse, although during the course of the application this storage area was relocated so that it would not impinge on public footpath P85. The storage area, however, would be within a similar area to that initially proposed.

Consultation

Six representations have been received to the application and one in support of the application from an unknown address. Measham Parish Council support the development and no objections are raised from all other statutory consultees.

Planning Policy

The development would accord with all relevant policies of the Local Plan as well as Paragraphs 7, 17, 18, 19, 28, 32, 75 and 118 of the NPPF; Policies CSA1, CS7 (Location of Development); CS8 (Countryside); CS10 (Meeting the Development Needs of Business); CS13 (Rural Economy); CS23 (Transport); CS30 (The National Forest); CS32 (Biodiversity and Geodiversity) CS33 (River Mease Special Area of Conservation); CS34 (Conserving and Enhancing the Historic Environment) CS40 (Measham) and CS42 (Rural Area) of the submission version Core Strategy as well as 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 Circular 03/99 (Planning Requirement in Respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development).

Conclusion

Although the site would be situated outside the defined limits to development it is considered that the retention of the use would constitute an acceptable form of farm diversification and the site would not be considered unsustainable for the use given that it would not be too dissimilar to any other form of farm diversification storage use at other farm sites, in these circumstances the proposal would accord with Paragraph 28 of the NPPF, as well as Policy S3 of the Local Plan and Policies CS7, CS8 and CS13 of the submission version Core Strategy. Subject to conditions being imposed on any consent to control the hours where vehicle movements and servicing and maintenance would be conducted it is considered that the retention of the use would not have an adverse impact on the amenities of neighbouring properties and as such would accord with Policy E3 of the Local Plan. The storage would be conducted to the rear of the Grade II Listed Building in an area where significant levels of mature landscaping exists and in the circumstances that the retained use would have no greater impacts on the setting of the listed building, surrounding landscape or street scene than the storage of agricultural vehicles, which would be unrestricted, it is considered that the development would accord with Paragraphs 75, 131, 132 and 134 of the NPPF, Policy E4 of the Local Plan and Policy CS34 of the submission version Core Strategy. There would be no significant implications to highway safety given that the existing accesses would be utilised and the speed of the tanks would not be too dissimilar to that of an agricultural vehicle. The relocation of the storage area would ensure that the integrity of the footpath is preserved and overall the retention of the use

complies with Paragraphs 32 and 75 of the NPPF, Policies T3 and T8 of the Local Plan and Policy CS23 of the submission version Core Strategy. It is unlikely that the storage of the military vehicles would lead to a substantial increase in surface water run-off from the site and foul drainage discharge from the site would be dealt with via an unsealed septic tank which given the distance to the River Mease SAC would not have an adverse impact on its integrity by virtue of the effluent which would be discharged to the ground. On this basis 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. The use of the unsealed septic tank would also accord with the aims of Circular 03/99. Sufficient landscaping would be maintained to the boundaries of the site to ensure that the development would be adequately screened and as such the development would accord with Policies F1, F3 and E7 of the Local Plan and Policy CS30 of the submission version Core Strategy. The retention of the use would also not prejudice the reinstatement of the Ashby Canal or prevent the establishment of transport corridors along the disused railway routes and as such the development would accord with Policies T14 and T16 of the Local Plan. The development therefore accords with the planning policies identified above.

RECOMMENDATION - APPROVE, 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

Retrospective planning permission is sought for the change of use of land for the storage of military equipment including tanks, armoured fighting vehicles, heavy vehicles and trailers, off-road 4 x 4 vehicles and associated servicing and maintenance equipment at Tank Mania, Measham Lodge Farm, Gallows Lane, Measham. Measham Lodge Farm is situated on the eastern side of Gallows Lane at a distance of 110.0 metres from the public highway. An existing vehicular access provides off-street parking for the site although a secondary access, to the north of the existing access, also exists. The site is situated outside the defined limits to development with the surrounding area being predominately rural although residential properties do exist within the vicinity of the site. Public footpath P85 also runs through the application site and it is noted that Measham Lodge Farm is a Grade II Listed Building which the listing describes as: *"House of earlier C18 with c1800 wings. Red brick, Flemish bond, with brick dentilled eaves and twin span roof of C20 tiles with 4 rebuilt end stacks. Wing to right of Measham gobs with slate roof. Gauged brick lintels and ground floor stone sills. Main range front of 2 storeys, 1st floor, 3 windows, 3 light casements with central 2-light, all with top lights. Central oeil-de-boeuf above. Ground floor 3 2/2 sashes, one added c1800. C20 canopied doorcase with overlight. 1 storey extension left end. Wing, side facing, 2 storeys upper original blank window, lower a 2/2 sash. End has dentilled pediment band and recessed giant arch below gauged brick arch and tripartite 2/2, 6/6, 2/2 sash both floors. To rear an early C19 extension with plain tiled roof and ridge stack. 2 storeys of 2 3-light casements with cambered lintels. Main range rear as front with sash replacing 3-light, and C20 porch. Interior: C18 staircase, 6-panelled doors, beams and 2 inglenooks. The wing is almost certainly the only example of the use of Measham gobs on an elegant house remaining uncovered."*

The proposed storage area for the vehicles would be on an area 20 metres by 20 metres and would be situated to the north-west of the farmhouse.

Following the consultation response from the County Council Rights of Way Officer the area for the storage of vehicles has been amended to avoid conflict with public footpath P85 and as such it would now be to the west of the farmhouse. The plans also indicated that a storage container would be retained on the site.

A design and access statement, heritage impact assessment and statement assessing the impact of the development on the integrity of the River Mease Special Area of Conservation (SAC) have been submitted in support of the application.

No previous planning history was found.

2. Publicity

6 no. Neighbours have been notified (Date of last notification 9 May 2013)

Site Notice displayed 21 March 2013

Press Notice published 20 March 2013

3. Consultations

Measham Parish Council consulted

Natural England consulted 28 March 2013

Environment Agency consulted 28 March 2013

LCC/Footpaths consulted 16 July 2013
Measham Parish Council consulted 14 March 2013
County Highway Authority consulted 15 March 2013
Severn Trent Water Limited consulted 15 March 2013
Head of Environmental Protection consulted 15 March 2013
NWLDC Conservation Officer consulted 15 March 2013
Christine James/ Matt Savage consulted 15 March 2013
LCC/Footpaths consulted 4 April 2013

4. Summary of Representations Received

The following summary of representations is provided.

Environment Agency has no objections subject to notes to the applicant being imposed on any grant of planning permission

Leicestershire County Council - Highways has no objections.

Leicestershire County Council - Rights of Way initially objected to the application due to the safety of users of public footpath P85 being compromised by the placement of vehicles on the route of the footpath. Following on-site discussions with the applicant the Rights of Way Officer has removed their objection on the basis that the precise route of public footpath P85 has been plotted on the ground and the storage area relocated to ensure that it does not obstruct this right of way. A condition would be imposed on any consent granted.

Measham Parish Council has no objections subject to the existing footpaths being maintained at an acceptable level.

Natural England has no objections.

NWLDC - Conservation Officer has no objections.

NWLDC - Environmental Health have stated that in order to protect local amenity any permission should have the operating hours restricted.

Severn Trent Water no representation received.

Third Party Representations

A total of six representations have been received from the occupants of Nos. 2, 3 and 4 Bosworth Grange and Bosworth House, Bosworth Grange which object to the application along with one representation in support of the application from an unknown address. The objections raised are on the following grounds: -

- *"operators of Tank Mania have demonstrated complete indifference to the legal requirements of planning applications and local neighbour's appeals for moderation with regard to operating hours and noise;"*
- *"operated military vehicles on the local public highways (with members of the public aboard) causing potential traffic hazards and damage to both road and verges;"*
- *"left mud and debris on the public highways again a potential traffic hazard;"*
- *"operated their vehicles for extended periods both in the week and at weekends causing unpleasant and excessive noise;"*
- *"I cannot conceive that their intention is ONLY for storage as this could not possibly*

support 9 - 10 full time employees;"

- *"since Tank Mania stopped UK Coal plc have started an opencast operation next to our house. This is also very noisy but it has permission. The opencast mine operates Monday to Saturday from 7am to 7pm (midday finish on Saturday). They will continue for another 4 years;"*
- *"The existing noise from the opencast is already severe. I have been monitoring the noise with Class 1 noise equipment. In the last 5 months the noise at our house has exceeded 50dB on over 100 days and over 55dB on over 20 days. World Health Organisation criteria state that most people would be moderately annoyed by a noise of over 50dB and seriously annoyed by over 55dB. Thankfully we have at least quiet on Saturday afternoon, Sunday and Bank Holidays;"*
- *"the Ashby Canal is going to be restored at the rear of our garden as part of the planning gain from the opencast site. This will also add further noise;"*
- *"tank driving site is very near to the Minorca Surface Mine. The noise from this facility can be overwhelming for those that live nearby. The operating hours of the mine are strictly controlled leaving Saturday afternoons, Sundays and Bank Holidays free of operations; these are just the times when the tank driving is at its most intense. It is simply not fair on those who are presently enduring the noise of the surface mine to grant a permission that in any way facilitates the tank driving activity which generally coincides with the quiet periods at the surface mine;"*

The representation in support of the application comments that: -

- *"It is an ideal location for this sort of activity and because of the size of the facility (some 28 acres I believe) should allow the paying customers to have a very enjoyable experience."*

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:

- 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;

Paragraph 7 indicates that the planning system needs to perform a number of roles which include, amongst others, an economic role which means contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is

available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

Paragraph 17 indicates that in decision making planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings as well as 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;

Paragraph 18 indicates that the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths;

Paragraph 19 outlines that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system;

Paragraph 28 outlines that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should, amongst other things:

- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;
- Support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres;

Paragraph 32 outlines that 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;

Paragraph 75 outlines that planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails;

Paragraph 118 outlines that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying particular principles;

Paragraph 123 indicates that planning policies and decisions should aim to, amongst other

things:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- 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;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them 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:

- 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 conversion 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;

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;

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 187 identifies that Local Planning Authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area;

Paragraph 203 indicates that 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;

Paragraph 206 states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable precise and reasonable in all other respects;

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 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 requires new development to respect the character of its surroundings;

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 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 T14 presumes against development which would be likely to impair the continuity of disused railway lines, which have potential for re-use as transport corridors, including pedestrian footpaths, bridleways and cycle routes and informal recreation corridors;

Policy T16 presumes against development which would prejudice the re-opening of Ashby Canal. It also provides that, in the event of the canal being reopened, development outside Limits to Development will only be permitted where it is strictly ancillary to the use of the canal as a navigable waterway;

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 CS10 seeks to meet the development needs of business and help secure sustainable economic growth by identifying locations for development;

Policy CS13 sets out the types of development that will be supported to provide for the needs of the rural economy;

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 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 CS41 sets out the proposed development strategy for Measham;

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.

Circular 03/99 (Planning Requirement in Respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development)

This document sets out the planning controls on non-mains sewerage and associated sewerage disposal aspects of future development.

6. Assessment

Principle of the Development

The site is located within the countryside and, as such, permission for new development would not normally be granted unless it is for certain uses as set out in Policy S3 of the adopted North West Leicestershire Local Plan.

It is considered that the use of excess land on a farmholding for the storage of military vehicles would not be too dissimilar to the use of land at farms for the storage of caravans and leisure vehicles which is generally considered to be a form of farm diversification. In the circumstances that rent would be paid to the owner of the site, the occupant of Measham Lodge Farm, in order for the storage land to be available it is considered that this would subsidise any agricultural income and as such represents a form of farm diversification. As Paragraph 28 of the NPPF, as well as Policy S3 of the Local Plan and Policies CS8 and CS13 of the submission version Core Strategy support farm diversification and rural enterprise developments it is considered that the use of the site for the proposed purposes would be acceptable in principle.

The site lies 1440 metres to the south-east of the settlement of Measham and therefore, in terms of the settlement hierarchy for new development provided by Policy CS7 of the submission version Core Strategy, would fall within the last category (E - Countryside). There are no bus stops close to the site, although a frequent bus service would be available in Measham, and no public footways along Gallows Lane. As a result those travelling to work at the site are likely to be heavy reliant on the private car. Whilst this may be the case it is considered that should there be an influx of workers required for the agricultural operation on the site then they would have to access the site in the same way that any employees of Tank Mania would and on the basis that Paragraph 28 of the NPPF indicates that planning should support "diversification of agricultural and other land based rural businesses" it is considered that the site would not be significantly detached from the settlement of Measham to warrant a refusal of the application on sustainability grounds. This view is further supported by the fact that the retention of the use would be no different to farm diversification schemes for storage at other farm sites in the District.

Residential Amenity

The nearest residential property to the site would be Measham Lodge farmhouse although properties do exist within the vicinity of the site including Coronet House, Gallows Lane which lies 350 metres to the south of the site.

It is considered that the storage of the vehicles on the site would not result in any overbearing, overshadowing or overlooking impacts on the amenities of any neighbouring properties and as such the main issue would relate to the noise generated by the movement of vehicles and any servicing and maintenance which is carried out.

The Council's Environmental Protection team have no objections to the application subject to the servicing and maintenance of the vehicles, as well as their movements being restricted to certain times, which would prevent any activity on Sunday's and Bank Holidays and any activity to cease by 13:00 on Saturdays in order to protect local amenity. Whilst there would be no restrictions on the movement of agricultural vehicles associated with the site these are not likely to generate the same level of noise as the tanks and as such it is deemed appropriate to restrict the operations on the basis of the noise which could be generated.

Should this restriction be put in place the retention of the use would not conflict with Paragraph 123 of the NPPF or Policy E3 of the Local Plan.

Impact on the Historic Environment and Streetscape

The storage of the military vehicles would be conducted on land situated 87.0 metres from the Grade II Listed Measham Lodge Farmhouse. Although the retention of the land for the applied purposes would impact on the setting of the heritage asset, it is considered that these impacts would not be sufficiently detrimental to the historic significance of the heritage asset to warrant a refusal of the application. This view is taken on the basis that there are no controls on the land for where agricultural vehicles would be stored, which would have the same degree of impact on the setting of the heritage asset, as well as the fact that the relocation of the area where storage would be carried out would now lead to any views established of the building from public footpath P85 being unrestricted, as such the setting of the heritage asset, at the very least, would be preserved.

In terms of the wider area and streetscape it is considered that no views of the storage area would be obtained from outside the site given the scale of the vehicles and the fact that mature vegetation exists along the boundaries which acts as a natural screen. Although views would be obtained from public footpath P85 and P90 it is considered that the retention of the use would not have an adverse impact on people's enjoyment of these rights of way given that the military vehicles would not restrict views beyond the site and in any case agricultural vehicles could be stored on the site in a similar manner.

The retention of the storage container would also not have significant implications to the significance of the heritage asset or rural environment given it would be suitably screened by the mature landscaping.

Overall the development would not conflict with Paragraphs 75, 131, 132 or 134 of the NPPF, Policies E4 and F1 of the Local Plan or Policy CS34 of the submission version Core Strategy.

Highway and Rights of Way Safety

The County Highways Authority raised no objections to the storage of the military vehicles and whilst the County Rights of Way Officer initially raised objections to the application this objection has been removed following the relocation of the storage area.

In the circumstances that existing vehicular accesses into the site would be utilised to enable the vehicles to access the storage area it is considered that there would not be a substantial conflict with highway safety given that these accesses could also be used for agricultural vehicles which would be of a similar size, as well as have similar speeds, to the military vehicles which would be stored. On the basis that Paragraph 32 of the NPPF outlines that "*development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe;*" it is considered that the retention of the storage use would not have a significantly detrimental impact on highway safety and as such would accord with Policy T3 of the Local Plan and Policy CS23 of the submission version Core Strategy.

The area proposed for the storage of vehicles would also be sufficient so that no vehicles are stored in the public highway which would ensure compliance with Policy T8 of the Local Plan.

Discussions with the County Council Rights of Way Officer have also led to their objections being removed on the basis that the area for the storage of vehicles has been relocated so that it does not obstruct the official route of public footpath P85. The Rights of Way Officer has suggested conditions which would ensure any user of the public footpath would be aware of the

movement of military vehicles and in the circumstances that these conditions could be imposed on any grant of planning permission it is considered that the proposal would accord with the aims of Paragraph 75 of the NPPF.

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.

It is considered that surface water run-off from the site would not increase as part of the proposals given that the vehicles would be externally stored on land which would be permeable but the distance of the site from the River Mease SAC would ensure that the any discharge of surface water run-off would not be sufficiently detrimental to its integrity. Notes to the applicant, as suggested by the Environment Agency, would be attached to any consent to make them aware of their requirements.

With regards to foul drainage discharge the River Mease statement indicates that the storage component would not result in any increase in foul drainage discharge from the site as any employee of the business would utilise the existing facilities on the site. The existing farmholding utilises an unsealed septic tank for the disposal of foul drainage and this type of system would only require emptying once a year. Following discussions with the Senior Habitats Directive Specialist at David Tyldesley and Associates (the authors of the River Mease Water Quality Management Plan), it is considered that the position of the unsealed septic tank would be situated a sufficient distance from the nearest watercourse to ensure that any phosphate discharged into the ground as part of its function would be sufficiently diluted by the time it reached the River Mease SAC. The fact that this type of system would only require emptying once a year would also ensure that it would not be necessary for the applicant to enter into a unilateral undertaking under the terms of the DCS.

Overall it can be ascertained that the continuation of the use on the site 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.

Suitability of Non-Mains Drainage

Proposals for non-mains drainage systems should be assessed against the tests set out in Circular 03/99. The first presumption is to use public sewers for foul drainage connections although in this particular circumstance no connection to the mains sewer exists for the site.

After public sewers consideration should be given to the use of a package sewerage treatment plant. An unsealed septic tank is utilised for foul drainage disposal which acts in a similar manner to a package treatment plant and as such it falls under the second criteria of Circular 03/99. This states: "If by taking into account the cost and/or practicability, it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, a package sewerage treatment plant incorporating a combination of treatment processes should be considered. The plant should offer full treatment (including secondary and if necessary tertiary treatment) with the final effluent discharge from it meeting the standard and conditions set by the Environment Agency where applicable. The proposal for a package plant should also set out clearly the responsibility and means of operation and maintenance to ensure that the discharge consent is not likely to be infringed in the life of the plant." As it has been demonstrated that a connection to the mains sewer would not be feasible, by virtue of no mains drainage existing within the vicinity of the site, the second option has been selected which would be acceptable under the criteria of Circular 03/99. The Environmental Permitting (England and Wales) Regulations 2010 would also ensure the ongoing maintenance, design and installation of the unsealed septic tank would not have a detrimental impact on the integrity of the River Mease SAC by virtue of the fact that it would be managed accordingly throughout the lifetime of the development.

In the circumstances that the unsealed septic tank would only require emptying once a year it is considered that the movements of a tanker collecting the wastage would be less infrequent than those associated with waste collectors who visit the site every two weeks and as such the amount of fuel consumption and CO2 emissions would be less which would not lead to the development being environmentally unsustainable in respect of foul sewerage disposal.

Other Matters

The site is situated within the National Forest and in the circumstances that the existing mature landscaping on the site would be maintained as part of the development proposals it is considered that the retention of the use would not conflict with the principles of Policies E7, F1 or F3 of the Local Plan or Policy CS30 of the submission version Core Strategy. Additional landscaping on the site could be conditioned on any consent should it be deemed necessary.

It is noted that one of the access tracks into the site runs along a route which has the potential to be re-used as a transport corridor, including pedestrian footpaths, bridleways and cycle routes and informal recreation corridors, however it is considered that the retention of the activity would not prejudice the potential use of the track by pedestrians, cyclists or horse riders in the circumstances that suitable notices could be installed along the route to ensure people are aware of the movement of military vehicles along the route. As such the development would not substantially conflict with Policy T14 of the Local Plan.

The route of the proposed Ashby Canal appears to follow public footpath P85 and as such it is likely that at some point in the future the canal would dissect through the Measham Lodge Farm site and bypass the storage area for the military vehicles. At present the retention of the use would not prejudice the re-opening of Ashby Canal given that it is likely that the developers of the canal will be in a position to acquire the land once the development is to be progressed and as such there would not be conflict with Policy T16 of the Local Plan.

Conclusion

Although the site would be situated outside the defined limits to development it is considered that the retention of the use would constitute an acceptable form of farm diversification and the site would not be considered unsustainable for the use given that it would not be too dissimilar to any other form of farm diversification storage use at other farm sites, in these circumstances the proposal would accord with Paragraph 28 of the NPPF, as well as Policy S3 of the Local Plan and Policies CS7, CS8 and CS13 of the submission version Core Strategy. Subject to conditions being imposed on any consent to control the hours where vehicle movements and servicing and maintenance would be conducted it is considered that the retention of the use would not have an adverse impact on the amenities of neighbouring properties and as such would accord with Policy E3 of the Local Plan. The storage would be conducted to the rear of the Grade II Listed Building in an area where significant levels of mature landscaping exists and in the circumstances that the retained use would have no greater impacts on the setting of the listed building, surrounding landscape or street scene than the storage of agricultural vehicles, which would be unrestricted, it is considered that the development would accord with Paragraphs 75, 131, 132 and 134 of the NPPF, Policy E4 of the Local Plan and Policy CS34 of the submission version Core Strategy. There would be no significant implications to highway safety given that the existing accesses would be utilised and the speed of the tanks would not be too dissimilar to that of an agricultural vehicle. The relocation of the storage area would ensure that the integrity of the footpath is preserved and overall the retention of the use complies with Paragraphs 32 and 75 of the NPPF, Policies T3 and T8 of the Local Plan and Policy CS23 of the submission version Core Strategy. It is unlikely that the storage of the military vehicles would lead to a substantial increase in surface water run-off from the site and foul drainage discharge from the site would be dealt with via an unsealed septic tank which given the distance to the River Mease SAC would not have an adverse impact on its integrity by virtue of the effluent which would be discharged to the ground. On this basis 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. The use of the unsealed septic tank would also accord with the aims of Circular 03/99. Sufficient landscaping would be maintained to the boundaries of the site to ensure that the development would be adequately screened and as such the development would accord with Policies F1, F3 and E7 of the Local Plan and Policy CS30 of the submission version Core Strategy. The retention of the use would also not prejudice the reinstatement of the Ashby Canal or prevent the establishment of transport corridors along the disused railway routes and as such the development would accord with Policies T14 and T16 of the Local Plan. It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to the following 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 development shall be carried out in strict accordance with the Site/Location Plan (1:1250), received by the Local Authority on the 12th July 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 provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order) the land identified on the Site/Location Plan (1:1250), received by the Local Authority on the 12th July 2013, shall only be used for the storage of military equipment (including tanks, armoured fighting vehicles and trailers and off road 4x4's) and the maintenance of such vehicles and for no other purpose whatsoever.

Reason - other uses would be harmful to the amenities of the area.

- 4 No servicing or maintenance of vehicles shall be carried out on the site until such time as a scheme providing an impermeable surface and sealed off area for these works has been submitted to and agreed in writing by the Local Authority in consultation with the Environment Agency. Once agreed the scheme shall be provided and shall thereafter be so maintained unless an alternative scheme is first submitted to and agreed in writing by the Local Authority.

Reason - in the interests of preserving the ecological integrity of the environment.

- 5 The use, hereby permitted, shall only operate between the hours of 09:00 - 18:00 Monday to Friday and 09:00 - 13:00 on Saturday with no workings on Sunday or Bank Holidays.

Reason - in the interests of preserving the amenities of neighbouring residential properties.

- 6 No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority.

Reason - in the interest of the visual amenities of the locality.

- 7 Within three months of the date of this permission details of advisory notes to be erected for the benefit of pedestrians and drivers of military vehicles on public footpath P85, where the military vehicles would cross the route, shall be submitted to and approved by the Local Authority, in conjunction with the County Highways Authority, in writing. Once agreed the signs shall be installed in accordance with the approved details and shall thereafter be so retained.

Reason - in the interests of the safety of users of the public footpath network.

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 April 6th April 2008 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 The applicant must comply with the oil storage regulations for any fuel and lubricants that are stored on site by referring to the following guidance:
<http://publications.environment-agency.gov.uk/PDF/PMHO0811BUCR-E-E.pdf>
 and
<http://publications.environment-agency.gov.uk/PDF/PMHO0811BUBP-E-E.pdf>.
- 4 If the washing down of vehicles is to take place, the Environment Agency's Pollution Prevention Guideline 13 (PPG 13) must be adhered to. There is currently uncertainty whether there is adequate containment if washing down on hard standing is to take place. Any washing down will need to be direct to the foul sewer or to a sealed sump to be disposed of by a licensed contractor.
- 5 It is understood that the proposal may include the possibility of servicing the AFV432 series vehicles. This, combined with other vehicle servicing would likely result in excess of 500kg of hazardous waste being produced. If over 500kg of hazardous waste is produced then the Hazardous Waste regulations will apply. All precautions must be taken to avoid discharges and spillages to ground. For advice on pollution prevention measures, the applicant should refer to the Environment Agency's guidance:
 'PPG1 - General guide to prevention of pollution,'
 'PPG2 - Above ground storage tanks,'
 'PPG8 - Safe storage and disposal of used oils,' available from our website.
- 6 The Environment Agency's 'Groundwater Protection: Principles and Practice' (GP3) document, available from the Environment Agency website at www.environment-agency.gov.uk, includes the following position statements regarding surface water drainage:
 G11 - Discharges from areas subject to contamination.
Discharges of surface water run-off to ground at sites affected by land contamination, or the storage of potential pollutants are likely to require an environmental permit. This applies especially to sites where storage, handling or use of hazardous substances occurs (such as for example, garage forecourts, coach and lorry parks/turning areas and metal recycling/vehicle dismantling facilities). The site will need to be subject to a risk assessment with acceptable effluent treatment provided;
 G13 - Sustainable Drainage Systems.
The Environment Agency support the use of sustainable drainage systems (SuDS) for new discharges. Where infiltration SuDS are to be used for surface water run-off from roads, car parking and public amenity areas, they should have a suitable series of treatment steps to prevent the pollution of groundwater. For the immediate discharge catchment areas used for handling and storage of chemicals and fuel, handling and storage of waste and lorry, bus and coach parking or turning areas, infiltration SuDS are not permitted without an environmental permit.
- 7 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

PLANNING APPLICATIONS- SECTION A

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.

Retrospective application for the retention of the use of the land for the operational use of military and civilian "off road vehicles" (including tanks, armoured fighting vehicles, heavy duty vehicles and off-road 4x4"s)

**Report Item No
A4**

Measham Lodge Farm Gallows Lane Measham Swadlincote

**Application Reference
13/00290/FULM**

**Applicant:
Tank Mania Limited**

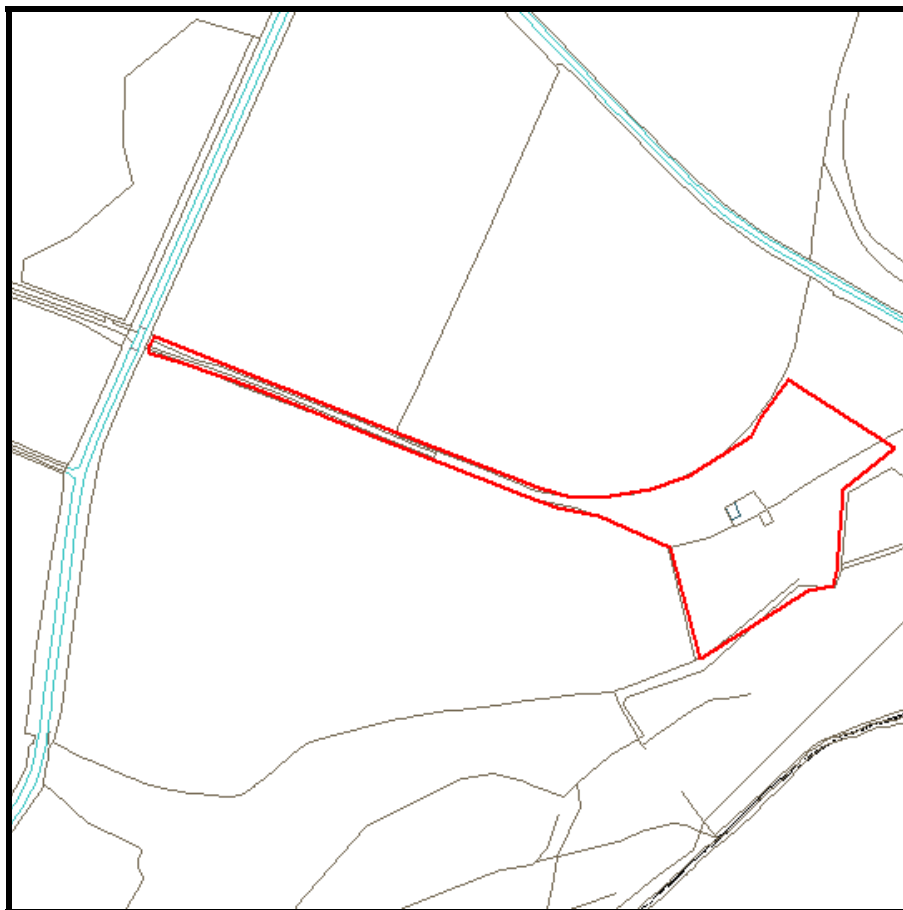
**Date Registered
8 April 2013**

**Case Officer:
Adam Mellor**

**Target Decision Date
8 July 2013**

**Recommendation:
REFUSE**

Site Location (For indicative purposes only, full plans available on the planning file)



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EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR REFUSAL

Call In

This application has been brought to Planning Committee as it is considered necessary for the committee to assess the potential economic benefits of the development against the significant noise implications for nearby residential properties.

Proposal

The application proposes that an area of 2.2 hectares would be continued to be used for the operational use of military and civilian "off road vehicles" which would include tanks, armoured fighting vehicles and off-road 4 x 4's. It is indicated on the application forms that the use commenced in approximately 2002 - 2003 with two enforcement investigations being carried out over the use of the land which are referenced 08/00218/UD, which was closed on the 12th April 2011, as well as 11/00272/UD, which resulted in an enforcement notice being issued on the 1st August 2012.

Consultation

19 representations have been received to the application, 17 from the occupants of 5 individual properties objecting to the application, one from the Ashby Canal Association objecting to the application and one in support of the application from an unknown address. Measham Parish Council support the development and no objections are raised from all other statutory consultees.

Planning Policy

The development would conflict with the principles of Policy E3 (Residential Amenities) of the Local Plan and Paragraph 123 of the NPPF. It would, however, accord with all other relevant policies of the Local Plan as well as Paragraphs 7, 17, 18, 19, 28, 32, 61, 75 and 118 of the NPPF; Policies CSA1, CS7 (Location of Development); CS8 (Countryside); CS10 (Meeting the Development Needs of Business); CS13 (Rural Economy); CS21 (Well-Designed Buildings and Places); CS23 (Transport); CS30 (The National Forest); CS32 (Biodiversity and Geodiversity) CS33 (River Mease Special Area of Conservation); CS40 (Measham) and CS42 (Rural Area) of the submission version Core Strategy as well as 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 Circular 03/99 (Planning Requirement in Respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development).

Conclusion

Although the retention of the unique use would be of economic benefit to the District and the leisure and recreational uses promoted by the National Forest, in the circumstances that the overall level of noise generated would result in a significantly detrimental impact on the amenities of neighbours, and would be so severe that a noise abatement notice could be issued, it is considered that any economic benefit would not outweigh the harm caused to nearby residential properties and as such to permit the proposal would be contrary to Paragraph 123 of the NPPF and Policy E3 of the Local Plan. It is therefore recommended that the application should be refused.

RECOMMENDATION - REFUSE for the reason set out below.

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

Retrospective planning permission is sought for the retention of the use of the land for the operational use of military and civilian "off road vehicles" (including tanks, armoured fighting vehicles and off-road 4 x 4's) at Measham Lodge Farm, Gallows Lane, Measham. The site in question is situated on the south-eastern side of Gallows Lane on the opposite side of the road to Measham Lodge Farm and has a vehicular access direct from Gallows Lane. The site lies outside the defined limits to development in the North West Leicestershire Local Plan with the surrounding area being predominately rural although residential properties do exist within the vicinity of the site. Public footpath P85 also runs through the application site.

The application proposes that an area of 2.2 hectares would be continued to be used for the operational use of military and civilian "off road vehicles" which would include tanks, armoured fighting vehicles and off-road 4 x 4's. It is indicated in the supporting information that the experience offered is *"a realistic soldier experience riding/driving military vehicles with instructions on military driving for groups, parties, individuals and youngsters using 'mini-tanks;' combat fatigues and helmets provided, camouflage cream applied; detailed briefing including Health & Safety followed by syndicate grouping with army training on a variety of vehicles, mess tins and army style food and tea provided plus smoke grenades and thunderflashes when appropriate."* It is indicated on the application forms that the use commenced in approximately 2002 - 2003 with two enforcement investigations being carried out over the use of the land which are referenced 08/00218/UD, which was closed on the 12th April 2011, as well as 11/00272/UD, which resulted in an enforcement notice being issued on the 1st August 2012.

Four portable buildings, one of which contains the toilet block, are also situated on the land and would be used in connection with the continuation of the use.

A design and access statement and statement assessing the impacts of the development on the integrity of the River Mease Special Area of Conservation (SAC) have been submitted in support of the application.

During the course of the application an operational noise assessment, phase 1 habitat survey and information to address highway safety and rights of way concerns have been submitted following responses from statutory consultees.

A previous application for planning permission 95/0507/P for the re-excavation and watering of canal was approved on the 23rd August 1995.

2. Publicity

8 no. neighbours have been notified (Date of last notification 31 July 2013)

Site Notice displayed 16 April 2013

Press Notice published 17 April 2013

3. Consultations

Measham Parish Council consulted 9 April 2013

LCC ecology consulted 31 July 2013

Natural England consulted 31 July 2013

Head of Environmental Protection consulted 25 July 2013
County Highway Authority consulted 9 April 2013
Environment Agency consulted 9 April 2013
Severn Trent Water Limited consulted 9 April 2013
Head of Environmental Protection consulted 9 April 2013
LCC/Footpaths consulted 9 April 2013
Christine James/ Matt Savage consulted 9 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 initially commented that they had no objections to the proposal but requested clarity on whether vehicles would be serviced on the site. Following receipt of additional information the Environment Agency maintain no objection to the development but specify that an Environmental Permit would be required for the storage of 'end-of-life' vehicles.

Leicestershire County Council - Ecology initially objected to the application on the basis that unsatisfactory information had been provided in the ecology report to address the potential impacts of the development on Great Crested Newts. The ecology report also did not contain a Phase 1 Habitat Survey. Following the receipt of a Phase 1 Habitat Survey the County Ecologist has removed the objection subject to a condition/note to applicant being placed on any consent for future surveys to be undertaken on the ponds to monitor for Great Crested Newt populations.

Leicestershire County Council - Highways initially objected to the application on the basis that Gallows Lane is a well used Class II Highway (B4116) with vehicle speeds being high and a large proportion of heavy goods vehicles using the route, both accesses would be substandard with regard to their surfacing and visibility and the use of tanks caused damage to the road surface. Following receipt of additional information the County Highways Authority has removed its objection subject to the conditions being imposed on any consent granted.

Leicestershire County Council - Rights of Way initially objected to the application on the basis that the information supplied did not show the proposed use of the land in relation to public footpath P85 and as such they could not be satisfied that the activities would not compromise the safety of pedestrians when using the public right of way or cause damage to the surface. Following on-site discussions with the applicant the Rights of Way Officer has removed their objection subject to a condition requiring signage to be displayed where vehicles would cross the right of way.

Measham Parish Council has no objections subject to the existing footpaths being maintained at an acceptable level.

Natural England has no objections subject to a condition on any consent for pollution controls to be installed to limit the impacts on the River Mease SAC/SSSI.

NWLDC - Environmental Health initially stated that the noise impact assessment would not be sufficient and that a noise assessment would need to be provided taking into account the requirements of BS4142. Following receipt of a revised noise survey the Council's Environmental Health section has raised concerns that the report gives no consideration to the *"background noise levels reverting back to a lower level once the temporary operations at Minorca Open Cast cease in approximately four years."* They have also indicated that the

representations received from the occupants of No. 2 Bosworth Grange are valid.

Severn Trent Water no representation received.

Third Party Representations

A total of 19 representations have been received from the occupants of Nos. 2, 3 and 4 Bosworth Grange, Valley Farm House, Bosworth Road, The Bungalow, Gallows Lane and the Ashby Canal Association which object to the application along with one representation in support of the application from an unknown address. The objections raised are on the following grounds: -

- *"operators of Tank Mania have demonstrated complete indifference to the legal requirements of planning applications and local neighbour's appeals for moderation with regard to operating hours and noise;"*
- *"operated military vehicles on the local public highways (with members of the public aboard) causing potential traffic hazards and damage to both road and verges;"*
- *"left mud and debris on the public highways again a potential traffic hazard;"*
- *"operated their vehicles for extended periods both in the week and at weekends causing unpleasant and excessive noise;"*
- *"several commercial ventures carried out on land, except farming, including "Boot Sales," "Light aircraft flying" which results in noise and or litter, with little regard for the environment or neighbours;"*
- *"tank driving site is very near to the Minorca Surface Mine. The noise from this facility can be overwhelming for those that live nearby. The operating hours of the mine are strictly controlled leaving Saturday afternoons, Sundays and Bank Holidays free of operations; these are just the times when the tank driving is at its most intense. It is simply not fair on those who are presently enduring the noise of the surface mine to grant a permission that in any way facilitates the tank driving activity which generally coincides with the quiet periods at the surface mine;"*
- *"they have shown no consideration whatever, for near neighbours by operating at unsocial hours and causing excessive noise and disturbance;"*
- *"since Tank Mania stopped UK Coal plc have started an opencast operation next to our house. This is also very noisy but it has permission. The opencast mine operates Monday to Saturday from 7am to 7pm (midday finish on Saturday). They will continue for another 4 years;"*
- *"The existing noise from the opencast is already severe. I have been monitoring the noise with Class 1 noise equipment. In the last 5 months the noise at our house has exceeded 50dB on over 100 days and over 55dB on over 20 days. World Health Organisation criteria state that most people would be moderately annoyed by a noise of over 50dB and seriously annoyed by over 55dB. Thankfully we have at least quiet on Saturday afternoon, Sunday and Bank Holidays;"*
- *"the Ashby Canal is going to be restored at the rear of our garden as part of the planning gain from the opencast site. This will also add further noise;"*
- *"proposal is in conflict with North West Leicestershire Policy Document CS33 which places the proposed site in the River Mease Special Area of Conservation. Policy CS33 seeks to protect landscape and character and natural environment and especially the River Mease SAC. Change of use of land should, because of this and the Government directives on which this is based, require an EIA before changes are allowed;"*
- *"the ecology survey is not thorough enough to assess whether newts could have migrated into the area from the Minorca site from where they have been actively displaced;"*

- *"Tank Mania was set up as company in 2008 and the present owner of the company began illegal operations in 2012;"*
- *"There are 3 maps which show the site boundary and they are inconsistent;"*
- *"they have demonstrated they cannot be trusted to comply with ANY conditions that may be attached to planning approvals and since the LCC are not in a position to police their activities I strongly object to this application;"*
- *"we would not wish the peace and tranquillity of this canal site and the nearby area to be significantly affected, and would request the provision of noise abatement methods on vehicles and the provision of substantial noise screening or mounding;"*

The representation in support of the application comments that: -

- *"It is an ideal location for this sort of activity and because of the size of the facility (some 28 acres I believe) should allow the paying customers to have a very enjoyable experience."*

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:

- 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;

Paragraph 7 indicates that the planning system needs to perform a number of roles which include, amongst others, an economic role which means contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

Paragraph 17 indicates that in decision making planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings as well as 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;

Paragraph 18 indicates that the Government is committed to securing economic growth in order

to create jobs and prosperity, building on the country's inherent strengths;

Paragraph 19 outlines that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system;

Paragraph 28 outlines that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should, amongst other things:

- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;
- Support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres;

Paragraph 32 outlines that 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;

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 75 outlines that planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails;

Paragraph 118 outlines that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying particular principles;

Paragraph 123 indicates that planning policies and decisions should aim to, amongst other things:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;

- 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;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established;

Paragraph 187 identifies that Local Planning Authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area;

Paragraph 203 indicates that 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;

Paragraph 206 states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable precise and reasonable in all other respects;

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 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 requires new development to respect the character of its surroundings;

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 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 T14 presumes against development which would be likely to impair the continuity of

disused railway lines, which have potential for re-use as transport corridors, including pedestrian footpaths, bridleways and cycle routes and informal recreation corridors;

Policy T16 presumes against development which would prejudice the re-opening of Ashby Canal. It also provides that, in the event of the canal being reopened, development outside Limits to Development will only be permitted where it is strictly ancillary to the use of the canal as a navigable waterway;

Policy L2 provides that in cases where it can be demonstrated that a rural location is necessary, and subject to Policy L3 below, planning permission will be granted for informal recreation facilities, and land extensive recreational uses whether formal or informal, on the fringes of built up areas and elsewhere outside the defined Limits to Development;

Policy L3 sets out the criteria for determining applications for development on recreational sites outside Limits to Development;

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 CS10 seeks to meet the development needs of business and help secure sustainable economic growth by identifying locations for development;

Policy CS13 sets out the types of development that will be supported to provide for the needs of the rural economy;

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 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 CS41 sets out the proposed development strategy for Measham;

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.

Circular 03/99 (Planning Requirement in Respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development)

This document sets out the planning controls on non-mains sewerage and associated sewerage disposal aspects of future development.

6. Assessment

Principle of Development

The site is located within the countryside and, as such, permission for new development would not normally be granted unless it is for certain uses as set out in Policy S3 of the adopted North West Leicestershire Local Plan. The proposed use of the land for the 'operational use of military and civilian off-road vehicles' would be considered to be a form of leisure or recreational development and as such would accord with the criteria of acceptable development under Policy S3, as well as Policy CS8 of the submission version Core Strategy.

The site lies 1440 metres to the south-east of the settlement of Measham and therefore, in terms of the settlement hierarchy for new development provided by Policy CS7 of the submission version Core Strategy, would fall within the last category (E - Countryside). There are no bus stops close to the site, although a frequent bus service would be available in Measham, and no public footways along Gallows Lane. As a result those travelling to and working at the site are likely to be heavy reliant on the private car.

However Paragraph 28 of the NPPF advocates the importance of supporting *"sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors,"* particularly where these needs are *"not met by existing facilities in rural service centres."* This advice is also reflected in Policies CS10 and CS13 of the submission version Core Strategy. The continued use of the site for the proposed purposes would not be an appropriate fit within a built environment, given the amount of land required for the use as well as potential relationships with residential properties, and in the circumstances that the development would provide local employment, diversify the rural recreational and leisure economy and users/employees of the business could still access services in Measham it is considered that it would constitute a sustainable form of development which would not conflict with the core principles of the NPPF. Furthermore, regardless of its location, people are still likely to visit the site predominately by car given the fact that the land use would be best suited to a rural location.

In terms of Policies L2 and L3 of the Local Plan it is considered that a rural location would be necessary for the pursuit of this type of recreation/leisure use given the amount of land which would be required to carry out the functions of the business as well as the fact that the use would not be easily adapted into a built environment. It is also considered that the retention of portable buildings on the site would be ancillary to the recreational/leisure use carried out. In terms of criteria (b) and (c) of Policy L3 it is considered that the portable buildings are located next to an area of dense vegetation with borders public footpath P85 and whilst they are presently white two have been painted green and black, camouflage colours, in order to assist in 'assimilating' the development into a rural environment. It is considered that a planning condition could secure the painting of the remaining two portable buildings and in the circumstances that the site is bordered by dense mature vegetation it is considered that the retention of these structures would not have a sufficiently adverse impact on the rural environment. Public footpath P85 also runs through a dense vegetation corridor adjacent to these structures and although some views would be established it is considered that no substantial views beyond or within the site would be impacted on due to the present boundary treatments and the overall scale of these structures. As such the proposals would not substantially conflict with the principles of Policies L2 and L3 of the Local Plan.

Residential Amenity

The nearest residential properties to the site, bar Measham Lodge Farm where the military and civilian off-road vehicles are stored, are those at Bosworth Grange which lie 225 metres to the south-east of the site and Coronet House, Gallows Lane which lies 610 metres to the south-west of the site.

Given the nature of the proposal, and the scale of the retained portable buildings, there would be no adverse overbearing, overshadowing or overlooking impacts on the amenities of neighbours with the main concerns relating to noise.

The Council's Environmental Health team raised initial objections to the application on the basis that the noise impact assessment initially submitted was not sufficient and that a noise assessment to the requirements of BS4142 would need to be supplied. An operational noise assessment was received in July 2013 and this concluded that *"an assessment of combined noise levels from vehicle movements and plant has found that the rating noise levels are not expected to exceed daytime background noise levels by more than 3.8 dB(A) (Monday - Saturday) and are expected to be of marginal significance during Sunday daytime periods; A noise intrusion assessment of combined noise levels from vehicle movements and plant has shown that noise levels from the activity centre are predicted to be below the BS 8233 'good'*

criteria at nearby sensitive receptor locations with windows open. The proposal is therefore not expected to have an 'adverse impact' on health or quality of life." The Council's Environmental Health team reviewed the revised assessment and concerns are still expressed that no consideration has been given to the background noise reverting back to a lower level once the Minorca Open Cast Mining site ceases, in approximately four years time, and in any case no consideration has been given to the fact that on a Saturday the Minorca site would not operate beyond 12:00. In objecting to the application one of the third party representations received has included a critical evaluation of the operational noise assessment which has raised concerns over the findings and, 'in principle,' the Council's Environmental Health team have concluded that there is merit in the argument presented within the representation. In the circumstances that the operational noise assessment has included the background noise generated by the Minorca Open Cast site as well as the Measham Car Boot Sale for justification that the activities would not generate significant noise impacts on Saturday and Sunday would lead to the results being flawed given that the Minorca Open Cast ceases operations on a Saturday around midday, and has no working on a Sunday, and the Measham Car Boot only runs for 30 days a year.

Although it is acknowledged that the retention of the use would provide economic benefits to the District and would promote the leisure and recreational uses advertised by the National Forest, given the unique nature of the activity offered and the substantial interest from television companies, this benefit would need to be weighed against the substantial harm caused by the noise generated when the activity is operational.

Whilst Officers are extremely sympathetic to the circumstances of the applicant and the amount of work put into employing local people and ex-military personnel, the activity conducted would only be profitable and viable should it operate at weekends, given that it is a leisure/recreational use, and on the basis that this operation at weekends would have a significant adverse noise impact on the occupants of nearby residential properties, as well as the fact that the Environmental Health team have identified that should permission be granted the activities would be subject to a noise abatement notice by virtue of the unacceptable noise impacts, it is considered that, overall the potential economic benefits would not outweigh the harm caused to residential amenities and as such to permit the development would be contrary to Paragraph 123 of the NPPF and Policy E3 of the Local Plan.

The overall concerns associated with the noise generated by the use could also not be mitigated by the imposition of conditions or planning obligations on any consent and as such the refusal of the application would not be contrary to the aims of Paragraphs 187 or 203 of the NPPF.

Impact on the Rural Environment and Streetscape

The unauthorised use has been conducted from the site since at least 2008 and as a result the landscape has been altered by the continued activity of tanks driving around a set course. Although the landscape has been impacted upon by this activity, it is considered that its general condition would not be to the overall detriment of the rural character of the surrounding area given the operations undertaken on land within the vicinity of the site such as the Minorca Open Cast Mining site, to the north, and the Hansons brickworks to the south-west. The mature vegetation which exists to the boundaries of the site would also assist in screening the land from the streetscape and as such it would not be substantially prominent from this domain. Although public footpath P85 runs through the site it is noted that it is bordered by mature vegetation, on both sides, which would negate substantial views of the landform by users. In any case the landform would not restrict views out of the site to prominent landforms or features and as such the enjoyment of the footpath by its users would not be compromised significantly to justify a reason for refusal particularly in the circumstances that the footpath network within the vicinity of

the site would lead its users past the Hansons brickworks which has a greater visual impact on the landscape than the proposal.

As considered within the 'Principle of Development' section of the report the retention of the portable buildings on the site would not have a sufficiently detrimental impact on the character and appearance of the wider landscape or streetscape particularly in the circumstances that a planning condition could be attached to any consent ensuring that the buildings are painted green and black in order to assimilate the buildings into the rural environment. Any views established from public footpath P85 would also not be adversely impacted on by virtue of them not restricting views beyond the site given the structure's scales.

On this basis the development would not conflict with Paragraphs 61 and 75 of the NPPF, Policies E4 and F1 of the Local Plan or Policy CS21 of the submission version Core Strategy.

Highway and Rights of Way Safety

Although both the County Highways Authority and County Rights of Way Officer raised objections to the application further discussions have been carried out between the applicant and these bodies and as a result the initial objections have been removed.

The applicant has indicated to the County Highways Authority that any vehicles utilising the public highway are road legal, drivers have good visibility, road crossings are done under supervision, mud is swept on a daily basis and the vehicles are fitted with rubber tracks to avoid damage to the road. On the basis of this information the County Highways Authority are satisfied that the proposal could be made safe by virtue of improvements to the vehicular accesses and as such these works are to be conditioned accordingly so that information to address the issues can be submitted as part of a discharge of condition process. In the circumstances that Paragraph 32 of the NPPF outlines that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe;" it is considered that the improvements to the vehicular accesses would ensure that the safety of road users was preserved in accordance with Policy T3 of the Local Plan and Policy CS23 of the submission version Core Strategy.

It has also been requested, by the County Highways Authority, that a condition requiring a surfaced car park for 15 vehicles is provided to prevent on-street parking issues and the imposition of this condition would ensure that the development accords with Policy T8 of the Local Plan.

Discussions with the County Council Rights of Way Officer has also led to their objections to the application being removed in the circumstances that appropriate conditions are imposed on any consent to ensure that the more easterly vehicular access is levelled and surfaced with a hard material, to a standard similar to the westerly crossing, the hedges which border the public footpath being cut back to improve visibility and waymarkers being installed at these points as well as the erection of advisory notes at the two crossing points for the benefit of pedestrians as well as the drivers of military vehicles. On the basis that these works could be conditioned as part of any consent it is considered that the safety of pedestrians would be maintained in accordance with the aims of Paragraph 75 of the NPPF.

Ecology

On the basis of the originally submitted preliminary ecology survey assessment the County Ecologist raised concerns that the survey did not provide an assessment of the implications to Great Crested Newts. Following the submission of a revised Phase 1 Habitat Survey the County Ecologist has removed the objection to the application on the basis that, at present, the potential

for great crested newts to inhabit the site would be low. It is also noted that Natural England has raised no objections to the proposals.

The County Ecologist has, however, identified that the records for the aquatic plants within one of the ponds would suggest that it has the potential to be occupied by great crested newts in the future and as such a condition should be imposed on any consent granted to ensure that further survey work is carried out in the future in order to mitigate against any potential harm. Overall, however, the development would not conflict with the principles of Circular 06/05 or Policy CS32 of the submission version 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 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 indicates that foul drainage discharge is dealt with via a sealed tank beneath the toilet block which would be emptied approximately once a month. A sealed tank would hold all the effluent from the toilet block and would not discharge into the ground. The sealed tank would need to be emptied regularly, with the effluent being collected by a tanker and taken to a sewerage treatment works. It will need to be ensured that the effluent is taken to a sewerage treatment works outside the SAC catchment area, as the discharge from such treatment works has contributed to the increased phosphate levels within the river. As required by both the Environment Agency and Natural England, and also in planning terms, the Authority needs to have enforceable control over the collection and treatment of this waste. The Environment Agency would also require enforceable contingency plans to be in place to deal with any future failures or replacement of the sealed tank.

An appeal decision relating to a site at Atherstone Road, Measham (09/00519/FUL) concluded that planning conditions cannot be used to secure these matters and therefore a Section 106 Agreement would be required. Such an agreement would need to relate to a management scheme for the operation and maintenance of the sealed tank to ensure that its contents are discharged outside the SAC catchment area and contingency plans to address potential failure/replacement. Under the Habitat Regulations and Circular 06/05 the Authority has to have certainty that a proposal, including any mitigation measures, would not adversely affect the

SAC. Following discussions with the Senior Habitats Directive Specialist at David Tyldesley and Associates (the authors of the River Mease Water Quality Management Plan), it is considered that the position of the sealed tank would be situated a sufficient distance from the nearest watercourse to ensure that any phosphate discharged accidentally from the sealed tank into the ground would be sufficiently diluted by the time it reached the River Mease SAC.

Surface water run-off from the site would continue as existing and given the distance to the River Mease SAC (200 metres) it is considered that surface water run-off would have no adverse impacts on its integrity although notes to the applicant would be attached to any consent to make them aware of the requirements of the Environment Agency and the condition suggested by Natural England to control pollutants from the vehicles would also be imposed to limit the implications of this type of run-off contaminating the surface water run-off. Whilst an environmental permit would be required for the storage of fully depolluted and un-depolluted vehicles on the site there is nothing to suggest that a permit would not be issued and the Environment Agency would be responsible, as part of the issuing of the permit, to ensure that the integrity of the River Mease SAC would be preserved.

Overall it can be ascertained that the continuation of the use on the site 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.

Suitability of Non-Mains Drainage

Proposals for non-mains drainage systems should be assessed against the tests set out in Circular 03/99. The first presumption is to use public sewers for foul drainage, although no foul drainage discharge exits within the confines of the site which would allow this connection to occur. As the portable toilet building already exists, with the associated sealed tank, it would not be practical to install a new package treatment plant and as such the only viable option would be the continued use of the sealed tank.

Circular 03/99 states that problems have occurred with the use of sealed tanks/cesspools, including frequent overflows due to poor maintenance, irregular emptying, lack of suitable vehicular access for emptying and through inadequate capacity. The Environment Agency, whilst not objecting to a properly maintained sealed tank/cesspool, states that it does not promote their use and also sets out some of their common problems. Circular 03/99 therefore advises that *"...the local planning authority may wish to adopt the same process of considering the possibility of significant problems arising as described in paragraph 6 above..."* An assessment of the continued use of a sealed tank on the site against the criteria in Circular 03/99 conclude that, against nine of the criteria, the sealed tank would not pose a problem, as there would be no discharge into the ground nor would it prejudice, contravene or breach any statute or similar law/regulation.

The remaining two criteria relate to problems from health hazards/nuisance or damage to the environment/amenity, in particular from leaks or from being susceptible to damage by third parties. The sealed tank is situated below ground and although a public footpath runs through the site it is considered that the location of the development would likely lead to its visitation by unaccompanied members of the public being fairly infrequent and as such the integrity of the system should be preserved. As identified above a legal agreement could be entered into requiring a contingency plans to be in place which would address environmental problems but on the basis of the distance of the sealed tank from the River Mease SAC it is considered that any leakage would not be sufficiently detrimental to its integrity. Therefore it is concluded that use of a sealed tank is unlikely to lead to significant environmental, amenity or public health

problems in this case and as such the proposal would not conflict with Paragraph 6 of Annex A of Circular 03/99.

The emptying of the sealed tank is unlikely to result in any adverse noise impacts on the amenities of neighbours given the distances involved and any collection tanker would enter/exit the site in the same manner as is conducted now which would not raise any objections from the County Highways Authority. In the circumstances that no connection to the mains sewer is available and the location of the development is dictated by the nature of its operation it is considered that the frequent emptying of the sealed tank would not result in an unsustainable form of development given that it is likely that any tanker would visit other properties in the vicinity of the site.

Other Matters

The site is situated within the National Forest and in the circumstances that the existing mature landscaping on the site would be maintained as part of the development proposals it is considered that the retention of the use would not conflict with the principles of Policies E7, F1 or F3 of the Local Plan or Policy CS30 of the submission version Core Strategy. Additional landscaping on the site could be conditioned on any consent should it be deemed necessary.

It is noted that the access track into the site runs along a route which has the potential to be re-used as a transport corridor, including pedestrian footpaths, bridleways and cycle routes and informal recreation corridors, however it is considered that the retention of the activity would not prejudice the potential use of the track by pedestrians, cyclists or horse riders in the circumstances that suitable notices could be installed along the route to ensure people are aware of the movement of military vehicles along the route. As such the development would not substantially conflict with Policy T14 of the Local Plan.

Although the Ashby Canal Association have raised concerns about the noise from the development impacting on the 'tranquillity' of the canal site it is noted that the canal route will also bypass the Hansons brickworks which would also generate noise implications to any potential user of the canal network. In the circumstances that any measures to mitigate the impacts of the retained use on the canal could be conditioned as part of any consent it is considered that the noise implications would not be sufficiently detrimental. The route of the canal also appears to follow the route of public footpath P85 and as such it is likely that at some point in the future the canal would dissect through the operational site of Tank Mania. At present the retention of the use would not prejudice the re-opening of Ashby Canal given that it is likely that the developers of the canal will be in a position to acquire the land once the development is to be progressed and as such there would not be conflict with Policy T16 of the Local Plan.

It is also considered that the development would not require the submission of a Environmental Impact Assessment (EIA) given that it would not constitute one of the forms of development identified in Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

Conclusion

Although the retention of the unique use would be of economic benefit to the District and the leisure and recreational uses promoted by the National Forest in the circumstances that the overall level of noise generated would result in a significantly detrimental impact on the amenities of neighbours, and would be so severe that a noise abatement notice could be issued, it is considered that any economic benefit would not outweigh the harm caused to nearby residential properties and as such to permit the proposal would be contrary to Paragraph 123 of the NPPF and Policy E3 of the Local Plan. It is therefore recommended that the

application should be refused.

RECOMMENDATION - REFUSE, for the following reason;

- 1 Although the retention of the unique use would be of economic benefit to the District and the leisure and recreational uses promoted by the National Forest, in the circumstances that the overall level of noise generated by the proposed development would be severely detrimental to the residential amenities of nearby properties, any economic benefit would not outweigh the significant harm caused to nearby properties and as such to permit the proposal would be contrary to Paragraph 123 of the National Planning Policy Framework (NPPF) and Policy E3 (Residential Amenities) of the North West Leicestershire Local Plan.

Notes to applicant

- 1 Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Local Planning Authority acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The Local Planning Authority has therefore acted pro-actively 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).

Change of use of land for recreational activities (including shooting, bushcraft and nature trails), the installation of car park and pathways along with the siting of three buildings and a toilet

**Report Item No
A5**

**Land At Melbourne Road Newbold Ashby De La Zouch
Leicestershire**

**Application Reference
13/00526/FULM**

**Applicant:
Mrs Kelly Wheeler**

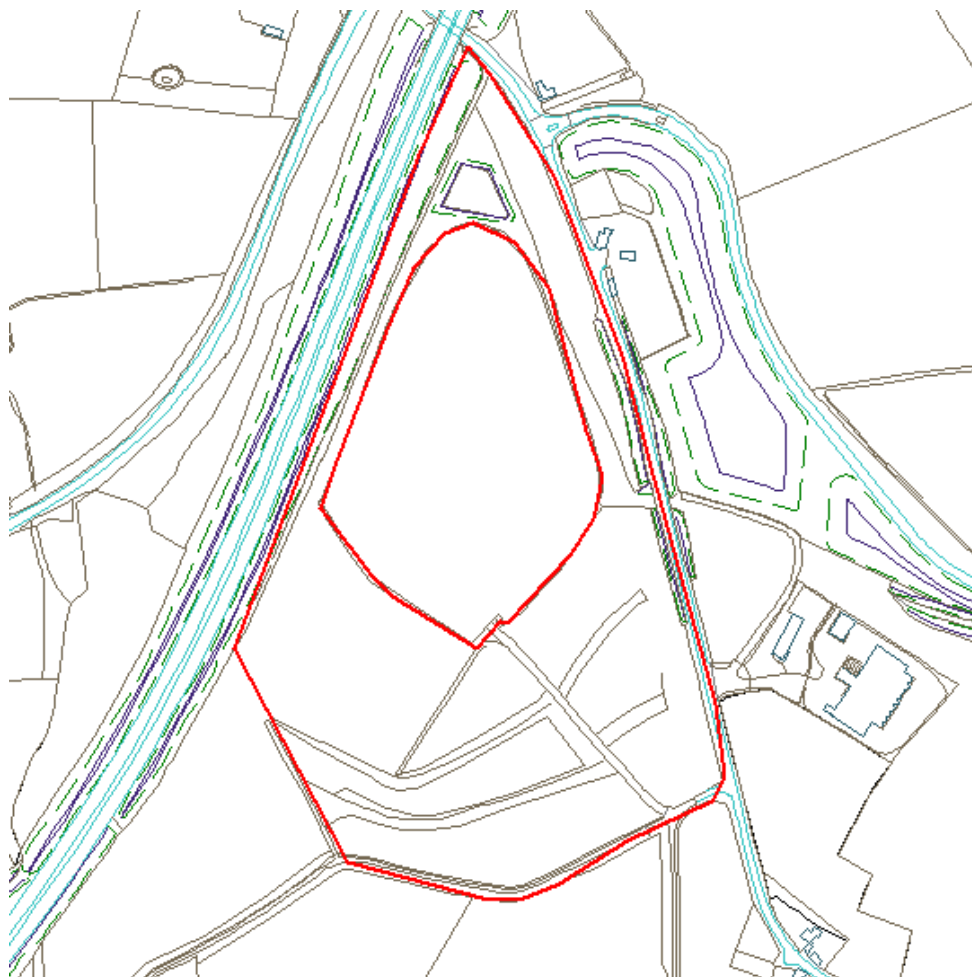
**Date Registered
28 June 2013**

**Case Officer:
Elizabeth Hindle**

**Target Decision Date
27 September 2013**

**Recommendation:
PERMIT**

Site Location (For indicative purposes only, full plans available on the planning file)



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EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR APPROVAL

Call In

This application has been brought before Planning Committee for determination as the application site is owned by Councillor Richard Blunt. It should be noted that Councillor Blunt is not, however, the applicant.

Proposal

The application seeks planning permission for the change of use of land for recreational activities together with the installation of associated buildings, car park and pathways.

Consultations

A total of seventeen representations have been received from members of the public, 16 objecting to the proposed development and 1 supporting the proposals. Coleorton Parish Council has advised that they have no comment to make on the application and Staunton Harold Parish Meeting has objected. The Highways Agency and County Highways Authority have no objections. The Coal Authority, Environment Agency, Natural England, the County Planning Ecologist, and the Council's Environmental Protection team have all confirmed that they have no objection, subject to appropriate conditions or notes to applicant.

Planning Policy

The application site lies outside of the limits to development in an area defined as Countryside on the Local Plan Proposals Map and also within the defined boundary of the National Forest.

Conclusion

As a proposal for a tourism/recreational/leisure facility that would have a functional relationship with the National Forest and proposes minimal built development that is considerate in scale, form, appearance and siting to its woodland setting, it is considered that the proposal represents an appropriate form of development for a site outside of limits to development and within the National Forest.

Despite the concerns raised through representations, the Council's Environmental Protection team have confirmed that with appropriate conditions, the proposed uses would not result in significant harm to the amenities of occupiers of nearby residential properties in terms of noise disturbance.

The built developments proposed would be of an appearance, scale, form and positioning that would not result in any significant impacts on the character of the woodland or the wider setting, or result in any significant lasting detrimental impacts on the woodland environment.

It has been confirmed that the proposal would not be detrimental to the ecology of the site or the nearby SSSI.

It is therefore recommended that the application be permitted.

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 change of use of an area of woodland between Melbourne Road and the A42 for recreational activities.

The site comprises of 4.5 hectares of woodland known as The Smoile on the eastern side of Melbourne Road. The site is accessed via a hardsurfaced track that connects with Melbourne Road to the south of the Distribution Depot.

The site surrounds a field currently used for grazing livestock. The site and the field were formerly subject to clay and coal mining and extraction with associated infrastructure (e.g. vents, shafts, railways) as well as opencast coal mining and used as a landfill before being infilled and landscaped in the last decade (for which a single gas flare remains at the end of the access track). With the changes to the site, significant tree planting has taken place over the past 20-30years.

The proposal includes the siting of three timber clad portacabin/container-style buildings within a natural clearing to provide classroom, amenity and storage facilities, together with ground works associated with providing a car parking area for 18 vehicles (including 2 disabled parking spaces and a minibus space) as well as pathways through the woodland.

The recreational activities proposed include bush crafts, nature conservation activities, falconry, nature trails, lessons/accompanied experiences in archery, clay pigeon, air rifle and air pistol shooting. The bush crafts, nature trails and conservation activities would take place in areas of woodland either side of the access track, using natural clearings and pathways, as well as in the classroom proposed. The archery, clay pigeon shooting, air rifle and air pistol tuition/accompanied experiences would take place on the eastern area of the site to the south of the livestock field, and would require the use of demountable structures such as shooting stands/cages, targets and net fencing. The details submitted state that the proposed use is not for an open clay shoot (i.e where there are any amount of unaccompanied shooting stands with clays presented to shooters at varying speeds, angles and distances to test the skill of the shooter), but would be limited to tutored shooting experiences from six shooting cages in set positions (along the middle pathway as illustrated on the submitted drawing), directing the shots south-west over the woodland. It is proposed that biodegradable clays would be used. Archery, air rifle and air pistol shooting tuition would be directed at targets to the south of the livestock field. It is proposed that demountable net fencing and an earth bund (utilising material moved from the proposed parking area) would separate the archery/shooting field from the livestock field.

Pathways would be provided through the woodland from the portacabin buildings to the archery/shooting area, laid with stone, to restrict the movement of customers through the woodland. The applicants also include details of conservation management of the woodland, following the advice of ecologists regarding works to trees and rotation mowing of ground plants.

The application has been accompanied by an ecology report and a land contamination report. The ecology report by PJP Wildlife Ltd. states that given the nature of the activities proposed and the manner in which they would be managed, the proposal would not present adverse effects to the conservation of the area and could in fact enhance the site with more opportunities to attract a wider variety of species. The land contamination report concludes that the site model for the proposed leisure use does not pose a risk to human health or controlled waters.

The applicants have proposed separate operating hours for the Clay Pigeon Shooting from the other activities proposed and during the course of the application they have requested that the proposed operating hours be amended to the following:

Outdoor activities (e.g. bush crafts/nature conservation/trails/archery/air rifle shooting etc/) -

Monday - Saturday 9am - 7pm; Sundays and Bank Holidays 10am - 3pm

Clay Pigeon Shooting -

Monday - Thursday 9am - 5pm; Fridays 9am - 7pm; Saturdays 9am - 5pm; No clay pigeon shooting on Sundays or Bank Holidays.

2. Publicity

11 no. neighbours have been notified (Date of last notification 8 August 2013)

Site Notice displayed 5 July 2013

Press Notice published 10 July 2013

3. Consultations

Clerk To Worthington Parish Council consulted 2 July 2013

Head of Environmental Protection consulted 10 July 2013

Clerk To Worthington Parish Council consulted 2 July 2013

Environment Agency consulted 3 July 2013

County Highway Authority consulted 3 July 2013

Severn Trent Water Limited consulted 3 July 2013

Natural England consulted 3 July 2013

NWLDC Tree Officer consulted 3 July 2013

LCC ecology consulted 3 July 2013

Development Plans consulted 3 July 2013

Highways Agency- Article 15 development consulted 3 July 2013

Coal Authority consulted 3 July 2013

4. Summary of Representations Received

Coleorton Parish Council - No comment to make on the application.

Staunton Harold Parish Meeting - Objection - The report by PJP Wildlife Ltd states 'Noise from clay pigeon shooting, should not be a major problem, as the site borders the motorway, and is not close to any residential habitation' This is incorrect. Lount Village is only the other side of the motorway. There is a development of 30 new houses and the existing 18 properties in the village. All these properties will be considerably affected by noise pollution if this application is granted. A 20 bore rifle shot in windy weather, with a busy motorway and building lorries working could still be heard easily in the village. We would ask that the shooting activities requested should not be accepted as a part of this application.

Highways Agency - The proposed development is not expected to have a material impact on the closest strategic route, the A42. Therefore, under Article 25 of the Town and Country Planning (Development Procedure) (England) Order 2010, the Highways Agency has no objections to the proposal

The Coal Authority - Requiring a Coal Mining Risk Assessment would not be proportionate to the scale and nature of development proposed in this particular case and therefore the Coal

Authority do not object to this planning application.

In the interests of public safety, The Coal Authority has recommend that, should planning permission be granted for this proposal, an Informative Note be included on the decision notice to advise the applicants of hazards and relevant procedures.

Environment Agency - The Environment Agency consider that planning permission could be granted to the proposed development as submitted if a planning condition is included stating that if contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a remediation strategy to the local planning authority. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

It has also been recommended that a condition be included to require a surface water drainage scheme for the site to be submitted prior to development, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development.

The Environment Agency advise that they would welcome the use of bird boxes throughout the site, however, the woodland habitat would also be enhanced through the creation of wood piles. In the event of any tree removal, the applicants should be aware that all breeding birds are protected by the Wildlife and Countryside Act 1981 (as amended), making it illegal to recklessly damage or destroy a nest whilst it is being built or used. As such the Environment Agency recommend that the works are not undertaken during the bird breeding season (March to September).

Natural England -The application is in close proximity to Lount Meadows Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. Natural England therefore advise that this SSSI does not represent a constraint in determining this application.

Natural England have noted the Protected Species survey undertaken in support of this proposal and states that they do not object to the proposed development. On the basis of the information available to them, Natural England advise that the proposed development would be unlikely to affect any European Protected Species.

Natural England also advise that this application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for the application. This is in accordance with paragraph 118 of the NPPF.

Leicestershire County Council Planning Ecologist - No comments received at the time of writing and so Members will informed of the Ecologist's response on the Committee update sheet.

Leicestershire County Council Highways Authority - No objection, subject to conditions - The Highway Authority would normally have concerns in connection with proposals for development at this site in 'sustainability' terms and because of the lack of safe facilities for pedestrians. However, taking into consideration the proposals, it would appear that the uses are

those that by their nature have to be located in the countryside.

North West Leicestershire District Council Environmental Protection - Land Contamination - Following the submission of an Environmental Assessment, no objection and no requirement for conditions in relation to land contamination.

North West Leicestershire District Council Environmental Protection - Noise - Following the submission of details from a sound test at the site, no objection subject to appropriate conditions.

Third party representations - Seventeen letters of representation received, 1no. supporting the application and 16no. objecting to the development on the following grounds:

- Impact on local biodiversity;
- Previous uses of the land have left an ongoing methane leaking problem and is therefore unsafe for vehicles or ammunition storage;
- Highway safety issues with the use of the existing access arrangement onto Melbourne Road and as a result of distractions from the noise of shooting;
- Impact of artificial lighting;
- Impact on the quality of life and health of local residents as a result of the noise impacts;
- The scale of the uses proposed indicates corporate entertainment which raises the issues of safe traffic flow, adequate parking facilities and noise pollution;
- Additional air pollution, litter, vibration and noise will adversely affect both plant and wild life.
- The proposal offers no long term actual improvement or investment in the land;
- Safety implication of shooting in proximity to roads and bridleways;
- Concern over the how much control planning permission would have over the type of fire arms used;
- Concern over the scale of the firing range - with a double 77m length firing range, the applicants would have over 120 firing points;
- Clay pigeon shooting would result in totally unacceptable noise pollution, but no problem in relation to air rifle or air pistol shooting;
- The proposed opening times for the clay pigeon shooting are excessive;
- Unsuitable development in the national forest area;
- The proposal does not include safety plan or medical area;
- Loss of trees;
- Impact on an adjacent permissive bridleway.

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.

Paragraph 7 indicates that the planning system needs to perform a number of roles which include, amongst others, an economic role which means contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is

available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

Paragraph 17 indicates that in decision making planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings as well as 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;

Paragraph 18 indicates that the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths;

Paragraph 19 outlines that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system;

Paragraph 28 outlines that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should, amongst other things:

- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;
- Support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres;

Paragraph 32 outlines that 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;

Paragraph 112 requires that the economic and other benefits of the best and most versatile agricultural land be taken into account and use of poorer quality land should be sought over land of a higher quality.

Paragraph 118 requires local planning authorities to aim to conserve and enhance biodiversity.

Paragraph 123 of the NPPF states that planning 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; 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; recognise

that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

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

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

Policy E7 seeks to provide appropriate landscaping in association with new development.

Policy E4 seeks to achieve good design in new development.

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.

Policy L2 provides that in cases where it can be demonstrated that a rural location is necessary, and subject to Policy L3 below, planning permission will be granted for informal recreation facilities, and land extensive recreational uses whether formal or informal, on the fringes of built up areas and elsewhere outside the defined Limits to Development.

Policy F1 seeks appropriate provision for landscaping and tree planting in association with development in the National Forest

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 F5 sets out the circumstances under which new development is permitted in the National Forest.

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 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 CS21 (Well-Designed Buildings and Places) provides that all new residential 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 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.

6. Assessment

Principle

The application site lies outside of the limits to development in an area defined as Countryside on the Local Plan Proposals Map and also within the defined boundary of the National Forest. Local Plan Policy S3 (Countryside) provides for those types of development that, in principle, would be considered acceptable within the countryside subject to compliance with a number of criteria. Policy S3 of the Local Plan is consistent with the NPPF and the principle behind the policy is supported by Paragraph 109 of the NPPF which seeks to protect valued landscapes. In addition a core principle of the NPPF is to conserve and enhance the natural environment and recognise the character and beauty of the countryside. The proposed development would fall under criteria (d) of Policy S3 (i.e. recreation, community facilities, or tourism-related purposes) and therefore subject to compliance with relevant leisure and tourism policies of the Local Plan, the proposal represents an appropriate form of development outside of limits to development. In relation to the leisure policies of the Local Plan, it is deemed that as land extensive informal recreational uses that require a rural location, the proposed use of the site complies with the provisions of Policy L2 (Informal Recreation Facilities). The built developments proposed would be used to support the recreational activities and not used for other purposes and would be of a form, scaling and siting that would not be detrimental to the local landscape or rural environment.

With regard to Core Strategy Policies, Policy CS8 (Countryside) also outlines circumstances under which development will be permitted on land outside the defined limits to development

and the proposed development would fall under category M, i.e recreation and tourism. Policy CS8 also states that development in the countryside should be of a scale and environmental impact that is compatible with the character of its rural location. The proposal relates principally to the use of the land for various activities which by their nature would not be out of keeping with the rural character of the locality. The operational development proposed comprises of the siting of three portacabin/container-style structures, clad in timber and set within a natural clearing towards the centre of the site. The units would not be visible from public vantage points and as demountable structures with no permanent fixtures it is not considered that they would have any significant immediate or lasting impacts on the visual amenity or character of area.

Policy CS7 (Location of Development) of the emerging Core Strategy states that new development, including new facilities and services will be directed to the most sustainable locations in accordance with a prescribed settlement hierarchy. The application site does not fall within the sustainable locations identified by the policy; however, by their nature the proposed uses require an open, rural environment and would not be appropriate within a more built-up setting.

The proposed development is also deemed to comply with the objectives of Policy CS13 (Rural Economy) of the emerging Core Strategy, which supports sustainable tourism and leisure developments that utilise their rural location.

As the site also falls within the defined National Forest, Policies F1 (General Policy), F2 (Tree Planting), F3 (Landscaping and Planting) and F5 (Forest Related Development) of the Local Plan and Policy CS30 (The National Forest) are also relevant in the determination of the application. As a proposal for a tourism/recreational/leisure facility that would have a functional relationship with the Forest and proposes minimal built development that is considerate in scale, form, appearance and siting to its woodland setting, it is considered that the proposal complies with the objectives of the National Forest related policies.

It is therefore deemed that the proposal would be an acceptable form of development in principle, compliant with policies of the Local Plan and Core Strategy relevant to new development outside limits to development and within the National Forest.

Residential Amenity

Although there are no dwellings immediately adjoining the site boundaries there are a number of properties in the vicinity of the site. Dwellinghouses are sporadically located along Melbourne Road, with Basildon Lodge, Smoile Farm, The Gate House, Newbold Gate and The Barn being the closest properties to the site, the latter three closest to the site access, with approximately 360m as the crow flies between Newbold Gate and the area for the proposed car park (approximately 130m as the crow flies between this property and the site access). The village of Lount is located to the east of the site, approximately 240m from the most eastern boundary of the site and the nearest property in Lount, 76 Nottingham Road, with the A42 dual carriageway and Nottingham Road separating the site from the village. Dwellinghouses are also located further along Nottingham Road opposite the junction with Melbourne Road.

Much concern has been raised through representations of the noise impact of the proposed use on the amenities of occupiers of nearby properties. From supporting documents submitted it is understood that following concerns by local residents, Mr J. Blunt and Mr. Heath, a sound test of the firearms was undertaken in their presence. It was reported that shots could be heard from some of the locations surrounding the site, however not all of the shots fired could be heard and it was concluded that those that were audible were not of such a volume to be deemed offensive or a nuisance.

Objections received predominantly raise concern for the level of noise that would result from clay pigeon shooting at the site. The applicants have stated within their supporting documentation that the proposal is not for an open clay shoot, which can attract high numbers of shooters firing continuously at any one time. The proposal is limited to six shooting cages, which would therefore only allow six people to shoot at one time. It is also noted that following the sound test, the applicants have asked for the proposed operating hours for the clay pigeon shooting to be reduced with no clay pigeon shooting on Sundays. The applicants have also proposed that they would only use low noise, low recoil training cartridges so as to minimise the sound, which could be controlled by way of condition.

With the results of the sound test together with the proposed use of the low noise, low recoil cartridges, and consideration for the site's location adjacent to the A42 dual carriageway, the Council's Environmental Protection team have confirmed that clay pigeon shooting, in the manner and scale proposed, would not result in such a substantial level of noise that would be significantly detrimental to the amenities of occupiers of the nearby properties to warrant refusal.

Given the size and woodland nature of the site, the type of activities proposed and the distance of the site from nearby dwellings, it is considered that the use of the site for operating the other firearms and activities proposed would not result in an inappropriate level of noise disturbance that would significantly impact upon local residents; the air pistols and rifles are silenced and so would not generate the same level as noise as the shotguns used for clay shooting.

The built developments proposed are deemed to be of an appropriate scale, appearance and siting so as not to result in any significant impacts on the amenities of occupiers of nearby properties in terms of overbearing, overlooking or overshadowing.

It is therefore deemed that the development accords with Policy E3 (Residential Amenities) of the Local Plan as well as guidance in the NPPF.

Design and impact on the surrounding environment:

Policy E4 (Design) sets out that consideration should be had to the wider setting of new buildings and that new development should respect the character of its surroundings. Given the woodland nature of the site, any form of development would be somewhat alien to the surroundings and portacabin/container buildings would not ordinarily be a form of development that would be encouraged in such a location. However, the proposed demountable structures would be clad in timber and set within a natural clearing and as such it is considered that in this instance the development would not have a significant visual impact on the local environment. The structures are deemed to be of an acceptable scale and form and would be sited within a natural clearing towards the centre of the site and so not visible from public vantage points. The structures would require no significant works to trees and with no permanent fixings to the ground the siting and removal of structures would not result in any lasting damage to the woodland.

The proposal also includes ground works comprising of the laying of stone for the car parking area and pathways through the woodland, which are deemed to be acceptable and would not be detrimental to the character or appearance of the site.

It is therefore deemed that the development would be in a location and of a scale that would not result in a significant impact on the wider setting of the woodland or result in any significant lasting detrimental impact on the woodland environment and would comply with Policy E4 (Design) and E7 (Landscaping) of the Local Plan, 2002.

Ecological impacts

The application has been submitted with a supporting ecological survey and Natural England have confirmed that as the proposed development is unlikely to affect any European Protected Species, they have no objection to the proposal in this regard. It is also noted within the response from Natural England that the proposal provides opportunities to incorporate features which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes.

The application site is in proximity to Lount Meadows Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England have confirmed that they are satisfied that the proposal is not likely to result in an adverse effect on the SSSI.

Highway Standards and Parking

The County Highways Authority has advised that they would normally have concerns in connection with proposals for development at this site in sustainability terms and because of the lack of safe facilities for pedestrians. However, they have stated that taking into consideration the proposals, it would appear that the uses are those that by their nature have to be located in the countryside and so, subject to appropriate conditions, have confirmed that they have no objection to the proposed development in terms of highway safety and parking.

The Highways Agency has also confirmed that the proposed development is not expected to have any material impact on the closest strategic route, the A42.

The proposal is therefore deemed to comply with Policies T3 (Highway Standards) and T8 (Parking) of the Local Plan and Policy CS23 (Transport) of the emerging Core Strategy.

Other Matters

It is understood that the application site has previously been subjected to clay and coal mining and extraction, opencast coal mining and landfill. A single gas flare remains at the site, at the end of the access track. Concern was raised in representations that previous uses of the land have left an ongoing methane leaking problem and suggest that the site is unsafe for vehicles or ammunition storage. At the request of the Council's Environmental Protection team, an environmental assessment of the land was undertaken and it was reported that the site model for the proposed leisure use does not pose a risk to human health or controlled waters. The Environmental Protection Team has confirmed that the submitted environmental assessment is satisfactory and raised no objection to the proposal in relation to land contamination.

With regards to the storage of ammunition at the site, the applicants have confirmed that no ammunition or firearms could legally be stored at the site.

An objection to the proposal has been made on the ground that artificial lighting would have an adverse impact, however the application includes no proposals for any external lighting apparatus.

The safety of customers using the proposed facilities is not a matter for consideration in the planning application and the type of fire arms that can safely be used would be controlled under separate legislation.

One representation received states that the proposal would impact upon the use of a permissive bridleway that runs close to the site. As this is not an adopted path the impact of the proposal on its use is not a matter for consideration under this application.

Conclusions

As a proposal for a tourism/recreational/leisure facility that would have a functional relationship with the National Forest and proposes minimal built development that is considerate in scale, form, appearance and siting to its woodland setting, it is considered that the proposal represents an appropriate form of development for a site outside of limits to development and within the National Forest.

Despite the concerns raised through representations, the Council's Environmental Protection team have confirmed that with the imposition of appropriate conditions, the proposed uses would not result in significant harm to the amenities of occupiers of nearby residential properties in terms noise disturbance.

The built developments proposed would be of an appearance, scale, form and positioning that would not result in any significant impacts on the character of the woodland or the wider setting, or result in any significant lasting detrimental impacts on the woodland environment.

It has been confirmed that the proposal would not be detrimental to the ecology of the site or nearby the nearby SSSI. There are no highway objections to the proposal.

It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to the following 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 development hereby permitted shall be strictly in accordance with the following plans, unless otherwise required by a condition of this permission:

Drawing reference 'B', submitted with the application on 28 June 2013;
Drawing reference 'C', submitted with the application on 28 June 2013;
Drawing reference 'D', submitted with the application on 28 June 2013;
Drawing reference 'E', submitted with the application on 28 June 2013;
Drawing reference 'DIAGRAM 1', submitted with the application on 28 June 2013;

Reason- To determine the scope of this permission.

- 3 The use hereby permitted shall only operate between 0900 hours and 1900 hours Mondays - Saturdays, and between 1000 hours and 1500 hours on Sundays and Bank Holidays

Reason: To ensure that the use operates in a satisfactory manner and does not unduly disturb nearby residents or prejudice local amenity generally.

- 4 Notwithstanding condition 3 above, clay pigeon shooting at the site shall only operate between 0900 hours and 1700 hours Mondays - Thursdays, 0900 hours and 1900 on Fridays, between 0900 hours and 1700 hours on Saturdays and not at all on Sundays and Bank Holidays.

Reason: To ensure that the use operates in a satisfactory manner and does not unduly disturb nearby residents or prejudice local amenity generally.

- 5 Notwithstanding condition 2 above, the use hereby permitted shall not commence until such time that a scaled plan illustrating the positioning of the six clay pigeon shooting cages/stands has been submitted to and approved in writing by the Local Planning Authority. Clay pigeon shooting shall be carried out from the six cages/stands only in accordance with the details approved. No more than six shotguns shall be fired at any one time in connection with the clay pigeon shooting use hereby permitted, in accordance with the details set out in the letter from the Applicants deposited with the Authority on 6 August 2013.

Reason: To ensure that the use operates in a satisfactory manner and does not unduly disturb nearby residents or prejudice local amenity generally.

- 6 The clay pigeon shooting use hereby permitted shall only use low noise, low recoil cartridges, in accordance with the details set out in the letter from the Applicants deposited with the Authority on 6 August 2013.

Reason: To ensure that the use operates in a satisfactory manner and does not unduly disturb nearby residents or prejudice local amenity generally.

- 7 No external lighting shall be erected/installed on or around any of the structures hereby permitted.

Reason - In the interests of nature conservation.

- 8 No use of the development hereby permitted shall commence until visibility splays of 2.4 metres by 125 metres to the right hand side (south) and by 160 metres to the left hand side (north) have been provided at the junction of the access with Melbourne Road. Thereafter the visibility splays shall permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground 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.

- 9 No use of the development hereby permitted shall commence until such time as the car parking and turning facilities have been provided in accordance with the details shown on the submitted plan. Thereafter the parking and turning areas shall permanently remain available.

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 and to enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users.

- 10 No use of the development hereby permitted shall commence until cycle parking provision has been provided at the site to the satisfaction of the Local Planning Authority and once provided shall be maintained and kept available for use in perpetuity.

Reason: In the interests of the sustainability of the development and to encourage alternative transport choice.

- 11 No development shall commence on site until details of suitable signing at the access to be sited clear of the access drive, required visibility splays and public highway, has been submitted and approved in writing by the Local Planning Authority. Before first use of the development hereby permitted, the approved scheme shall be provided and thereafter shall be so maintained.

Reason: Given the hidden nature of the site from the road, drivers may not readily locate the premises from the highway. The signing is in the interests of the safety of road users.

- 12 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons: To protect controlled waters receptors.

- 13 No development shall commence on site 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, 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 before the development is completed. The scheme shall include:
- surface water run-off limitation and attenuation features, in the form of SuDs, to manage rainfall run-off from the building roofs, for all events up to the 100 year plus 20% for climate change critical rain storm.
 - eg permeable surfacing to the car parking area. Where surfacing is to be impermeable the SuDs requirements as detailed above will also need to be employed to limit rainfall run-off from the car park.
 - details of how ditch/es will be protected against pollution from the composting toilet.
 - details of how the scheme shall be maintained and managed after completion, for the lifetime of the development.

Reason - To prevent the increased risk of flooding, to improve and protect water quality and improve habitat and amenity.

- 14 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.

Reason - To ensure that no breeding birds/bats will be adversely affected by the development.

Notes to applicant

- 1 Please refer to CIRIA document C687 Planning for SuDs Making it Happen for sustainable surface water run-off management options, that would be suitable on this site.
- 2 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

- 3 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant 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).
- 4 Nesting Birds are protected under the Wildlife and Countryside Act 1981, which makes it an offence to intentionally kill, injure or take any wild bird or take, damage or destroy its nest whilst in use or being built, or take or destroy its eggs. In addition to this, for some rarer species (listed on Schedule 1 of the Act), it is an offence to intentionally or recklessly disturb them while they are nest building or, at or near a nest with eggs or young, or to disturb the dependent young of such a bird. 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 and anyone found guilty of an offence is liable to a fine of up to £5,000 or to imprisonment for a term not exceeding six months, or both, as it is an offence to disturb nesting/breeding birds.
- 5 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 &c.) 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. It is recommended that contractors maintain a watching brief for bats during works to the existing roof structure. If bats or bat roosts are discovered during work on the development, the relevant work should be halted immediately and Natural England (Tel. 0845 601 4523) 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 or to imprisonment for a term not exceeding six months, or both.

- 6 The Environment Agency has advised that they would welcome the use of bird boxes throughout the site and that the woodland habitat would also additionally be enhanced through the creation of wood piles.

Use of land as a residential mobile home park

Report Item No
A6

80A Melbourne Road Ibstock Coalville Leicestershire

Application Reference
13/00426/FUL

Applicant:
Mr George Finney

Date Registered
21 May 2013

Case Officer:
Adam Mellor

Target Decision Date
16 July 2013

Recommendation:
PERMIT

Site Location (For indicative purposes only, full plans available on the planning file)



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EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR APPROVAL

Call In

The application has been brought to the planning committee at the request of Councillor De Lacy as a matter of public concern.

Proposal

The application seeks to obtain planning permission for the use of land as a residential mobile home park with the layout plan showing that eight mobile homes would be situated on the site. It is considered that the role of the planning authority would be to assess the use of the land with the matters of layout and detailed development being controlled by a Site Licence. Following the establishment of the use of the land the necessary services and incidental development, such as bases, access road and storage sheds, would then be considered 'permitted development' following the approval of a layout plan under the Site Licence. The eight units to be placed on the site would be two-bedroomed units and are proposed for people at, or approaching, retirement.

Consultations

Two letters of representation objecting to the application have been received whilst no representation has been received from Ibstock Parish Council. All other statutory consultees 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 35, 49, 57, 61 and 123 of the National Planning Policy Framework (NPPF) and Policies CS7 (Location of Development); CS20 (Gypsies, Travellers and Travelling Showpeople); CS21 (Well-Designed Buildings and Places); CS23 (Transport); CS24 (Climate Change and New Development); CS28 (Strategic Green Infrastructure) CS30 (The National Forest) and CS39 (Ibstock) of the submission version North West Leicestershire Local Plan: Core Strategy. The National Planning Policy for Traveller Sites (March 2012) and the Leicestershire, Leicester and Rutland Gypsy and Traveller Accommodation Needs Assessment - 2007 (GTAA) would also be appropriate in any assessment.

Conclusion

The Showmen's Guild have confirmed that the site would no longer meet with their requirements, given the inadequacies in the site access as well as the relationship with residential properties, and as such the loss of the one plot which would be provided from the site would not sufficiently conflict with the general principles of the National Planning Policy Statement for Traveller Sites, the Leicestershire, Leicester and Rutland GTAA 2007 or Policy CS20 of the submission version Core Strategy. The loss of the site for the establishment of a residential mobile home park would also lead to the provision of a sustainable form of development within the defined limits to development which would accord with the aims of Paragraphs 14 and 49 of the NPPF, Policy H4/1 of the Local Plan and Policy CS7 of the submission version Core Strategy. The proposed provision of eight mobile homes would also not have a substantial impact on the amenities of neighbours given the perceived established use of the site as well as the nature of the development, as such the proposal would accord with Policy E3 of the Local Plan. The amount of units to be placed on the site would be conditioned accordingly and whilst no controls would be in place over the design of the units it is considered that its backland nature and retention of substantial landscaping to the site boundaries would ensure that the development would not have a substantial impact on the visual amenities of the area or streetscape. On this basis the development would accord with Paragraphs 57 and 61 of

the NPPF, Policy E4 of the Local Plan and Policy CS21 of the submission version Core Strategy. Given the perceived established use of the site would have greater implications to pedestrian and highway safety than the current proposal it is considered that it would be acceptable and sufficient off-street parking would also be provided to ensure compliance with Paragraph 32 of the NPPF, Policies T3 and T8 of the Local Plan and Policy CS23 of the submission version Core Strategy. The retention and provision of additional landscaping on the site would also be conditioned to ensure compliance with Policies E7, F1, F2 and F3 of the Local Plan as well as Policies CS28 and CS30 of the submission version Core Strategy. The development therefore accords with the planning policies stated above.

RECOMMENDATION - APPROVE 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 use of land as a residential mobile home park at 80A Melbourne Road, Ibstock. 80A Melbourne Road is situated on the north-western side of the street and the land in question is accessed via a private road between Nos. 80 and 82 Melbourne Road. The site is situated within the defined limits to development as identified in the North West Leicestershire Local Plan.

This application has been submitted following the refusal of a certificate of lawful proposed development for the use of the site as a caravan park for residential purposes (Ref: 12/00264/UD). It was ascertained, through the course of the above application, that the site had a long established use for travelling showmen by the Pearson family who vacated the site in February 2007 with the land being sold to the current applicant (Mr Finney) in April 2012.

The current application seeks to obtain planning permission for the use of land as a residential mobile home park with the layout plan showing that eight mobile homes would be situated on the site. It is considered that the role of the planning authority would be to assess the use of the land with the matters of layout and detailed development being controlled by a Site Licence. Following the establishment of the use of the land the necessary services and incidental development, such as bases, access road and storage sheds, would then be considered 'permitted development' following the approval of a layout plan under the Site Licence. The eight units to be placed on the site would be two-bedroomed units and are proposed for people at, or approaching, retirement.

A design and access statement incorporating a traffic impact statement have been submitted in support of the application.

No other planning history was found.

2. Publicity

41 no. neighbours have been notified (Date of last notification 23 May 2013)

Site Notice displayed 10 June 2013

3. Consultations

Ibstock Parish Council consulted 23 May 2013
County Highway Authority consulted 23 May 2013
Severn Trent Water Limited consulted 23 May 2013
Head of Environmental Protection consulted 23 May 2013
Natural England consulted 23 May 2013
Development Plans consulted 23 May 2013
Christine James/ Matt Savage consulted 23 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.

Ibstock Parish Council no representation received.

Leicestershire County Council - Highways has no objections, subject to a condition, and states *"Despite the site having no formal planning use attributed to it, it is evident that it has nonetheless been used for residential purposes for a significant period of time; The supporting Transport Statement confirms that visibility onto Melbourne Road can be provided to the required standard and therefore the only cause for concern is the width of the access. The required width for a residential road is 4.8 metres and therefore at 3.5 metres wide, the access is clearly substandard; The fact that a similar use has existed on the site for many years without incident in terms of traffic accidents on Melbourne Road, must weigh in favour of the proposal. Furthermore, the access road is straight and the access gates can be clearly seen from Melbourne Road. This would mean drivers using the access would have an unhindered view of approaching vehicles and be able to take action. I accept that on occasion this may mean a vehicle has to wait on Melbourne Road to let a vehicle out of the site but the likelihood of this being a regular occurrence based on 8 mobile homes is small; Taking all of the above into account, it is unlikely that the Highway Authority could demonstrate that the proposals would have a severe impact on the safe and free flow of traffic on Melbourne Road and as such, the proposals are considered acceptable."*

Natural England has no objections.

NWLDC - Environmental Health has no environmental observations but notes that the site would require a site licence under the Caravan Sites and Control of Development Act 1960 and must also comply with the Model Standards 2008 for Caravan Sites in England. This would be added as a note to the applicant on any consent granted.

Severn Trent Water has no objections subject to a drainage condition on any consent granted.

The Showmen's Guild of Great Britain have provided comments stating that: *"I have now heard back from the Committee member who informs me that the reason the people sold the ground, as was in your email due to poor access; Guidelines for Showmen's sites are: - Good access not in the middle of nowhere, but not in a residential area and must be close to schools, doctors etc."*

Third Party Representations

Two representations have been received from the occupants of No. 80 Melbourne Road and No. 1 Laud Close who object to the application on the following grounds: -

- *"Amount of congestion there is at the point of Melbourne Road with the other businesses in the area would result in a serious accident and letting more traffic emerge onto a very busy and congested road would be crass;"*
- *"Traffic when leaving this proposed site has restricted vision of pedestrians when approaching the A447 (Melbourne Road) & therefore the pedestrians will be put in danger;"*
- *"This site will not be in character to its surrounding houses, properties & buildings which in turn will lower the market value of these;"*
- *"Supporting information concerning the caravan on this site is untrue. The caravan has only been on there for a few months & hasn't an occupier;"*
- *"Side of my property will be put in a position to be damaged, with the proposed site having a drive without enough room for two cars to pass each other."*

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:

- 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.

Paragraph 35 outlines that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to:

- accommodate the efficient delivery of goods and supplies;
- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;
- incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
- consider the needs of people with disabilities by all modes of transport;

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 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 123 indicates that planning policies and decisions should aim to, amongst other things:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- 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;

- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established;

National Planning Policy for Traveller Sites (March 2012)

National Planning Policy for Traveller Sites (PPTS) sets out the Government's planning policy for traveller sites (which includes travelling showpeople), and must be taken into account in the preparation of development plans and is a material consideration in planning decisions. It requires the use of a robust evidence base to establish accommodation needs and this need should be met through the identification of sites. Local authorities should also promote more private provision whilst recognising non-private provision will also be needed, increase the number of appropriately located sites to address under provision, maintain an appropriate level of supply, and have due regard of access to services and facilities, as well as the protection of local amenity and environment.

The Local Plan should also include pitch targets for travelling showpeople. A five year supply of specific deliverable sites against locally set targets should be identified for the first five years and a supply of specific developable sites of broad locations should then be identified for the following five years. Where Councils have not achieved an up-to-date five year supply of deliverable sites by March 2013 there will be consequences in the considerations of planning applications in the council area:

"...if a local planning authority cannot demonstrate an up-to-date five year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission." (Para 25)

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 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;

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 CS20 sets out the required provision for gypsy/traveller sites and the criteria that will be taken into account in relation to new or extended gypsy/traveller sites;

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 CS39 sets out the proposed development strategy for Ibstock.

Local Evidence

The Leicestershire, Leicester and Rutland Gypsy and Traveller Accommodation Needs Assessment - 2007 (GTAA) identify a need for a total of 10 additional travelling showpeople plots for the period up to 2016. This evidence base was used to inform the former Regional Plan Policy and the emerging Core Strategy policy.

A total of 11 additional plots have been granted planning permission and have since been provided at two sites in the district (Kelham Bridge, Ravenstone and Hemington Park, Hemington) and therefore the need in the GTAA study has been met.

However there will be additional need for the period beyond 2016 and based on best practice, it is suggested that a compound growth rate 1.5% per annum should be assumed.

In addition, work is currently being undertaken on a revised Gypsy and Traveller Accommodation Needs Assessment and it is likely that a further future need will be identified for Travelling Showpeople plots. At present this need is estimated to be in the region of 9 additional plots for the period up to 2031 although this study is still in draft form.

6. Assessment

Principle of the Development

Government guidance quite clearly requires a robust assessment of need for travelling showpeople plots and for any identified need to be provided for. A supply of appropriate sites should be identified where there is a need. As well as providing new sites the PPTS seeks the appropriate level of supply to be maintained. Policy CS20 (Gypsies, Travellers and Travelling Showpeople) of the submission version Core Strategy conforms with and complements national policy.

The GTAA (2007) identified the need up to 2016 which has since been met. However additional need will be required beyond this period and it is the intention for further sites to be identified through the production of a Gypsy and Traveller Site Allocations Development Plan Document.

It is considered that the likely lawful use of the site would be for travelling showpeople with the last known occupants of the site, the Pearson's, vacating the site in 2007. The application submission would propose changing the use of the land to a permanent residential mobile home park with eight residential pitches being provided, on the basis of the submitted layout plan. An approval of the application would result in the loss of the likely lawful land use for travelling showpeople which would be contrary to national policy and emerging local policy, and consequently would increase the level of future need in the district.

Planning permission would be required for the use of the land as the winter quarters for showmen given that this use is not permitted by Class A of Part 5 (Caravan Sites) of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) but no planning application for the retention of this use has ever been submitted to the Local Planning Authority. Whilst no planning application has ever been received it was considered, under application reference 13/00052/CLE, that the land had a likely lawful use for travelling showpeople given the knowledge of Officer's of the Council who have witnessed activity on the site as well as the Council Tax records which contained notes on the Pearson's occupation of the site which outlined that they were 'away with the fair' or 'with fairground, to write letter with dates when on the site.'

Policy CS20 of the submission version Core Strategy concludes that *"authorised sites will be safeguarded for Gypsy and Traveller and Travelling Show-people groups unless they are no longer required to meet an identified need."* The agent, within the supporting information, outlines that *"as far as this site is concerned, the Pearson's left in 2007, and no other travelling show people have used it since. This strongly suggests that this site is not needed by travelling show people, and you will know that there are other, newer, much more suitable sites for show people nearby."*

Policy CS20 also outlines the criteria which any site should adhere to which are as follows: - *"A - located in or near an existing settlement which has access to a range of services; B - proportionate to the scale of the nearest settlement, its local services and infrastructure; C - have suitable highway access, and is not detrimental to public highway safety; D - provide for adequate on-site parking and turning of vehicles as well as appropriate facilities for servicing and storage; E - does not have an unacceptable impact on landscape, environment and biodiversity as well as the physical and visual character of the area or the amenities of neighbouring properties and land uses."* It is the opinion of the agent that the retention of this site for travelling showpeople would be contrary to criteria C, D and E of Policy CS20.

It is also outlined in the supporting statement that Paragraph 14.24 of the 2007 GTAA indicates that *"one site is becoming difficult to use because of its road access, more development and traffic along the access road, and larger vehicles; the owner is looking to re-locate and the present site would have similar problems for any other Show-people's use."* It is the author's conclusion that this statement may be referring to the application site given that it suffers from the same problems.

The Showmen's Guild of Great Britain were consulted on the application in order to ascertain if they were aware of the site being advertised within their publications prior to its sale and whether the site constraints would lead to it still being considered suitable for use by travelling showpeople. A response to this request was received on the 20th August 2013, and is summarised in the representations section of this report, and whilst it has not been stated that the site was widely publicised a member of the Showmen's Guild committee has identified that the reasoning for the sale of the site, in 2007, was due to the poor access. Given that the guidelines for showmen sites identify that it should have a good access and not be within a residential area it is considered that the retention of the current site would conflict with the guidelines as well as being contrary to the aims of criteria C and E of Policy CS20.

On the basis that the site constraints would only likely lead to the site being able to provide one plot for travelling showpeople and no concerns have been raised by the Showmen's Guild over the loss of the site, given its unsuitability for their needs, it is considered that the loss of provision would not sufficiently conflict with the Leicestershire, Leicester and Rutland GTAA 2007 or Policy CS20 as to warrant a refusal of the development.

In terms of the use of the land for residential it is considered that 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 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 Policy CS7 of the submission version Core Strategy.

It is considered that residential development on the land identified would fall within criterion (e)

allocated housing land within or adjoining settlements which satisfy the criteria for designation as Rural Centres, together with other appropriate land within such settlements. Policy CS7 also identifies that Ibstock would fall within criteria B (Rural Centres) of the settlement hierarchy identified in this policy. The second section of Policy H4/1 goes on to outline a set of criteria relating to the sustainability of the location and as a Rural Centre, Ibstock is well served by public services and facilities within the settlement and has a regular bus service, such that residents of the proposed new mobile homes would not be dependent on the private car to reach services that meet their day to day needs. Therefore it is considered that the proposal would comply with the aims of Policy H4/1 and Policy CS7 of the submission version Core Strategy.

Residential Amenity

It is considered that the properties most immediately affected by the proposed development would be those situated on Melbourne Road, in particular Nos. 80 and 82, as well as dwellings on Valley Road and Laud Close.

The boundaries of the site are defined by mature vegetation in the form of hedgerows and trees with the only interruptions being the placement of a 1.9 metre high concrete fence along the boundary with the Ibstock Town Cricket Club as well as a 2.0 metre high close boarded timber fence along the boundary with some of the properties on Valley Road. It is considered that the placement of mobile homes of the scale identified on the submitted plans would not have an adverse impact on the amenities of neighbours, in terms of overbearing, overshadowing or overlooking impacts, given the presence of the mature vegetation to the boundaries and the positioning of the mobile homes. In terms of the impacts on the amenities of any future occupants it is considered that the rear elevations of the properties on Melbourne Road would be at least 20.0 metres from the boundary of the site and the properties on Valley Road, whilst being closer to the shared boundary, are single storey in height. In this circumstance it is considered that there would be no adverse overlooking, overbearing or overshadowing impacts on the amenities of any future occupant.

Each mobile home would have its own curtilage and as such the level of movement between the mobile home and their private amenity space would be no greater than that of a typical dwelling which should not create a sufficiently detrimental noise impact. The internal access road would be situated 17.0 metres from the rear boundaries of properties on Valley Road and the vehicular access into the site would be between the side elevations of Nos. 80 and 82 Melbourne Road. Although this would result in vehicular noise, which could impact on the amenities of these properties, it is considered that the likely lawful use of the site, for travelling showpeople, would allow an unrestricted movement of vehicles, which would create a higher level of noise than private cars, and on the basis that the Council's Environmental Health team have raised no objections it is considered that any noise generated would not be sufficiently detrimental to the amenities of neighbours as to warrant a refusal of the development.

It is indicated that low level lighting would be utilised on the site and it would be a condition, of any planning permission granted, that the method of lighting be agreed in order to protect the amenities of the residential properties within the vicinity of the site.

The plan submitted shows that at least 6.0 metres would exist between each mobile home and this distance is considered sufficient in ensuring the amenity of any occupants would be preserved.

Overall the development would accord with Policy E3.

Design

Guidance within Section 24.1 (Residential Park Homes) of Development Control Practice, a useful resource for Planning Officers, identifies the following: -

"The units normally found at park home sites may be classed as development requiring planning permission if their size, lack of mobility and permanency are such as to make them "building operations." In these circumstances, the units will be lawful "dwellinghouses" and enjoy permitted development rights.

On the other hand if following the application of the foregoing tests, the units are deemed to be mobile homes or caravans, planning control is only possible in terms of a material change of use of land. In which case, regulation of the way that caravans are arranged about a site and their number and appearance is only possible if enforceable conditions have been attached to planning permissions, or by means of a site licence that all park homes are required to have under the Caravan Sites and Control of Development Act 1960."

It further states within 24.14 (Conditions) of the same section that: -

"Planning conditions relating to park home developments that are legally caravan sites should strictly be concerned with land use aspects rather than matters more properly dealt with by the terms of the site licences. However, in practice restrictions on the internal aspects of site layout and amenity are often made. Conditions applied to residential caravan parks on appeal have required a variety of matters for which a planning purpose can be justified, and only aspects such as precise siting, size, design and internal facilities/services have been considered beyond planning powers. Colour control has proved possible where agreement on schemes has been reached with the National Caravan Council."

The supporting statement has indicated that a total of eight twin-unit mobile homes would be placed on the site which would likely have a light coloured rendered finish and the layout has been designed to meet the requirements of a site licence. It is considered that a planning condition could be imposed on any consent to agree the amount of units which would be placed on the site but the specific details of the design, size and siting of the units could not be controlled by virtue of the information identified above and the fact that they would be deemed to be 'mobile.' In any case a caravan site licence would be required for the proposal and the requirements of this would ensure that the design and relationship with neighbouring properties would be acceptable.

In any case the boundaries of the site are defined by mature vegetation and given that this would be retained as part of the development proposals it is considered that the placement of the mobile homes would not have a substantial impact on the character and appearance of the surrounding area given that the only prominent views established of the development from the public domain would be via the access road which terminate onto a landscaped and parking area. On this basis the development would not conflict with Paragraphs 57 or 61 of the NPPF, Policy E4 of the Local Plan or Policy CS21 of the submission version Core Strategy.

Highway Safety

The County Highways Authority has raised no objections to the development on the basis of the submitted information. Although concerns were expressed that the access road was substandard in width for a residential use taking into account the likely lawful use of the site for travelling showpeople it is considered that it would be to the highway's benefit should this use cease given that the ingress and egress of the type of vehicles associated with this use would cause greater conflicts in the highway should one vehicle be waiting on the road whilst another

vehicle exits. Whilst cars being stationed in the highway when another car exits the site should not be encouraged this arrangement would be less detrimental to pedestrian and highway safety given that cars are not to the same scale as the lorries and trailers associated with travelling showpeople. On the basis that Paragraph 32 of the NPPF outlines that "*development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe,*" it is considered that the proposal would not conflict with the aims of this Paragraph or Policy T3 of the Local Plan or Policy CS23 of the submission version Core Strategy.

Although only one off-street parking space is indicated on the plans for each plot the driveway would have a sufficient length to accommodate another vehicle and visitor parking would also be provided. Given the level of off-street parking it is considered that the proposal would accord with Policy T8 of the Local Plan.

Other Matters

Landscaping to be retained and proposed is identified on the submitted plans and it is considered that a suitably worded condition would ensure that adequate, as well as suitable, landscaping is provided as part of the development to ensure compliance with Policies E7, F1, F2 and F3 of the Local Plan as well as Policies CS28 and CS30 of the submission version Core Strategy particularly in the circumstances that the site is situated within the National Forest.

Although the application specifies that the mobile homes would be intended for people at, or approaching, retirement it is considered that it would be unreasonable to place such a restriction on the application given that the occupation of the mobile homes would be an acceptable form of accommodation for any social class, as such they should not be prevented from residing in the units should there be a lack of demand from the target audience.

It is considered that the impact of a proposal on a properties value would not be a material planning consideration which could be taken into account as part of the application assessment.

Conclusion

The Showmen's Guild have confirmed that the site would no longer meet with their requirements, given the inadequacies in the site access as well as the relationship with residential properties, and as such the loss of the one plot which would be provided from the site would not sufficiently conflict with the general principles of the National Planning Policy Statement for Traveller Sites, the Leicestershire, Leicester and Rutland GTAA 2007 or Policy CS20 of the submission version Core Strategy. The loss of the site for the establishment of a residential mobile home park would also lead to the provision of a sustainable form of development within the defined limits to development which would accord with the aims of Paragraphs 14 and 49 of the NPPF, Policy H4/1 of the Local Plan and Policy CS7 of the submission version Core Strategy. The proposed provision of eight mobile homes would also not have a substantial impact on the amenities of neighbours given the perceived established use of the site as well as the nature of the development, as such the proposal would accord with Policy E3 of the Local Plan. The amount of units to be placed on the site would be conditioned accordingly and whilst no controls would be in place over the design of the units it is considered that its backland nature and retention of substantial landscaping to the site boundaries would ensure that the development would not have a substantial impact on the visual amenities of the area or streetscape. On this basis the development would accord with Paragraphs 57 and 61 of the NPPF, Policy E4 of the Local Plan and Policy CS21 of the submission version Core Strategy. Given the perceived established use of the site would have greater implications to pedestrian and highway safety then the current proposal it is considered that it would be acceptable and sufficient off-street parking would also be provided to ensure compliance with

Paragraph 32 of the NPPF, Policies T3 and T8 of the Local Plan and Policy CS23 of the submission version Core Strategy. The retention and provision of additional landscaping on the site would also be conditioned to ensure compliance with Policies E7, F1, F2 and F3 of the Local Plan as well as Policies CS28 and CS30 of the submission version Core Strategy. It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to the following 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 development shall be carried out in strict accordance with drawing reference MEL-LOC (1:1000) and drawing number 12.2810.02B, 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 Before first occupation of the site, the access drive shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 10.0 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.).

- 4 The site shall only accommodate a total of eight mobile homes in accordance with the information specified on the drawing referenced 12.2810.02B, received by the Local Authority on the 21st May 2013.

Reason - to ensure that the residential and visual amenities of the area are preserved as well as in the interests of highway safety.

- 5 Notwithstanding the details shown on drawing number 12.2810.02B, received by the Local Authority on the 21st May 2013, or provisions of Condition 2 above, no development shall commence on the site until a landscaping scheme (showing existing planting to be retained and proposed planting) has first been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in the first planting and seeding season following either the first implementation of the use hereby permitted unless an alternative implementation programme is first agreed in writing with 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 in perpetuity, unless a variation to the landscaping scheme is agreed in writing with the Local Planning Authority.

Reason - to ensure satisfactory landscaping is provided to mitigate the visual impacts on the adjacent heritage asset.

- 6 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewerage have been submitted to and approved by

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.

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 April 6th April 2008 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 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.

Change of use to mix of agriculture and keeping of horses and erection of building to provide shelter for the welfare of horses, sheep and goats, secure storage for agricultural equipment and retention of hardstanding

**Report Item No
A7**

Field Number 6939 Coleorton Lane Packington Leicestershire

**Application Reference
13/00580/FUL**

**Applicant:
Mr James Toogood**

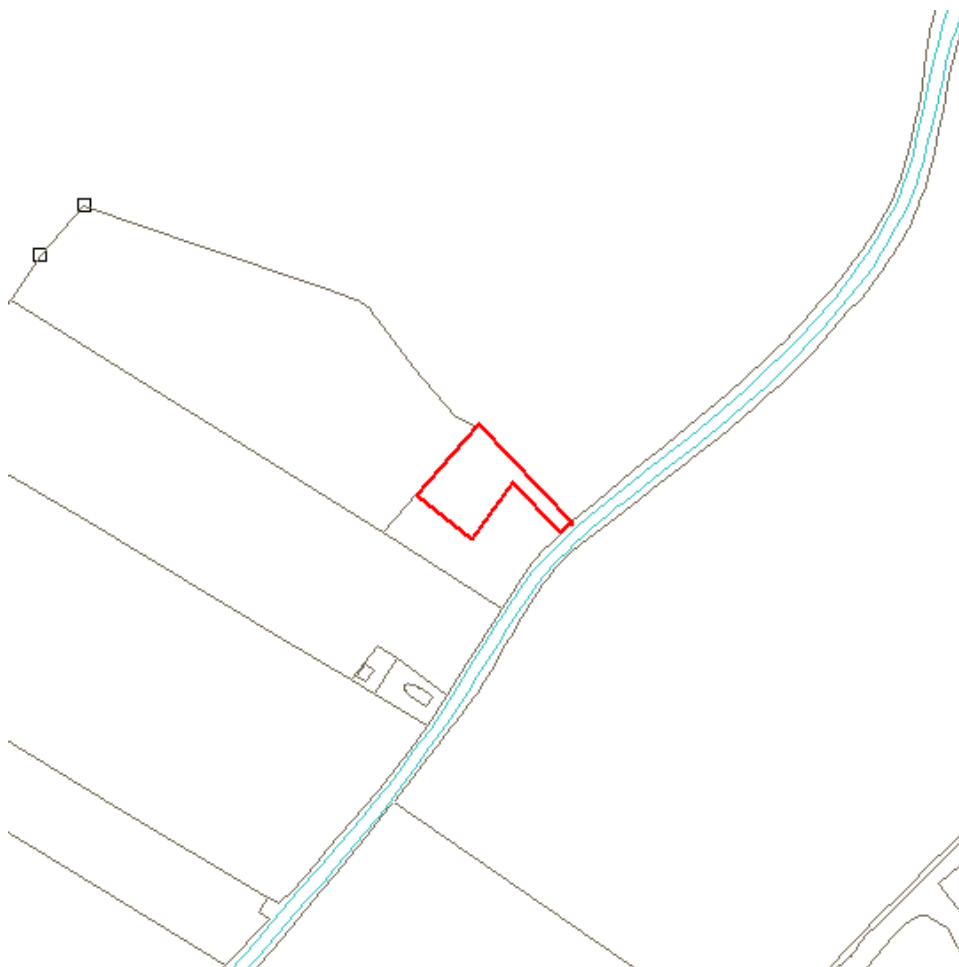
**Date Registered
22 July 2013**

**Case Officer:
Jenny Davies**

**Target Decision Date
16 September 2013**

**Recommendation:
PERMIT**

Site Location (For indicative purposes only, full plans available on the planning file)



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EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR APPROVAL

Proposal

This is a resubmission of a scheme which was refused at Planning Committee in May 2013 on the grounds of visual impact and lack of services and animal welfare (12/00460/FUL refers.) The proposal relates to the change of use to a mix of agriculture and keeping of horses and the erection of a building to provide shelter for the welfare of horses, sheep and goats, secure storage for agricultural equipment and the retention of hardstanding at Field No. 6939, Coleorton Lane, Packington. The site is located on the north western side of Coleorton Lane and is approximately 1.85ha in size.

The building has a 'T-shape' footprint and has been repositioned from the previous scheme so that it is now 35 metres from the site's front boundary (compared to 39 metres on the previous application) and has been turned 90 degrees so that it's longest elevation faces towards the road. The building's dimensions and design remains unchanged and the building contains a hay store, agricultural equipment store, secure store, two stables and goat/sheep pens. It has been advised that the building will be used to store hay from the field, house horses, goats and sheep, store feed, medication, tack equipment and agricultural equipment including a tractor, quad bike, field harrows and various hand implements.

Access will be via the existing field access onto Coleorton Lane with a five metre wide access track being provided alongside the site's north eastern boundary leading onto an area of hardstanding which has been reduced in size from the previous application. The application has been submitted following an enforcement investigation (12/00130/UD) into the unauthorised tipping of hardcore/bricks onto the site which extend from the site's access into the field along the route of the proposed access track.

Consultations

Members will see from the main report below that 4 letters of objection from local residents have been received. Packington Parish Council also objects to the application on the grounds of highway safety, over-development of the site and damage to the field.

Planning Policy

The application site is outside the Limits to Development as defined in the adopted North West Leicestershire Local Plan. The National Planning Policy Framework sets out national guidance on such proposals.

Conclusion

Whilst there has been some attempt to address the reason for refusal relating to visual impact on the previous application, as noted above the current scheme does not reflect the request for the proposal to be sited closer to the site's southern corner and for it to be reduced in size. However on balance, taking into account the amendments, the design and materials of construction of the building, the reduction in hardstanding and the screening available from viewpoints towards the site, it is considered that the proposal is not so prominent within the landscape to justify a reason for refusal on the basis of being detrimental to the intrinsic character, beauty and visual amenities of the countryside. Furthermore the provision of basic facilities and impact on animal welfare are not considered to be planning matters that can be taken into account in the determination of planning applications.

The site is also located within the countryside, where the erection of a building partly for an agricultural use can be acceptable subject to an assessment of whether it is reasonably necessary. It is considered that it would be difficult and inconsistent to recommend the

application for refusal on the grounds of parts of the building being unnecessary for the purposes of agriculture. The keeping of horses is a recreational use and as such is acceptable under the provisions of Policy S3. The number of stables proposed is suitable for a parcel of land of this size and the hardstanding and materials of construction of the building are acceptable. Given the Highway Authority's comments it is considered that a reason for refusal on highway safety grounds could not be justified. The proposal will not adversely affect residents in terms of loss of light, loss of privacy or creation of an oppressive environment nor create significant levels of noise and disturbance from use of the land and building. A condition can be imposed requiring amendments to the position of part of the access track and hardstanding to move it further away from a nearby hedgerow. 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. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposed development therefore accords with the planning policies stated above. It is therefore recommended that planning permission be granted.

RECOMMENDATION -PLANNING PERMISSION BE GRANTED 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 for the application, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

This application has been called to Planning Committee by Councillor Nigel Smith as it is a similar scheme to the proposal refused at Planning Committee in May 2013 (12/00460/FUL refers).

The previous scheme was first taken to Planning Committee in December 2012 where it was deferred due to Members' concerns in respect of the visual impact of the building and the hardstanding and the size of the building. The applicant's agent was therefore asked to consider repositioning the building closer to the site's south eastern and south western boundaries (i.e. in the site's southern corner) so it would be in line with the buildings in the adjacent field and for the building and hardstanding to be reduced in size.

The agent subsequently submitted additional information advising that the building and hardstanding would not be reduced in size and repositioned and the proposal was taken back to Planning Committee in May 2013 where it was refused on the following two grounds:

1. In the opinion of the Local Planning Authority, the proposed agricultural/stable building and hardstanding, due to their position within the site and their scale and design, would be detrimental to the intrinsic character, beauty and visual amenities of the countryside. The proposal would therefore be contrary to Policy E4 of the adopted North West Leicestershire Local Plan and the fifth core planning principle set out at paragraph 17 the National Planning Policy Framework.

2. The site is unsuitable for the use and buildings proposed because it lacks basic facilities such as direct water supply and toilet facilities. The proposal would also be detrimental to animal welfare by virtue of the extent of the proposed access track and area of hardstanding.

Permission is now sought for a similar form of development to the previous scheme which has the same description - the change of use to mix of agriculture and keeping of horses and erection of building to provide shelter for the welfare of horses, sheep and goats, secure storage for agricultural equipment and retention of hardstanding.

The supporting information advises that the scheme has been amended through the repositioning of the building to assist in mitigating the Planning Committee's concern regarding the detrimental effect the proposal may have *to the intrinsic character, beauty and visual amenities of the countryside*, and a 38% reduction in the area of hardstanding. Information has also been provided to address the second reason for refusal.

The building has a 'T-shape' footprint, and has been repositioned from the previous scheme so that it is now 35 metres from the site's front boundary (compared to 39 metres on the previous application) and has been turned 90 degrees so that it's longest elevation faces towards the road. The building's dimensions and design remains unchanged; it measures 20.25 metres deep by a maximum 10.5 metres wide with an eaves height of 2.6 metres and a maximum ridge height of 4.85 metres and will be constructed on a concrete base with a brickwork plinth upon which will be set a timber post and beam frame, which will be clad in timber boards, with the roof being finished with Staffordshire blue tiles.

The building contains a hay store, agricultural equipment store, secure store, two stables and goat/sheep pens. The supporting information advises that the building will be used to store hay from the field, house horses, goats and sheep, store feed, medication, tack equipment and

agricultural equipment including a tractor, quad bike, field harrows and various hand implements. In respect of the previous application it was advised that the applicant currently owns two horses, four goats and two sheep.

The existing field access onto Coleorton Lane located at the site's eastern corner will be used, with a five metre wide access track running alongside the site's north eastern boundary leading onto an area of hardstanding located to the north east and north west of the proposed building. The area of hardstanding has the same width as on the previous scheme but has been reduced in length from 25 metres to 15 metres. Hardcore/bricks have already been laid on the site extending from the site's access into the field along the route of the proposed access track. The layout plan also shows that the land surrounding the building will be used as grazing paddocks and a tree planting screen is shown alongside the access drive, the site's front boundary and its south western boundary.

The site lies within the catchment area for the River Mease Special Area of Conservation.

An application on the site for the change of use of land for keeping of horses and erection of a mobile field shelter (05/00164/FUL) was refused in March 2005 on highway safety grounds. The current application has been submitted following an enforcement investigation (12/00130/UD) into the unauthorised tipping of rubble on the site.

2. Publicity

15 no neighbours have been notified (Date of last notification 24 July 2013)

Site Notice displayed 25 July 2013

3. Consultations

Packington Parish Council consulted 24 July 2013
County Highway Authority consulted 24 July 2013
Environment Agency consulted 24 July 2013
Severn Trent Water Limited consulted 24 July 2013
Head of Environmental Protection consulted 24 July 2013
LCC ecology consulted 24 July 2013
Christine James/ Matt Savage consulted 24 July 2013

4. Summary of Representations Received

4 letters of representation have been received which object to the application on the following grounds:

- field only large enough to support two horses/ponies;
- building and hardstanding too large for the field and number of animals and should be smaller;
- sheep and goats can live without shelter but do need water and fodder;
- very little agricultural equipment is required in relation to a field of this size;
- overdevelopment of rural area outside the village boundary;
- inappropriate location for development;
- access is on a bend on major route out of the village;
- more traffic will use the site access which is almost invisible from the road;
- significant number of accidents on Coleorton Lane some of which are not reported to the authorities and therefore not recorded (information has been provided in relation to seven accidents since 1997);
- these accidents only appear to have involved one vehicle each time but it is only a matter of time before more than one is involved;

- visibility splays may meet the requirements but the road is a hazard without any involvement of other vehicles;
- concern that that Highway Authority do not pass comment on the dangers of increased exit/entry onto this section of road;
- there must be a reason why the Highway Authority put anti-skid surface on one of the bends;
- visibility from the site entrance is poor;
- hedgerows along Coleorton Lane have been allowed to grow up to the verge and requests that landowners are asked to maintain their hedges back to their boundary lines;
- visual impact of the building;
- builder's rubble is not a suitable material for animal hardstanding.

All representations received in respect of the application are available to view in full on the planning file.

Packington Parish Council objects to the application on the following grounds:

'The Councillors have considered this application and wish to object to it. They have noted the movement of the building however the size remains the same therefore the objections remain the same as previously given in that:

It is believed that a smaller unit at this site has previously been refused permission, the reason for which is thought to be based predominately on highway grounds. The road access onto and off the site lacks visibility in both directions due to bends in the road and in addition, there is a 60mph speed limit on the road in question. It is felt that the proposal is a considerable overdevelopment of the hardstanding and would be over intensive when taking into account the acreage and size of the area that would remain for grazing. Therefore, to graze horses, sheep and goats in this limited area would decimate the ground. Also, the proposed building is situated away from the entrance meaning that vehicles accessing the site will need to drive across the field, causing further damage to the remaining area.'

The Environmental Services Manager has no environmental observations.

Severn Trent Water has no objection.

The Environment Agency does not wish to comment on the application.

The County Highway Authority advises that it raised no objection to the previous application and there is no reason to change that position.

Following the submission of a letter from a local resident in April 2013 regarding a recent accident near to the site access, the Highway Authority has advised that it does not wish to change its recommendation.

The County Ecologist has no objection in principle but is concerned about the potential impact on the hedgerow, which is close to the access track and requests that a buffer zone of five metres from the edge of the hedge to the centre of the track is provided.

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:

- _ 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.

Paragraph 17 sets out the 12 key principles that should underpin plan-making and decision-taking, which include:

- always seek to secure high quality design and a good standard of amenity;
- take account of the different roles and character of different areas, including recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- contribute to conserving and enhancing the natural environment and reducing pollution;
- support the transition to a low carbon future in a changing climate;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling;
- take account of and support local strategies to improve health, social and cultural wellbeing.

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.'

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 sections of the NPPF that are relevant to this application are:

- 4 - Promoting Sustainable Transport;
- 7 - Requiring Good Design;
- 8 - Promoting Healthy Communities;
- 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change;
- 11 - Conserving and Enhancing the Natural Environment.

North West Leicestershire Local Plan:

The East Midlands Regional Plan (RSS8) has now been revoked and therefore no longer forms part of the development plan. The North West Leicestershire Local Plan forms the development plan and the following policies of the Local Plan are consistent with the policies in the NPPF and should be afforded weight in the determination of this application:

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.

Policy E7 seeks to provide appropriate landscaping in association with new development.

Policy F1 requires new development within the National Forest to reflect the importance of its setting.

Policy F2 sets out the criteria for maximising the potential for landscaping/planting as set out under Policy F1.

Policy F3 sets out the measures that will be used to secure landscaping/planting within the National Forest.

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

Policy T8 sets out the criteria for the provision of parking associated with development.

Policy L2 states that in cases where it can be demonstrated that a rural location is necessary, and subject to Policy L3, planning permission will be granted for informal recreation facilities, and land extensive recreational uses whether formal or informal, on the fringes of built up areas and elsewhere outside the defined Limits to Development.

Policy L3 sets out the criteria for determining applications for development on recreational sites outside Limits to Development.

Other Guidance

Submission Core Strategy

The District Council considered its response to the 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 following Submission Core Strategy policies are considered relevant and are 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 CS13 sets out the types of development that will be supported to provide for the needs of the rural economy.

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

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 CS42 sets out the proposed development strategy for the Rural Area.

The Conservation (Natural Habitats &c.) Regulations 2010

The Conservation (Natural Habitats &c.) Regulations 2010 (the 'Habitats Regulations') provide for the protection of 'European sites', which include Special Areas of Conservation (SACs).

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

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

The River Mease Water Quality Management Plan (August 2011) 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.

Horses in the Countryside

The Countryside Commission's booklet "Horses in the Countryside" indicates that, in normal circumstances and where no stable can be provided, between 1 and 2 acres (0.4 to 0.8 hectares) of land can provide adequate grazing for one horse. It is considered that this is a reasonable guide to indicate the amount of equestrian accommodation appropriate to a given area of land.

6. Assessment

The main issues for determination in this application relate to the principle of the development, its design and visual impact, highway safety, impact on the River Mease Special Area of Conservation (SAC)/SSSI and lack of services at the site and impact on animal welfare. The application remains substantially the same as the previous submission (12/00460/FUL) and therefore circumstances relating to this application are similar to those previously reported.

Principle of the Development

The site is located within the countryside and, as such is subject to Policy S3 of the adopted North West Leicestershire Local Plan under which permission for new development would not normally be granted in the countryside unless it is for certain uses, including where it can be shown to be essential for the efficient long-term operation of agriculture and forestry and for recreation uses.

The building includes a hay store, agricultural equipment store, secure store, two stables and goat/sheep pens. The supporting information advises that the building will be used to store hay from the field, house the applicant's horses, goats and sheep and store feed, medication, tack equipment and agricultural equipment including a tractor, quad bike, field harrows and various hand implements. It is understood that the applicant currently owns two horses, four goats and two sheep.

The Authority's Agricultural Advisor was consulted on the previous application and stated that an agricultural building has to be required for an agricultural use on agricultural land with the land/buildings being used as part of a trade/business and that the building has to be reasonably necessary for the purposes of agriculture within that site. He also advised that the inclusion of stables is not an agricultural use and stables are not needed for the grazing of grass on the site by horses. The description of the proposal includes a reference to the keeping of horses.

The agent has advised that the applicant will use the site as a smallholding. Therefore the erection of a building to partly be used in connection with this agricultural use can be acceptable in the countryside subject to an assessment of whether it is reasonably necessary.

The Authority's Agricultural Advisor previously advised that the machinery equipment store is reasonable for the proposed storage. However he considered that the sheep/goat pens are approximately 50% too large for the number of sheep/goats to be kept on the site and the hay store is approximately 75% larger than required for the storage of hay which could be produced from the field if it is also used to keep livestock at their proposed levels. This is based on the goats/sheep having a housing requirement of approximately 12 square metres and the hay store having a capacity of approximately 500 bales, but due to the number of animals to be kept on the site, approximately 0.4ha could be used for hay production which would only yield around 100 bales.

The proposed hay store will be approximately 70 cubic metres in size. However buildings with hay stores that are similar in size or larger have been approved elsewhere in the locality. At land adjacent to No. 30 Ashby Road, Packington (11/00891/FULM) an application for a stable block with a hay store of approximately 62 cubic metres was approved by Planning Committee in January 2012. Although this site was slightly smaller (1.66ha) than the land that will be used in connection with the proposed building, both hay stores would result in approximately 37 cubic metres of hay store being provided per hectare when comparing the size of the hay store to the size of the land. Therefore the proposed hay store would not be disproportionate to the land when compared with the hay store on the Ashby Road site. It is noted that the Ashby Road

proposal related solely to the keeping of horses so less grazing of the land may take place than under the current proposal and therefore more hay may need to be brought onto that site. However as the current proposal includes the grazing of other livestock this may also reduce the amount of hay that can be cropped from the site, therefore requiring more hay to be brought onto the land.

Furthermore on the site adjacent to the application site permission was granted in October 2009 (09/00790/FUL) for a barn, a storage container and stock pens. The barn was to be used to store hay and house the storage container with the area for hay storage being approximately 153 cubic metres in size. The adjacent site is approximately 1.85ha in size which is similar to the application site and as such the hay store on the adjacent site is substantially larger in size than that currently proposed and is disproportionate to the size of the site when compared to the proposed hay store and the store at Ashby Road.

Whilst the animal pens appear to be too large for the number of livestock currently owned by the applicant, the number of animals being kept on the site could increase, which would require larger pens. It is not unreasonable for some extra capacity to be provided within an agricultural building for future changes to the holding, the way it is farmed and the number of animal kept on the site. It is also considered that reducing the size of parts of the building would not have a significant impact on its scale and visual appearance.

In respect of the previous application the applicant's agent advised that the sheep and goat pens have been designed to facilitate a small increase in numbers of livestock during the breeding season. The agent also advised that the hay store is commensurate with the scale of agricultural operations on the site and that the storage barn on the adjacent site is larger than currently proposed and the hay storage facility on the Ashby Road site is similar in size. Therefore the building has not been reduced in size and remains the same size as on the plans considered at the December 2012 and May 2013 Planning Committees.

It is noted that the Authority's Agricultural Advisor was not consulted on the applications on the adjacent site and at Ashby Road. However for the reasons set out above and on the basis that the Authority judged the scale of buildings on those sites to be appropriate in size in relation to size of the sites, it is considered that it would be difficult and inconsistent to recommend the current application for refusal on the grounds of parts of the building being unnecessary for the purposes of agriculture.

The keeping of horses is a recreational use and as such is acceptable under the provisions of Policy S3. A rural location is also usually necessary for an equestrian use which is not usually compatible with built-up areas and therefore the proposal complies with Policy L2 of the Local Plan.

The application site is approximately 1.85 hectares in size, based on the Ordnance Survey plan. Using the guidance relating to the number of horses that can graze an area of this size when no stable is provided, two to four horses could be accommodated on the site (including the red and blue lined land). The Authority's Agricultural Advisor previously advised that if the keeping of horses is acceptable then the stables would be required to house the horses during the winter and overnight. It is therefore considered that the number of stables proposed is suitable for a parcel of land of this size.

The application states that the hardstanding is required for a safe field access and clean areas for livestock control to avoid excessive erosion of land over the winter and to prevent mud and detritus from being transferred to the public highway, which is a similar reason given for the

hardstanding that has been provided on the adjacent site. The applicant's agent has also advised that the hardstanding is required for parking and turning of articulated farming equipment, trailers and horseboxes and that the hardstanding is not dissimilar in size to the hardstanding granted on the aforementioned Ashby Road site.

The building's construction of a timber frame with timber boarding and a tiled roof on a concrete base is very similar to the stable building approved at Ashby Road and is considered to be an appropriate means of construction for a rural building. The proposal has to be considered on its own merits, on the basis of what has been applied for and the information within the application.

In response to concerns raised at Planning Committee in December 2012 relating to the potential for caravans and other non-agricultural vehicles to be brought onto the site in the future, the applicant's agent stated that the potential for misuse of the site for purposes other than granted by the Authority are controllable under planning law and legislation. There is nothing to suggest that the applicant intends to use the building other than for what has been applied for and therefore the potential for the land/building to be used for a different purpose or for caravans or other non-agricultural vehicles to be brought onto the site in the future cannot be taken into account. If the use of the land/building changed then the Council can open an enforcement investigation, consider whether an application for planning permission is required and make an assessment as to whether it would be recommended for approval, again considering it on its own merits. Conditions preventing the parking/storing of caravans or other non-agricultural vehicles on the site cannot be imposed as they would not meet the six tests for planning conditions as they would not be related to the proposed development, would not be reasonable and would not be necessary to grant permission for the scheme.

Design and Visual Impact

The previous application for a similar building and area of hardstanding was refused in part on the following grounds:

In the opinion of the Local Planning Authority, the proposed agricultural/stable building and hardstanding, due to their position within the site and their scale and design, would be detrimental to the intrinsic character, beauty and visual amenities of the countryside. The proposal would therefore be contrary to Policy E4 of the adopted North West Leicestershire Local Plan and the fifth core planning principle set out at paragraph 17 the National Planning Policy Framework.

This proposal relates to a building of the same size, design and materials of construction as that proposed on the previous submission. The building has however been repositioned so it is 5 metres closer to the site's front boundary and it has been turned 90 degrees so that its longest elevation faces the road. The hardstanding has also been reduced in size.

The building is similar in design and materials of construction, although slightly larger, to the stable block approved on land adjacent to No. 30 Ashby Road, Packington. The building has a fairly simple design and the materials are considered appropriate to a rural location.

The building will be located 35 metres from the site's front boundary with Coleorton Lane so will still be some distance from the site's boundaries. The repositioning of the building, as well as the reduction in the extent of hardstanding, has reduced the proposal's projection into the open field and concentrates development on the front part of the field. However its new position does not reflect the Planning Committee's previous request for the building to be much closer to the site's south eastern and south western boundaries (i.e. in the site's southern corner) so it would be in line with the buildings in the adjacent field. Furthermore the building has not been reduced

in size as was also previously requested by Members.

The site is fairly open to the north west but there are no public viewpoints in close proximity to the site. There may be longer views of the site from Ashby Road but the site will be screened by existing vegetation. The site is open to the south west as the boundary with the adjacent site is a post and rail fence. However the nearest public viewpoint is from public footpath O72 which is well screened by hedgerows to nearby fields. The site is also well screened from the north and north east by the hedgerow along the site's north eastern boundary. Therefore the repositioned building and reduced hardstanding will not be prominent in views from these directions.

There is an open view through the seven metre wide site entrance on the front (south eastern) boundary but a mature hedgerow, which includes one mature tree at its southern end, extends along the rest of this boundary. There will be a glimpse of the building through the entrance and as the building has been turned 90 degrees more of the building will be visible, although the area of hardstanding has been reduced thereby reducing its visibility. However this is a small gap in the site's frontage which is overall approximately 50 metres in length, and the existing hedgerow will largely screen the building and hardstanding from view from directly in front of the site. When viewed from the south the site is more elevated but the turning of the building means that the side elevation and southern corner of the building will be most visible rather with the hedgerow along the north eastern boundary forming the backdrop rather than a long extent of building projecting into the more open rear and central parts of the field as was proposed on the previous scheme.

From longer views from the south the site is screened by the frontage hedgerows to nearby fields. In closer views from the south the building and hardstanding will be visible although the front hedgerow will provide some screening. Furthermore the plan shows substantial tree planting/landscaping to be provided alongside the access drive, the front boundary and the south western boundary, which can be secured by condition and will provide additional screening once matured. Conditions can also be imposed relating to the exact details of the building's materials and the details of the materials to be used to form the hardstanding, as the hardcore/rubble that has been deposited on the site is not visually appropriate.

Whilst there has been some attempt to address the reason for refusal relating to visual impact on the previous application, as noted above the current scheme does not reflect the request for the proposal to be sited closer to the site's southern corner and for it to be reduced in size. However on balance, taking into account the amendments, the design and materials of construction of the building, the reduction in hardstanding and the screening available from viewpoints towards the site, it is considered that the proposal is not so prominent within the landscape to justify a reason for refusal on the basis of being detrimental to the intrinsic character, beauty and visual amenities of the countryside.

Highway Safety

In respect of the previous application the County Highway Authority initially recommended approval subject to conditions. However concerns were raised by Packington Parish Council and local residents in relation to the impact on highway safety, in particular due to the dangerous nature of Coleorton Lane, the proximity of the site to bends in the road and the poor visibility from the entrance to the site. Therefore the Highway Authority reconsidered the previous application, having regard to the nature of the proposal, the previous refusal on highway safety grounds of an application for the change of use to keeping of horses and the erection of a mobile field shelter on the site (05/00164/FUL) and the approval of an application for a barn and other structures (09/00790/FUL) in October 2009 on the land immediately to the

south west of the site.

The Highway Authority advised that if officers were happy with the scale of the building as well as the proposed uses being generally in accordance with what was approved on the adjacent site then it did not consider that it could justify a reason for refusal on highway safety grounds. Following clarification to the Highway Authority that the proposal included stables and therefore horses could be kept on the site rather than just grazed, the Highway Authority further advised that this would not be sufficient to justify a refusal of the previous application subject to further conditions.

A further letter from a local resident was received in April 2013 advising of an accident that took place on Coleorton Lane on 4 April 2013 close to the site access, which was forwarded onto the Highway Authority for further comment. The letter requested that this recent accident be added to the list of recent accidents that must be taken into account when considering development on this part of Coleorton Lane despite the Highway Authority ignoring them and reiterated concerns that it is only a matter of time before accidents become more serious.

The Highway Authority then advised that it would not change its recommendation on the previous application based on a single accident and provided a copy of the police report relating to an accident that took place on 4 April 2013. The Highway Authority advised that the accident happened near the junction of Coleorton Lane and Leicester Road, no other vehicles were involved and it appears that the accident related to someone driving too fast and losing control.

Therefore in respect of the previous scheme, given the Highway Authority's comments it was considered by officers that a reason for refusal on highway safety grounds could not be justified and Planning Committee did not refuse the application on such grounds.

In respect of the current application the Highway Authority advises that it commented on a previous application on this site which was for exactly the same form of development as on the current application with the only changes being that the building has been moved slightly closer to the road and the area of hardstanding has been reduced in size. The Highway Authority raised no objection to the previous application and therefore it considers there is no reason to change that position. The Highway Authority notes that visibility is currently restricted by vegetation within the highway which will need to be cut back prior to any use of the access for this development and this can be dealt with by condition.

Therefore on this basis it is again considered that a reason for refusal on highway safety grounds could not be justified.

Impact on the River Mease Special Area of Conservation

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 national planning advice in the NPPF. 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 sewage 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.

No toilets are proposed in the building and therefore a foul drainage system is not required. The application advises that storm water will be collected via rainwater harvesting, filtered and

given to the animals kept on the site. This will prevent any surface water from entering the mains sewer system. However a condition should be imposed requiring submission of details of this system. Furthermore a condition should be improved preventing any a foul drainage system from being installed on the site without the agreement of the Authority.

It can be 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.

Lack of Services and Animal Welfare

The previous scheme was also refused in part on the following grounds:

The site is unsuitable for the use and buildings proposed because it lacks basic facilities such as direct water supply and toilet facilities. The proposal would also be detrimental to animal welfare by virtue of the extent of the proposed access track and area of hardstanding.

The application advises that WC/washroom facilities are not required and water supplies for the livestock will be provided by rainwater harvesting and supplemented where required by a water bowser. It should be noted that the hardstanding has been reduced and that the building is sited in a grassed field which will be used as a paddock for the animals. Furthermore the materials for the access drive/hardstanding can be agreed via condition as noted above. The adjacent site also has an access drive/area of hardstanding leading from the access drive and around its buildings and the stable block on land adjacent to 30 Ashby Road that was permitted at Planning Committee in January 2012 (11/00891/FULM) will be surrounded by an area of gravel with a 15 metre long tarmac access drive.

Notwithstanding the above, the provision of basic facilities within such buildings and impact on animal welfare are not considered to be planning matters that can be taken into account in the determination of planning applications.

Other Matters

The building will be over 500 metres from the nearest dwelling and therefore will not adversely affect its occupiers in terms of loss of light, loss of privacy or creation of an oppressive environment nor create significant levels of noise and disturbance from use of the land and building.

None of the trees on the site's boundaries are considered to be worthy of protection by a Tree Preservation Order.

The County Ecologist has raised concerns about the impact of the access track on the hedge that forms the site's north eastern boundary and asked for a five metre buffer to be provided between the edge of the hedge and the centre of the access track. On the previous application the track is shown as five meters wide with the distance between the hedge and the track being approximately one metre wide. On the current scheme the track is six metres wide and finishes immediately adjacent to the hedge. Based on the Highway Authority's suggested conditions the track does not need to be five metres wide along its whole length and the north eastern edge of the hardstanding can be moved away from the hedge. Therefore it is considered appropriate to impose a condition requiring a revised layout plan to be submitted showing part of the track and hardstanding to be moved away to provide better separation from the hedgerow.

Conclusions

Whilst there has been some attempt to address the reason for refusal relating to visual impact on the previous application, as noted above the current scheme does not reflect the request for the proposal to be sited closer to the site's southern corner and for it to be reduced in size. However on balance, taking into account the amendments, the design and materials of construction of the building, the reduction in hardstanding and the screening available from viewpoints towards the site, it is considered that the proposal is not so prominent within the landscape to justify a reason for refusal on the basis of being detrimental to the intrinsic character, beauty and visual amenities of the countryside. Furthermore the provision of basic facilities and impact on animal welfare are not considered to be planning matters that can be taken into account in the determination of planning applications.

The site is also located within the countryside, where the erection of a building partly for an agricultural use can be acceptable subject to an assessment of whether it is reasonably necessary. It is considered that it would be difficult and inconsistent to recommend the application for refusal on the grounds of parts of the building being unnecessary for the purposes of agriculture. The keeping of horses is a recreational use and as such is acceptable under the provisions of Policy S3. The number of stables proposed is suitable for a parcel of land of this size and the hardstanding and materials of construction of the building are acceptable. Given the Highway Authority's comments it is considered that a reason for refusal on highway safety grounds could not be justified. The proposal will not adversely affect residents in terms of loss of light, loss of privacy or creation of an oppressive environment nor create significant levels of noise and disturbance from use of the land and building. A condition can be imposed requiring amendments to the position of part of the access track and hardstanding to move it further away from a nearby hedgerow. 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. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposed development therefore accords with the planning policies stated above. The application is therefore recommended for planning permission.

RECOMMENDATION, PERMIT 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 schedule of plans, unless otherwise required by a condition of this permission:
 - Location Plan (1:5000) received by the Local Planning Authority on 22 July 2013;
 - Location Plan (1:2500) received by the Local Planning Authority on 22 July 2013;
 - Drawing No. HMD/PD/0234/02 Rev. A (Proposed Site Plan) received by the Local Planning Authority on 22 July 2013;
 - Levels Plan received by the Local Planning Authority on 22 July 2013
 - Floor Plan (1:100) received by the Local Planning Authority on 22 July 2013;
 - Elevations (1:100) received by the Local Planning Authority on 22 July 2013.

Reason- To determine the scope of this permission.

- 3 No development shall commence on site in relation to the building hereby approved until the following have been submitted to and agreed in writing by the Local Planning Authority:

- (i) details of the roof tiles;
- (ii) details of the external materials, including the paint finish, to the walls, windows and doors;
- (iii) details of the entrance gates to the access drive.

The building and gates shall be constructed in accordance with the agreed materials and both shall thereafter be so retained.

Reason - to ensure the materials and gate design are appropriate to the site's rural location in the interests of visual amenities.

- 4 No further development shall commence on site in relation to the access track and hardstanding until the following have been submitted to and agreed in writing by the Local Planning Authority:

- (i) details of the materials to be used in their construction;
- (ii) an amended layout plan which shows a minimum of three metres between the edge of the access track and hardstanding and the edge of the hedgerow along the site's north eastern boundary, from a point 10 metres back from the highway boundary with Coleorton Lane.

The hardstanding and access track shall be constructed in accordance with the agreed materials and layout plan and shall thereafter be so retained.

Reason - to ensure the materials are appropriate to the site's rural location in the interests of visual amenities; to prevent adverse impacts on the hedgerow.

- 5 Before first use of the building or hardstanding hereby approved details of soft landscaping, including details of any existing trees and vegetation to be retained, shall first be submitted to and agreed in writing by the Local Planning Authority. The agreed soft landscaping scheme shall be provided in full during the first planting and seeding season following the first use of the building or hardstanding 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 in the interests of visual amenity.

- 6 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.

- 7 Before first use of the building or the hardstanding hereby approved, the boundary treatment scheme shown on Drawing No. HMD/PD/0234/02 Rev. A (Proposed Site Plan) shall be provided in full and thereafter be so retained in perpetuity.

Reason: in the interests of visual amenities.

- 8 Before first use of the building and the hardstanding, a scheme for the disposal of surface water from the building, hardstanding and access drive to soakaway, or another alternative sustainable drainage system so that the surface water does not enter the mains sewer system, and a scheme for the storage of manure, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed surface water disposal system and the agreed manure storage scheme shall be provided before first use of the building and both shall thereafter be retained in perpetuity.

Reason: to prevent an adverse impact on the River Mease Special Area of Conservation; to ensure a sustainable drainage system is provided on the site.

- 9 No foul drainage system (including connection to the mains sewer system or on-site drainage system) shall be installed to serve the building hereby approved until details of the proposed drainage system have been submitted to and agreed in writing by the Local Planning Authority. Once the agreed drainage system has been installed it shall thereafter be so retained unless otherwise agreed in writing with the Local Planning Authority.

Reason: to prevent an adverse impact on the River Mease Special Area of Conservation.

- 10 The building hereby approved shall only be used in connection with the keeping of horses on the site and/or agriculture and shall not be used in connection with a riding school, livery stables or any other business or commercial use.

Reason - other uses may raise different impacts in terms of highway safety and impact on the River Mease SAC.

- 11 The building hereby approved shall always remain ancillary to the use of the site for the keeping of horses and/or agriculture and shall not be used or occupied independently from the use of the site for these purposes.

Reason - a separate use may raise different impacts in terms of highway safety and impact on the River Mease SAC.

- 12 Any gates, barriers, bollards, chains or other such obstructions erected to the access drive shall be set back a minimum distance of 10 metres from the highway boundary with Coleorton Lane and shall be so hung as to open inwards only.

Reason- to allow a vehicle and trailer using the access to stand clear of the public highway in the interests of safety.

- 13 Before first use of the building or hardstanding hereby approved, the vehicular access to the site shall be widened and hard surfaced (with tarmac, concrete or similar hard bound material (not loose aggregate)) to an effective minimum width of 5.25 metres over a distance of at least 10 metres behind the highway boundary with 4 metre radii at the

junction with Coleorton Lane and shall thereafter be so retained in perpetuity.

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.

- 14 Before first use of any part of the development hereby approved, visibility splays of 2.4 metres by 115 metres shall be provided at the junction of the access with Coleorton Lane and shall be so maintained in perpetuity. The said splays shall be provided in accordance with the standards contained in the current County Council design guide and shall be kept clear of all obstructions exceeding 0.6 metres above ground 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.

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 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.
- 3 You must also apply to the Northern Area Manager, Leicestershire County Council, Granite Way, Mountsorrel, Leicestershire, LE12 7TZ (Tel: 0116 3052104) for consent to construct or alter a vehicular crossing or any works within the highway limits.
- 4 The highway boundary is the hedge fronting the site and not the edge of the carriageway/road.
- 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 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

Erection of two storey detached dwelling with single storey garage

Report Item No
A8

Land Rear Of Bulls Head Row Main Street Wilson Derby

Application Reference
13/00344/FUL

Applicant:
Mrs A Simon

Date Registered
20 May 2013

Case Officer:
Sarah Worrall

Target Decision Date
15 July 2013

Recommendation:
PERMIT Subject to a Section 106 Agreement

Site Location (For indicative purposes only, full plans available on the planning file)



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Executive Summary

Call In

The application has not been called in, but is brought before Planning Committee as the agent is the husband of Councillor Caroline Large.

Proposal

This is a full application for the erection of a detached dwelling with detached garage to the side on land to the rear of the cottages on Bull's Head Row and a new vehicular access to the site from Pingle Hill.

Consultations

Members will note that representations from local residents have been made. All statutory consultees are satisfied that there are no matters that have not been satisfactorily addressed or cannot otherwise be satisfied by way of condition.

Planning Policy

The site is a Greenfield site located within the Limits to Development of Wilson which is not considered to be a sustainable village under Adopted Local Plan or Submission Core Strategy Policies. However, weight has to be given to Submission Core Strategy Policy CS7 which sets out the sequential approach for housing and states that local needs housing may be acceptable in Rural Villages of which Wilson is one. Other material planning considerations of design, Conservation Area, residential amenity, landscaping amenity, highway safety and flooding need to be taken into account in relation to the proposal.

Conclusion

Notwithstanding the fact that the proposal does not comply with Adopted Local Plan Policy H4/1, it does comply with Adopted Local Plan Policy S2, in part, and the proposed dwelling would be in scale and character with surrounding development and the Wilson Conservation Area, would have no adverse impact on residential amenities or highway safety, there are no flood risk issues, and the impact on flora and fauna as a result of the removal of the three trees identified in the Arboricultural Survey could be dealt with by replacement planting within the site in accordance with Adopted Local Plan Policies H7, E3, E4, E7, T3 and T8. In terms of these issues, the requirements of Submission Core Strategy Policies CS16, CS21, CS26, CS32 and CS34 would also be met, as would the provisions and intentions of the NPPF. As such, on balance, it is considered that the merits of the proposal overall outweigh the non-compliance with Policy H4/1 of the Adopted Plan, particularly when the proposal meets the requirements of the equivalent policy contained within the Submission Core Strategy (Policy CS7), which has to be given some weight, and complies fully with other Adopted Local Plan Policies as well as Submission Core Strategy Policies and the NPPF. The application is, therefore, recommended for approval subject to a S106 legal agreement relating to the occupancy of the dwelling to individuals demonstrating a local housing need.

MAIN REPORT

1 Proposals and Background

This is a full application for the erection of a detached dwelling with detached garage to the side on land to the rear of the cottages on Bull's Head Row and a new vehicular access to the site from Pingle Hill. The site is a Greenfield site which is mainly overgrown with vegetation, has an older garage/store building, and has an existing vehicular access along the boundary of the cottages on Bull's Head Row. The site is set at a lower land level than the cottages on Bull's Head Row. The site has trees along the south west boundary and hedgerow on the south west boundary which forms the site frontage. There are other trees within the site.

An arboricultural survey has been included as part of the application, in addition to information pertaining to housing costs and a case for the development as a local need dwelling within the Design and Access Statement.

The site lies within the Limits to development of Wilson and within the Wilson Conservation Area.

History

There is no planning history for the site other than a pre-application enquiry which was made in relation to the current proposal.

2. Publicity

10 no. neighbours have been notified (Date of last notification 23 July 2013)

Site Notice displayed 28 May 2013

Press Notice published 29 May 2013

3. Consultations

Gill Simkiss - Clerk To Breedon on the Hill Parish Council consulted 21 May 2013

County Highway Authority consulted 22 May 2013

NWLDC Tree Officer consulted 22 May 2013

NWLDC Conservation Officer consulted 22 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.

Breedon on the Hill Parish Council - raises concern about the access onto the road as there is a blind bend adjacent to it

NWLDC Conservation Officer - no objections

NWLDC Tree Officer - no objections subject to replacement planting

LCC (Highways) - objects to the proposed development on sustainability grounds

Two letters of objection, from one local resident, have been received in relation to the proposal. Their concerns can be summarised as follows:

- A construction period will cause disruption to access to the land at the rear of our property (on Bulls Head Row) which is used for parking;
- The dwelling will overlook our garden causing a loss of privacy;
- Loss of view from garden to golf course;
- Devaluation of property;
- Great Spotted Woodpeckers feed in my garden - they may have their habitat in the application site and this may be lost due to loss of trees on the site; and,
- Development of the site will cause a loss of wild animal and bird habitats.

Three letters of support have been received in relation to the proposal and the comments can be summarised as follows:

- The applicant is active within the local community and the children go to Breedon School;
- The development would be a modest and attractive house and would improve the site and streetscape, including the approach to the village.

5. Relevant Planning Policy

National Planning Guidance

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.

In relation to the Conservation Area designation, 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.

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 within Limits to Development, subject to material considerations

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 H7 seeks good quality design in all new housing developments.

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

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

Policy T8 sets out the criteria for the provision of parking associated with development.

Other relevant policies: NWLDC Submission 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 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, and that local needs housing may be acceptable in Rural Villages.

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.

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

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

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

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

Principle of Development

The site lies within the Limits to Development of Wilson where, under Policy S2 of the Adopted Local Plan, development will be permitted where it complies with the policies of the Adopted Local Plan. However, Wilson, as a small village with limited services, is a sequentially less sustainable site than other sites within the District under Local Plan Policy H4/1. Furthermore, the Submission Core Strategy Policy CS7 refers to the Location of Development. Amongst others, Policy CS7 differentiates between Sustainable settlements and Villages and Rural Villages and identifies Wilson as a Rural Village (as at January 2012) which has at least one service or facility. Rural Villages would not normally be suitable locations for new development since there is limited access to employment and community facilities including schools and colleges, health centres/doctors surgeries and dentists, shops, and leisure, open space, sport and recreation facilities.

However, Policy CS7 of the Submission Core Strategy also submits that local needs housing may be acceptable where there is a demonstrable local housing need that cannot be met from the existing housing stock and where there is an established local connection as follows:

Rural Villages: within the existing built-up area, small-scale employment development will be permitted together with new housing where it is for:

- i) Local Needs Housing where there is a demonstrable local housing need that cannot be met from the existing housing stock, and where there is an established local connection for either:*
 - (a) a person or persons and their dependants residing permanently in the parish or adjoining parish, for at least 5 years or more in the previous 20 years; or,*
 - (b) a person or persons required to live close to another person who satisfies Criterion a (above) and is in essential need of frequent attention and/or care due to age, ill health, disability and/or infirmity.*

In all cases, where a local need has been identified in line with the above, arrangements must be made to ensure that all dwellings provided will be, and will remain, occupied by eligible local people in perpetuity.

As such, if a local housing need can be identified as part of an application submission, the proposal would be acceptable in principle in terms of Policy CS7 of the Submission Core Strategy.

The application includes supporting information in the Design and Access statement which sets out the case for a local need and estimated costings for the application project. A separate, independent Best Price Guide undertaken by an Estate Agent which provides comparable property information (2 + bedrooms) within a 0.5 mile search area of the current application site has also been submitted as part of the application.

In terms of Submission Core Strategy Policy CS7 there are two aspects which need to be demonstrated. Firstly, that there is a local housing need that cannot be met from the existing housing stock and, secondly, that there is an established local connection.

Taking the first point, the agent has submitted information in relation to current available houses within a 0.5 mile radius of the application site. The Design and Access Statement states that "based on an estimated build cost of £100 per sq ft for the erection of a dwelling which meets conservation area specification, a 1420sqft 3 bedroom dwelling would cost approximately £142,000". Clarification of the source of this cost estimate, and whether it includes VAT or not, has been requested from the agent but has not been submitted at the time of writing this report. Using build cost figures of 4 June 2013 (www.homebuilding.co.uk) the District Council finds that build costs for a two storey, 1420sqft dwelling in the Midlands using the most expensive build route (Main Contractor) and building to an Excellent specification, which would take into account higher quality finish within the Conservation Area, and including VAT would amount to some £189,997. Using the next less expensive build route the same would amount to some £180,381. As such, there is some discrepancy between the costing information submitted as part of the application and the figures identified by the District Council.

However, these also need to be considered in relation to similar sized housing stock available in the locality, and information on such properties available at the time the application was made has been included as part of the submission. The Best Guide Price produced by Howkins and Harrison LLP (Atherstone) demonstrates that 2+ bedroom dwellings available at present within a 0.5 mile range of Wilson postcode DE73 8AH are limited to four in number, and are at prices ranging from £295,000 to £499,950. As such, the potential discrepancy between the agent's and the District Council's estimate costing figures is a moot point since the highest build cost estimate identified by the District Council is some £100,000 less than the lowest house price identified in the Estate Agent's Best Guide Price information thereby clearly indicating that the applicant's housing need cannot be met from the existing housing stock in the locality in accordance with the first part of Policy CS7.

With regard to the second element of Policy CS7, it is necessary to demonstrate a set period of residency within the last twenty years, or, that the local housing need is necessary on health or age grounds. The information contained in the Design and Access Statement submits that the local housing need is based on the residency aspect. The document states that the applicant was brought up in the village and has, in total, spent more than 30 years living there and that the applicant's children are the fourth generation of the family to live in Wilson, and the third generation to be brought up there.

Furthermore, it is submitted that the applicant has resided in the area for at least five of the past twenty years since they moved back to Wilson in 2001 and lived in the village until July 2010 at which point the family moved away for two years and have now returned. They were initially residing with relatives but this resulted in overcrowding of that property so have been renting a cottage in Tonge on a short term 6 month lease. The agent advises that this tenancy is an Assured Shorthold Tenancy with a two month notice period. Both of the applicant's children attend the local school at Breedon-on-the-Hill. As such, the information submitted clearly demonstrates that the applicant has a local connection with the village of Wilson in accordance with the second part of Policy CS7. It is noted that three letters of support have been submitted in relation to the proposal.

As such, in terms of the principle of development at this location, the proposed development does not comply with Policy H4/1 of the Adopted Local Plan which sets out the sequential approach to development for the District of which Wilson would be one of the least sustainable settlements in the District having very limited services. However, the Submission Core Strategy makes provision for a sequential approach to development which includes an opportunity for development in unsustainable Rural Villages if a local housing need can be demonstrated. The application has demonstrated that applicant's housing need cannot be met from the existing housing stock in the locality and also that there is a robust local connection in terms of residency and the proposal would, therefore, be in accordance with Policy CS7 of the Submission Core Strategy. As indicated in Section 5 of this report, 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.

Design and Conservation Issues

The agent entered into pre-application advice in relation to the siting, layout and design of the proposed dwelling and sought both Planning and Conservation Officer informal opinions on the design submitted in the current application.

The application site is on a sloping site off Pingle Hill and is set at a lower level than the properties on Bull's Head Row. The front of the dwelling would face towards Pingle Hill and would be set back from the immediate frontage in order that some of the existing hedgerow could be retained. The dwelling has been designed with its main length, some 11.5m, running parallel to Pingle Hill so that the end of Bull's Head Row and the change to Pingle Hill is emphasised. The depth of the main dwelling would be some 6.5m with a single storey pitch roof porch at the front elevation. The dwelling would have a roof ridge height of 9.3 m dropping to some 5.1m at eaves level and would include a chimney feature at the south east elevation.

The agent submits that the character and design influences of the proposed dwelling have been taken from other detached dwellings in the village and, since the dwelling would be at an entrance to the village, should make a 'statement in its own right' and be a 'prominent property'. It is noted that the Conservation Officer raised no objections to the proposal at pre-application stage in relation to the design.

The detached single garage would be situated adjacent to the proposed dwelling, at the south eastern elevation and would have a pitched roof with the gable end facing Pingle Hill. It would be of modest proportions being some 6m long and 3m wide with a roof ridge height of some 4m dropping to 2.5m at eaves level. It would be constructed in materials to match the proposed dwelling, i.e. red brick and clay plain tile roof finish with timber doors and windows.

Whilst there would be alternative options for the design of the proposed dwelling, the proposed design of the dwelling and garage would be in scale and character with other detached dwellings within Wilson and would not adversely impact on the character and setting of the Conservation Area. As such, the proposed development would be in accordance with the requirements of national and local planning policy.

Amenity Issues

The proposed dwelling would have blank gable walls at the north west and south east elevations, the north west elevation being the end which faces towards the rear of Bull's Head Row Cottages. As such, main windows would face towards Pingle Hill and the car park and gas tank area of the Bull's Head Public House. In addition, the application site is set some 2m lower than the properties on Bull's Head Row, and the nearest elevation of the proposed dwelling would be some 29m from the main built form of the Bull's Head Row Cottages. Due to the distance separation of existing and proposed units, the change in land levels and window orientation there would be no loss of residential amenity to occupiers of existing dwellings as a result of overlooking or overshadowing, and the proposed dwelling would not cause an overbearing effect within the streetscene or to neighbouring properties. As such, the proposed development would be in accordance with local planning policies.

The proposed site layout plan indicates that there would be more than adequate garden space for the proposed dwelling and existing trees would be incorporated into that amenity space. The arboricultural report states that retained trees would have protective fencing around them during any construction work. It is proposed to remove three trees, two of which are aged fruit trees and the other a redwood tree, which have not been maintained for some time. The arboricultural report indicates that these trees have some value within the setting but may not respond well to being maintained and pruned at this stage and recommends that a better option would be to remove them and replant using fruit tree varieties that are associated with the area. The NWLDC Tree Officer has confirmed there is no objection to the removal of those three trees subject to alternative replacement within the site and a condition to this effect should be attached to a permission should the application be approved. No other trees would need to be removed from the site as a result of the development proposal. The three trees to be removed do not show evidence of being a habitat for woodpeckers which would be protected under the Wildlife and Countryside Act 1981.

It is noted that a separate application has been submitted by a different applicant for commercial development related to the Bull's Head Public House (13/00566/FUL) and the impact of that proposal on its surroundings, including this site should the application be approved, will be considered as part of that application.

A further concern raised by local residents is the likelihood of disruption to the existing access off Pingle Hill which serves parking areas of residents of Bull's Head Row Cottages. However, that access is not included as part of the application site and the proposed development would be set some 6m away from the edge of the access track with its own separate vehicular access further down Pingle Hill. As such, there is no apparent reason as to how or why the existing access would be impeded as a result of the development proposal.

Whilst resident's concern in relation to loss of view and devaluation of property are noted, these are not material planning considerations and cannot be taken into account during consideration of the proposal.

There is a watercourse which runs along the south east boundary of the site and which links to

a pond on the nearby golf course and to ponds on land some distance from the site to the east. The application site does not lie within a Flood Risk Area. As such, should the application be approved, any occupiers of development at the application site would not be at risk of flooding and there would be no adverse impact on residential amenity as a result of that matter.

Highway Issues

The Highway Authority objects to the proposal on sustainability grounds as Wilson is a small settlement with limited services and future occupiers of the dwelling would be completely reliant on car based travel contrary to the aims of local and national planning policy. There are no objections to the proposal on highway safety grounds. The submitted application plans demonstrate that adequate visibility splays could be achieved at the site.

However, the Highway Authority subsequently advised of conditions which could be attached to a permission, should the District Council be satisfied that a local housing need could be proven, a matter which has been previously dealt with at the start of the 'Assessment' section. The Highway Authority has requested, amongst others, that a footway link within the public highway be implemented to provide a pavement area linking the application site with Main Street. With regard to this issue, Members attention is drawn to planning applications 12/00391/VCU and 12/00979/VCU which were submitted to remove conditions requiring footway links at new development on Rectory Lane, Appleby Magna and which were subsequently approved and, as such, are material planning considerations.

The situation at the sites at 8 and 10 Rectory Lane, Appleby Magna, the subject of the above applications, was that a footway link requirement condition was attached to the original permissions for development on the sites. However, when the subsequent Variation of Condition applications were made it was concluded that notwithstanding the advice in Manual for Streets, given the existing pedestrian use of the road and the road design, it was considered that the proposal would not significantly increase the number of pedestrians using the road to justify the provision of a footway nor would not providing the footway significantly increase the risk to users of the road. It is considered that this would be the same situation at the current application site at Wilson. Furthermore, a footway link at this point in the Conservation Area would adversely impact on the character and appearance of the Conservation Area to its detriment. As such, it is recommended that a footway link condition is not attached to a permission, should the application be approved. Other recommended highway conditions would ensure that the proposed development would not cause any highway safety issues in accordance with T3 and T8 of the Adopted Local Plan.

Conclusion

The principle of the scheme has to be considered against Policies S2 and H4/1 of the Adopted Local Plan. The application site is clearly in the Limits to Development of Wilson in accordance with the first part of Policy S2, but does not comply with Policy H4/1 which sets out the sequential approach to development for the District, of which Wilson would be one of the least sustainable settlements in the District having very limited services. However, the proposal also has to be considered with regard to Policy CS7 of the Submission Core Strategy which makes provision for a sequential approach to development and includes an opportunity for development in unsustainable Rural Villages if a local housing need can be demonstrated. Policy CS7 has to be given some weight to the considerations since the application submission demonstrates that the applicant's housing need cannot be met from the existing housing stock in the locality and also that there is a robust local connection in terms of residency. As such,

whilst the proposal would not comply with Policy H4/1 of the Adopted Local Plan it would, in part, be in accordance with Policy S2 of the Adopted Local Plan and fully in accordance with Policy CS7 of the Submission Core Strategy.

Taking into account other Adopted Local Plan Policies, as required by Policy S2, the proposed dwelling would be in scale and character with surrounding development and the Wilson Conservation Area, would have no adverse impact on residential amenities or highway safety, there are no flood risk issues, and the impact on flora and fauna as a result of the removal of the three trees identified in the Arboricultural Survey could be dealt with by replacement planting within the site in accordance with Adopted Local Plan Policies H7, E3, E4, E7, T3 and T8. In terms of these issues, the requirements of Submission Core Strategy Policies CS16, CS21, CS26, CS32 and CS34 would also be met, as would the provisions and intentions of the NPPF.

Notwithstanding the fact that the proposal does not comply with Adopted Local Plan Policy H4/1, it does comply with Adopted Local Plan Policy S2, in part, and in full with regard to Policies H7, E3, E4, E7, T3 and T8, and also with the requirements of Submission Core Strategy Policies CS7, CS16, CS21, CS26, CS32 and CS34 and the NPPF. As such, on balance, it is considered that the merits of the proposal overall outweigh the non-compliance with Policy H4/1 of the Adopted Plan, particularly when the proposal meets the requirements of the equivalent policy contained within the Submission Core Strategy (Policy CS7), which has to be given some weight, and complies fully with other Adopted Local Plan Policies as well as Submission Core Strategy Policies and the NPPF. The application is, therefore, recommended for approval subject to a S106 legal agreement relating to the occupancy of the dwelling to individuals demonstrating a local housing need.

RECOMMENDATION - PERMIT, subject to the following condition(s) and subject to a S106 legal agreement:

- 1 The development shall be begun before the expiration of one year 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.) and as the dwelling is required in relation to a local housing need.

- 2 The development shall be built in accordance with the approved plans as follows:

Site Location Plan 1:1250;
 Topographic Survey 1:200 December 2012;
 BHR.LAY.006;
 BHR.SEC.007;
 BHR.PRP.008;
 BHR.PRE.009; and,
 BHR.GAR.010, all received on 20 May 2013.

Reason- To determine the scope of this permission.

- 3 Notwithstanding the submitted information no development shall commence on site until representative samples of the materials to be used in all external surfaces have been submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

Reason- To enable the Local Planning Authority to retain control over the external appearance given the site's location within a historic environment and that precise details have not been submitted.

- 4 Notwithstanding any details submitted and before development commences on the site a detailed scheme for the boundary treatment of the site shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the dwelling is occupied.

Reason- To preserve the amenities of the locality.

- 5 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping including replacement planting of the three trees, identified as T13, T14 and T15 within the Arboricultural Assessment and Tree Report dated 7 February 2013. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a five year period from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason- To ensure the satisfactory overall appearance of the completed development.

- 6 Operations that involve the destruction and removal of any vegetation on the site shall not be undertaken during the months of March to September inclusive unless a report undertaken by a qualified ecologist demonstrating that there are no nesting birds on the site has been submitted to and agreed in writing by the Local Planning Authority.

Reason- To reduce the impact of the proposal on nesting birds, which are a protected species.

- 7 No development shall commence on site until a protective fencing scheme for all trees that overhang the site in accordance with British Standard 5837:2005 (which shall include a plan to a metric scale showing the position of the protective fencing and details of the design of the fencing) has been submitted to and agreed in writing by the Local Planning Authority. No development shall commence on site until the agreed scheme has been implemented and it shall be kept in place until construction of the dwelling, and the associated areas of hard surfacing is completed.

Reason - In the interest of health and safety and the amenity value of the trees.

- 8 If any works are to be carried out within the areas bounded by the protective fencing, then no development shall commence in respect of these works until a method statement which sets out how the development will be undertaken within these areas has been submitted to and agreed in writing by the Local Planning Authority. The works within the areas bounded by the protective fencing shall be undertaken in accordance with the agreed method statement.

Reason - in the interest of health and safety and the amenity value of the trees.

- 9 Notwithstanding the provisions of Part 1 (Classes A, B, C, D and E) 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) the dwelling hereby permitted shall not be enlarged, improved or altered nor shall any building, enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse be provided within the curtilage of the dwelling, unless planning permission has first been granted by the Local Planning Authority.

Reason- To enable the Local Planning Authority to retain control over future development in view of the form of the development proposed and its Conservation Area location.

- 10 Notwithstanding Condition 2 of this permission, no development shall commence on site until an amended plan has been submitted to and agreed in writing by the Local Planning Authority, in conjunction with the Highway Authority, to include details of gate set back distance, car parking layout, garage details and turning facilities. In order to be counted as car parking spaces, single garages should have minimum internal dimensions of 3 metres by 6 metres with a minimum door width of 2.3 metres.

Reason- In the interests of highway safety.

- 11 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 5 metres behind the highway boundary 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.

- 12 The gradient of the 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.

- 13 Before first occupation of the dwelling hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.

Reason- To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.

- 14 Before first occupation of the dwelling hereby permitted, turning facilities shall be provided, hard surfaced and made available for use within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall thereafter be permanently so maintained.

Reason- To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users.

- 15 Before first occupation of the dwelling hereby permitted, car parking shall be provided, hard surfaced and made available for use on the basis of 2 spaces for a dwelling with up to three bedrooms and 3 spaces for a dwelling with four or more bedrooms. The parking spaces so provided 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.

- 16 Before first occupation of the dwelling hereby permitted, the access drive and any turning space 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.)

- 17 Before first occupation of the dwelling hereby permitted, visibility splays of 2.4 metres by 43 metres shall be provided at the junction of the access with Main Street. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground 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.

Notes to applicant

- 1 Planning permission/or approval of reserved matters (delete as appropriate) 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 April 6th April 2008 written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £85.00 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 access shall be carried out to the satisfaction of the Highways Manager- (telephone 0116 3050001). The highway boundary is the wall/hedge/fence etc. fronting the premises and not the edge of the carriageway/road.

Erection of metal steps (Retrospective)

Report Item No
A9

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

Site Location (For indicative purposes only, full plans available on the planning file)



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EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR APPROVAL

Call In

Members will recall that this application was deferred at last month's committee to allow an opportunity to establish access to a neighbouring property for Committee Members. Officers have secured access for Members to view the site from a property on Coverdale.

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.

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 STREET

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 NO. Neighbours have been notified (Date of last notification 30 May 2013)

3. Consultations

Clerk To Whitwick Parish Council consulted 30 May 2013

4. Summary of Representations Received

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 the applicant has provided a sample of steps finished in brown paint (ref. BS381c 412) which appears 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 the brown 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 - PERMIT, subject to the following 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 in brown (ref. BS381c 412) paint.

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:

Drawing titled, 'DIAGRAM: CROSS SECTION OF EMBANKMENT AND STEPS LOCATION', deposited with the Local Planning Authority on 28 May 2013;
Drawing titled, 'DIAGRAM OF STEPS AND HANDRAILS', deposited with the Local Planning Authority on 28 May 2013;
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).

Internal alterations to outbuilding to provide living accommodation (amended scheme)(listed building consent)

Report Item No
A10

Ley Farm Callans Lane Heath End Ashby De La Zouch

Application Reference
13/00362/LBC

Applicant:
Mr Simon Stanion

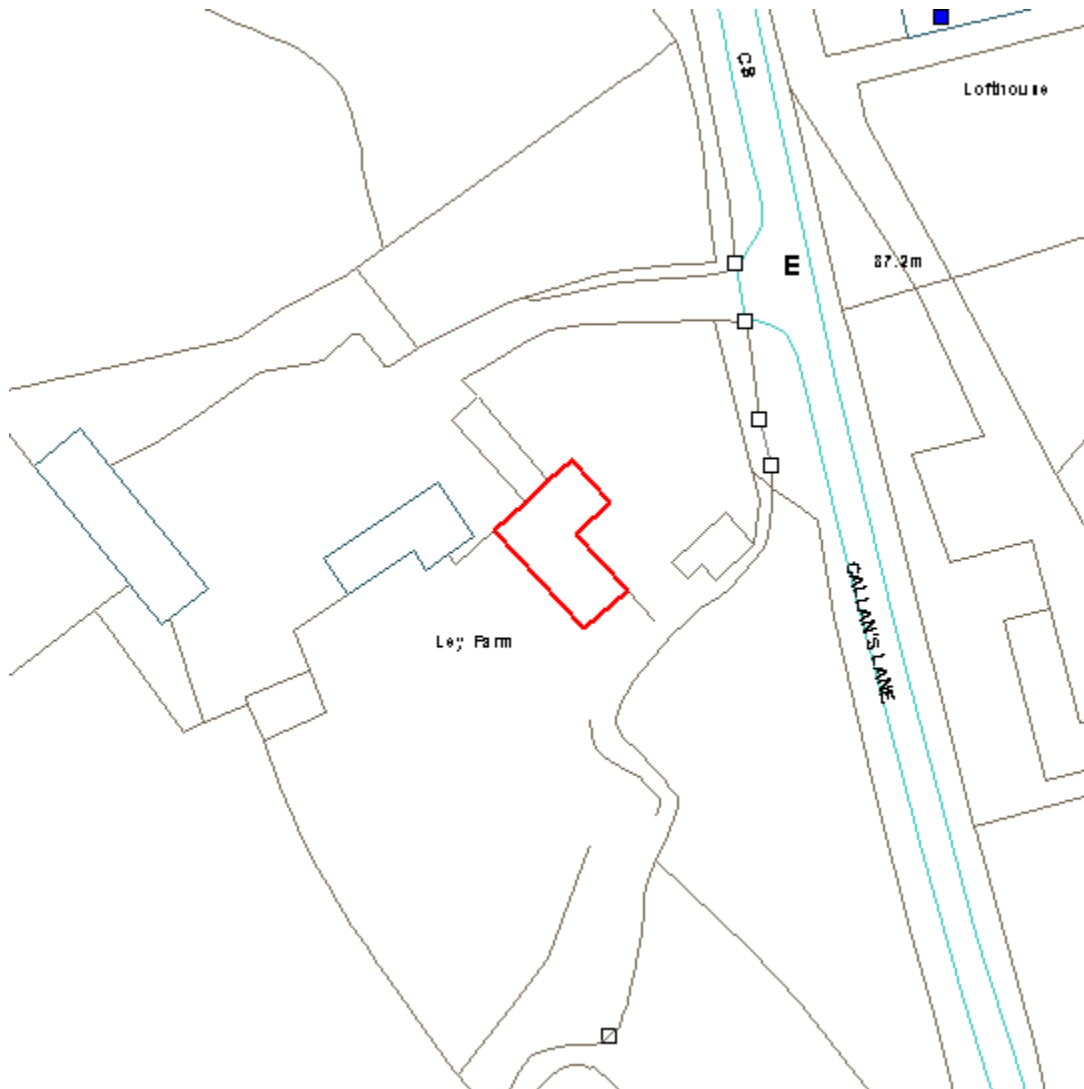
Date Registered
30 April 2013

Case Officer:
Adam Mellor

Target Decision Date
25 June 2013

Recommendation:
PERMIT

Site Location (For indicative purposes only, full plans available on the planning file)



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EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR APPROVAL

Call In

This application is brought to the Planning Committee as the applicant (Mr Simon Stanion) provides legal advice to the Development Management Section of the Council.

Proposal

Listed building consent is sought for internal alterations to outbuilding to provide living accommodation (amended scheme) at Ley Farm, Callans Lane, Heath End. The premises lie to the west of Callans Lane, which is situated off Heath Lane, and is situated outside the defined limits to development. Ley Farm is a Grade II* Listed Building and also falls within the Heath End Conservation Area.

Planning permission and listed building consent was granted in July 2008 (under application references 08/00718/FUL and 08/00715/LBC) for the conversion of the outbuilding into ancillary living accommodation with these permissions being further extended in July 2011 (under application references 11/00459/EXT and 11/00460/EXT). Originally the internal access into the outbuilding from the dwelling would have been provided through an opening in the south-eastern section of the internal wall but it is now proposed that the access would be centralised.

Consultations

No objections have been raised by members of the public, the Town Council, the Council's Conservation Officer or English Heritage.

Planning Policy

It is considered that the development would accord with all relevant policies of the North West Leicestershire Local Plan as well as Policy CS34 (Conserving and Enhancing the Historic Environment) of the emerging North West Leicestershire Local Plan: Core Strategy and Paragraphs 131, 132 and 137 of the National Planning Policy Framework (NPPF).

Conclusion

The revised internal access would not impact adversely on the integrity of the fabric of the heritage asset and as such would be considered acceptable. As the works would be contained internally there would be no impacts on the external integrity of the heritage asset or the character and appearance of the streetscape and as such the proposal accords with Paragraphs 131, 132 and 137 of the NPPF, Policy E4 of the Local Plan and Policy CS34 of the emerging Core Strategy. The development therefore accords with the planning policies identified above.

RECOMMENDATION - APPROVE 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

Listed building consent is sought for internal alterations to outbuilding to provide living accommodation (amended scheme) at Ley Farm, Callans Lane, Heath End. The premises lie to the west of Callans Lane, which is situated off Heath Lane, and is situated outside the defined limits to development, as identified in the North West Leicestershire Local Plan, with the surrounding area being predominately rural although this part of Callans Lane is characterised by a sparse development of detached dwellings and farm holdings. The dwelling is also a Grade II* Listed Building which the listing describes as: "*C16. Timber framed house with stone plinth. Some red brick and some plastered infill. Tiled roof. 1½ storeys with 2 gabled dormers. Inside some close studding exposed in rear, on north-eastern wall. Massive chamfered ceiling beams. Curved wooden lintel to off centre fireplace. Moulded architraves to plank doors. Modern casement windows. Red brick north eastern cross wing,*" and lies within the Heath End Conservation Area.

Planning permission and listed building consent was granted in July 2008 (under application references 08/00718/FUL and 08/00715/LBC) for the conversion of the outbuilding into ancillary living accommodation with these permissions being further extended in July 2011 (under application references 11/00459/EXT and 11/00460/EXT). Originally the internal access into the outbuilding from the dwelling would have been provided through an opening in the south-eastern section of the internal wall but it is now proposed that the access would be centralised.

A design and access statement and heritage impact statement have been submitted in support of the application.

The planning history of the site is as follows:-

- 89/0162 - Erection of two ground floor extensions, a porch and alteration of dormers - Refused 5th April 1989;
- 89/0163/L - Alterations and extensions (listed building consent) - Refused 5th April 1989;
- 89/0742 - The erection of three extensions - Permitted Development 28th July 1989;
- 89/0743/L - Alterations and extensions (listed building consent) - Approved 24th July 1989;
- 90/0442 - Conversion and extension to barn to form a dwelling - Refused 4th July 1990;
- 90/0452/L - Conversion of an extension to barn to form a dwelling - Refused 4th July 1990;
- 94/0399 - Formation of a tennis court with a 2.75 metre high chain link boundary fence - Approved 6th July 1994;
- 98/0324 - Erection of a stable block - Approved 3rd June 1998;

2. Publicity

2 No neighbours have been notified (Date of last notification 25 May 2013)

Site Notice displayed 15 May 2013

Press Notice published 15 May 2013

3. Consultations

Ashby De La Zouch Town Council consulted 1 May 2013

NWLDC Conservation Officer consulted 1 May 2013

English Heritage- Grade I/II* LB Works consulted
LCC ecology consulted 9 May 2013

4. Summary of Representations Received

The following summary of representations is provided.

Ashby De La Zouch Town Council supports the proposal.

Leicestershire County Council - Ecology has stated the following: *"It appears from the plans that these proposed works will affect the existing roofspace. The dwelling is directly adjacent to good bat foraging habitats - allotments and open countryside. There is therefore a possibility that bats are roosting in the roofspace of the existing property and could be disturbed by the proposed works; For these reasons, in accordance with our local validation criteria and our Bat Protocol, I recommend that a bat survey of the property is carried out and submitted before the planning application can be determined. This should involve an external and internal inspection of the building by an appropriately licensed bat worker . Depending on the results of this, an emergence survey may also be required. Emergence surveys can only be carried out between May and mid Sept; Please note that ODPM Regulations require bat surveys to be submitted prior to determination of the planning application. It is essential that the extent that they may be affected by the proposed development is established before the planning permission is granted (Reference: Paragraph 99 of ODPM Circular 06/2005 (Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System). If this information cannot be supplied, I recommend that this application is withdrawn or refused, on the grounds of inadequate information about protected species."*

NWLDC Conservation Officer has no objection.

English Heritage advises that *"this application should be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice."*

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:

- 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.

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 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 137 outlines that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

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 E4 seeks to achieve good design in new development and requires new development to respect the character of its surroundings;

Emerging Core Strategy

The District Council considered its draft Core Strategy at its meeting of 24 April 2012. The Council resolved to approve the draft Core Strategy, agreed to the publication of the Core Strategy Development Plan Document, and delegated authority to officers to make minor changes to the Core Strategy following consultation and submit the amended document to the Secretary of State. The following draft Core Strategy policies are considered relevant: and, given the stage reached in the evolution of the Strategy, such policies may be afforded some weight.

Policy CS34 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.

6. Assessment

Any issues with regards to the principle of the development and its impacts on the amenities of adjoining residents, the integrity of the River Mease SAC and ecological constraints are matters to be assessed in relation to a planning application and as such do form any consideration in the assessment of this application. Accordingly the main consideration in relation to this application for listed building consent is the implications the internal works would have on the integrity of the heritage assets and the wider area.

Impacts on the Historic Environment and Streetscape

The only alteration proposed would see the internal access into the converted outbuilding be centralised in the internal wall. The Council's Conservation Officer and English Heritage have raised no objections to the proposal and in these circumstances it is considered that the revised position of the internal access would not impact adversely on the integrity of the fabric of the heritage asset and as such would be considered acceptable. In the circumstances that the works would be internal it is also considered that the external integrity of the building would be preserved and there would be no implications to the character and appearance of the streetscape.

On the basis of the above it is considered that the proposal would accord with Policy E4 of the Local Plan, Policy CS34 of the emerging Core Strategy, and Paragraphs 131, 132 and 137 of the NPPF.

Conclusion

The revised internal access would not impact adversely on the integrity of the fabric of the heritage asset and as such would be considered acceptable. As the works would be contained internally there would be no impacts on the external integrity of the heritage asset or the character and appearance of the streetscape and as such the proposal accords with Paragraphs 131, 132 and 137 of the NPPF, Policy E4 of the Local Plan and Policy CS34 of the emerging Core Strategy. It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to the following conditions;

- 1 The works to which this consent relates shall begin no 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 The development shall be carried out in strict accordance with drawing numbers R47.1-001A; R47.1-002AB and 1312/01B, received by the Local Authority on the 30th April 2013, unless otherwise required by another condition of this permission.

Reason - for the avoidance of doubt and to determine the scope of the permission.

Summary Reasons for Granting Listed Building Consent

North West Leicestershire District Council's decision to grant listed building consent in this instance arose following careful consideration of the relevant provisions of the Development Plan and all other relevant material considerations. Of particular relevance to this decision were the following policies of the North West Leicestershire Local Plan:

Policy E4 (Design);

Reasons:

The revised internal access would not impact adversely on the integrity of the fabric of the heritage asset and as such would be considered acceptable. As the works would be contained internally there would be no impacts on the external integrity of the heritage asset or the character and appearance of the streetscape and as such the proposal accords with Paragraphs 131, 132 and 137 of the NPPF, Policy E4 of the Local Plan and Policy CS34 of the emerging Core Strategy. The development therefore accords with the

planning policies stated above.

Notes to applicant

- 1 Listed building consent 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).

SECTION B- OTHER MATTERS

There are no items in this section

LIST OF APPLICATIONS FOR PLANNING COMMITTEE 3 September 2013

Section A – Planning Applications

Item	Reference	Details	Amend	Print	Sign	Sent
A1	12/00922/OUT M					
A2	13/00218/OUT M					
A3	13/00205/FUL					
A4	13/00290/FULM					
A5	13/00526/FULM					
A6	13/00426/FUL					
A7	13/00580/FUL					
A8	13/00344/FUL					
A9	13/00440/FUL					
A91	13/00362/LBC					

Section B – Other Matters

Item	Reference	Details	Amend	Print	Sign	Sent
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