

**APPENDIX B**

**Report of the Director of Services and Deputy Chief Executive  
Planning Committee**

**2 October 2012**

**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 Director of Services and Deputy Chief Executive are material planning considerations and relate to matters not previously raised.

### **4. Reasons for Grant**

Where the Director of Services and Deputy Chief Executive'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 Director of Services and Deputy Chief Executive.

### **5. Granting permission contrary to Officer Recommendation**

Where the Director of Services and Deputy Chief Executive'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 Director of Services and Deputy Chief Executive.

## **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 Director of Services and Deputy Chief Executive.

## **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 Director of Services and Deputy Chief Executive.

## **8. Decisions on Items of the Director of Services and Deputy Chief Executive**

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.

## SECTION A- PLANNING APPLICATIONS

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**Application for the erection of 191 residential units, structural landscaping, open space provision and access roads.**

**Report Item No  
A1**

**Land South of Ashby Road Ibstock Leicestershire**

**Application Reference  
12/00453/FULM**

**Applicant:  
Bellway Homes (East Midlands) Limited**

**Date Registered  
16 May 2012**

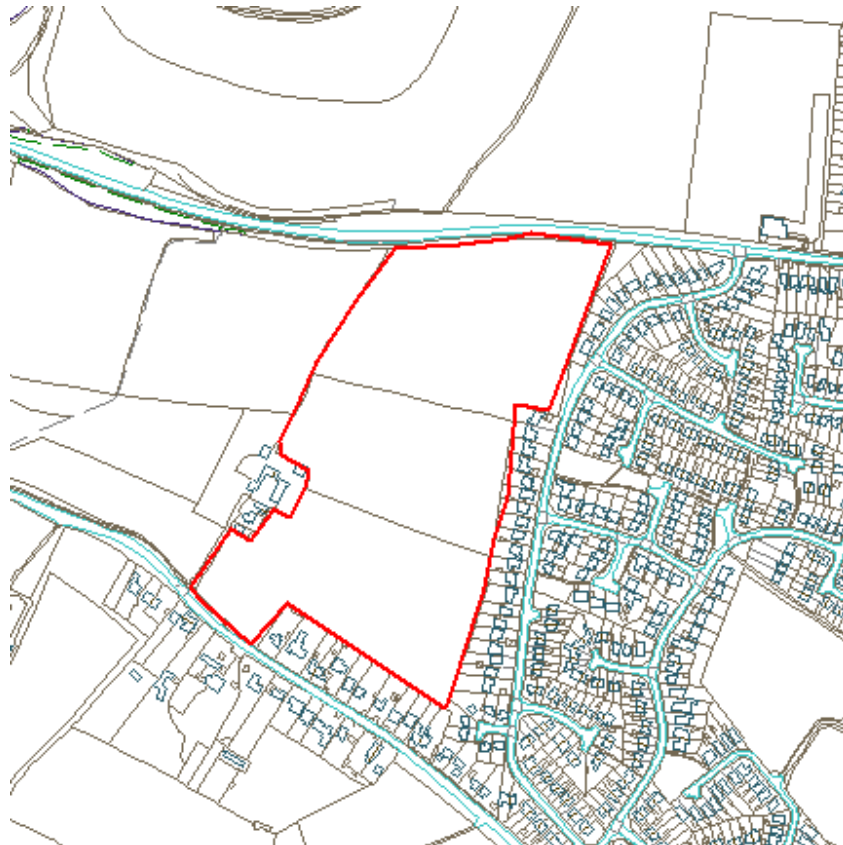
**Case Officer:  
James Carpenter**

**Target Decision Date  
15 August 2012**

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

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**Indicative Site Location**



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## **EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR APPROVAL**

### **Call In**

The application is brought before Planning Committee by Councillor De Lacy on the basis of local concern.

### **Proposal**

The application seeks full planning consent for the construction of 191 residential homes on land to the west of Ibstock. In addition to the residential units the application makes provision for access to the site, to the north off of an existing roundabout, and to the south by way of a new roundabout that would be constructed on Station Road.

### **Consultations**

Members will note that objections have been received from Ibstock Parish Council. Correspondence and a petition have been received in objection to the proposals. All statutory consultees are satisfied that there are no matters that have not been satisfactorily addressed or otherwise be satisfied by way of condition.

### **Planning Policy**

The application site is outside limits to development on land defined in the Adopted Local Plan as part of a wider an Area of Separation between Ibstock and Heather. Also relevant, however, are the Districts housing land requirements, and the need (as set out in the National Planning Policy Framework) to demonstrate a five year land supply.

### **Conclusion**

The report below indicates that, whilst the site is a greenfield site outside Limits to Development, and on an Area of Separation, having regard to the site's general suitability for housing (including its proximity to the built up area of Ibstock), the lack of conflict with the emerging Core Strategy and the opportunity to contribute towards the identified housing need in Ibstock against the requirements of the emerging Core Strategy, release of the site for residential development would be acceptable in principle given the Districts confirmed shortfall against housing land supply.

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, subject to conditions, including impact upon residential amenity. Appropriate contributions to infrastructure would also be made so as to mitigate the impacts of the proposals on local facilities.

**RECOMMENDATION: PERMIT SUBJECT TO RECEIPT OF DETAILS REQUESTED BY URBAN DESIGNER, CONDITIONS AND THE PRIOR AGREEMENT OF A SECTION 106 AGREEMENT.**

**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

The planning application seeks full planning consent for the construction of 191 residential homes on land to the west of Ibstock. In addition to the residential units the application makes provision for access to the site, to the north off of an existing roundabout, and to the south by way of a new roundabout that would be constructed on Station Road.

The site is of 8.39 hectares of which 23% is given over to public open space, National Forest planting and a storm water balancing pond. The residual developable area is to be constructed at a density in the order of 30 dwellings per hectare.

The development provides for a mix of house types and tenures including the provision of 28 properties for affordable rent and 10 properties for affordable shared ownership. The development also provides for 17 bungalows across the range of tenures.

East/west hedgerows split the site into three field compartments. A public footpath runs through the centre of the site. The site slopes gently southwards from Ashby Road to Station Road

Financial contributions have been sought by the respective Authorities, including in regards of educational provision and health provision. A Section 106 legal agreement has been drafted that would secure the payment of these monies towards projects that would seek to mitigate the impact of the development.

The report below sets out the consideration of the material planning issues relevant to the determination of this planning application, and takes into account the comments raised by local residents in opposition to the development. The report sets out the current national and local planning positions, and it is noted that the thrust of government policy is that Local Authorities should clearly demonstrate sites upon which they will deliver housing and accordingly economic growth, and requires local authorities to demonstrate a deliverable 5 year housing land supply position.

#### *Planning History*

There is no relevant planning history in respect of the application site. The North West Leicestershire Local Plan, however identifies land to the west of Ibstock (which includes the application site) as an "Area of Separation" between Ibstock and Heather.

### 2. Publicity

162 Neighbours notified 22 May 2012

262 Neighbours notified on 05 September 2012

Site Notice displayed 29 May 2012

Press Notice published 6 June 2012

### 3. Consultations

Ibstock Parish Council consulted 22 May 2012 and re-consulted on 05 September 2012

County Highway Authority consulted 23 May 2012

Environment Agency consulted 23 May 2012

Severn Trent Water Limited consulted 23 May 2012

Head of Environmental Protection consulted 23 May 2012

Natural England consulted 23 May 2012  
NWLDC Tree Officer consulted 23 May 2012  
County Archaeologist consulted 23 May 2012  
LCC Ecology consulted 23 May 2012  
NWLDC Urban Designer consulted 23 May 2012 and re-consulted 05 September 2012  
LCC Development Contributions consulted 23 May 2012  
NHS Leicester, Leicestershire and Rutland PCT consulted 23 May 2012  
Building Control - NWLDC consulted 23 May 2012  
Police Architectural Liaison Officer consulted 23 May 2012  
LCC/Footpaths consulted 23 May 2012  
National Forest Company consulted 15 June 2012  
Ibstock Parish Council consulted 5 September 2012

#### **4. Summary of Representations Received**

The following is a summary of all representations received from Statutory Consultees and third parties. All correspondence is available to view on the application file. The issues raised by respondents have been discussed with the applicants at meetings during the determination period, and where possible action has been taken to address concerns raised.

**Environment Agency** – The measures detailed in the Flood Risk Assessment should be secured by condition including details of surface water drainage.

**Ibstock Parish Council** - Oppose the plans on the basis that permitting the development would conflict with their desire to undertake a Neighbourhood Plan. Also oppose plans on the basis of the loss of the Area of Separation, which they believe should be retained. Consider that the number of houses being located in the area is unreasonable. State that consideration has not been given to local residents. Consider that despite developer contributions being made available, local amenities cannot cope with “sudden expansion” and developers are overloading Ibstock. Unhappy that Ibstock is being “bombarded with development”.

**Leicestershire County Council – Developer Contributions** – Contributions are sought in respect of education provision, libraries, and civic amenity to be secured through Section 106 agreement as set out further in the detailed assessment section of the report.

**Leicestershire County Council – Ecologist** – note that the submitted ecological survey satisfactorily meets requirements, stipulate that tree and hedge planting should be native, and that bat and bird boxes should be provided on houses adjacent to natural open spaces and parks. Standard conditions are requested regarding breeding birds and protected species

**Leicestershire County Council – Highways** - Identify that the original Transport Assessment did not offer any mitigation to reduce the impacts of the additional traffic generated by the development (a material increase in queuing and delays at the A447 double mini-roundabout and Co-op single roundabout junctions). However improvements have been proposed by the applicant which have been demonstrated to reduce these impacts to a level which is not material whilst also improving pedestrian facilities. The improvements result in only a small increase in queuing at the A447 junction and none at the Co-op junction in the 2018 completion year.

The southern access to the site on Station Road will be by a new mini-roundabout as shown on the Travis Baker drawing no 12038 fig 4 rev.D. The highway authority have raised concerns with the proximity of accesses to existing properties on Station Road to the new roundabout,

## PLANNING APPLICATIONS- SECTION A

however there is no evidence to suggest the accesses will be unsafe and it was not raised as an issue in the Stage 1 safety audit. It should be recognised however that the residents affected may raise concerns with the changes to their accesses and the applicant should ensure the affected residents are consulted and their views taken into account in the final design of the junction.

Developer Contributions are sought as set out further in the detailed assessment section of the report

**Leicestershire County Council – Rights of Way** - The development should ensure provision of footpath Q69 is retained or make an application to divert the footpath prior to commencement of development directly affecting its current line.

**Leicestershire Police** – Raise no observations in respect of Designing out Crime. Seek a developer contribution for future policing needs as set out further in the detailed assessment section of the report.

**Leicester Leicestershire and Rutland Primary Care Trust** – set out developer contributions required to mitigate the additional population that the proposal would create as set out further in the detailed assessment section of the report.

**National Forest Company** - confirm that the proposed National Forest Planting to be secured through Section 106 agreement (1.67 hectares) meets the requirements of the NFC's Guide for Developers and Planners. The development provides a welcomed contribution to the Creation of the Natural Forrest, adding to the existing wood and providing a landscaped footpath connection to both Mill Hill and Sence Valley Forest Park.

Request that details pertaining to the play area are secured by condition and seek a natural design with wooden equipment and tree planting. Denser woodland planting is also sought on the open space by the eastern boundary and details of street tree planting and the gapping up of existing hedgerows is secured. Conditions are also requested to secure details of the footpath link and signage to highlight the routes to Sence Valley and Ibstock Town Centre.

**Natural England** - Raise no objection to the proposed development, but note that as the site is in proximity (but not within) the River Mease SAC, foul waste water shall be to treatment outside of catchment. Natural England note and support the findings and recommendations of the Phase One Habitats Survey, and support the retention of the trees on the site that could have potential for bat roost. The findings of the Landscape Visual Impact Assessment are supported and Natural England support the integration of green infrastructure. Natural England requests conditions including in relation to breeding birds and protected species and site enhancements.

**NWLDC Strategic Housing Team** – support the proposed affordable housing on the development, particularly the provision of bungalows. Have agreed a mix and schedule of accommodation and tenure to be secured through a Section 106 agreement as set out further in the detailed assessment section of the report.

**NWLDC Environmental Protection** – raise no objections to the proposals.

**Severn Trent Water** – Raise no objections subject to conditions related to the disposal of surface water and foul sewage.

### Third Party Representations

280 copies of a standardised letter have been signed and submitted in opposition to the proposals citing the following reasons:

- Ibstock can not cope with a further increase in population because
  - Doctors Surgery is over capacity
  - Infants and Junior Schools can not accommodate any increase in the number of pupils
  - Car parking for shoppers in the village is inadequate
  - Traffic congestion on Melbourne Road is at a dangerous level
  - The inadequate facilities can not be upgraded in the near future.
- The site is an “Area of Separation” that should be retained to allow future generations to enjoy
- Brownfield land should be developed over Greenfield land
- The development is not sustainable due to the amount of traffic that will be generated.
- Traffic from the development will add to traffic congestion and cause environmental pollution
- The NWLDC Pre-submission Core Strategy raises the number of homes to be built in the plan period to 550 homes – this number appears to have been increased to allow Bellway Homes application to be acceptable – rather than because of any urgent necessity or benefit to Ibstock.

A petition of 260 signatures collected during and following a public exhibition put on by Bellway Homes against a proposal to build 220 homes on the application site has been submitted citing the same reasons as the above standard letter. A number of signatories have also submitted standardised letters.

Three standardised letter respondents added further comments citing the following further issues not raised in the standard letter, namely:

- Ibstock is a village not a town
- Ibstock has grown in size by about a third over recent years. It has changed from a large village to a small town.
- Fields should be kept for preserving greenery and in the interest of wildlife
- Impact of increased traffic through Heather
- Planning permission should be given to local developers above others.
- There already homes for sale in Ibstock that people cant sell due to a lack of mortgages, construction of more new housing will make selling them even harder
- High density development will detract from the privacy of residents on Parkdale and Station Road and would be out of character.

23 letters of objection were received to the application citing the following reasons.

- It is inconsiderate of the developers to build two storey buildings at the rear of bungalows on Parkdale
- Loss of view
- Devaluation of property values
- Loss of privacy
- Building family homes next to a quiet area is inconsiderate as residents are used to a nice environment
- Concern over siting of affordable/social housing adjacent to residents in Parkdale
- Concern over the boundary treatments to existing properties
- Play area should not be located near existing bungalows creating noise

- Residents not developers should get the Councils support
- The site is Green Belt
- The village can not cope with an influx of new residents
- There is no need for development in Ibstock
- The proposed Station Road entrance has poor visibility
- Building ugly properties on Station Road would ruin the look of the street.
- Homes are not linked to new job creation – a dormitory estate will be created
- School run traffic will be chaotic
- The Darcy Dark development should be completed before this site is built so that the impact on facilities can be considered
- Impact on potential bat habitat
- Concern over siting of flood water run off ponds
- The site is green and ripe for the extension of the woodland
- It would have been better to develop the current Bellway development as recreational and sporting facilities and built out this southern site instead if there was no alternative.
- The proposed housing on Station Road is not sympathetic in design to the surrounding properties.
- The properties facing Station Road should be bungalows.
- Speed of existing traffic on Station Road is a concern
- Noise and disturbance from construction whilst the site is built out.
- Area of Separation should not be built on
- Development is contrary to the NPPF
- The houses at Darcy Park are not visually attractive and do not create a sense of place
- Impact upon the National Forest setting
- Lack of sufficient landscaping/screening and unclear what it will consist of
- Properties to the rear of Parkdale should be bungalows
- Concerns over levels between the proposed development and existing
- Concern over loss of privacy
- Not enough Doctors or dentists
- The Council want to destroy the Countryside and spoil Ibstock
- Loss of a walking route

One letter, whilst raising objection in principle noted that the retention of the right of way through the centre of the site is essential; siting it so that it is only overlooked by the front of houses is commendable. The path should be wide with planting and benches.

### **5. Relevant Planning Policy**

The following planning policy is considered relevant to the determination of this planning application.

#### **Ministerial Statement - Housing and Growth (06 September 2012)**

The statement sets out that the Coalition Government's number one priority is to get the economy growing. It identifies a need to create the conditions that support local economic growth and remove barriers that stop local businesses creating jobs and getting Britain building again. The statement identifies that the need for new homes is acute, and supply remains constrained and that the planning system should work proactively to support the growth that this country needs. States that it is clear that local people and local authorities must be at the heart of planning, however with this comes a responsibility to meet their needs for development and growth, and to deal quickly and effectively with proposals that will deliver homes, jobs and facilities.

The statement reinforces the previous Ministerial Statement - Planning for Growth from 23

March 2011 which set out that “Government’s clear expectation is that the answer to development and growth should wherever possible be ‘yes’, except where this would compromise the key sustainable development principles set out in national planning policy.”

Ministerial Statements are treated as Material Planning Considerations in the determination of planning applications.

### **National Planning Policy Framework (NPPF)**

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

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

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

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.”

Paragraph 17 states that within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:

- be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up to date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;
- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing,

business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;

- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- 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;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in the Framework;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

“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

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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."
- "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..."
- "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."

### East Midlands Regional Plan

The Government has stated that it intends to revoke all Regional Spatial Strategies. The

## PLANNING APPLICATIONS- SECTION A

Secretary of State for Communities and Local Government issued a statement on 6 July 2010 revoking all Regional Spatial Strategies. This was subsequently challenged in the High Court and the decision quashed. As such, therefore, the Regional Spatial Strategy was reinstated.

The Secretary of State issued a further letter in light of the decision of the High Court, in which he said that it was still the Government's intention to abolish Regional Spatial Strategies as part of the Localism Bill and that local planning authorities should continue to have regard to his letter of 27 May 2010 (in which he announced his intention to revoke Regional Spatial Strategies) as a material consideration in making decisions. This was subject to a further legal challenge. In this instance the High Court dismissed the appeal and so the proposed revocation of the Regional Spatial Strategy is a potential material consideration. Also, the Localism Act 2011 includes the proposed power to abolish Regional Spatial Strategies as intended.

Until such time that the plan is abolished however limited weight is still applied to the following policies:

Policy 1 sets out the Regional Core Objectives.

Policy 2 seeks to improve continuously the layout, design and construction of new development.

Policy 3 sets out a sequential approach for the distribution of development and economic activity. The policy also advises that priority should be given to making best use of previously developed land and vacant/underused buildings in urban or other sustainable areas. It suggests a distribution of development and economic activity including (i) new development concentrated primarily in and adjacent to the region's five Principal Urban Areas (PUAs); (ii) significant levels of development located in the three growth towns of Corby, Kettering and Wellingborough; and (iii) appropriate development of a lesser scale in the Sub Regional Centres (including Coalville, the only identified Sub Regional Centre in the District); and (iv) development needs of other settlements provided for.

Policy 12 states that, outside Derby, Leicester and Nottingham, employment and housing development should be located within and adjoining settlements. Such development should be in scale with the size of those settlements, in locations that respect environmental constraints, in particular those of the River Mease Special Area of Conservation and the surrounding countryside, and where there are good public transport linkages.

Policy 13a sets out the figures for Regional Housing Provision.

Policy 14 sets out the Regional Priorities for affordable housing.

Policy 26 seeks to ensure that sustainable development should ensure the protection, appropriate management and enhancement of the Region's natural and cultural heritage.

Policy 27 seeks to understand, conserve and enhance the historic environment, in recognition of its own intrinsic value, and its contribution to the Region's quality of life.

Policy 29 sets out priorities for enhancing the Region's biodiversity.

Policy 32 sets out the regional approach to water resources and water quality.

Policy 35 sets out the circumstances under which development should not be permitted if, alone or in conjunction with other new development, it would have an impact on flooding or flood risk.

Policy 48 states that Local Planning Authorities should apply the maximum amounts of vehicle parking for new development as set out in PPG13. Parking in excess of these standards should only be provided in exceptional circumstances.

Policy Three Cities SRS 3 states that within the context of Policy 13a (10,200 dwellings for the years 2006-2026 for North West Leicestershire), provision for new housing will be made at the following levels over 2006 – 2026 which, in North West Leicestershire, requires provision to be made for 510 dwellings per annum located mainly at Coalville, including sustainable urban extensions as necessary. At paragraph 4.2.29 of the Regional Plan it is pointed out that Sustainable Urban Extensions are proposed to Loughborough, Hinckley and Coalville so as to support their roles as Sub-Regional Centres.

### **Adopted North West Leicestershire Local Plan**

The following saved policies of the North East Leicestershire Local Plan are considered to be in compliance with the requirements of the National Planning policy Framework and are therefore afforded weight in the determination of this application.

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 E21 states that development will not be permitted which would result in a reduction in the physical separation between the built-up areas of adjoining settlements provided by the following areas on the Proposals Map (b) Ibstock – Heather.

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.

#### **Pre-Submission Core Strategy (April 2012)**

The District Council considered its Pre-Submission Core Strategy at its meeting of 24 April 2012. The Council resolved to approve the Pre-Submission 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 Pre-Submission Core Strategy policies are considered relevant and are afforded weight in the determination of this application:

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

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

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

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

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

Policy CS17 provides that the District Council will seek a mix of housing types, sizes and

tenures in all new housing development.

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

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

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

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

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

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

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

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

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

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

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

Policy CS39 sets out the proposed development strategy for Ibstock and identifies a preferred direction for growth to the west of Ibstock and that the existing Area of Separation will be reviewed.

The Pre-Submission Core Strategy includes an Infrastructure Plan, identifying infrastructure requirements in respect of Ibstock for healthcare and education contributions.

### **Other Policies**

#### **Leicestershire County Council 6C's Design Guide (Highways, Transportation and Development)**

Paragraphs 3.171-3.176 set out the County Council's guidance in relation to parking standards for residential development. This document also provides further info in relation to motor

cycle/cycle parking, the design of on/off-street parking and other highway safety/design matters.

**North West Leicestershire District Council Play Area Design Guidance Supplementary Planning Guidance**

Sets out the requirements for on-site children's play provision and specifies that a rate of 20 square metres per dwelling.

**North West Leicestershire District Council Affordable Housing SPD**

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

Key Principle 3 requires a minimum of 20% of residential units to be available as affordable housing within the Ibstock area.

**6. Assessment**

**Principle of development**

**The Development Plan**

The application site is identified as part of an Area of Separation in the adopted Local Plan. Policy E21 (Separation of Settlements) states that "Development will not be permitted which would result in a reduction in the physical separation between the built-up areas of adjoining settlements provided by the following areas of land, identified on the Proposals Map (b) Ibstock – Heather". The proposal is, therefore, strictly contrary to policy E21.

In addition Local Plan Policy H4/1 states that the development of land for housing will be determined on a sequential approach, in the context of which the application site falls within category (f) 'other locations where appropriate in the context of other policies contained in the Local Plan'. This is the lowest category and therefore the least preferable location for new development based on the sequential approach in the Local Plan.

The site is not "Green Belt" as defined by the NPPF. Green Belt is a designation of Statutory Protection. There is no Green Belt anywhere in the district.

Planning applications are required to be determined in accordance with the development plan unless material considerations indicate otherwise. The following material considerations should therefore be weighed in the balance with the above policies.

**Material Considerations**

**Appeal Decisions**

It has been held that relevant decisions of the Secretary of State and his Inspectors are material not least because consistency in decision-making is desirable as a matter of policy. Post NPPF appeal decisions are particularly relevant as they indicate how the new Framework is being interpreted.

It is evident in this regard, that significant weight is currently being given by Inspectors and the Secretary of State to the objectives identified in the NPPF to boost significantly the supply of housing, and in particular for local planning authorities to maintain a five-year supply of housing land. Saved development control policies which effectively run counter to such objectives e.g. by preventing development simply because it is outside a settlement boundary and thus in the countryside are therefore being given limited weight where such development would otherwise

be considered, in locational terms, as 'sustainable'.

This is material in relation to this application not least because in the recent Stephenson's Green Appeal decision, the Secretary of State concluded that this Council was unable to demonstrate a 5 year housing land supply position. The question of the relative weight to be given to the saved local plan policies against the shortfall in the supply of housing land is therefore critical to the determination of the application.

In an appeal in Ripley, Derbyshire in May 2012 (APP/M1005/A111/2163645) , the Inspector said of such saved policies that whilst they "could be envisaged to have a place in a future Plan and hence could not be considered out of date as such, the extent of land to which they apply could be open to variation in light of the need for housing land."

Local Plans have been found to be in conflict with the NPPF because the preclusion of residential development outside of the settlement boundaries prevents sustainable development which would otherwise help meet a shortfall in provision against currently identified housing requirements. In such circumstances the need for more housing has been found to outweigh conflict with land protection policies and to justify granting planning permission for development.

It has also been held that authorities who lack a five-year housing land supply and have consistently underperformed in terms of delivery of housing, should no longer be able to rely upon development constraint policies to defend refusal of planning permission for housing as this would effectively contradict the NPPF requirement to "boost significantly the supply of housing" (NPPF para.47).

### **Pre-Submission Core Strategy**

The District Council considered its Pre-Submission Core Strategy at its meeting of 24 April 2012. The Council resolved to approve the Pre-Submission 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 Pre-Submission Core Strategy is a material consideration in the determination of this application and weight may be given to its emerging policies which are consistent with the National Planning Policy Framework. The following Pre-Submission Core Strategy policies are considered relevant and are afforded weight in the determination of this application.

The Pre-Submission Core Strategy identifies a settlement hierarchy for locating new development, including new facilities and services. This hierarchy states that most new housing, employment and retail development will take place in the Coalville Urban Area, the remaining housing and employment development will be located in Rural Centres and small-scale housing and employment development will be located within the Limits to Development of Sustainable Villages. In the existing built-up areas of Rural Villages small-scale employment development will be permitted together with new housing where it satisfies a range of criteria and in the remaining settlements that fall within Countryside development will be restricted in accordance with the Countryside policy of the Pre-Submission Core Strategy.

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

In terms of housing numbers, for the period 2006-2031 provision is to be made for at least 550

dwelling in Ibstock, taking into account commitments there remains 290 dwellings to be provided. Although the Core Strategy does not allocate specific sites to accommodate this development it does identify preferred locations. In Ibstock the preferred location for most of the new homes is to the west of Ibstock, which includes the application site. In terms of the Area of Separation Core Strategy Policy CS39 details that the existing Area of Separation between Ibstock and Heather will be reviewed.

Outline planning consent was granted for 120 dwellings on Land at Ravenstone Road in Ibstock leaving a residual balance to find. Whilst other applications may be in the pipeline for Ibstock each application must be determined on its merits. The application site remains the Council's preferred location.

It is noted that the net land available for housing has been reduced during the design of this application as land take for green elements provided by the developer such as National Forest planting, surface water drainage ponds, play areas and landscaping have reduced the number of units brought forward on the site to 191 units.

The approval of this current planning application in addition to the outline consent at Ravenstone Road would take Ibstock to its target of at least 550 houses in the plan period.

As Ibstock is identified as a Rural Centre and the site is within the preferred broad location for new development in Ibstock therefore, in terms of the emerging Core Strategy policies, it is a suitable location for new development.

### **5 Year Housing Land Supply (5YHLS)**

Section 6 of the NPPF deals with housing issues and sets out the key objective is for local planning authorities to boost significantly the supply of housing. Local planning authorities are required to meet the full, objectively assessed needs for market and affordable housing in the relevant housing market area. Paragraph 47 requires authorities to identify a supply of specific deliverable sites to provide five years worth of housing, with an additional buffer of 5% to ensure choice and completion in the market for land. This buffer increases to 20% where there has been a record of persistent under delivery of housing.

In the recent Stephenson Green appeal the Secretary of State concluded that "there is a demonstrable and significant shortfall in the 5 year land supply [in North West Leicestershire]..". Despite the publication of the pre-submission Core Strategy, this remains the situation at the present time. The way the 5 year land supply is calculated can vary depending on the overall housing target, however even with the targets proposed in the pre-submission Core Strategy, the land supply position is still below what would be required to satisfy the NPPF requirements.

On this basis Paragraph 49 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development and that where a local planning authority cannot demonstrate a five-year supply, relevant policies for the supply of housing should not be considered up-to-date. In these circumstances paragraph 14 of the NPPF requires applications to be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate development should be restricted.

It is noted that the developer has agreed to reduce the standard time limit for implementation from three years to eighteen months, to be secured by condition, to demonstrate their commitment to deliver the site and to support the Council in its delivery of housing.

**Sustainability**

Settlements such as Ibstock have always evolved through expansion at the edge. Where houses exist today, once lay green fields, and over time boundaries will continue to change. It is inherent to the planning system that often the most sustainable sites are the most controversial and generate the most objection, as their close proximity to existing services and infrastructure mean that they are more likely to impact on existing resident populations. This is not however a reason to favour less sustainable sites and, objections to a development and the number of them do not affect the principle of sustainability. It must also be noted by objectors that a number of concerns raised, including the loss of or right to a view and the potential devaluation of property or increase in properties available to market are not material planning considerations. They may be given no weight in the determination of this or any other planning application.

In terms of distance to amenities, the Institute of Highways and Transportation (IHT) document ‘Providing for Journeys on Foot’ details the distance of 800m is considered to be the preferred maximum walking distance to a town centre with 400m acceptable and 200m being desirable.

Below are the distances from the centre of the site south of Ashby Road to local facilities and services.

Local Centre	775 metres
Bus Stop	400 metres
Primary School	515 metres
Post Office	825 metres
Convenience Store	600 metres (the Co-Op)
Health Centre	795 metres
Secondary School	715 metres
Public Open Space	180 metres

The application site has been identified through the evidence gathered by the Council to be the most sustainable site for development in Ibstock of those proposed in and around Ibstock in the Strategic Housing Land Availability Assessment (“SHLAA”). This is despite the fact that this allocation involves the loss of part of the wider Area of Separation between Ibstock and Heather.

If the application site is not brought forward for development the District Council will need to identify an alternative site(s) in and around Ibstock to meet the prescribed levels of growth. This would be likely to result in development on less sustainable sites that will have a greater reliance on the motor vehicle, and create far greater impacts in terms of trip generation and highways congestion.

**Review of Area of Separation**

The Pre-Submission Core Strategy proposes to review the Area of Separation. This application, however, effectively brings forward the need for such a review as the function of the Area of Separation is highly material to its determination.

Over 400 objections have been received to the Pre-Submission Core Strategy in respect of Policy CS39 and it is reasonable to conclude that this objection would have existed should a formal review of the Area of Separation have been undertaken prior to an application being made.

The decision to review the Area of Separation was made following the gathering of the evidence

base for the Core Strategy, and included a Settlement Fringe Assessment (SFA) undertaken by independent consultants for the District Council.

The SFA assesses the landscape value of land around the settlement fringes of the main settlements in the District, which includes Ibstock. The study identifies the most distinctive landscapes and those which are important for the setting of settlements. The study considers the western fringe of Ibstock (SFA site I2) and identifies that the landscape is relatively flat.

The Assessment details that as the woodlands at Sence Valley Forest Park and Mill Hill Wood (which lies immediately to the west of the application site) mature they will provide a strong screen to the settlement and this fringe which will help to reinforce the separation between Heather and Ibstock. The study considers that development along this fringe could be accommodated as the existing planting would, once mature, provide a strong screen to the development and therefore there is judged to be a moderate potential to achieve mitigation. In addition there are no landmark views into Ibstock and approaches are already influenced by linear development. The Assessment advises that any development should aim to include a matrix of woodland and trees to soften views of the development from Pisca Lane and Station Road to reinforce the separation between Ibstock and Heather.

The SFA considers that as this area matures "it will provide a strong screen to the settlement and this fringe". In addition "it will help to reinforce the separation between Heather and Ibstock". Development of the application site would as a matter of fact result in the removal of 8.39 hectares (20.73 acres) (23% of current total) from the Area of Separation. However, there would still remain a significant physical gap between Ibstock and Heather. At the present time this gap is measured as being 725 metres from adjoining 91 Station Road Ibstock (which adjoins the southern boundary of the application site) and Mill Lane Heather. Development on the application site would only reduce the gap by 50 metres when measured from the western boundary of the application site to 27 Mill Lane Heather. On balance, therefore, it is considered that in view of the changed circumstances resulting from the new planting at Mill Hill Wood coupled with the fact that the physical gap would be reduced by only a small amount, that it would be difficult to sustain an objection on the basis of the Area of Separation policy in the adopted Local Plan in respect of the application site, even if its use from a policy point of view could be substantiated.

### **Impact upon the Area of Separation**

A question has been raised by an objector as to whether the rejection of the Stephenson Green Appeal and the circumstances surrounding the current application site are directly comparable. It is considered, however, that the Green Wedge and Area of Separation designations are different policy tools, and furthermore the loss of the Green Wedge in Whitwick would have resulted in almost total coalescence of Coalville and Whitwick. In the instance of the application site, the Area of Separation would only be reduced by 23%, and given the land topography between Ibstock and Heather would not have a material impact. Thus it is not reasonable to conclude that the two are directly comparable beyond the fact that they are both locally valued.

In the Stephenson's Green decision, the impact of the loss of the Green Wedge and the distinct purpose it served was considered to outweigh the need for housing in the District.

In relation to the current application however, whilst local residents will invariably attribute a high value on their local landscape, and the NPPF indicates that consideration should be given to the intrinsic character and beauty of the countryside. It is considered on balance and objectively that the application site has limited amenity value and purpose beyond simply being agricultural fields on the edge of a settlement. Whilst a footpath crosses the existing site, its presence

would be reinforced by the proposed development. Beyond its policy designation it is not materially different in terms of land use visual amenity and purpose than the site approved to the North of Ibstock and supported for development by the Parish Council and a number of residents.

The Area of Separation is a lower level of protection than Green Wedge (which seeks to do more than just preserve separation) and based on the evidence provided and given the amount of the Area of Separation that would remain (77%), and the sustainability ranking of the site, the retention of this relatively small area of separation could not be justified given the need to meet housing land delivery to address the district wide shortfall and the fact that the majority of the Area of Separation would remain in place and the physical gap between the existing built up area of Ibstock and Heather would only be marginally reduced.

### **Landscape Visual Impact**

The Settlement Fringe Assessment, as detailed above, was undertaken as part of the evidence base prepared for the Core Strategy. It concluded that there would remain a significant physical gap between Ibstock and Heather should the site be developed. Notwithstanding this it is important to also consider the landscape Visual Impact of the proposals. It is noted that the proposed development will further add to the Mil Hill Woodland with the provision of National Forest Planting on the western edge of the site. The application is accompanied by a Landscape Visual Impact Assessment. Natural England have confirmed that it follows the current industry best practice "Guidelines for Landscape and Visual Impact Assessment, and raises no objection to the proposal in respect of visual amenity or landscape fabric.

### **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 Council is unable to demonstrate a 5 year housing land supply. The NPPF's requirement to boost significantly the supply of housing, and in particular for local planning authorities to maintain a five-year supply of housing land must inevitably impact upon the weight that can continue to be given to extant local plan policies that would prevent development that would otherwise be considered 'sustainable' from taking place.. The application site is identified, through the evidence base established in support of the Core Strategy, as the most sustainable available site in Ibstock. There are no material considerations from a principle of development point of view that outweigh this. Whilst the Area of Separation designation is clearly material to the determination of the application, having necessarily reviewed the way in which the Area of Separation functions it is not considered that it would be compromised to any material extent by the approval of this application and the loss of this part is acceptable in planning policy terms to secure the delivery of a sustainable residential development site to deliver against a shortfall in the 5 year housing land position.

Having regards to the above considerations it is concluded that from a policy perspective that there is no objection in principle to the proposed development.

It is however necessary to assess whether there are any other material planning considerations that either in isolation or cumulatively outweigh the acceptability in principle of the development.

### **Highway Safety**

The impact of the proposed development has been considered by Highways Officers at Leicestershire County Council, who are the responsible Authority for providing advice on the

impact of development proposals on highway safety. The considerations of the Highways Authority can be considered in terms of two distinct factors. The layout and design of the site and the impact of the proposals on the existing highways infrastructure including the provision of the new accesses.

In respect of the former, the layout of the internal site infrastructure is considered to meet the requirements of the County Highways Authority in terms of maintaining safe vehicle speeds within the site, provision of appropriate visibility splays, and the ability of emergency and refuse vehicles to manoeuvre safely through the site.

The layout of the site is considered to accord with the requirements of the County Councils 6C's Highways Transportation Design Guidance in terms of provision of vehicle parking, including garages that meet the requirements and standards of the guidance.

With regards to the impact of the development on the safety of the wider road network it is to be expected that the building of 191 dwellings will increase the number of vehicles on the roads in and around Ibstock, particularly during peak periods. The question is to whether this is harmful or dangerous to public safety. The County Council considers all applications against a trip generation model, and is therefore able to project the impact on the highway network as a result of the development.

Officers at the County Council have identified that the additional traffic generated by the development would result in a material increase in queuing and delays at the A447 double mini-roundabout and Co-op single roundabout junctions. However improvements have been proposed by the applicant, which have been demonstrated to reduce these impacts to a level which is not material whilst also improving pedestrian facilities. The improvements result in only a small increase in queuing at the A447 junction and none at the Co-op junction in the 2018 completion year.

A Stage 1 Safety Audit has been undertaken, which assesses the impact of proposals on highway safety. It concludes that there is no evidence to suggest that the new Station Road roundabout would be unsafe. It is also noted that the County Council are in receipt of an application to reduce the speed limit in the vicinity of the site from 40mph down to 30mph, which will bring wider road safety benefits.

The County Highways Authority have sought developer contributions in respect of travel packs and bus passes, as well as in respect of improvements to local bus shelters.

Conditions are also sought in respect of the provision of improved pedestrian crossing facilities, new domed central islands and changes to kerblines, provision of mini roundabout and gateway feature to Station Road, details over routing of construction traffic, cleansing of construction vehicles, details of parking of construction traffic within the site and the provision of a Residential Travel Plan. These conditions are considered reasonable, necessary and sufficiently related to the development to be applied and accordingly the development is considered acceptable in terms of the highways impact of the site.

In summary the development proposals are considered acceptable, subject to the requested contributions and conditions in respect of impact upon highways.

### **Impact on residential amenity**

The residential properties that will be most affected by the development are those located on the eastern and southern site boundaries on Parkdale and Station Road, and in the South

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Eastern corner No's 6 and 8 Ashdale respectively. The existing finished floor levels of neighbouring properties are comparable to the proposed site levels and appropriate levels of screen planting will be retained and reinforced.

The properties on Station Road follow a linear pattern of development and consist of a variety of built forms, but are predominantly larger residential units. Properties along Parkdale that edge the site are predominantly bungalows.

Material issues for consideration in respect of impact on residential amenity are whether the development would cause a loss of privacy, or be a development that was overbearing in terms of causing a loss of light, and where there are potential issues, whether the development has been adequately designed to mitigate the issues.

One of the principal concerns of residents of Parkdale is the use of two storey residential dwellings in parts on the eastern edge of the site. It is noted that there are 17 bungalows provided on the site and these form the majority of the boundary to Parkdale. In the south eastern corner of the site there are two storey properties. Best design practice would require a minimum back to back separation distance between properties of 22 metres. The minimum requirement for distance where a principal habitable window would face a blank side elevation would be 14m, with this reduced to 11m where both buildings are single storey.

Against these requirements the development proposal performs well, often exceeding this best practice. Where there are two storey dwellings proposed on the Parkdale boundary they range in distance from 35-45 metres in terms of back to back distance, this is comparable to the existing distance of the properties opposite the fronts of these bungalows in Parkdale. The closest proximity relates to No's 83, 47, 37 and 33. Here side on bungalows are proposed at distances ranging from 17-22 metres, again in excess of the 11 metre guidance for single storey property.

The plot size of the properties on Station Road affords a greater degree of separation. No. 99 Station Road is an anomaly in the building line being set back in its plot, and as a consequence the relationship is tighter. However, a single storey double garage is located 16 metres to the rear and the side on elevation of proposed nearest dwelling is at 22m again in excess of best practice guidance.

Given the degree of separation, the similar site levels, and the fact that the proposed dwellings exceed the required degrees of separation there can be no justification for a refusal on grounds of loss of privacy or creation of an overbearing development. As already set out in this report loss of view or impact on house prices, though a reasonable concern of residents, are not material planning considerations and can be afforded no weight.

Issues have also been raised by residents over the provision of shared ownership and affordable let properties on the site, adjacent to existing units. There can be no grounds for suggesting that the tenure of a property has a material impact on residential amenity. Bungalows are a much sought after social tenure for an aging population, it is a consequence of the desire to have bungalows on the boundary that some of these will be non-market housing, and that accordingly some non bungalows would be clustered with these. There is a reasonable and practical distribution of the affordable units across the site and the positioning and the type of units is considered acceptable to the Councils Strategic Housing Team

Concerns have been raised about noise from a children's play area affecting residents on Parkdale. However, the proposed children's play area is located to the west of the development

site at a distance of circa 150 meters away, and therefore this is not a justifiable concern in terms of impact on residents from noise and general disturbance. Whilst the development itself will cause some disturbance during the construction phase this is an unavoidable consequence of development, and no objections or observations are raised by Environmental Protection.

In summary, whilst the development will undoubtedly result in a change in relationship between the existing properties on Parkdale, Ashdale and Station Road, the site has been designed to ensure that there is no material harm to residential amenity. There are no quantifiable grounds therefore upon which to base a reasonable reason for refusal.

### **Design**

The developer has engaged with the Councils Urban Designer and Planning Officers on a pre-application basis and also during the application process. A contextual appraisal of the development site was discussed and agreed prior to submission. Subsequent to the submission revisions have been sought that seek to respond, where possible to concerns raised by residents, and a further consultation was undertaken. This has included the re-elevation of the principal frontage dwellings onto Station Road. The development seeks to draw upon the National Forest Context and will incorporate exaggerated timber detailing to root the development in its setting and is based around a principle of green infrastructure.

It is noted that further minor amendments and details are being sought, and further amended plans are likely to be submitted before the Planning Committee Meeting and final design comments will be reported by way of the Update Sheet to Planning Committee as these are needed to finalise the Building for Life Assessment. No material changes are proposed that would affect relationships with the existing residential properties at the site edges.

In short it is considered that an appropriately designed scheme will be secured by way of the revised plans and planning conditions. Should the Urban Designer consider that the revised details do not meet with the Councils Urban Design requirements when submitted, Officers may have to recommend via the Update Sheet that the application be deferred so that outstanding matters can be resolved.

In the context of the principle of the development being considered acceptable, and the requested amendments not bearing any material impact upon any other material considerations it is reasonable to progress the application on this basis.

### **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 Pre-Submission 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 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 Pre-Submission Core Strategy, still be relevant.

The application site area is given as 8.39 hectares of which 6.45 hectares net developable area. The 191 dwellings proposed by the developers would therefore equate to a maximum density of 30 dwellings per hectare, which meets the requirements set out in Policy H6 and the Pre-Submission Core Strategy.

### **Ecology**

The impact of the proposed development has been considered by the Principal Ecologist at Leicestershire County Council, who are the responsible Authority for providing advice on the impact of development proposals on ecology, including protected species.

The County Council advises that the ecological survey accompanying the application satisfactorily meets the requirements. A low risk of reptiles is considered and despite concerns raised by local residents no issues are considered to arise from the development in respect of the loss of breeding or foraging habitat for bats. Nonetheless, it is identified that before removal of or works to any trees identified as having bat roost potential, a bat survey must be carried out to check whether bats are present. If bats are discovered, a mitigation plan must be submitted to and approved by the planning authority, and must be implemented by the applicant. This will be secured by condition. It is also noted that any site clearance, removal of trees, scrub, hedges and other habitat that could harbour nesting birds must be carried out outside the bird-nesting season (i.e. before the start of March and after the end of July).

It is advised that, to generate further benefit from the proposals towards the wider ecological environment, the landscape schemes for the areas adjacent to open countryside (i.e. along the western boundary) should ensure that all introduced trees, shrubs and other plants must be native species that are widespread within north and west Leicestershire. Where necessary hedges should be gapped up with native species only and that bat and bird nest boxes should be provided on houses adjacent to natural open spaces and parks. Again it is considered acceptable to require these habitat improvements by way of condition.

### **Public Right of Way**

A Public Right of Way (Q69) crosses the site extending westwards from Parkdale adjacent to No's 47 and 49. It is the intention of the development that this route is maintained through the development past the play area and to Mill Hill Wood. The County Councils Public Rights of Way Officer raises no objection to the proposed development subject to the maintenance of a right of way through the site.

### **Flood risk and drainage**

In terms of flood risk and drainage, Severn Trent Water, Natural England and the Environment Agency have raised no objections to the development subject to the imposition of conditions and, therefore, the development of the site is considered acceptable in this regard.

### **Loss of agricultural land**

The site is located on Grade 3 agricultural land (the same as that upon which development was consented at Darcey Park). Government policy directs local authorities to protect the best and most versatile agricultural land (Grade 2). The loss of this area of lesser Grade 3 land is considered acceptable to meet the Councils Housing land requirements. It is noted that higher grade agricultural land will be lost (Grade 2) at the Ravenstone Road site in Ibstock when that consent is implemented.

### **Other Matters**

In respect of the Parish Council concerns regarding a Neighbourhood Planning process it should be noted that a Neighbourhood Plan is not a tool for opposing the location of

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development. Any such plan, for which a formal designation would need to be made, a consultation undertaken, and finance sought to pay for it would realistically take in the order of two years to deliver. In any case it would need to be consistent with National and Local (Core Strategy) Planning Policy. It is not the intention of Government that Neighbourhood Plans should stymie development and growth in the interim period.

It is noted that Ibstock Parish Council supported the recent approval for the development of 120 homes on greenfield land at the Ravenstone Road site (which is less sustainable than the application site). With regards to the concerns of the Parish Council that Ibstock is being "bombarded by developers" and that it cannot cope from an infrastructure point of view, the indicative build programme provided as part of the application, (see table below) assumes build out on the application site will take until 2019. This cannot reasonably be considered sudden over the plan period. There is adequate lead in time, given the developer contributions that are to be provided across the two Bellway sites for education and health improvements, for the respective authorities to commence the necessary infrastructure improvements to mitigate the impact of these developments.

<b>Bellway Homes Sites (Ibstock)</b>	<b>2012/13</b>	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>	<b>Total</b>
<b>Indicative Build out</b>								
Darcey Park	30	35	35	35	35	13		<b>183</b>
Land South of Ashby Road		30	35	35	35	35	21	<b>191</b>

It must also be noted that developer contributions can only be made where they are directly related to the development. They cannot be sought to resolve existing issues of capacity. In addition, this site is considered to be more sustainable than the Ravenstone Road site that the Parish Council supported.

Third party assertions that local developers should be favoured over mainstream house builders are not justifiable and are in no way reasonable planning justification for approving or refusing a development.

**Matters subject to S106 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.

**Highways contributions**

To comply with Government guidance in the NPPF, the CIL Regulations 2011, and the County Council's Local Transport Plan 3, the following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use.

- Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £50.18 per pack).
- 6 month bus passes (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £331.20 per pass (NOTE it is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate).
- Improvements to 2 nearest bus stops, at Thorndale opposite St Denys Crescent and Chapel Street o/s the Co-op (including raised and dropped kerbs to allow level access); to support modern bus fleets with low floor capabilities. At £3263 per stop.
- Information display cases at 2 nearest bus stops; to inform new residents of the nearest bus services in the area. At £114 per display.
- Bus shelter at Thorndale bus stop; to provide high quality and attractive public transport facilities to encourage modal shift. At £4098 per shelter.

### **Education contributions**

Concern has been expressed by local residents over the capacity of the local education facilities to cope with the proposed development. The Local Education Authority (LEA) have been consulted with and they advise as follows, whilst seeking developer contributions to a total of £496,664.36 to mitigate the impact of the development.

To assess whether there is a claim for an education contribution the LEA look at the highest of the current net capacity figure or number on roll figure against the highest of the two year or four year forecast number on roll figure. The catchment schools forecast figure includes housing gains from this development.

### **Primary School Sector Requirement £496,664.36**

The site falls within the catchment area of Ibstock St. Denys Church of England Infant School and Ibstock Junior School. Ibstock St. Denys Infant School has a net capacity of 180 and 205 pupils are projected on the roll should this development proceed; a deficit of 25 places. Ibstock Junior School has a net capacity of 240 and 268 pupils are projected on the roll should this development proceed; a deficit of 28 places. The two schools including the pupils generated by this development have a total deficit of 53 places (of which 7 are existing and 46 are created by this development).

There is 1 other primary school within a two mile walking distance of the development. Heather Primary School which has a surplus of 11 places

The overall deficit including all schools within a two mile walking distance of the development is 42 places. The 46 deficit places created by this development can therefore only be partly accommodated at nearby schools and a claim for an education contribution of 42 pupil places in the primary sector is justified.

In order to provide the additional primary school places anticipated by the proposed development the County Council would request a contribution for the Primary School sector of £496,664.36.

This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Ibstock St. Denys Infant School and Ibstock Junior School.

The contribution would be spent within five years of receipt of final payment.

***High School Sector Requirement £0***

The site falls within the catchment area of Ibstock Community College. The College has a net capacity of 705 and 647 pupils are projected on roll should this development proceed; a surplus of 58 places after taking into account the 19 pupils created by this development. An education contribution will therefore not be requested for this sector.

***Upper School Sector Requirement £0***

The site falls within the joint catchment area of Ashby School and Coalville King Edward VII Science & Sports College. Ashby School has a net capacity of 1841 and 1771 pupils are projected on roll should this development proceed; a surplus of 70 places. Coalville King Edward VII Science & Sports College has a net capacity of 1193 and 1031 pupils are projected on roll should this development proceed; a surplus of 162 places. An education contribution will therefore not be requested for this sector.

***The education contribution would be £496,664.36***

**Healthcare contributions**

Concern has been expressed by local residents over the capacity of the local health facilities to cope with the proposed development. The Primary Care Trust (PCT) have been consulted with and they advise as follows, whilst seeking developer contributions to a total of £96,031.98 to mitigate the impact of the development.

The proposed site is within the practice boundary of the Ibstock GP practice. This practice is directly related to the housing development on Ashby Road Ibstock

As indicated above the population created by the Ashby Road development will require additional consulting space. The practice therefore intends to build two more consulting rooms. In addition new patients result in increased administration, patient records, and demand on car parking. The reception area in the surgery was designed for a patient list of 6,000. The patient list at the moment is 10,000 excluding the present housing developments.

The reception area is very crowded. In order to increase the size of reception and the seating area the practice would need to remove all the notes which are presently kept in reception. This will create a lot of space for re-organisation of the seating and the area the receptionists use. The notes moved from reception need to go to a secure fireproof area and the intention is to build a room to safely store these notes. The car park will also be increased in size to manage the additional demand.

The indicative size of the premises requirements has been calculated based on current typical sizes of new surgery projects factoring in a range of list sizes recognising economies of scale in larger practices. The cost per sqm has been identified by a quantity surveyor experienced in health care projects.

***The health contribution would be £96,031.98***

### **Affordable Housing**

The details of the location and type of units to be provided as affordable housing are clearly identified on the plans submitted by the applicant. NWLDC's Strategic Housing Team has held discussions relating to the affordable housing requirements for this site and have agreed the following with the developer:

The provision of 38 affordable homes on this site which equates to 20% of the overall total which is in line with current policy.

The site seeks to provide 28 properties as rented homes and 10 properties as intermediate affordable homes. This offer equates to a 74% Rented 26% Intermediate Housing split which is acceptable to the Strategic Housing Team.

The tenure & type of properties offered are as follows –

#### **Rented**

11 x 2 bed Bungalows  
9 x 2 bed Houses  
8 x 3 bed Houses

#### **Intermediate Housing**

3 x 2 bed Bungalows  
3 x 2 bed Houses  
4 x 3 bed Houses

The Strategic Housing Team has agreed the above property mix on this development. The broad tenure mix between rented and intermediate housing has also been agreed. It should be noted that the rented element could, if the developer chooses, be split into social rented and affordable rented. Current policy indicates that this should be in the ratio of 69% social and 31% affordable.

The Strategic Housing Team had indicated that the properties should meet the Homes and Communities Agency (HCA) internal size standards. However given the developers willingness to provide a high number of bungalows on this development they are happy to drop this requirement provided the 2 bed properties are presented to Registered Providers as 2 bed 3 person homes and not 4 person homes and the 3 beds properties as 4 person houses and not 5 person houses.

The Strategic Housing Team is happy to accept the locations of the affordable housing units. In summary, the Strategic Housing Team strongly supports this development, providing as it does, affordable homes that provide a mix of property types and tenures that meet priority requirements.

### **Library contributions**

The library facilities contribution is outlined in the Statement of Requirements for Developer Contributions in Leicestershire (December 2007). The County Council consider the proposed development is of a scale and size which would have an impact on the delivery of library facilities within the local area.

The proposed development on Ashby Road Ibstock is within 0.7 km of Ibstock Library on Central Avenue being the nearest local library facility which would serve the development site.

It will impact on local library services in respect of additional pressures on the availability of local library facilities. The contribution is sought for materials, e.g. books, audio books, newspapers and periodicals etc for loan and reference use to account for additional use from the proposed development.

Consequently the proposed development at Ibstock is likely to generate an additional 313 plus users and would require an additional 730 items of lending stock plus reference, audio visual and homework support material to mitigate the impacts of the proposed development on the local library service.

The County Council consider the library contribution is justified and is necessary to make the development acceptable in planning terms in accordance with the relevant national and local policies and the additional demands that would be placed on this key infrastructure as a result of the proposed development. The contribution requirement is directly related to the development because the contribution is to be used for the purpose of providing the additional capacity at the nearest library facility to the proposed development which is at Ibstock

***The library facilities contribution would be £11,820.00***

### **Play and Public Open Space**

The site layout indicates that provision is proposed to be made for 1.656 hectares of public open space on site including for a children's equipped play area (LEAP). Therefore, the proposal is considered to be in accordance with Local Plan Policy L21 and the Play Area Design Guidance SPG.

Local Plan Policy L22 and the Play Area Design Guidance SPG requires formal recreation open space (normally sports pitches) to be provided on sites of over 99 dwellings. However, the Local Planning Authority has an open space audit (2008) which identifies that there is an over provision of recreation grounds to the sum of 1.38Ha. On this basis, it is not considered that formal recreation open space will be necessary in this instance.

The applicants have indicated that a management company will be set up that will take responsibility for the future maintenance and management of the play and public open space. Alternatively the developer may make arrangements for the transfer to North West Leicestershire Council and/or Ibstock Parish Council.

### **Civic Amenity contributions**

The civic amenity contribution is outlined in the Statement of Requirements for Developer Contributions in Leicestershire (December 2007). The County Council considered the proposed development is of a scale and size which would have an impact on the delivery of Civic Amenity waste facilities within the local area.

The County Council has reviewed the proposed development and consider there would be an impact on the delivery of Civic Amenity waste facilities within the local area because of a development of this scale, type and size.

The contribution is required in light of the proposed development and was determined by assessing which civic amenity site the residents of the new development are likely to use and the likely demand and pressure a development of this scale and size will have on the existing local civic amenity facilities. The increased need would not exist but for the proposed development.

Each household in Leicestershire in 2010/11 delivered on average approximately 0.303 tonnes of municipal waste to a civic amenity site. On this basis the proposed development of 191 units would generate over 57 tonnes of additional civic amenity waste at the Coalville Civic Amenity Site. The proposed development would place additional demand on the Coalville civic amenity site and the request for the civic amenity developer contribution would meet the demands placed on the site as a result of the proposed development.

***The civic amenity contribution would be £13,574.00***

### **Contributions sought by Leicestershire Constabulary**

Leicestershire Constabulary requests a developer contribution of £97,550. This money is requested in relation to new staff, improving force communications, 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.

The submitted request is not considered to be materially different to the “wish list” sought on the Stephenson’s Green appeal site. The request there was summarily dismissed by the Secretary of State as not meeting the CIL requests. There can be no reasonable grounds therefore for supporting this request.

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.

### **Conclusions**

The Pre-Submission Core Strategy (April 2012), which is based on an evidence base that has been developed and consultations that have taken place over the last six years, provides for 9,800 dwellings in the district in the plan period, of which a total of at least 550 will be located in Ibstock. The development of this site will contribute towards Governments requirement for all Local Authorities to be able to demonstrate a 5 year housing land supply position.

The Strategic Housing Land Availability Assessment which identified land that could be available for development in and around Ibstock demonstrates that for Ibstock to meet its requirement to deliver at least 550 homes in the plan period, it will be necessary to utilise greenfield sites. Brownfield land does not exist in Ibstock to such a level as to meet the requirement on its own.

On this basis Officers of the Council have had to give careful consideration through the plan making process as to where would be the most suitable sites for the required residential development would be. It is standard planning practice as set down in National Planning policy that growth should be directed to the most sustainable locations.

The application site has to be considered to be the most sustainable available site in Ibstock on the basis of its proximity to existing services within the settlement. Thus the site has been

identified in the pre-submission Core Strategy as the Councils preferred location for residential development in Ibstock, although the number of objections received must reflect the weight that can be given to this in the determination of the application. The requirement to provide housing is judged against the loss of a greenfield site and the fact that development should be located in sustainable locations.

The loss of a greenfield site, in a less sustainable location than the current application site has already been approved, following the expressed public support of the Parish Council, on land to the north of Ibstock (Ravenstone Road (12/00264/OUTM)). This site was consented as it met the residual level of housing for Ibstock without compromising the preferred direction for growth and because the balance of development was required to meet the at least 550 homes requirement for Ibstock. The principle of development on greenfield land around Ibstock has therefore already been accepted.

The impact of the loss of a part of the "Area of Separation" between Ibstock and Heather was considered in the context of the Settlement Fringe Assessment that formed part of the evidence base used by the Council in bringing forward the preferred direction of growth for Ibstock, and recent appeal decisions by the Planning Inspectorate and the Secretary of State relating to the loss of greenfield land when seeking to meet the 5 year housing land requirements. The findings of the Landscape Visual Impact Assessment that accompanied the application are supported by Officers, and Natural England. On this basis it is considered that the loss of 23% of the Area of Separation is acceptable.

The proposal is found, subject to conditions to be acceptable in terms of impact on highways, its ecological impact, and in respect of drainage and flood risk and can be found acceptable in respect of public rights of way and provision of National Forest planting.

The impact of the proposals upon residential amenity has been given careful consideration, and the observations submitted by residents have been noted, and discussed with the developers to seek changes where possible during the pre –application and application processes. Whilst regrettably the development will result in a loss of long held views over the site to residents of Parkdale and Station Road, neither this nor loss of property values can be held as a material reason for refusal. The proposal exceeds best practice in terms of separation distances between new and existing properties and consequentially bears no material loss of light or loss of privacy. For these reasons there are no justifiable planning grounds available to quantify a reason for refusal in respect of impact on residential amenity.

There are no adverse impacts that would significantly and demonstrably outweigh the benefits or specific policies in the NPPF that indicate development should be restricted.

It is therefore recommended that the application be granted approval subject to conditions as set out below, and the agreement of a Section 106 agreement to cover the issues raised in the report.

**RECOMMENDATION: PERMIT SUBJECT TO RECEIPT OF AMENDED PLANS TO ADDRESS OFFICER CONCERNS, CONDITIONS AND THE PRIOR AGREEMENT OF A SECTION 106 AGREEMENT.**

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

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*Reason: to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended) and to ensure that pro active steps are taken to address the districts housing land supply position.*

- 2 The development shall be undertaken in strict accordance with the approved plans unless otherwise required by another condition of this permission.

*Reason: for the avoidance of doubt*

- 3 Notwithstanding the details shown on the approved plans no development shall commence on the site until representative samples of the materials to be used in all external surfaces of built structures have been submitted to and agreed in writing with the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

*Reason: to enable the Local Planning Authority to retain control over the external appearance; to ensure a satisfactory development and in accordance with Policy E4 of the adopted North West Leicestershire Local Plan.*

- 4 Notwithstanding the submitted details, no development shall commence on the site until a detailed scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. Details shall be provided of the type and specimen size of all trees to be provided, which will be species native to North and West Leicestershire. All landscaping shown on the approved plans shall be carried out in accordance with a timetable to be first agreed with the District Council before development commences 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 within the National Forest area and in accordance with Policies F1, F3 and E4 of the adopted North West Leicestershire Local Plan.*

- 5 Notwithstanding the submitted details, no development shall commence on the site until a detailed scheme of the play equipment to be provided to the children's play area(s) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with a timetable to be first agreed with the District Council before development commences and once provided the play equipment shall thereafter be retained in situ at all times.

*Reason- To ensure the satisfactory provision of children's play facilities and in accordance with Policy L21 the adopted North West Leicestershire Local Plan.*

- 6 Notwithstanding the submitted details, no development shall commence on the site until a detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be implemented in accordance with a timetable to be first agreed with the District Council before development commences and once provided the lighting scheme shall thereafter be retained in situ at all times.

*Reason- to preserve the amenities of the locality; in the interests of residential amenities; in the interests of highway and pedestrian safety and in accordance with Policies E3 and*

*E4 of the adopted North West Leicestershire Local Plan.*

- 7 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, including full details of the attenuation basin (including cross sectional profile, planting scheme, and calculations of usage) 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.

*Reason: To ensure the satisfactory design of the development in accordance with Policy E4 of the adopted North West Leicestershire Local Plan.*

The scheme shall include:

1. 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.
2. 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.
3. A copy of the written confirmation from Severn Trent Water of the allowable discharge rate from the site into the Public Sewerage System.
4. 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 20% (for climate change) critical rain storm.
5. 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.
6. details of how the scheme shall be maintained and managed after completion.

*Reason -To prevent the increased risk of flooding, to improve and protect water quality and improve habitat and amenity and in accordance with Policy E30 of the adopted North West Leicestershire Local Plan.*

- 8 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) revision D, Dated 15 May 2012, Ref: 2012/930 and the following mitigation measures detailed within the FRA:
1. 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. Section 4.0
  2. Finished floor levels are set no lower than 100mm above adjacent external finished highway levels, to Ordnance Datum (AOD). Section 5.0

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 and to reduce the risk of flooding to the proposed development and*

*future occupants.*

- 9 The development hereby permitted shall be undertaken in strict accordance with the mitigation measures outlined in site specific Ecological Survey – James Blake Associates (April 2012)

*Reason: to ensure that the development delivers its mitigation in regard to the effects that it will create and deliver a valuable biodiversity net gain to the area.*

- 10 Unless first agreed in writing by the Local Planning Authority, no site clearance operations that involve the destruction or removal of vegetation on the site shall be undertaken during the months of March to August (inclusive).

*Reason: To ensure that breeding birds are not adversely affected, in the interests of nature conservation.*

- 11 No works to trees within the site shall be undertaken at any time unless, within a period not more than one month prior to the works, the trees have been surveyed by a suitably qualified individual, and have been found to have no bats present.

*Reason: In the interests of nature conservation, and to comply with Policy 26 of the East Midlands Regional Plan.*

- 12 Prior to the commencement of development details of bird and bat boxes to be provided on dwellings adjacent to natural open spaces and parks

*Reason: In the interests of nature conservation, and to comply with Policy 26 of the East Midlands Regional Plan.*

- 13 No development shall commence on site until a risk based land contamination assessment has been submitted to and approved in writing by the Local Planning Authority in order to ensure the land is fit for use as the proposed development. The assessment must be carried out in accordance with:

- BS10175 Year 2001 Investigation Of Potentially Contaminated Sites Code of Practice.
- BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments, and
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

Should any unacceptable risks be identified in the land contamination assessment a Remedial Scheme and a Verification Plan must be drafted and submitted for agreement in writing with the Local Planning Authority. The Remedial Scheme shall be drafted in accordance with the requirements of:

- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
- The Verification Plan shall be drafted in accordance with the requirements of:
- Evidence Report on the Verification of remediation of land contamination Report: SC030114/R1 published by the Environment Agency. 2010, and
- CLR 11 Model Procedures for the Management of Land Contamination,

published by The Environment Agency 2004.

If during the course of development previously unidentified contamination is discovered development must be halted on that part of the site, it must be reported in writing within 10 working days to the Local Planning Authority and a risk assessment for that contamination (to include any required amendments to the remediation scheme and Verification Plan) must be submitted and approved in writing prior to the recommencement of development of that part of the site. Thereafter, the development shall be implemented in accordance with the approved details and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

*Reason: to provide for mitigation of any land contamination.*

- 14 Before occupation of any part of the completed development, a verification investigation shall be undertaken inline 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 shall be undertaken. The report showing the findings of the verification investigation shall be submitted to, and approved by, the Local Planning Authority. The verification report should:

- 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
- 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 provide for mitigation of any land contamination.*

- 15 Before first occupation of any dwelling hereby approved, the off-site highway works at the junction of Ashby Road and Melbourne Road, being the improvement of pedestrian crossing facilities, new domed central islands and changes to kerblines, as shown on Travis Baker drawing no 12038-1 revB shall be completed

*Reason: To improve pedestrian access to the site and capacity of the junction*

- 16 Before the 25th occupation of any dwelling hereby approved, the off-site highway works at the Co-op roundabout at the junction of Ashby Road and Leicester Road, being the improvement of pedestrian crossing facilities, and changes to kerblines, as shown on Travis Baker drawing no 12038-2 shall be completed

*Reason: To improve pedestrian access from the site to services in Ibstock*

- 17 Before the first occupation of any dwelling hereby approved, the off-site highway works at the new junction for the development onto Station Road, being a mini-roundabout and

a gateway feature, as shown on Travis Baker drawing no 12038-Fig 4 revD shall be completed

*Reason: To provide an suitable access to the site*

- 18 Vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the highway. The wheel washing facilities provided shall be so maintained for the operational period of the development hereby permitted.

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

- 19 Before the development commences, details of the routing of construction traffic shall be submitted to and approved by the Local Planning Authority (LPA) in consultation with the Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.

*Reason: To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site.*

- 20 For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.

*Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction.*

- 21 No part of the development (as approved) shall be occupied until details of a Residential Travel Plan for the development as a whole has been submitted to and agreed in writing by the LPA.

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

*Note: The plan shall comprise proposals to reduce car dependence and vehicle emissions and to establish and encourage the use of alternative transport modes for all journeys. Details of the proposals shall include measures to secure increases in car sharing, public transport use, cycling and walking, to promote alternative modes of travel to the site.*

- 22 Planning consent is conditional upon footpath Q69 being provided along the route shown by a broken black line on the plan provided by Leicestershire County Council and appended to this decision notice. In the interests of the desirability, safety and security of pedestrians using the route, the footpath should comprise a minimum surfaced width of 2.0 metres, together with grass borders of at least one metre along either side, in accordance with the County Council's Guidance Notes for Developers which are incorporated within Part 3, Section DG7 of the 6Cs Design Guide.

The application of these criteria should ensure that the path does not appear narrow and

unattractive to users, but retains a more open aspect instead. If this will not be practicable, the Applicant will need to apply to the District Council for the making of an Order in respect of the official diversion of the footpath, before any development directly affecting its existing line is commenced.

*Reason: To ensure the preservation of an existing Public Right of Way*

- 23 Prior to commencement of development details shall be submitted to and approved by the Local Planning Authority detailing position and details of directional signage relating to the public footpaths network.

*Reason: In the interests of providing robust pedestrian connectivity to the wider public footpath network.*

### **Summary Reasons for Granting Planning Permission**

North West Leicestershire District Council's decision to grant planning permission in this instance arose following careful consideration of the relevant provisions of the Development Plan and all other relevant material considerations. The following policies of the East Midlands Regional Plan and North West Leicestershire Local Plan are consistent with the policies in the National Planning Policy Framework and should be afforded weight in the determination of this application:

#### **East Midlands Regional Plan (March 2009)**

Policy 1 - Regional Core Objectives  
Policy 2 - Promoting Better Design  
Policy 3 - Distribution of New Development  
Policy 12 - Development in the Three Cities Sub-area  
Policy 13a - Regional Housing Provision  
Policy 14 - Regional Priorities for Affordable Housing  
Policy 26 - Protecting and Enhancing the Region's Natural and cultural Heritage  
Policy 27 - Regional Priorities for the Historic Environment  
Policy 29 - Priorities for Enhancing the Region's Biodiversity  
Policy 32 - A Regional Approach to Water Resources and Water Quality  
Policy 35 - A Regional Approach to Managing Flood Risk  
Policy 48 - Regional Car Parking Standards  
Policy Three Cities SRS 3 Housing Provision

#### **North West Leicestershire Local Plan**

Policy H4/1 - Housing Land Release  
Policy H6 - Housing Density  
Policy H7 - Housing Design  
Policy H8 - Affordable Housing  
Policy E2 - Landscaped Amenity Open Space  
Policy E3 - Residential Amenities  
Policy E4 - Design  
Policy E7 - Landscaping  
Policy E8 - Crime Prevention  
Policy E21 – Separation of Settlements  
Policy F1 – General Policy  
Policy T3 - Highway Standards  
Policy T8 - Parking  
Policy L21 - Children's Play Areas

Policy L22 - Formal Recreation Provision

**Other Guidance**

North West Leicestershire Local Plan: Core Strategy (Pre-Submission) April 2012;  
Leicestershire County Council 6C's Design Guide (Highways, Transportation and Development)  
North West Leicestershire District Council Play Area Design Guidance Supplementary Planning Guidance  
North West Leicestershire District Council Affordable Housing SPD

**Reason**

The Council is unable to demonstrate a 5 year housing land supply. The NPPF's requirement to boost significantly the supply of housing, and in particular for local planning authorities to maintain a five-year supply of housing land must inevitably impact upon the weight that can continue to be given to extant local plan policies that would prevent development that would otherwise be considered 'sustainable' from taking place.. The application site is identified, through the evidence base established in support of the Core Strategy, as the most sustainable available site in Ibstock. There are no material considerations from a principle of development point of view that outweigh this. Whilst the Area of Separation designation is clearly material to the determination of the application, having necessarily reviewed the way in which the Area of Separation functions it is not considered that it would be compromised to any material extent by the approval of this application and the loss of this part is acceptable in planning policy terms to secure the delivery of a sustainable residential development site to deliver against a shortfall in the 5 year housing land position.

Having regards to the above considerations it is concluded that from a policy perspective that there is no objection in principle to the proposed development.

Taking into account the character of the site and the development proposed it is not considered that the development would have a detrimental impact on the intrinsic character and beauty of the countryside. The proposed development would be acceptable in terms of transportation and highway safety issues, flood risk and drainage, landscaping and visual impact, ecological impacts, impacts on the cultural heritage of the area, neighbours' and future occupiers amenities, geo-environmental conditions and design. No other technical issues are considered to arise. Appropriate contributions to infrastructure would also be made so as to mitigate the impacts of the proposals on local facilities. It is therefore recommended that full planning permission be granted subject to conditions and relevant developer contributions.

Notes to applicant

- 1 Prior to any works associated with the surfacing of the footpath being carried out, the County Council's approval should be obtained to the specification for this purpose. The Company should contact the Rights of Way Inspector for the area, Mr. A. Perry, who is based at the Northern Area Highways Office, Mountsorrel (Telephone No. 0116 305 0001). The Developers will otherwise be responsible for ensuring that the legal line of footpath Q69 is not affected by any operations associated with the development, and that free access can be exercised safely by pedestrians at all times. Care should be taken to ensure that pedestrians are not exposed to any elements of danger associated with construction works, and wherever appropriate they should be safeguarded from the site by a secure fence. In view of the close proximity of the proposed development to the footpath, particular attention should be given to ensuring that no materials are stored on the line of the right of way and that no Contractors' vehicles are parked either along

- or across it.
- 2 Any damage that may be caused to the surface of the footpath while the development is being carried out will be the responsibility of the Developers to repair at their own expense, to the satisfaction of the Highway Authority.
- 3 The Developers should also be advised that no additional structures either of a temporary or a permanent nature should be placed across the route of footpath Q69 without the written consent of the Highway Authority having been obtained. Unless a structure has been authorised, it constitutes an unlawful obstruction of the right of way and the County Council would be obliged to require its immediate removal.
- 4 The Pegasus Urban Design layout plan no EMS.2249\_05-4 rev.D is generally acceptable to the highway authority, however the following concerns need to be resolved should the applicant seek to have the roads adopted
1. The internal dimensions of the garages need to be clarified
  2. More information need to be provided about the carports over drives to determine whether they are wide enough to accommodate vehicles and whether they will be gated
  3. Provide tracking to ensure cars can turn out of parking area for plot 113
  4. Trees and grassed areas not required for the highway (but proposed to form part of the adopted highway) will attract a commuted sum
  5. Speed tables need to finish well clear of drives e.g. plot 34
  6. The speed reducing chicane feature will need to be designed to accommodate buses
  7. Gates need to be set back 5m to allow parking in front of them without overhanging the highway e.g. plots 61/62
  8. The footpath on the east side linking to footpath Q69 will be adopted (and needs to be tarmaced and lit as it provides a route to school and the village centre).
- 5 This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980
- 6 Public footpath Q69 crosses the site and will need to be diverted to accommodate the proposed layout of the development. This cannot be carried out without obtaining separate consent from Leicestershire County Council.
- 7 If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development. If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.
- 8 The Developer will be required to enter into an agreement with the Highway Authority under Section 278 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 Section 278 Agreement must be signed and all fees paid and surety set in place before the highway works are commenced.
- 9 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 Highway 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 Highway Managers' staff (tel: 0116 3050001) will be happy to give informal advice concerning the number of signs and the locations where they are likely to be acceptable. This will reduce the amount of your abortive sign design work.



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**Residential development of up to 110 dwellings including means of access, associated earthworks, open space provision, community facilities, other associated infrastructure (Outline - all matters other than part access reserved)**

**Report Item No  
A2**

**Land adjoining 90 Ashby Road Kegworth**

**Application Reference  
12/00323/OUTM**

**Applicant:  
Hallam Land Management**

**Date Registered  
24 April 2012**

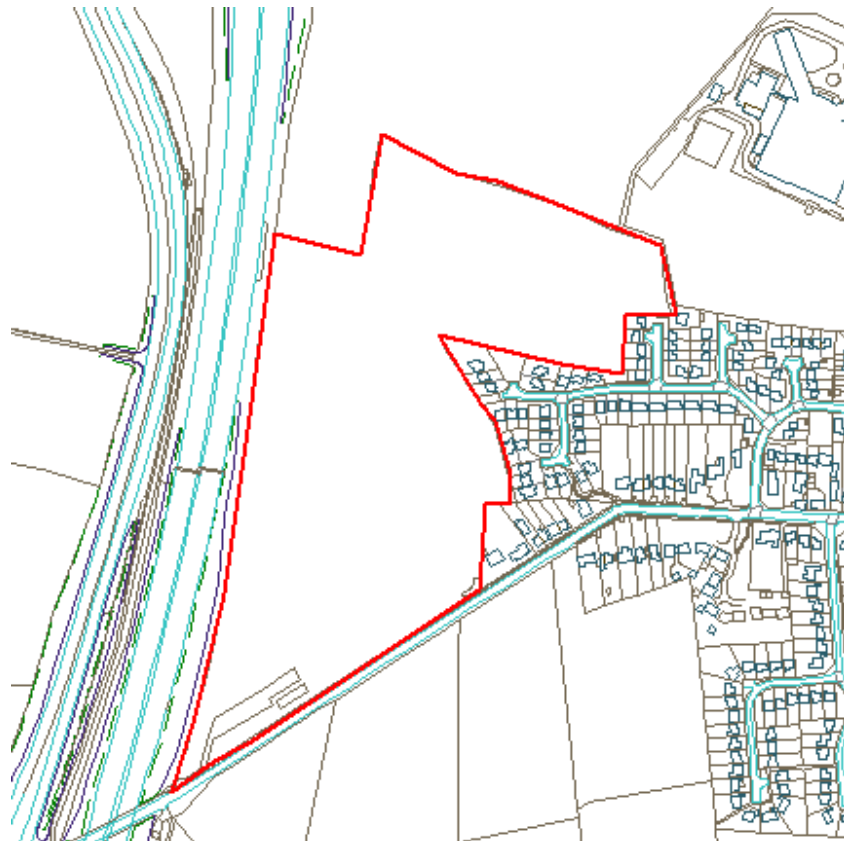
**Case Officer:  
James Mattley**

**Target Decision Date  
24 July 2012**

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

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**Indicative Site Location**



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## **EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR APPROVAL**

### **Call In**

The application was brought to Planning Committee by Officers due to it requiring a Section 106 Agreement

### **Proposal**

This application seeks outline planning permission for residential development of up to 110 dwellings. Part access arrangements are included for consideration at this stage but all other matters are reserved.

### **Consultations**

Members will see from the main report below that objections have been received in respect of the proposals from members of the public and from Kegworth Parish Council. However, it is noted that no objections have been raised from any other statutory consultees.

### **Planning Policy**

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

### **Conclusion**

The site is a greenfield site outside Limits to Development. However, the site's general suitability for housing (including its proximity to the built up area of Kegworth) and the need for the District to release additional land for housing to address the existing shortfall in supply, are also material to whether 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. On balance, therefore, it is recommended that outline planning permission be granted subject to conditions and relevant developer contributions.

### **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 up to 110 dwellings on a site of approximately 11.14 hectares to the north of Ashby Road, Kegworth currently made up of an agricultural field and scrubland. Whilst all matters other than part access are reserved for subsequent approval, an illustrative masterplan has been submitted showing the proposed dwellings, together with an area of children's play, football pitch, grazing land, allotments, small community building and buffer landscaped planting.

Vehicular access is proposed onto Ashby Road. Residential development, formed by dwellings on Windmill Way, is located to the east and south-east of the application site. To the north and south of the application site are open fields, to the west is the M1 Motorway and to the north-east of the application site is the RBS data centre and the site of a recently approved residential development for 89 dwellings (12/00074/REMM).

No relevant planning history found.

### **2. Publicity**

72 Neighbours have been notified (Date of last notification 11 May 2012)

Site Notice displayed 23 May 2012

Press Notice published 23 May 2012

### **3. Consultations**

Kegworth Parish Council consulted 11 May 2012  
County Highway Authority consulted 14 May 2012  
Environment Agency consulted 14 May 2012  
Severn Trent Water Limited consulted 14 May 2012  
Head of Environmental Protection consulted 14 May 2012  
Natural England consulted 14 May 2012  
NWLDC Tree Officer consulted 14 May 2012  
County Archaeologist consulted 14 May 2012  
LCC ecology consulted 14 May 2012  
NWLDC Urban Designer consulted 14 May 2012  
LCC Development Contributions consulted 14 May 2012  
NHS Leicester, Leicestershire and Rutland PCT consulted 14 May 2012  
Development Plans consulted 14 May 2012  
Head Of Leisure and Culture consulted 14 May 2012  
Manager of Housing North West Leicestershire District Council consulted 14 May 2012  
Police Architectural Liaison Officer consulted 14 May 2012  
Highways Agency- Article 15 development consulted 14 May 2012  
County Highway Authority consulted 30 July 2012  
Airport Safeguarding consulted 17 July 2012

### **4. Summary of Representations Received**

**Kegworth Parish Council** objects to the application on the following grounds:

- Additional traffic will cause further delays in and around Kegworth;
- The available parking in the Market Place to access the shops and services located in the village centre is inadequate.
- Concern at the projected levels of development in Kegworth and the extent of recent approvals for residential development in Kegworth;
- Proposal would place considerable strain on local services and facilities;
- There would be unacceptable levels of noise in gardens from the M1 and the airport;

The Parish Council offer the following comments should planning permission be approved:

- The development should provide for 2 car parking spaces per dwelling; All roads should be to an adoptable standard;
- There should be a pedestrian access to the residential scheme at the Data Centre;
- Affordable housing, allotments and a sports pitch should be provided on site
- A Section 106 agreement should include provision of a community building and in addition a sum of £1,200 per dwelling should be paid to the Parish Council for additional recreation and sporting facilities within the village.

Kegworth Parish Council has no objections to the proposed traffic calming scheme along Ashby Road, Kegworth.

**Airport Safeguarding** raises no objection subject to conditions.

**Contaminated Land and Air Quality** officer raises no objection to the air quality assessment subject to the transport assessment being acceptable by the County Highway Authority.

**Environment Agency** raises no objection subject to conditions.

**Environmental Health Officer** has no objection to the granting of this application.

**Highway Agency** raises no objection to the proposed application.

**Leicestershire County Council – Archaeologist** raises no objection subject to conditions.

**Leicestershire County Council – Ecologist** originally raised some concerns over the identification of species within the ecological survey submitted with the application. However, following the submission of additional information the County Ecologist raises no objection to the application.

**Leicestershire County Council – Education Authority** requests a financial contribution of £274,163.57.

**Leicestershire County Council – Highways** existing junctions in the vicinity of the site and that the access details would be acceptable subject to a suitable traffic calming scheme along Ashby Road along with other conditions and Section 106 contributions.

**Natural England** raises no objection to the proposed application.

**Nottinghamshire and Nottingham City PCT** request a financial contribution of £104,500.

**Police Architectural Liaison Officer** requests a contribution of £66,660.

**Severn Trent Water** has no objection subject to conditions relating to surface and foul water.

### **Third Party Representations**

A total of 14 representations have been received which object to the proposal on the following grounds:

- Proposal would result in extra traffic of Ashby Road;
- Would result in more pressure on local services;
- Already a number of large planning applications submitted in Kegworth;
- Will lead to further traffic congestion and parking problems within the village and the surrounding road network;
- No need for further housing;
- Already live in one of the most polluted areas of the country and this proposal would make it worse;
- Impact upon badgers in the area;
- Would result in overlooking;
- Would impact upon existing views;
- The proposed houses are likely to be 2.5 storeys in height;
- The site would be greenfield;
- If planning permission is granted the access should be limited to Ashby Road;
- Proposal would result in the loss of further greenbelt;
- Dwellings would be subjected to high levels of noise from the motorway and airport and would not comply with PPG24 or Policy E44;
- Proposal would impact on the water and drainage capacity of the village;
- The new junction on Ashby Road would cause danger without substantial speed calming measures;
- There are inadequacies in the submitted acoustic report and the transport assessment;
- Proposal is not in a sustainable location and would not be sustainable development;
- Any new dwellings in Kegworth should be within the settlement boundary and on previously developed land;
- Proposed housing would not be within walking distance of local services;
- The proposal would not comply with paragraph 4.17 of the emerging Core Strategy.

### **5. Relevant Planning Policy**

The following planning policy is considered relevant to the determination of this planning application.

#### **Ministerial Statement - Housing and Growth (06 September 2012)**

The statement sets out that the Coalition Government's number one priority is to get the economy growing. It identifies a need to create the conditions that support local economic growth and remove barriers that stop local businesses creating jobs and getting Britain building again. The statement identifies that the need for new homes is acute, and supply remains constrained and that the planning system should work proactively to support the growth that this country needs. States that it is clear that local people and local authorities must be at the heart of planning, however with this comes a responsibility to meet their needs for development and growth, and to deal quickly and effectively with proposals that will deliver homes, jobs and facilities.

The statement reinforces the previous Ministerial Statement - Planning for Growth from 23 March 2011 which set out that "Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would

compromise the key sustainable development principles set out in national planning policy.”

Ministerial Statements are treated as Material Planning Considerations in the determination of planning applications.

### **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 policies of the East Midlands Regional Plan and North West Leicestershire Local Plan as set out in more detail in the relevant sections below are consistent with the policies in the NPPF and should be afforded weight in the determination of this application.

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.”

Paragraph 17 states that within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:

- be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;
- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land

prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;

- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- 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;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution.  
Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in the Framework;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

“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

## PLANNING APPLICATIONS- SECTION A

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."
- "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 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."
- "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.”

### **East Midlands Regional Plan**

The Government has stated that it intends to revoke all Regional Spatial Strategies. The Secretary of State for Communities and Local Government issued a statement on 6 July 2010 revoking all Regional Spatial Strategies. This was subsequently challenged in the High Court and the decision quashed. As such, therefore, the Regional Spatial Strategy was reinstated.

The Secretary of State issued a further letter in light of the decision of the High Court, in which he said that it was still the Government’s intention to abolish Regional Spatial Strategies as part of the Localism Bill and that local planning authorities should continue to have regard to his letter of 27 May 2010 (in which he announced his intention to revoke Regional Spatial Strategies) as a material consideration in making decisions. This was subject to a further legal challenge. In this instance the High Court dismissed the appeal and so the proposed revocation of the Regional Spatial Strategy is a potential material consideration. Also, the Localism Act 2011 includes the proposed power to abolish Regional Spatial Strategies as intended.

Until such time that the plan is abolished however limited weight is still applied to the following policies:

Policy 1 sets out the Regional Core Objectives.

Policy 2 seeks to improve continuously the layout, design and construction of new development.

Policy 3 sets out a sequential approach for the distribution of development and economic activity. The policy also advises that priority should be given to making best use of previously developed land and vacant/underused buildings in urban or other sustainable areas. It suggests a distribution of development and economic activity including (i) new development concentrated primarily in and adjacent to the region’s five Principal Urban Areas (PUAs); (ii) significant levels of development located in the three growth towns of Corby, Kettering and Wellingborough; and (iii) appropriate development of a lesser scale in the Sub Regional Centres (including Coalville, the only identified Sub Regional Centre in the District); and (iv) development needs of other settlements provided for.

Policy 12 states that, outside Derby, Leicester and Nottingham, employment and housing development should be located within and adjoining settlements. Such development should be in scale with the size of those settlements, in locations that respect environmental constraints, in particular those of the River Mease Special Area of Conservation and the surrounding countryside, and where there are good public transport linkages.

Policy 13a sets out the figures for Regional Housing Provision.

Policy 14 sets out the Regional Priorities for affordable housing.

Policy 26 seeks to ensure that sustainable development should ensure the protection, appropriate management and enhancement of the Region’s natural and cultural heritage.

Policy 27 seeks to understand, conserve and enhance the historic environment, in recognition of its own intrinsic value, and its contribution to the Region’s quality of life.

Policy 29 sets out priorities for enhancing the Region's biodiversity.

Policy 32 sets out the regional approach to water resources and water quality.

Policy 35 sets out the circumstances under which development should not be permitted if, alone or in conjunction with other new development, it would have an impact on flooding or flood risk.

Policy 48 states that Local Planning Authorities should apply the maximum amounts of vehicle parking for new development as set out in PPG13. Parking in excess of these standards should only be provided in exceptional circumstances.

Policy Three Cities SRS 3 states that within the context of Policy 13a (10,200 dwellings for the years 2006-2026 for North West Leicestershire), provision for new housing will be made at the following levels over 2006 – 2026 which, in North West Leicestershire, requires provision to be made for 510 dwellings per annum located mainly at Coalville, including sustainable urban extensions as necessary. At paragraph 4.2.29 of the Regional Plan it is pointed out that Sustainable Urban Extensions are proposed to Loughborough, Hinckley and Coalville so as to support their roles as Sub-Regional Centres.

#### **Adopted North West Leicestershire Local Plan**

The following saved policies of the North East Leicestershire Local Plan are considered to be in compliance with the requirements of the National Planning policy Framework and are therefore afforded weight in the determination of this application.

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. This policy reflects advice in PPS 3 and PPG 13.

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 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 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.

#### **Pre-Submission Core Strategy April 2012**

The District Council considered its Pre-Submission Core Strategy at its meeting of 24 April 2012. The Council resolved to approve the Pre-Submission 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 draft Core Strategy is a material consideration in the determination of this application and weight may be given to its emerging policies which are consistent with the national planning policy framework. The following Pre-Submission Core Strategy policies are considered relevant and are afforded 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 CS3 provides that the Council will provide for the operational growth of East Midlands Airport having regard to, amongst other things, its impact on local communities and the wider environment.

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.

## PLANNING APPLICATIONS- SECTION A

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

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

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

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

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

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

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

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

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

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

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

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

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

Policy CS40 sets out the proposed development strategy for Kegworth.

The pre-submission draft Core Strategy includes an Infrastructure Plan, identifying infrastructure requirements in respect of Kegworth.

## **Other Policies**

### **6C's Design Guide (Highways, Transportation and Development) – Leicestershire County Council**

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

### **District Council's Play Area Design Guidance Supplementary Planning Guidance**

Sets out the requirements for on-site children's play provision and specifies that a rate of 20 square metres per dwelling should be provided.

### **North West Leicestershire District Council Affordable Housing SPD**

Key Principle 2 provides that affordable housing will be sought on all sites of 5 or more dwellings in the Kegworth area.

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

## **6. Assessment**

### **Principle of development**

#### **The Development Plan**

The application site is greenfield land located 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; 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. The Pre-Submission Core Strategy proposes a similar policy (Policy CS8) which limits development to that which requires a rural location (and does not include market housing).

However, in determining the application, whilst the proposals would be contrary to the adopted Development Plan, regard must be had to other material considerations, including other policies, such as other Development Plan policies and other material considerations including the National Planning Policy Framework.

### **Material Considerations**

#### **Appeal Decisions**

It has been held that relevant decisions of the Secretary of State and his Inspectors are material not least because consistency in decision-making is desirable as a matter of policy. Post NPPF appeal decisions are particularly relevant as they indicate how the new Framework is being interpreted.

It is evident in this regard, that significant weight is currently being given by Inspectors and the Secretary of State to the objectives identified in the NPPF to boost significantly the supply of housing, and in particular for local planning authorities to maintain a five-year supply of housing land. Saved development control policies which effectively run counter to such objectives e.g. by preventing development simply because it is outside a settlement boundary and thus in the countryside are therefore being given limited weight where such development would otherwise be considered, in locational terms, as 'sustainable'.

This is material in relation to this application not least because in the recent Stephenson's Green Appeal decision, the Secretary of State concluded that this Council was unable to demonstrate a 5 year housing land supply position. The question of the relative weight to be given to the saved local plan policies against the shortfall in the supply of housing land is therefore critical to the determination of the application.

In an appeal in Ripley, Derbyshire in May 2012 (APP/M1005/A111/2163645) , the Inspector said of such saved policies that whilst they "could be envisaged to have a place in a future Plan and hence could not be considered out of date as such, the extent of land to which they apply could be open to variation in light of the need for housing land."

Local Plans have been found to be in conflict with the NPPF because the preclusion of residential development outside of the settlement boundaries prevents sustainable development which would otherwise help meet a shortfall in provision against currently identified housing requirements. In such circumstances the need for more housing has been found to outweigh conflict with land protection policies and to justify granting planning permission for development.

It has also been held that authorities who lack a five-year housing land supply and have consistently underperformed in terms of delivery of housing, should no longer be able to rely upon development constraint policies to defend refusal of planning permission for housing as this would effectively contradict the NPPF requirement to "boost significantly the supply of housing" (NPPF para.47).

### **Pre-Submission Core Strategy**

The District Council considered its Pre-Submission Core Strategy at its meeting of 24 April 2012. The Council resolved to approve the Pre-Submission 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 Pre-Submission Core Strategy is a material consideration in the determination of this application and weight may be given to its emerging policies which are consistent with the National Planning Policy Framework. The following Pre-Submission Core Strategy policies are considered relevant and are afforded weight in the determination of this application.

The Pre-Submission Core Strategy identifies a settlement hierarchy for locating new development, including new facilities and services. This hierarchy states that most new housing, employment and retail development will take place in the Coalville Urban Area, the remaining housing and employment development will be located in Rural Centres and small-scale housing and employment development will be located within the Limits to Development of Sustainable Villages. In the existing built-up areas of Rural Villages small-scale employment development will be permitted together with new housing where it satisfies a range of criteria and in the remaining settlements that fall within Countryside development will be restricted in accordance with the Countryside policy of the Pre-Submission Core Strategy.

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

In terms of housing numbers, for the period 2006-2031 provision is to be made for at least 450

dwelling in Kegworth; taking into account existing commitments, 190 dwellings remain to be provided.

The Pre-Submission Core Strategy does not allocate sites for development in Kegworth as it is considered that, given the evidence of the Council's Strategic Housing Land Availability Assessment (SHLAA), the 190 new homes required can be built within the existing built-up area of Kegworth. While the application site could provide a large proportion of the new homes required in Kegworth, it falls outside of the existing built-up area of the Rural Centre and therefore there is some conflict with the Pre-Submission Core Strategy. However, the Pre-Submission Core Strategy does not define, in either general or specific terms, where all the housing need identified for Kegworth will be directed. This raises the requirement to determine the likelihood of dwellings coming forward within the built-up area of Kegworth in order to assess the merits of this application in terms of meeting the housing need in Kegworth.

In its most recent form, the SHLAA includes four sites in Kegworth of which the application site is one. Two other sites (K5 and K6) are also located outside of the limits to development and also within Flood Risk Zone 3. The remaining site (K2) is located on the site of the existing RBS Data Centre site and is located within the limits to development and could accommodate around 272 dwellings. As this site is located within the limits to development and closer to existing services it would appear to be a more preferable site to the current proposal. However, this unit is currently occupied and although the promoters of K2 indicate it "is likely to be available for residential development within the next five years" (as at September 2011), no planning application for residential development has been submitted and, as noted, the unit remains occupied. Therefore, it is not considered that any of the other SHLAA sites are likely to be available and deliverable in the next 5 years.

In addition to this, one further site in Kegworth could be reasonably said to accommodate housing development in the foreseeable future. There is a current planning application at the Slack and Parr site on Side Ley / Long Lane that was the subject of a resolution to permit outline planning permission in December 2007. However, the Section 106 agreement has not to date been entered into, and hence the planning permission has yet to be issued. The applicants for the Slack and Parr scheme have recently indicated that they now wish to progress the scheme and, therefore, given the period of time since the resolution to permit (and the changes in planning policies and other circumstances in the intervening period), the Local Planning Authority has recently undertaken a fresh round of consultation with a view to reporting the application back to a future meeting of the Planning Committee for determination. Whilst this planning application is in outline, based on the site area, it could be expected to yield somewhere in the region of around 200 dwellings. As this site is located within the limits to development and closer to existing services it would appear to be a more preferable site to the current proposal. However, having regard to the outline nature of the application and the lack of progress made towards implementing it since the original resolution to permit in 2007, it is considered uncertain whether this site will actually come forward in the near future, and whether it would be likely to make a significant contribution to housing supply within the next five years.

Taking this into account, along with the fact that the site falls outside of the existing built-up area of Kegworth, it is considered that there is some conflict with the Pre-Submission Core Strategy but this needs to be weighed up against the fact that it is unlikely for dwellings to come forward within the built-up area of Kegworth to contribute towards the 5 year housing land supply position.

### **5 Year Housing Land Supply (5YHLS)**

Section 6 of the NPPF deals with housing issues and sets out the key objective is for local planning authorities to boost significantly the supply of housing. Local planning authorities are required to meet the full, objectively assessed needs for market and affordable housing in the relevant housing market area. Paragraph 47 requires authorities to identify a supply of specific deliverable sites to provide five years worth of housing, with an additional buffer of 5% to ensure choice and completion in the market for land. This buffer increases to 20% where there has been a record of persistent under delivery of housing.

In the recent Stephenson Green appeal the Secretary of State concluded that “there is a demonstrable and significant shortfall in the 5 year land supply [in North West Leicestershire]..”. Despite the publication of the pre-submission Core Strategy, this remains the situation at the present time. The way the 5 year land supply is calculated can vary depending on the overall housing target, however even with the targets proposed in the pre-submission Core Strategy, the land supply position is still below what would be required to satisfy the NPPF requirements.

On this basis Paragraph 49 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development and that where a local planning authority cannot demonstrate a five-year supply, relevant policies for the supply of housing should not be considered up-to-date. In these circumstances paragraph 14 of the NPPF requires applications to be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate development should be restricted.

It is therefore necessary to consider whether this site would contribute towards the Council's 5 year housing land supply. It is noted that this application is submitted in outline only and that no specific developer has been identified at this stage. The applicant's agent has been asked to provide information relating to an anticipated start date and completion rates per year. The applicant's agent has provided the following information:

- Grant of Outline Permission: September 2012
- Submission of Reserved Matters (following a period of marketing and pre-application engagement with Council): June 2013
- Approval of Reserved Matters: September 2013
- Development commences: December 2013
- First completion: June 2014
- Assuming build rate of 50 dwellings / year, final completion: August 2016

On the basis of this information the applicant's believe that all of the dwellings on the site (up to a maximum of 110) can be provided within 5 years. However, the timeline submitted appears to be optimistic particularly as a build-out rate of 50 dwellings per annum would be unprecedented in Kegworth and, with the exception of one scheme in Ashby, has not occurred anywhere in the district since the recession began in 2007. Taking account of historic schemes in Kegworth and elsewhere of comparable size, it is considered that 25 dwellings per annum would better reflect previous trends and, as a result, the scheme could reasonably be expected to deliver half its dwellings by March 2017 (the end of the 5 year period). Notwithstanding, it is considered reasonable to assume that this proposal will contribute towards the Council's 5 year housing land supply position.

### **Sustainability**

As set out above, the application site is an unallocated site, located outside the limits to development in the adopted Local Plan. In terms of the sustainability of the site, Local Plan

Policy H4/1 states that the development of land for housing will be determined on a sequential approach. In terms of the site in Kegworth it would fall within category (f) 'other locations where appropriate in the context of other policies contained in the Local Plan'.

In terms of distance to amenities, the Institute of Highways and Transportation (IHT) document 'Providing for Journeys on Foot' details the distance of 800 metres is considered to be the preferred maximum walking distance to a town centre with 400 metres acceptable and 200 metres being desirable. Below are the distances from the centre of the site to local facilities and services.

Bus Stop	370 metres
Primary School	810 metres
Local centre	840 metres
Post Office	1040 metres
Health Centre	1030 metres
Secondary School	2830 metres
Open Space	120 metres

The application site is within 800 metres (preferred maximum walking distance) of two of the seven services/facilities listed previously. However, it should be noted that the primary school and local centre are located only marginally outside the preferred distance. Therefore, on balance, it is considered that whilst the site is not within the preferred maximum walking distance of some of the key services and facilities, it is still considered to be in a reasonably sustainable location.

#### **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 the subject of this application is greenfield and is located outside Limits to Development in the adopted Local Plan and its development for housing would therefore be contrary to the provisions of Policy S3 of the Local Plan. It is accepted that this proposal would not be wholly compliant with the Pre-Submission Core Strategy. However, having regard to the site's general suitability for housing (including its proximity to the built up area of Kegworth) and, in particular, the need for the District to release additional land for housing to address the existing shortfall in supply, release of the site would be considered appropriate.

#### **Highway Safety**

All matters are reserved for subsequent approval except for access. The point of access proposed under the current application is via a new 5.5 metre wide access road off Ashby Road.

In respect of the application, the County Highway Authority (CHA) confirms that the submitted transport assessment (TA) satisfactorily demonstrates that there would be no unacceptable impact on the existing junctions in the vicinity of the site. However, there are existing speed issues along Ashby Road and this proposal would introduce new turning manoeuvres onto this road which would not be in the best interests of highway safety. However, the CHA confirm that these concerns could be addressed by a suitable traffic calming scheme that extended the existing 30mph limits past the site access. The CHA requested that an 'outline' traffic calming scheme and road safety audit be submitted as part of this outline application.

The applicant's highway consultant has submitted amended access/highways plans in response to the original concerns expressed by the CHA which show an extension of the 30mph zone, new street lighting, gateway signage/lining and the formation of a raised table at the junction of the new access. The County Highway Authority confirms that the vehicular access details and traffic calming scheme comply with the standards contained in the Highway Authority's 6Cs developer guidance document in terms of their geometry (width, radii and alignment) and the visibility available to emerging vehicles.

In view of the above, the County Highway Authority raises no objections to the proposals on highway safety grounds subject to conditions, and subject to the contributions set out under Developer Contributions below, which would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use. It is noted that, amongst others, the County Highway Authority recommends the imposition of a condition relating to construction traffic routeing. However, advice in Circular 11/95 appears to indicate that a condition should not be used to secure the routeing element of this, hence it is recommended that this be included in the Section 106 agreement, along with other proposed obligations (relating to developer contributions) as set out in more detail later in this report.

The proposed development is therefore considered acceptable in terms of highway safety and would comply with Local Plan policies T3 and T8 and the advice contained in the Highway Authority's 6Cs developer guidance document.

#### **Impact on residential amenity**

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 110 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 future occupiers the main issues are considered to be that of air quality and noise.

In respect of noise, it is noted that the western boundary of the proposed development is immediately adjacent to the M1 motorway, the southern boundary immediately adjacent to Ashby Road, Kegworth and that East Midlands Airport (EMA) is located further to the south-west. The M1 motorway and EMA are considered to be the dominant noise sources affecting the whole site and the application is accompanied by a noise assessment. The noise assessment indicates that the night-time noise levels generally fall into higher noise exposure categories than the daytime levels. Without taking into account mitigation measures proposed, areas to the east of the application site that are more than 140-190 metres from the M1 would fall into noise exposure category (NEC) B where "noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise". The area to the west of this that is generally 100-130 metres wide would fall into NEC C where "Planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are no quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise". Along the west boundary of the site a strip between 20-40 metres wide would fall into NEC D where planning permission "should normally be refused".

The applicants have proposed that the residential properties be located on the eastern part of the site in order to ensure that they are protected from noise from the M1 motorway. However,

it is anticipated that a small number of the properties would be located within the former NEC C area where planning permission should not normally be granted.

The NEC's were included in PPG24 which has now been superseded by the advice in the NPPF. The NPPF (paragraph 123) indicates that planning decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and to 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. It is unclear as to the definition of 'significant adverse impacts' as defined in the NPPF and whether this relates to a specific former NEC category (i.e NEC C or NEC D).

However, it is accepted that only a small number of dwellings would be located in the former NEC C area and the applicant's propose a range of noise mitigation measures including raising the height of the existing bund on the western boundary, installing an acoustic fence along the western boundary, installing specialist double glazing and acoustic ventilation to affected new properties as appropriate, along with appropriate building materials. The site-wide noise environment as a result of the noise mitigation measures would be that all areas of residential housing would be within the former NEC B range and would also ensure that internal and external noise levels are reduced to an acceptable level. The Environmental Services Manager accepts that the outside noise climate in some properties would not comply with the World Health Organisation guidelines as being a reasonable standard (less than 55dB) but this would not be so detrimental as to refuse planning permission given the extent of non-compliance (no amenity areas would be above 60dB) and when taking into account that a large percentage of the UK's dwellings are not able to achieve the reasonable external noise guidelines.

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.

A letter of objection (which includes a review of the acoustic assessment) has been received which states that there are inadequacies in the submitted acoustic report. This has been considered by the Environmental Services Manager who states that both reports contain inaccuracies and there are arguments for and against extended monitoring periods. However, it is concluded that the applicant has used accepted methods and modelling and there are no issues that would give rise to an objection to the granting of planning permission.

In relation to neighbour objections that the application would not be in accordance with Policy E44 of the Local Plan, this is no longer a saved policy. An objection has also been received that the proposal would not comply with paragraph 4.17 and Policy CS3 of the Pre-submission Core Strategy. This policy states that noise sensitive development (such as housing) will be resisted where it can be demonstrated that the noise levels associated with the airport would be detrimental to the occupiers or users of any such development. As it has been established that the surrounding noise levels, subject to mitigation measures, would not be detrimental to the occupiers of the proposed dwellings then it is not considered that there would be any conflict with Policy CS3 of the Pre-Submission Core Strategy.

With regard to air quality issues, the Council's Environmental Services Manager confirms that air quality from the M1 motorway would only be an issue if the proposed housing was located immediately on the western boundary of the site. As no housing would take place on the western boundary as part of this application (as this would form the landscape/noise buffer) then no significant air quality issues are likely to arise to future occupiers.

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.

### **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 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, in order to achieve positive scores at the reserved matters stage(s) a design brief is prepared for the site. This could be secured through an appropriately worded note to applicant.

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 Pre-Submission 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 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 Pre-Submission Core Strategy, still be relevant.

The application site area is given as 11.14 hectares and the maximum of 110 dwellings proposed by the developers would therefore equate to a maximum density of 9.87 dwellings per hectare, which would fall well short of the requirements set out in Policy H6 and the Pre-Submission Core Strategy. However, when considering that large parts of it would be taken up by landscaping, grazing land, formal recreation etc, the net dwelling density would be in the region of 22 dwellings per hectare. Whilst this would still not be wholly compliant with Local Plan Policy H6, the Pre-Submission Core Strategy does allow for lower densities where these are justified by the characteristics of an individual site. In relation to this the applicant's indicate that the adjacent residential area to the east, formed by Windmill Way, has a density of around 22 dwellings per hectare and, therefore, that a lower density is acceptable as it would be compatible with local character.

Whilst the application is in outline only, when having regard to those parts of the site that would not be developed for housing or directly associated uses as indicated on the indicative Masterplan accompanying the application, along with the existing density of surrounding development such as Windmill Way and the fact that the Council's Urban Designer raises no

objection to the density and layout of the development on the site, it is considered that a reduced density in comparison to that advised in Local Plan Policy H6 and the Pre-Submission Core Strategy is acceptable in this instance.

### **Landscape and Visual Impact**

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

The landscape and visual impact assessment considers the impacts of the proposed development from a total of 16 viewpoints, including points in the immediate vicinity of the application site, as well as from more distant viewpoints from the north-east of the site such as from the Long Lane overbridge and from the west of the site such as from a public footpath that runs to the south of the Dumps in Lockington.

In terms of landscape effects the report summarises that the site is characterised by broad swathes of unmanaged grassland. Apart from the boundary hedgerows the site is devoid of any features of landscape value or note, and has a somewhat fragmented character that is not of high landscape sensitivity. The site is visually contained by the M1 corridor and the existing urban edge of Kegworth. The local landscape includes the large Cott Distribution Centre on the edge of Kegworth, tall electricity pylons within the Trent and Soar valley, and, most noticeably, the cooling towers of Ratcliffe on Soar power station. The assessment concludes that the site is judged to be of low landscape sensitivity and could absorb suitably designed development without causing any significant detriment harm to the wider landscape.

In terms of the anticipated impacts on public views, it is concluded that the overall visual effects arising from the proposal would not result in a substantial adverse effect on surrounding receptors. This conclusion is based on the fact, amongst other things, that the development would fall within an urban fringe context of existing residential development as well as urban elements such as the M1, new housing would be viewed as an extension of Windmill Way and the woodland and tree planting around the site perimeter would contain and soften views of the built form.

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**

The application is supported by an ecological appraisal. This concludes that the site is dominated by unmanaged grassland, large soil bunds with tall vegetation, scrub, trees and hardstanding. The site perimeter contains hedgerows, a shelter belt of trees and domestic fencing. There are no waterbodies within the site.

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 (350m to the north east and 650m to the west) would be highly unlikely to be affected by the proposed development and that the site is considered to be of low biodiversity value. Some of the habitats provide interest to wildlife, in particular the hedges and trees provide adequate cover for nesting birds and suitable foraging for bat species. It is noted that all trees and hedgerows, except a small section of hedgerow in order to provide the access arrangements, would be retained as part of the proposal.

In response to the application Leicestershire County Council's ecologist had raised a number of issues, such as the identification of incorrect species within the ecological appraisal, but these all now appear to have been resolved to the County Ecologist's satisfaction. The County Ecologist has visited the site and confirms that the grassland in the south would not warrant designation as a Local Wildlife Site and raises no objections to the proposed development. For its part, Natural England does not consider, subject to conditions, that protected species 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, all trees would be retained as part of the proposal and the Council's Tree Officer raises no objection to the proposal but does point out that there are off-site trees on Windmill Way that should be given appropriate clearance. This could be addressed at the reserved matters stage by the siting of the dwellings.

Subject to the imposition of suitably-worded conditions, therefore, the submitted scheme is considered acceptable in ecological terms and in terms of the impact upon trees.

#### **Other Matters**

In terms of drainage and flood risk, Severn Trent Water and the Environment Agency have no objections to the development subject to the imposition of conditions and, therefore, the development of the site is considered acceptable in this regard.

The County Archaeologist has responded to the consultation and raises no objection subject to the imposition of relevant planning conditions.

With regards to the other objections received that have not already been addressed, the loss of a view is not a material planning consideration. There is no greenbelt in North West Leicestershire and the number of storeys of the proposed dwellings would be a matter for any future reserved matters application(s).

#### **Matters subject to S106 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.

#### **Highways 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, and reducing car use.

- Provision of Travel Packs informing new residents from what sustainable travel choices are in the surrounding area (which can be supplied by Leicestershire County Council at £52.85 per pack);
- 6 month bus passes (2 application forms to be included in Travel Packs and funded by

the developer), to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (which can be supplied through Leicestershire County Council at (an average of) £325 per pass);

- Improvements to the two nearest bus stops (including raised and dropped kerbs to allow level access); to support modern bus fleets with low floor capabilities (£3,263 per stop); and
- Information display cases at the two nearest bus stops, to inform new residents of the nearest bus services in the area (£120 per display).

The applicants are agreeable to making these contributions.

### **Education contributions**

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

#### **Primary School Requirements £274,163.57**

The site falls within the catchment area of Kegworth Primary School. The School has a net capacity of 180 pupils and 216 pupils are projected on roll should this development proceed; a deficit of 36 places (of which 13 are existing and 23 are created by this development). In order to provide the additional primary school places anticipated by the proposed development the County Council request a contribution of £274,163.57. The applicant's are agreeable to making this contribution.

#### **High School Requirements £0**

The site falls within the catchment area of Castle Donington Community College. The College has a net capacity of 643pupils and 533 pupils are projected on roll should this development proceed; a surplus of 110 places after taking into account the 15 pupils created by this development. Therefore, no education contribution is requested in respect of the High School sector.

#### **Upper School Requirements £0**

The site falls within the joint catchment area of Hind Leys Community College. The College has a net capacity of 728 pupils and 681 pupils are projected on roll should this development proceed; a surplus of 47 places after taking into account the 11 pupils created by this development. Therefore, no education contribution is requested in respect of the Upper School sector.

***The education contribution would be £274,163.57***

### **Healthcare contributions**

The Nottinghamshire and Nottingham City requests a healthcare contribution of £104,500 based upon a contribution commensurate to the anticipated increased population arising from this development. The applicants are agreeable to making this contribution.

***The healthcare contribution would be £104,500.00***

### **Affordable Housing contributions**

The development is proposed to provide 30% of the scheme as affordable housing (i.e. 33 units, assuming the construction of the maximum 110 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. In terms of the actual unit types that the District Council's Strategic Housing Team would currently be seeking:

35% x 3 bed houses  
25% x 2 bed houses  
13% x 4 bed houses  
12% x 2 bed bungalows  
15% x 1 bed flats

However, it is accepted that the current requirements are likely to change over time, and it is considered appropriate for the Section 106 agreement to secure a minimum of 30% (and including the tenure split suggested above) with the actual contribution in terms of unit types to be agreed by the District Council.

### **Play and Public Open Space**

The conceptual masterplan indicates that provision is proposed to be made for 1.02 ha of public open space on site, including three separate recreation areas within the application site totalling 0.44 ha in size. One of these areas would include for a children's equipped play area (LEAP). Taking into account the overall size of these recreation areas, 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.

Local Plan Policy L22 and the Play Area Design Guidance SPG requires formal recreation open space (normally sports pitches) to be provided on sites of over 99 dwellings. The conceptual masterplan indicates that a formal sports pitch would be provided on the site and this would measure around 0.58 ha in size. Therefore, the proposal is considered to be in accordance with Local Plan Policy L22 and the Play Area Design Guidance SPG.

The applicants have indicated that a management company will be set up that will take responsibility for the future maintenance and management of the play and public open space. Alternatively the developer may make arrangements for the transfer to North West Leicestershire Council and/or Kegworth Parish Council.

### **Civic Amenity contributions**

The nearest civic amenity site at Shepshed has sufficient capacity for a development of this size. Therefore, no civic amenity contribution is requested.

***The civic amenity contribution would be £NIL***

### **Library facilities contribution**

Taking into account the anticipated increase in the number of residents as a result of the proposed development, the current stock levels plus publicly available space would still exceed current standards. Therefore, no library contribution is requested.

***The library facilities contribution would be £NIL***

### **Contributions sought by Leicestershire Constabulary**

This money is requested in relation to new staff, improving force communications, 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.

The submitted request is not considered to be materially different to the "wish list" sought on the Stephenson's Green appeal site. The request there was summarily dismissed by the Secretary of State as not meeting the CIL requests. There can be no reasonable grounds therefore for supporting this request.

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.

### **Conclusions**

The site is greenfield and is located outside Limits to Development as defined in the adopted North West Leicestershire Local Plan and its development for housing would therefore be contrary to Local Plan Policy S3. It is also noted that the NPPF requires that the countryside be recognised for its intrinsic character and beauty. As the site is located outside of the Limits to Development there would also appear to be some conflict with the Pre-Submission Core Strategy. However, having regard to the site's general suitability for housing (including its proximity to the built up area of Kegworth) and the need for the District to release additional land for housing to address the existing shortfall in the five year housing land supply position, release of the site would be appropriate in principle. Taking into account the character of the site and the development proposed it is not considered that the development would have a detrimental impact on the intrinsic character and beauty of the countryside. The proposed development would be acceptable in terms of transportation and highway safety issues, flood risk and drainage, landscaping and visual impact, ecological impacts, impacts on the cultural heritage of the area, neighbours' and future occupiers amenities, geo-environmental conditions and design. No other technical issues are considered to arise. Appropriate contributions to infrastructure would also be made so as to mitigate the impacts of the proposals on local facilities. On balance, it is therefore recommended that outline planning permission be granted subject to conditions and relevant developer contributions.

### **RECOMMENDATION - PERMIT, SUBJECT TO SECTION 106 AGREEMENT, AND SUBJECT TO THE FOLLOWING CONDITION(S):**

- 1 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

*Reason- to comply with the requirements of Section 91 of the Town and Country*

*Planning Act 1990 (as amended).*

- 2 Save for the details of vehicular access into the site from Ashby Road 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 and the development shall be carried out as approved.

*Reason - This permission is in outline only.*

- 3 This planning permission shall relate to the following plans, unless otherwise required by a condition of this permission::
- Site Location Plan (CS/051667/04) deposited with the Local Planning Authority on 24 April 2012;
  - Proposed Access Arrangements (NTT/379/TT/001 Rev P1) deposited with the Local Planning Authority on 24 April 2012.

*Reason - To determine the scope of this permission.*

- 4 No development shall commence on site until a foul and surface water drainage scheme for the site, based on sustainable drainage principles, 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 first occupation of the dwellings hereby approved.

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

- 5 Unless first agreed in writing by the Local Planning Authority, no site clearance operations that involve the destruction or removal of vegetation on the site shall be undertaken during the months of March to August (inclusive).

*Reason- To ensure that breeding birds are not adversely affected, in the interests of nature conservation.*

- 6 No works to trees within the site shall be undertaken at any time unless, within a period not more than one month prior to the works, the trees have been surveyed by a suitably qualified individual, and have been found to have no bats present.

*Reason - In the interests of nature conservation, and to comply with Policy 26 of the East Midlands Regional Plan.*

- 7 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 / formal recreation, landscaping, density parameters and scale, as well as details of any proposed phasing of development. All subsequent reserved matters applications shall be generally 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.*

- 8 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources (as described in Annex 2 of the National Planning Policy Framework (March 2012)). Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority as a part of the first reserved matters submission. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

*Reason - To ensure the scheme provides for a sustainable form of development, and to comply with the provisions of the East Midlands Regional Plan.*

- 9 All reserved matters applications for the erection of dwellings shall include full details of the proposed dwellings' anticipated level of achievement within the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for the relevant dwelling certifying that the relevant Code Level has been achieved.

*Reason - To ensure the scheme provides for a sustainable form of development, and to comply with the provisions of the East Midlands Regional Plan.*

- 10 The first reserved matters application shall include a scheme of noise mitigation measures based on Chapter 8 of the submitted Planning Noise Assessment (ref: CEDAJX-100). No dwelling shall be occupied until the agreed scheme has been implemented and the agreed measures, shall thereafter, be maintained in perpetuity.

*Reason - to protect the amenities of the future occupiers of the site.*

- 11 No development shall commence on site until a scheme for vehicle wheel cleansing facilities for construction vehicles (to ensure that the highway is kept free of mud, water, stones etc) has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.

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

- 12 For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.

*Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction.*

- 13 None of the dwellings hereby permitted shall be occupied until such time as the proposed off-site highway works shown on drawing no. NTT/379/002 rev P have been provided.

*Reason: In the interests of highway safety.*

- 14 No development shall commence on site until a scheme showing details of an appropriate cycleway link from the site to Windmill Way has been submitted to and agreed in writing with the Local Planning Authority. No dwellings on the site shall be occupied unless the agreed cycleway link has been provided.

*Reason: In the interests of pedestrian/cyclist safety and to encourage sustainable modes of transport.*

- 15 No development shall commence on site until a Biodiversity Management Scheme has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include details of all measures to ensure the protection of species and habitats during site clearance and construction phases, along with detailed proposals for the retention and enhancement of existing habitats and the creation of new habitats and features to mitigate for biodiversity impacts. The scheme should demonstrate a clear net gain for biodiversity as a result of the overall development, and should also include details of the proposed long term monitoring and management of all existing and new habitats and features, including any necessary restoration or replacement where habitats and features are not established successfully, or are damaged or lost. The development shall be carried out in accordance with the agreed details.

*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, to provide for an appropriate form of development, and to comply with Policies 2 and 29 of the East Midlands Regional Plan.*

- 16 No demolition and no development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. No demolition and no development shall take place other than in accordance with the agreed scheme.

*Reason- To ensure satisfactory archaeological investigation and recording.*

- 17 The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

*Reason- To ensure satisfactory archaeological investigation and recording.*

### **Summary Reasons for Granting Planning Permission**

North West Leicestershire District Council's decision to grant planning permission in this instance arose following careful consideration of the relevant provisions of the Development Plan and all other relevant material considerations. The following policies of the East Midlands Regional Plan and North West Leicestershire Local Plan are consistent with the policies in the National Planning Policy Framework and should be afforded weight in the determination of this application:

### **East Midlands Regional Plan (March 2009)**

Policy 1 - Regional Core Objectives

Policy 2 - Promoting Better Design  
Policy 3 - Distribution of New Development  
Policy 12 - Development in the Three Cities Sub-area  
Policy 13a - Regional Housing Provision  
Policy 14 - Regional Priorities for Affordable Housing  
Policy 26 - Protecting and Enhancing the Region's Natural and cultural Heritage  
Policy 27 - Regional Priorities for the Historic Environment  
Policy 29 - Priorities for Enhancing the Region's Biodiversity  
Policy 32 - A Regional Approach to Water Resources and Water Quality  
Policy 35 - A Regional Approach to Managing Flood Risk  
Policy 48 - Regional Car Parking Standards  
Policy Three Cities SRS 3 Housing Provision

**North West Leicestershire Local Plan**

Policy S3 - Countryside  
Policy H4/1 - Housing Land Release  
Policy H6 - Housing Density  
Policy H7 - Housing Design  
Policy H8 - Affordable Housing  
Policy E2 - Landscaped Amenity Open Space  
Policy E3 - Residential Amenities  
Policy E4 - Design  
Policy E7 - Landscaping  
Policy E8 - Crime Prevention  
Policy T3 - Highway Standards  
Policy T8 - Parking  
Policy L21 - Children's Play Areas  
Policy L22 - Formal Recreation Provision

**Other Guidance**

North West Leicestershire Local Plan: Core Strategy (Pre-Submission) April 2012;  
Leicestershire County Council 6C's Design Guide (Highways, Transportation and Development)  
North West Leicestershire District Council Play Area Design Guidance Supplementary Planning Guidance  
North West Leicestershire District Council Affordable Housing SPD

**Reason**

The site is greenfield and is located outside Limits to Development as defined in the adopted North West Leicestershire Local Plan and its development for housing would therefore be contrary to Local Plan Policy S3. It is also noted that the NPPF requires that the countryside be recognised for its intrinsic character and beauty. As the site is located outside of the Limits to Development there would also appear to be some conflict with the Pre-Submission Core Strategy. However, having regard to the site's general suitability for housing (including its proximity to the built up area of Kegworth) and the need for the District to release additional land for housing to address the existing shortfall in the five year housing land supply position, release of the site would be appropriate in principle. Taking into account the character of the site and the development proposed it is not considered that the development would have a detrimental impact on the intrinsic character and beauty of the countryside. The proposed development would be acceptable in terms of transportation and highway safety issues, flood risk and drainage, landscaping and visual impact, ecological impacts, impacts on the cultural heritage of the area, neighbours' and future occupiers amenities, geo-environmental conditions and design. No other technical issues are considered to arise. Appropriate contributions to infrastructure

would also be made so as to mitigate the impacts of the proposals on local facilities. On balance, it is therefore recommended that outline planning permission be granted subject to conditions and relevant developer contributions.

### Notes to applicant

- 1 Your attention is drawn to the comments received from Environment Agency (ref: LT/2012/114634/01-L01).
- 2 Your attention is drawn to the comments received from Natural England (ref: 53597).
- 3 A Section 106 agreement would be required in order to make the development acceptable and would need to include the following:
  - Provision of on-site affordable housing
  - Financial contribution in respect of healthcare
  - Financial contribution in respect of education
  - Provision / maintenance of a children's play area
  - Provision / maintenance of a recreation area/sports pitch
  - 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 two nearest bus stops
  - Construction traffic routeing
  - Section 106 monitoring
- 4 The Council's Tree Officer states that there is an off-site TPO tree on the site boundary with Windmill Way and the siting of dwellings at the reserved matters stage should give appropriate clearance.
- 5 If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development. If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.
- 6 The highway boundary is the hedge fronting the premises and not the edge of the carriageway/road.
- 7 The Developer will be required to enter into an agreement with the Highway Authority under Section 278 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 Section 278 Agreement must be signed and all fees paid and surety set in place before the highway works are commenced.
- 8 Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the Highway Authority.
- 9 Any future reserved matters application will be assessed against the Building for Life 12 and the development will be required to perform well against this design quality indicator.
- 10 Prior to the inception of design work on any future reserved matters scheme, a design brief should be prepared based on BfL12 in consultation with the District Council and the applicant should make reference to the Council's 'Good Design SPD' due for adoption in Autumn 2012.
- 11 Whilst it is noted that layout is included for consideration at a later stage, the indicative

**PLANNING APPLICATIONS- SECTION A**

masterplan shown on the Drainage Plan is not an acceptable form of development on the basis that it would not perform well against BfL12.



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Erection of a detached dwelling (outline access and Layout)

Report Item No  
A3

Land Adjacent To 114 The Moor Coleorton Coalville

Application Reference  
12/00627/OUT

Applicant:  
Mr & Mrs Alan Holmes

Date Registered  
25 July 2012

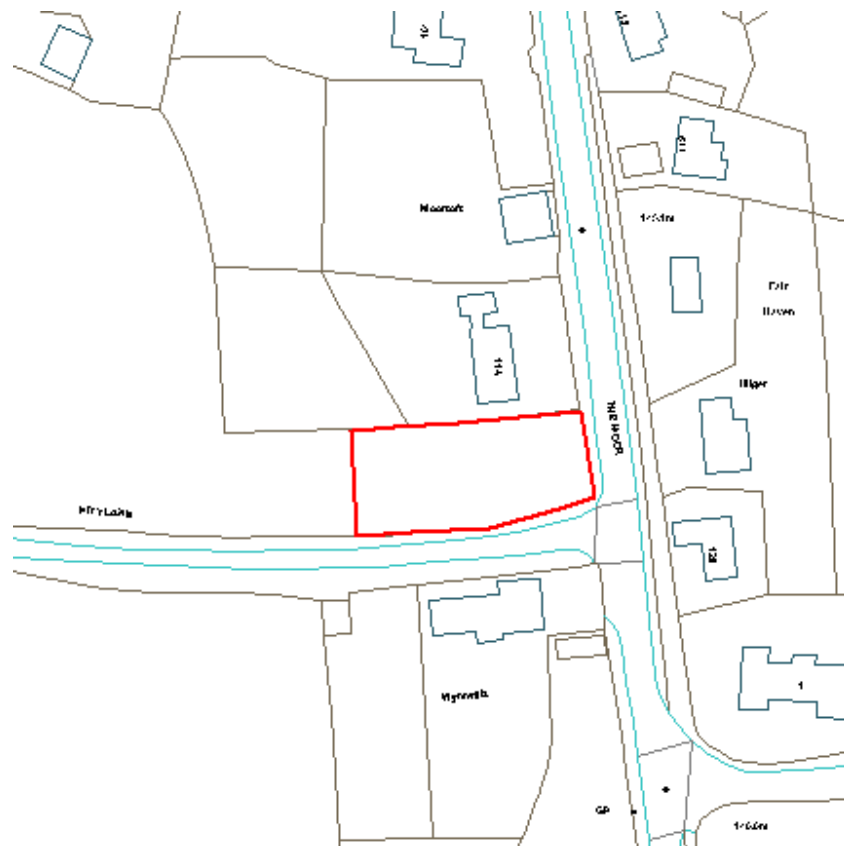
Case Officer:  
Adam Mellor

Target Decision Date  
19 September 2012

Recommendation:  
REFUSE

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**Indicative Site Location**



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## **EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR REFUSAL**

### **Call In**

The application is called to planning committee at the request of Councillor Stephenson to allow consideration to be given to the sustainability of the site.

### **Proposal**

Outline planning permission is sought for the erection of a detached dwelling with access and layout (landscaping, appearance and scale are reserved for later approval) at land adjacent to 114 The Moor, Coleorton. The application site forms part of a paddock/agricultural land, has an area of 0.09 hectares and is located to the south of No. 114 The Moor which is situated on the western side of The Moor. Open countryside exists to the north-west, south-west and west of the application site with residential properties to the east, north and south. The site is situated within the defined limits to development, as identified in the North West Leicestershire Local Plan.

The layout plan submitted with the application shows one dwelling with the principal elevation facing The Moor which would have a width of 14.0 metres, length of 6.2 metres (without rear projections) or 11.2 metres (including single storey rear projections) and use of a pitched gable ended roof with an overall height of 5.95 metres. It is proposed that the dwelling would be situated 4.1 metres from No. 114 and 4.1 metres from Pitt Lane.

It is proposed that a new vehicular access would be formed into the site from The Moor and this would provide off-street parking provision and turning facilities to ensure vehicles exit the site in a forward direction. The existing access to the site from Pitt Lane would be closed although a new access to serve the paddock/agricultural land would be formed further down Pitt Lane.

### **Consultations**

Two letters of objection and one letter of concern have been received from the occupant's of Nos. 114 and 120 (Woodlands) The Moor as well as Wisteria Cottage, Pitt Lane. In addition to this the Parish Council have also objected to the development. The County Highways Authority and Severn Trent Water Limited have no objections.

### **Planning Policy**

The development would be contrary to Policy H4/1 (Housing Land Release) of the North West Leicestershire Local Plan. It would, however, comply with Policies S2 (Limits to Development); E3 (Residential Amenities); E4 (Design); E7 (Landscaping); T3 (Highway Standards); T8 (Parking); H6 (Housing Density) and H7 (Housing Design).

### **Conclusion**

Whilst the site is situated within the defined limits to development, The Moor area of Coleorton is a settlement which benefits from few local services, with the topography of the site leading to residents having to walk uphill to access the services on Lower Moor Road, and as such the occupants of the property would be more likely to travel by car for access to even the most basic of services which would be contrary to Local Plan Policy H4/1 and the aims of the NPPF. It is therefore recommended that the application be refused.

## **RECOMMENDATION – REFUSE AS CONTRARY TO POLICY H4/1 OF THE NORTH WEST LEICESTERSHIRE LOCAL PLAN.**

**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**

**PLANNING APPLICATIONS- SECTION A**

**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

This application is brought to the planning committee at the request of Councillor Stevenson and relates to outline planning permission for the erection of a detached dwelling with access and layout (landscaping, appearance and scale are reserved for later approval) at land adjacent to 114 The Moor, Coleorton. The application site forms part of a paddock/agricultural land, has an area of 0.09 hectares and is located to the south of No. 114 The Moor which is situated on the western side of The Moor. Open countryside exists to the north-west, south-west and west of the application site with residential properties to the east, north and south. The site is situated within the defined limits to development, as identified in the North West Leicestershire Local Plan.

The layout plan submitted with the application shows one dwelling with the principal elevation facing The Moor which would have a width of 14.0 metres, length of 6.2 metres (without rear projections) or 11.2 metres (including single storey rear projections) and use of a pitched gable ended roof with an overall height of 5.95 metres. It is proposed that the dwelling would be situated 4.1 metres from No. 114 and 4.1 metres from Pitt Lane.

It is proposed that a new vehicular access would be formed into the site from The Moor and this would provide off-street parking provision and turning facilities to ensure vehicles exit the site in a forward direction. The existing access to the site from Pitt Lane would be closed although a new access to serve the paddock/agricultural land would be formed further down Pitt Lane.

In support of the application a design and access statement has been submitted.

The planning history of the site is as follows: -

- 79/0052/P – Erection of bungalow and formation of access – Approved 18th May 1979;
- 05/00091/OUT – Erection of one dwelling (outline – means of access included) – Refused 4th March 2003, Dismissed at Appeal 15th December 2005.

With regards to application reference 79/0052/P this relates to the existing dwelling (No. 114 The Moor), which when permitted had a lawful curtilage that extended up to Pitt Lane. The curtilage of No. 114 The Moor would appear therefore to have been subdivided since then to provide an area of pastureland. The site does not have the appearance of domestic curtilage and is clearly separated from No. 114 The Moor by boundary treatments.

### 2. Publicity

9 No neighbours have been notified (Date of last notification 1 August 2012)

Site Notice displayed 9 August 2012

### 3. Consultations

Coleorton Parish Council consulted 1 August 2012  
County Highway Authority consulted 1 August 2012  
Severn Trent Water Limited consulted 1 August 2012  
Building Control - NWLDC consulted 1 August 2012

#### 4. Summary of Representations Received

2 letters of objection and 1 letter of concern have been received from the occupants of Nos. 114 and 120 (Woodlands) The Moor and Wisteria Cottage, Pitt Lane who object to the application on the following grounds: -

- *"We would not choose to have a property built next door to us having enjoyed the rural aspect for a number of years now. However should planning be granted we strongly feel it should only be single storey which would be more sympathetic to surrounding properties;"*
- *"A dwelling would be built where no dwelling exists or has existed and although part of the field is within Limits to Development, it presently appears as a natural continuation of the countryside; Not only would the proposal lead to some of the greenfield becoming an area of built development and domestic garden but the parcel of agricultural land remaining would then become far less viable for a range of agricultural activities, due to the reduction of its area;"*
- *"Pitt Lane is an 'unadopted lane' in 'freehold ownership' with restricted access;"*
- *"It is clear that residential development on the proposed site would be contrary to the aims of sustainability and the approach to housing land release. Falling within criterion (f) of policy H4/1 the application clearly scores poorly against sustainability criteria and sequential tests laid out in the development plan which seeks to direct new housing to previously developed land in accessible locations which are well served by public transport and other services and facilities;"*
- *"The fact is that Coleorton is not well-served by public transport and the limited and infrequent bus services and lack of facilities generally means that it is inevitable that most trips to work, shop, leisure and health facilities, pharmacies etc will be made by private vehicles. The proposal represents an unsustainable form of development that would be heavily dependent on the use of private vehicles and in this respect it conflicts with S1(b) of the Local Plan;"*
- *"Our only concerns are firstly with the movement of the gateway currently giving access to the agricultural land along Pitt Lane in Coleorton, movement of the access may force further pressure on our single track road namely Pitt Lane. The second concern we would like to raise is with the fact that at a later date the owner of the new development (if accepted) may wish to build a second dwelling in the rear garden, this being not unlike 120 The Moor being on the opposite side of The Moor/Pitt Lane to where Mr Holmes development is planned."*

**Coleorton Parish Council** object to the application and state: *"Coleorton Parish Council is not concerned about a house being built on the site, but it would like to object on the grounds that the entrance to the paddock has been moved further up Pitt Lane. Coleorton Parish Council owns Pitt Lane and it is in a poor state of repair. The Council would not want to see heavy agricultural machinery, or in fact any more traffic than requires access to the existing properties or the Wood, using Pitt Lane. The Councillors believe that with some adjustment to the positioning of the dwelling, an access could be made from The Moor."*

**The County Highways Authority** has no objections, subject to conditions, and states: *"As part of these proposals, the hedge fronting the site will be trimmed back thus ensuring adequate visibility for future occupiers of the proposed dwelling as well as improving visibility for all highway users of the Pitt Lane/The Moor junction. As a result, the proposals represent an element of highway gain which is considered sufficient to offset my concerns about the lack of sustainability in this part of Coleorton. On this basis, the proposals are on balance, considered acceptable from a highway point of view."*

**Severn Trent Water Limited** has no objections.

## **5. Relevant Planning Policy**

### **National Planning Policy Framework (NPPF)**

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

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

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

### **East Midlands Regional Plan**

The Government has stated that it intends to revoke all Regional Spatial Strategies. The Secretary of State for Communities and Local Government issued a statement on 6 July 2010 revoking all Regional Spatial Strategies. This was subsequently challenged in the High Court and the decision quashed. As such, therefore, the Regional Spatial Strategy was reinstated.

The Secretary of State issued a further letter in light of the decision of the High Court, in which he said that it was still the Government's intention to abolish Regional Spatial Strategies as part of the Localism Bill and that local planning authorities should continue to have regard to his letter of 27 May 2010 (in which he announced his intention to revoke Regional Spatial Strategies) as a material consideration in making decisions. This was subject to a further legal challenge. In this instance the High Court dismissed the appeal and so the proposed revocation of the Regional Spatial Strategy is a potential material consideration. Also, the Localism Act 2011 includes the proposed power to abolish Regional Spatial Strategies as intended.

Until such time that the plan is abolished however limited weight is still applied to the following policies:

Policy 2 seeks to improve continuously the layout, design and construction of new development.

Policy 3 sets out a sequential approach for the distribution of development and economic activity. The policy also advises that priority should be given to making best use of previously developed land and vacant/underused buildings in urban or other sustainable areas. It suggests a distribution of development and economic activity including (i) new development concentrated primarily in and adjacent to the region's five Principal Urban Areas (PUAs); (ii) significant levels of development located in the three growth towns of Corby, Kettering and Wellingborough; and (iii) appropriate development of a lesser scale in the Sub Regional Centres (including Coalville, the only identified Sub Regional Centre in the District); and (iv) development needs of other settlements provided for.

Policy 12 states that, outside Derby, Leicester and Nottingham, employment and housing development should be located within and adjoining settlements. Such development should be

in scale with the size of those settlements, in locations that respect environmental constraints, in particular those of the River Mease Special Area of Conservation and the surrounding countryside, and where there are good public transport linkages.

Policy 48 states that Local Planning Authorities should apply the maximum amounts of vehicle parking for new development as set out in PPG13. Parking in excess of these standards should only be provided in exceptional circumstances.

#### **North West Leicestershire Local Plan**

Policy S2 sets out that development will be permitted on allocated sites and other land within the Limits of 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 indicates that in the determination of planning applications regard will be had to the wider settings of new buildings; new development should respect the character of its surrounding, in terms of scale, design, height, massing, materials of construction, the spaces between and around buildings and the street scene generally.

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

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 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. In relation to car parking standards for dwellings, an average of 1.5 spaces off-street car parking spaces per dwelling will be sought.

#### **Other Guidance**

North West Leicestershire Local Plan: Core Strategy (Pre-Submission) April 2012;

### **6. Assessment**

#### **Principle and Sustainability**

The site is located within the limits to development where the principle of residential development is considered acceptable subject to compliance with the relevant policies of the adopted North West Leicestershire Local Plan and other material considerations. Policy H4/1 of the Local Plan aims to direct new development to sustainable locations and in doing so sets out a sequential approach to the release of housing land. This approach is shared in Policy 3 of the East Midlands Regional Plan as well as Paragraphs 14 and 19 of the NPPF.

Policy H4/1 of the Local Plan relating to the release of land for housing states that a sequential approach should be adopted. These are outlined as criteria (a) to (f) and the application site

would fall within criterion (f) i.e. other locations where appropriate development in the context of other policies contained in the Local Plan. The second section of the policy goes on to outline a set of criteria relating to the sustainability of the location.

The concept of new development being directed to locations that minimise reliance on the private motorcar is set out in Policy H4/1 and this reflects national guidance contained in the NPPF. In considering the application reference is made to a recent appeal decision (Ref: APP/G2435/A/11/2144866) at Land Adjacent to The Brambles, Lower Moor Road, Coleorton which lies approximately 961.0 metres to the north of the site. The appeal inspector referred to a previous appeal refused at the application site (APP/G2435/A/05/1188354) and stated: *"My attention has been drawn to a similar proposal on 'The Moor' refused on appeal. However, that site is significantly further away from the facilities and services I have described and is located on higher ground. As a consequence, occupiers would be unlikely to walk or cycle to access the services in the village. Furthermore, unlike the appeal site before me, where buses pass the property, it is not well related to public transport. As a result, it is materially different to the proposal before me."*

A post office/convenience store and doctors surgery exist within the vicinity of the above appeal site with this proposal being situated 1000.0 metres from the post office/convenience store and 1200 metres from the GP Surgery. Whilst the appeal inspector refers to no public transport service being provided along The Moor it is noted that the hourly bus service from Coalville to East Midlands Airport (Bus No. 155) runs by the site however this service is to be cancelled in the near future and replaced with a Demand Responsive Transport (DRT) service, which may lessen the transport sustainability of the site, as the nearest bus service after this would be Bus No. 9, between Coalville and Burton-on-Trent which runs along the A512, with the nearest bus stop being over 700 metres away. The nearest public house (The Angel Inn) lies 278.0 metres to the north of the site.

Some, albeit limited, weight may also be given to Policy CS7 of the pre-submission North West Leicestershire Local Plan: Core Strategy which outlines that this part of Coleorton would be a rural village, with a sustainable village needing to contain at least five of the following eight community services and facilities: - *"i. A general store; ii. A Primary School; iii. A GP surgery; iv. A village hall or similar venue; v. A recreation or sports ground; vi. A public house; vii. A daytime (i.e. 7am to 6pm) bus service, Monday to Saturday with a frequency of at least once an hour, to one or more higher order centres; viii. Local employment opportunities other than employment associated with the above services."* It is noted that the Lower Moor Road area of Coleorton is considered to be a sustainable village, in accordance with Policy CS7, due to its proximity to the services identified above.

Whilst the submitted design and access statement argues that it would take around 10 minutes to walk to the local services, given that the topography of the area would lead to residents having to walk uphill to access them it is unlikely that they would choose to walk when access via a car would be simpler. Reference is also made to the fact that public footpath access to the local school is simpler from this particular site than the site granted at appeal, however, the standard of this footpath and the obstacles along its routes (i.e. stiles) would mean that it would not be accessible to all, in particular those with disabilities and using pushchairs, and as such not much weight is given to this argument in concluding the assessment. In the above circumstances the proposed occupants of the dwelling are likely to have to travel by car for even the most basic of services and as such the proposal would not comply with Policy H4/1 of the Local Plan and advice in the NPPF.

The proposal will be located on a greenfield site. The NPPF seeks to direct the majority of

housing to brownfield land. However, it is considered that resisting development of a greenfield site would not in itself be justified in this case as the loss of the site would not be significantly detrimental to the character of the area (as discussed in more detail below) or result in the loss of protected open space or important countryside.

In terms of the concerns raised by neighbours about the potential development of land outside the defined limits to development and the potential for further development along Pitt Lane it is considered that the dwelling, and its associated garden, would not encroach outside the defined limits to development and there would be a strong resistance to further development along Pitt Lane given that the rest of the Lane would be outside the defined limits to development and this part of Coleorton is not considered to be sustainable.

Although it is noted that a new dwelling is under construction to the rear of No. 120 The Moor, which lies adjacent to this site, there was a long standing planning history for the construction of a property on that site and as such it was considered to not conflict with the principles of Policy H4/1.

### **Density**

Policy H6 of the North West Leicestershire Local Plan both seek to permit housing development which is of a type and design to achieve as high a net density as possible, taking into account factors such as housing mix, accessibility to centres and design. Policy H6 of the North West Leicestershire Local Plan also requires a minimum density of 40 dwellings per hectare within locations well served by public transport and accessible to services and a minimum of 30 dwellings per ha elsewhere.

With a site area of 0.09 hectares, the proposal would have a density of 11.1 dwellings per hectare. Whilst the density is lower than that advised in Policy H6, this density only applies to sites of 0.3 hectares or more. Having regard to the proposed density, the size of the site and the relationship with neighbouring properties, it is considered that the proposal for one dwelling would represent an efficient use of land in this instance. Therefore, the scheme is considered to be acceptable in relation to Policy H6.

### **Residential Amenity**

It is considered that the property most immediately affected by the proposed development would be No. 114 The Moor, a single storey detached property, situated to the north of the site.

The current southern (side) elevation of No. 114 The Moor contains two windows which serve a lounge and bedroom, both of which are habitable rooms. However, these windows are secondary windows to those on the eastern (front) and western (rear) elevations and given that the proposed positioning of the dwelling would ensure that no part of it would extend beyond the front and rear elevations of No. 114 it is considered that the development would not have a sufficiently detrimental overbearing or overshadowing impact on the occupant's amenities. Although, on the basis of the indicative plan, the proposed dwelling may have habitable accommodation in the roof slope it is considered that the positioning of any windows would be controlled at the reserved matters stage to ensure that there would be no adverse overlooking implications.

The northern elevation of No. 120 (Woodlands) The Moor would be at a distance of 12.8 metres from the side elevation of the proposal and given this distance, as well as the presence of the mature hedgerows to the boundaries of the properties, which would be retained, it is considered that the development would not have a significant overbearing or overshadowing impact on the occupants amenities.

No. 127 (Hilger) The Moor would be situated over 20.0 metres from the dwelling and given that the hedge to the site frontage would be predominately retained, apart from where the new access would be formed, it is considered that there would be no adverse impacts on the occupants amenities.

In terms of the amenities of any future occupants it is noted that planning permission has recently been granted to amend a residential development on land adjacent to No. 120 (Woodlands) The Moor (Ref: 12/00571/FUL) which includes first floor dormer windows in an attached garage feature. Whilst views could be established from the dormers onto the rear amenity area of the proposal it is considered that these would be onto the latter part of the garden and as such would not create an adverse environment for any future occupants given the amount of garden available.

Overall the proposal would accord with Policy E3 of the Local Plan.

### **Design**

The need for good design in new residential development is outlined not only in Local Plan Policy H7, but also paragraphs 57, 60 and 61 of the NPPF, with paragraph 61 outlining that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Although the development will result in the loss of a field which does contribute to the visual amenities of the area, in this case dwellings are already located on the majority of either side of this part of The Moor, and open countryside would remain to the north-west, west and south-west of the site. Although some of the frontage hedgerow would be lost to provide the new access, and to improve the visibility, the majority of hedgerow would be maintained to the southern boundary of the site and a landscaping scheme would be approved, as part of any reserved matters application, to ensure that appropriate boundary treatments/landscaping is provided to maintain the rural nature of the site.

It is noted that scale, appearance and landscaping are all matters to be considered at a later stage. However, layout is included for determination and the proposed layout shows one dwelling with the principal elevation fronting The Moor with dedicated garaging and parking. It is considered that the positioning of the dwelling centrally in the plot would be appropriate, given the characteristics of No. 114 The Moor, and would have no significant visual impact on the character and appearance of the streetscape or surrounding area given that it would be viewed in the context of its relationship with the neighbouring properties to which it is well related. The illustrative street scene drawing shows that the property would have the appearance of a single storey dwelling with the potential for residential accommodation in the roof slope and would have a ridge height of 6.1 metres. On the basis of the illustrative street scene, as well as the evidence of the topographical survey, the neighbouring properties (Nos. 114 and 120) have ridge heights of 5.2 metres and as such it is considered that it would be important to condition that the proposed dwellings height be restricted to the stated dimension in order to ensure that it would not detract from the character of the immediate streetscape. The overall scale of the property is also considered to be acceptable and comparable with those within the vicinity.

The proposed layout is considered to be acceptable, and appropriate scale, appearance and landscaping can be secured at the reserved matters stage. In these circumstances the development would be considered to comply with the provisions of Paragraphs 57, 60 and 61 of

the NPPF and Policies E4 and H7 of the Local Plan.

### **Highway Safety**

On the basis of the information provided the County Highways Authority has raised no objections to the development subject to conditions on any grant of planning permission. Policy T8 of the Local Plan requires an average of 1.5 spaces per dwelling and it is considered that the layout plan supplied shows that at least two off-street parking spaces could be provided which would accord with the aims of the above policy as well as Paragraph 39 of the NPPF. Space would also be made available within the site to ensure that vehicles can turn and exit the site in a forward direction and as the formation of a new access off The Moor would lead to improvements in the visibility for vehicles exiting Pitt Lane it is considered that the development would represent a highway gain and would accord with the aims of Policy T3 of the Local Plan.

Coleorton Parish Council, and the occupants of No. 120 The Moor and Wisteria Cottage, Pitt Lane have objected to the formation of a new vehicular access to the paddock/agricultural land to the west of the proposed site, however given that access to this land is already established from Pitt Lane it is considered that there would be no further impact on the integrity of the highway given that a similar level of vehicle movements would continue to be associated with the site. It is also considered that any future issues in terms of the maintenance of the highway, and whether the applicant would need to enter into an agreement to provide funds for the highway upkeep, would be a private matter between the affected individuals and would not form a material planning consideration.

### **Other Matters**

Landscaping is a matter which is reserved for future approval but given that the majority of planting to the boundaries of the site would be maintained, apart from the gaps needed to create an access, it is considered that the proposals would accord with the principles of Policy E7 of the Local Plan.

With regards to the concerns raised about the formation of the new access to the paddock/agricultural land and the potential loss of part of the hedgerow it is unclear whether the existing hedgerow constitutes a hedgerow which would be considered 'important' under The Hedgerow Regulations 1997 (as amended), however, Criteria 1 (a) of Part 6 (Permitted Development) of the Regulations states that: "*(1) The removal of any hedgerow to which these Regulations apply is permitted if it is required – (a) for making a new opening in substitution for an existing opening which gives access to the land.*" This applies subject to the following: "*where the removal of a hedgerow to which these Regulations apply is permitted by these Regulations only be paragraph (1)(a), the person removing it shall fill the existing opening by planting a hedge within 8 months of the making of the new opening.*" Given that the proposal would relate to a development which would be permitted in accordance with the above Regulations then it is considered that a Hedgerow Removal Notice application would not be required.

### **Conclusion**

Whilst the site is situated within the defined limits to development, The Moor area of Coleorton is a settlement which benefits from few local services, with the topography of the site leading to residents having to walk uphill to access the services on Lower Moor Road, and as such the occupants of the property would be more likely to travel by car for access to even the most basic of services which would be contrary to Local Plan Policy H4/1 and the aims of the NPPF. It is therefore recommended that the application be refused.

**RECOMMENDATION – REFUSE, for the following reason;**

## PLANNING APPLICATIONS- SECTION A

- 1 Policy H4/1 of the North West Leicestershire Local Plan sets out a sequential approach to the release of land for residential development, and seeks to direct new housing towards previously development land in accessible locations, well served by, amongst other things, public transport and services. It is considered that the occupiers of the proposed dwelling would be unlikely to walk to local services, given that the topography of the site would lead to residents having to walk uphill, and as such they would be heavily reliant on a private car to access even the most basic of services and as such to permit the development would be contrary to the provisions of adopted North West Leicestershire Local Plan Policy H4/1 and advice in the National Planning Policy Framework as it would represent an unsustainable form of development.



## **EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR REFUSAL**

### **Call in**

The application is called to planning committee as the property is a registered interest of Councillor Saffell

### **Proposal**

Planning permission is sought for the erection of a detached car port at 6 Barn Close, Castle Donington. No. 6, a Grade II Listed Building, is a two-storey (with habitable accommodation in the roof slope) detached dwelling situated on the western side of the street, where it is set back 22.0 metres from the private highway of Barn Close. An existing vehicular access to the site provides off-street car parking to the site frontage as well as access to a detached garage. The property is also within the Castle Donington Conservation Area and the defined limits to development as outlined in the North West Leicestershire Local Plan.

It is indicated on the plans that the proposed car port would be situated 8.0 metres to the south-east of No. 6 and 2.0 metres from the edge of the public highway and would provide parking for vehicles as well as storage space and a verandah and the existing garage would be demolished.

### **Consultations**

No objections have been raised by members of the public, the Parish Council, the County Highways Authority, the Council's Tree Officer or East Midlands Safeguarding, however, the Council's Conservation Officer objects to the development due to the impact on the integrity of the heritage assets.

### **Planning Policy**

The development would be contrary to Policy E4 (Design) of the North West Leicestershire Local Plan and Paragraphs 131, 132, 133, and 137 of the National Planning Policy Framework (NPPF). It would, however, accord with Policies E3 (Residential Amenities); T3 (Highway Standards) and Policy T8 (Parking).

### **Conclusion**

It is considered that the development would not be subservient to the host property and would detract from the character of the dwelling by virtue of its design and as such would be contrary to Policy E4 of the Local Plan. In the circumstances that no justification has been provided to warrant a form of development which would be 'alien' in this context and would detract from the local character and distinctiveness of the heritage assets, as well as adversely impacting on the significance of the heritage assets, it is considered that the development would be contrary to Paragraphs 131, 132, 133 and 137 of the NPPF. It is therefore recommended that the application be refused.

## **RECOMMENDATION – REFUSE AS CONTRARY TO POLICY E4 OF THE NORTH WEST LEICESTERSHIRE LOCAL PLAN AND PARAGRAPHS 131, 132, 133 AND 137 OF THE NATIONAL PLANNING POLICY FRAMEWORK.**

**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

This application is brought to the Planning Committee as the application property is occupied by a serving Councillor and relates to planning permission for the erection of a detached car port at 6 Barn Close, Castle Donington. No. 6 is a two-storey (with habitable accommodation in the roof slope) detached dwelling situated on the western side of the street, where it is set back 22.0 metres from the private highway of Barn Close. An existing vehicular access to the site provides off-street car parking to the site frontage as well as access to a detached garage. No. 6 is a Grade II Listing Building which the listing describes as: *"Stable. Early-mid C18, altered. Chamfered stone base, red brick above with blue headers, dentil eaves and gable verges, half-hipped tiled roof. One storey and loft, 2 bays. C20 2-light wooden casements in original chamfered stone surrounds. Flanking stable doors in banded stone surrounds with lintels shaped into segmental arches. Later brick chimney and loft opening at left end. Small single-storey extension at either end; the left set back with pantiled roof, the right part rebuilt C20 with stable door and casement. Interior has arched brick mangers and reused roof beams. Included for group value."* The property is also within the Castle Donington Conservation Area and the defined limits to development as outlined in the North West Leicestershire Local Plan.

It is indicated on the plans that the proposed car port would be situated 8.0 metres to the south-east of No. 6 and 2.0 metres from the edge of the public highway and would have dimensions of 7.8 metres in width (elevation fronting onto Barn Close) and 10.1 metres (elevation fronting the garden), length of 10.9 metres and use of a mono-pitched roof with an eaves height of 2.0 metres and overall height of 5.9 metres. It is indicated on the plans that the car port would provide parking for vehicles as well as storage space and a verandah and the existing garage would be demolished.

A design and access statement and heritage impact statement have been submitted in support of the application.

A site meeting was carried out with the applicant's agent and architect on the 12th September 2012 where the concerns of Officers were stated and an attempt to negotiate a revised design and position for the proposal was discussed. Following this meeting the agent submitted information which identified that the potential repositioning of the structure was not viable and the architect commented on the views of the Conservation Officer and raised the following points: -

- *"The Conservation Officer places a great deal of emphasis on the notion that number 6 Barn Close is a Grade II listed building, presumably because of its relationship with number 9 High Street and its original boundaries. Although the listing description refers to several artefacts of historic nature, very few now remain and the building has been allowed to change its character to that of a pleasantly scaled dwelling;"*
- *"The garage is a modern pastiche with no care in its placing, or relationship to the setting of a space around the original building. It offers no compliment to the original building but obscures those qualities of scale, solid and void which remain in the altered stable block. Demolishing the existing garage would allow the dwelling to be seen to have a presence worth recognising;"*
- *"It is intended that the canopy structure is a negative when compared to the solid massing of the adjacent dwelling but is sympathetic to and offers a textural compliment to the verdant landscape. The use of timber columns and beams, shingle tiles and natural materials reflect this attitude. In addition, the shingle tiles permit the use of a very shallow pitch. At the meeting on Wednesday 12 September 2012, much emphasis was*

*placed on the notion that the 'listed building' would be obscured from view. Although it is acknowledged that there is a degree of truth in this, it is not believed that it is sufficient to destroy the awareness of what is beyond. The shape and form of the proposal is designed to offer these vistas without creating a formal frontal view of a private property. It is a lych-gate vista into a transitional open space;"*

- *"The scale of the proposal, as for many large garaging accommodation projects, tends to be alien to the solid and void penetrations of a dwelling. Visually, the approach to this submission has been to contradict the smaller, solid masses of the existing dwellings and produce a 'see through' building which rises from a door height view on the road frontage via a mono-pitch to a level sufficient to make one aware of the 'richness of the diminutive array of gable ends' which make up number 6 Barn Close;"*

In the circumstances that a revised position was not acceptable the agent has requested that the application be reported to the Planning Committee for a decision with the architect stating that *"although it is not conceded that a pure vista from the road to the dwelling is necessarily a desirable or beneficial approach, our clients have indicated that they would be prepared to omit the storage facility from the current submission and attempt to seek an alternative location as suggested by the Conservation Officer."* A plan showing the potential relocation of the structure indicates that the dimensions of the structure would become 7.2 metres in width by 8.6 metres in length and eaves height of 2.1 metres and overall height of 5.7 metres.

The planning history of the site is as follows: -

- 87/0949/P – Conversion of barns to form 3 dwellings and erection of 2 dwellings (outline) – Refused 11th November 1982, Allowed at Appeal 10th October 1988;
- 90/1233/R – Conversion of outbuilding to one dwelling (approval of reserved matters) – Approved 19th December 1990;
- 90/1262/L – Conversion of outbuilding to one dwelling (listed building consent) – Approved 23rd January 1991;

## **2. Publicity**

7 Neighbours have been notified (Date of last notification 2 August 2012)

Site Notice displayed 9 August 2012

Press Notice published 15 August 2012

## **3. Consultations**

Castle Donington Parish Council consulted 2 August 2012

County Highway Authority consulted 7 August 2012

Airport Safeguarding consulted 7 August 2012

NWLDC Conservation Officer consulted 7 August 2012

## **4. Summary of Representations Received**

No letters of representation from members of the public have been received.

**Castle Donington Parish Council** has no objections.

**The County Highways Authority** has no observations.

**East Midlands Airport Safeguarding** has no objections.

**The Councils Conservation Officer** objects to the application and states: *"6 Barn Close is a Grade II listed building. The list description notes it was originally a stable serving 9 High Street, and dates to the early-mid 18th century with 20th century alterations. It is difficult to determine the date of the existing garage, but this certainly has been designed to complement the Listed Building. The Listed Building presents a pleasing array of diminishing gables, and this is apparent from Barn Close. The gable end of the existing garage is in keeping with this character. The 2001 Conservation Area Appraisal notes that 'numerous former farm buildings (now converted to domestic use) also survive as evidence to the former importance of agriculture to the village economy,' and 6 Barn Close is one such building; The proposed car port would be positioned away from the core listed building, but still within its curtilage. Contrary to the Heritage Statement accompanying the application, the site of the proposed car port is located within the boundary of the Conservation Area; The proposed form and composition of the proposed car port are not in keeping with the character of the Listed Building nor the Conservation Area. The 'Cedar Shingle' roof is not typical of vernacular architecture in Castle Donington, nor are 'Siberian Redwood' posts. The mono-pitch roof form is also not characteristic of the area, and would be quite a jarring element when juxtaposed with the diminutive array of gable ends on the Listed Building. In addition the scale of the car port is not in keeping with the smaller dimensions of the Listed Building and garage. It appears the proposals would also result in the loss of the existing garage, and this would be unfortunate given the positive impact it has on the setting of the Listed Building; The proposed car port could work in a different setting, being read with structures of a proportionate scale. However, in this particular context the form and scale would have an adverse impact on the setting of the Listed Building. It would also fail to preserve and enhance the character and appearance of the Conservation Area. Therefore, I object to this proposal."*

**The Councils Tree Officer** has no objections.

## **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 a grade II listed building, park or garden should be exceptional.

Paragraph 133 outlines 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.

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 S2 sets out that development will be permitted on allocated sites and other land within the Limits of 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 indicates that in the determination of planning applications regard will be had to the wider settings of new buildings; new development should respect the character of its surrounding, in terms of scale, design, height, massing, materials of construction, the spaces between and around buildings and the street scene generally.

Policy 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. In relation to car parking standards for dwellings, an average of 1.5 spaces off-street car parking spaces per dwelling will be sought.

## **6. Assessment**

### **Residential Amenity**

The closest residential properties to the proposed development would be Nos. 4, 8 and 10 Barn Close although given the scale and design of the development as well as the presence of substantial mature vegetation it is considered that it would not have a significantly detrimental

overbearing, overshadowing or overlooking impact on the neighbouring amenities which would accord with Policy E3 of the Local Plan.

### **Impact on the Historic Environment and Streetscape**

It is considered that the scale of the proposed car port would not be subservient to the scale of the dwelling, which is a converted barn, and would not be in keeping with its character and as such would be to the detriment of the appearance of the property.

Paragraphs 131, 132, 133 and 137 of the NPPF outline how to assess applications which affect heritage assets. Whilst the comments of the architect are noted it is considered that no sufficient justification has been provided to warrant a form of development which would not make a positive contribution to local character and distinctiveness, would lead to the substantial harm to a Grade II listed building, by virtue of its design, scale and materials of construction being 'alien' within this context, and would not preserve or reveal the significance of the heritage asset by virtue of its positioning being in a place where the most prominent views of the building, from the public domain, would be established, and the fact that the view of the present building is not obscured by any form of development.

In these circumstances the proposal would be contrary to Policy E4 of the Local Plan and Paragraphs 131, 132, 133 and 137 of the NPPF.

### **Highway Safety**

The County Highways Authority has raised no objections to the development and given that sufficient off-street parking would be maintained for the dwelling along with suitable manoeuvring facilities it is considered that the proposal would accord with Policies T3 and T8 of the Local Plan.

### **Other Matters**

In order to facilitate the positioning of the car-port it is proposed that two Leylandii trees, with heights of 12.0 metres, would need to be removed. As the trees lie within the conservation area then consent would be required for their removal as they would be protected. The Council's Tree Officer has raised no objections to the potential loss of the trees, given that they lie adjacent to a heavily wooded Tree Preservation Order (TPO) area, and as such there would be no adverse impact on the visual amenity of the area. Sufficient vegetation would be retained on the site to mitigate the loss of these trees and as such the development would accord with the principles of Policy E7 of the Local Plan.

### **Conclusion**

It is considered that the development would not be subservient to the host property and would detract from the character of the dwelling by virtue of its design and as such would be contrary to Policy E4 of the Local Plan. In the circumstances that no justification has been provided to warrant a form of development which would be 'alien' in this context and would detract from the local character and distinctiveness of the heritage assets, as well as adversely impacting on the significance of the heritage assets, it is considered that the development would be contrary to Paragraphs 131, 132, 133 and 137 of the NPPF. It is therefore recommended that the application be refused.

### **RECOMMENDATION - REFUSE, for the following reason;**

- 1 Policy E4 of the North West Leicestershire Local Plan seeks appropriate design in development proposals and given that the scale of the car port would not be subservient

## PLANNING APPLICATIONS- SECTION A

to the modest property and would be designed in a manner which would detract from the character of the property it is considered that the development would be contrary to Policy E4 of the North West Leicestershire Local Plan. In addition to this Paragraphs 131, 132, 133 and 137 of the National Planning Policy Framework seek to permit development which would preserve or enhance heritage assets and given that no justification has been provided to warrant a form of development which would be 'alien' in this context and would detract from the local character and distinctiveness of the heritage assets, as well as adversely impacting on the significance of the heritage assets, it is considered that the development would be contrary to Paragraphs 131, 132, 133 and 137 of the National Planning Policy Framework.

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**Proposed single storey rear extension and alterations to existing garage and car port to replace flat roofs with a pitched gable ended roof.**

**Report Item No  
A5**

**17A Langley Drive Kegworth Derby Leicestershire**

**Application Reference  
12/00687/FUL**

**Applicant:  
Mr & Mrs T Pendleton**

**Date Registered  
13 August 2012**

**Case Officer:  
Adam Mellor**

**Target Decision Date  
8 October 2012**

**Recommendation:  
PERMIT**

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**Indicative Site Location**



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## **EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR APPROVAL**

### **Call in**

The application is called to planning committee as the property is a registered interest of Councillor Pendleton.

### **Proposal**

Planning permission is sought for a single storey rear extension and alterations to existing garage and car port to replace flat roofs with a pitched gable ended roof at 17A Langley Drive, Kegworth. It is indicated on the floor plans that the extensions would provide a garage, utility room and dining room for the occupants. No. 17A is a single storey detached property served off a private access drive from Langley Drive, which also serves No. 17B, which is situated to the east of Langley Drive. An existing vehicular access to the property provides off-street car parking and access to a detached garage and car port. The site is situated within the defined limits to development, as identified in the North West Leicestershire Local Plan, and the surrounding area is predominately residential with properties varying in their type and design.

Originally an amateur radio mast was proposed as part of the development however, following concerns raised by Planning Officers, it was agreed that this element should be removed from the application with this being confirmed by the agent on the 14th September 2012.

### **Consultations**

Four letters of objection were received from the occupants of Nos. 22, 23 and 25 Langley Drive and No. 8 Foxhills to the amateur radio mast element of the development. However, following the removal of the mast from the scheme, no objections to the proposed extensions have been received. In addition, the Parish Council, County Highways Authority and East Midlands Airport Safeguarding have no objections.

### **Planning Policy**

The development would comply with Policies S2 (Limits to Development); E3 (Residential Amenities); E4 (Design); T3 (Highway Standards) and T8 (Parking) of the North West Leicestershire Local Plan.

### **Conclusion**

The site is situated within the defined limits to development where the principle of this form of development would be acceptable. It is considered that the positioning of the extension, its design and the orientation of the properties would ensure that there would not be a detrimental impact on the amenities of neighbours and as such the development would accord with Policy E3 of the Local Plan. In terms of the design it is considered that the aesthetics of the property would be enhanced following the works and as such the proposal would accord with Policy E4 of the Local Plan. Sufficient off-street parking would be maintained for the dwelling, as well as facilities to undertake vehicular manoeuvres, and as such the development would accord with Policies T3 and T8 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 conditions,**

**PLANNING APPLICATIONS- SECTION A**

**and Members are advised that this summary should be read in conjunction with the detailed report.**

## MAIN REPORT

### 1. Proposals and Background

This application is brought to the planning committee as the applicant is a serving Councillor and relates to planning permission for a single storey rear extension and alterations to existing garage and car port to replace flat roofs with a pitched gable ended roof at 17A Langley Drive, Kegworth. No. 17A is a single storey detached property served off a private access drive from Langley Drive, which also serves No. 17B, which is situated to the east of Langley Drive. An existing vehicular access to the property provides off-street car parking and access to a detached garage and car port. The site is situated within the defined limits to development, as identified in the North West Leicestershire Local Plan, and the surrounding area is predominately residential with properties varying in their type and design.

A single storey rear extension would project 2.7 metres from the western part of the southern (rear) elevation with a width of 2.9 metres, where it would join with the southern (rear) elevation of the existing detached garage and would utilise a pitched gable ended roof with an eaves height of 2.75 metres and overall height of 5.15 metres. In addition to this the pitched gable ended roof proposed to the new extension would extend over the existing detached garage and the western (side) elevation of the property to enclose a utility and car port area. The pitched gable ended roof on the northern (front) elevation would have an eaves height of 3.0 metres and overall height of 4.8 metres whilst the western (side) elevation would also present a pitched gable ended roof to the shared boundary with No. 19 Langley Drive which would have an eaves height of 2.8 metres and overall height of 5.15 metres. It is indicated on the floor plans that the extensions would provide a garage, utility room and dining room for the occupants.

Originally an amateur radio mast was proposed as part of the development however, following concerns raised by Planning Officers, it was agreed that this element should be removed from the application with this being confirmed by the agent on the 14th September 2012.

No previous planning history was found.

### 2. Publicity

9 Neighbours have been notified (Date of last notification 29 August 2012)

Site Notice displayed 15 August 2012

### 3. Consultations

County Highway Authority consulted 14 August 2012

Head of Environmental Protection consulted 14 August 2012

Airport Safeguarding consulted 15 August 2012

County Highway Authority consulted 29 August 2012

Kegworth Parish Council consulted 29 August 2012

### 4. Summary of Representations Received

**Kegworth Parish Council** has no objections.

**The County Highways Authority** has no objections and states: *"Accessed from private road not public highway. Nonetheless parking looks ok."*

No representation from the **Head of Environmental Protection** has been received.

**East Midlands Airport Safeguarding** has no objections.

### **Third party representations**

Four No. objections were received to the amateur radio mast element of the proposal from the occupants of Nos. 22, 23 and 25 Langley Drive and No. 8 Foxhills who objected to the application on the following grounds: -

- *"Sections of the mast have already been erected and it is clearly visible from our house and garden. It is an eyesore and totally out of keeping with the bungalow environment on which the erection is proposed;"*
- *"It affects the view from every window in our property;"*
- *"Would it be possible to erect the mast in the front garden where there are many mature trees?"*
- *"Around the base area are several mature deciduous trees which means come Autumn/Winter, more of this aluminium framework will be visible;"*
- *"At the moment a metal structure of considerable height is visible through my 2 ground floor lounge windows and two upstairs bedroom windows;"*

Following reconsultation with the objectors on the amendment to the proposal to remove the mast element, no objections have been received to date.

## **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.

The following policies of the North West Leicestershire Local Plan are consistent with the policies in the NPPF and should be afforded weight in the determination of this application:

### **North West Leicestershire Local Plan**

Policy S2 sets out that development will be permitted on allocated sites and other land within the Limits of 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 indicates that in the determination of planning applications regard will be had to the wider settings of new buildings; new development should respect the character of its surrounding, in terms of scale, design, height, massing, materials of construction, the spaces between and around buildings and the street scene generally.

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

## **6. Assessment**

### **Residential Amenity**

With regards to the proposed extension and alteration it is considered that the property most immediately affected by the proposed works would be No. 19 Langley Drive, a two-storey, detached property situated to the west of the site.

At present a 2.1 metre high wall defines the boundary between the properties with the development extending 3.2 metres beyond the southern (rear) elevation of No. 19, although the part of No. 17A which extends beyond the rear elevation already exists in the form of the detached garage which utilises a flat roof with an overall height of 2.8 metres. Whilst an extension is proposed to the rear of No. 17A, this would not project beyond the rear elevation of the existing detached garage and although a new roof would be proposed, which would have an overall height of 5.15 metres, the highest part would be at a distance of 2.20 metres from the boundary and given that the extension would be single storey, as well as the orientation of the properties, it is considered that the development would not have a sufficiently detrimental overbearing or overshadowing impact. No windows are proposed in the western (side) elevation of the extension and any views from the rear windows would be restricted by the present boundary treatments, as such there would be no significant overlooking impact.

The works to the side and rear of the property would not project beyond the front elevation of No. 19 and no windows exist on the properties eastern (side) elevation in these circumstances the proposals would have no adverse overbearing, overshadowing or overlooking impact on the occupant's amenities.

### **Design**

The proposed extension and alterations to the property would be subservient features which would not impact significantly on the character and appearance of the property given that they have been designed in a manner which would respect the characteristics of the property and many in respects would enhance its overall appearance by virtue of the loss of the flat roof features and the improvements in the materials selected for the completion of the development. The extensions would also not have an adverse impact on the appearance of the streetscape and surrounding area given that No. 17A is served off a private access drive and the fact that the developments would be single storey.

It is the applicant's intentions to utilise materials in the construction of the extensions which would improve the overall appearance of the building, including the use of artificial slates and improved timber cladding, and it is considered that the use of these materials would respect the

characteristics of the property as well as the appearance of the streetscape. Overall the design, appearance and scale would be acceptable and would accord with Policy E4.

### **Highway Safety**

The County Highways Authority has raised no objections to the development and given that sufficient off-street parking would be provided for the property, as well as facilities to undertake vehicular manoeuvres so that they exit in a forward direction, it is considered that the development would accord with Policies T3 and T8 of the Local Plan.

### **Other Matters**

East Midlands Airport Safeguarding has raised no objections to the development and as such the development would comply with Airport Safeguarding policy.

### **Conclusions**

The site is situated within the defined limits to development where the principle of this form of development would be acceptable. It is considered that the positioning of the extension, its design and the orientation of the properties would ensure that there would not be a detrimental impact on the amenities of neighbours and as such the development would accord with Policy E3 of the Local Plan. In terms of the design it is considered that the aesthetics of the property would be enhanced following the works and as such the proposal would accord with Policy E4 of the Local Plan. Sufficient off-street parking would be maintained for the dwelling, as well as facilities to undertake vehicular manoeuvres, and as such the development would accord with Policies T3 and T8 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 drawing numbers 628/03; 628/04A and 628/05, received by the Local Authority on the 13th August 2012, and drawing number 625/01, received by the Local Authority on the 14th September 2012, as well as the information contained in the email from Mr Alex Caven to Mr Adam Mellor of the 14th September 2012, received by the Local Authority on the 14th September 2012, confirming that the amateur radio mast has been removed from the development proposals, unless otherwise required by another condition of this permission.

*Reason - for the avoidance of doubt and to determine the scope of the permission.*

- 3 The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application and as shown on drawing numbers 628/04A and 628/05, received by the Local Authority on the 13th August 2012, unless alternative materials are first agreed in writing by the Local Planning Authority.

*Reason - to ensure a satisfactory standard of external appearance.*

### **Summary Reasons for Granting Planning Permission**

North West Leicestershire District Council's decision to grant planning permission in this instance arose following careful consideration of the relevant provisions of the Development Plan and all other relevant material considerations. The following policies of the East Midlands Regional Plan and North West Leicestershire Local Plan are consistent with the policies in the National Planning Policy Framework and should be afforded weight in the determination of this application:

#### **North West Leicestershire Local Plan**

Policy S2 (Limits to Development);  
Policy E3 (Residential Amenity);  
Policy E4 (Design);  
Policy T3 (Highway Standards);  
Policy T8 (Parking);

#### **Reasons:**

The site is situated within the defined limits to development where the principle of this form of development would be acceptable. It is considered that the positioning of the extension, its design and the orientation of the properties would ensure that there would not be a detrimental impact on the amenities of neighbours and as such the development would accord with Policy E3 of the Local Plan. In terms of the design it is considered that the aesthetics of the property would be enhanced following the works and as such the proposal would accord with Policy E4 of the Local Plan. Sufficient off-street parking would be maintained for the dwelling, as well as facilities to undertake vehicular manoeuvres, and as such the development would accord with Policies T3 and T8 of the Local Plan. The development therefore accords with the planning policies identified above.

#### **Notes to applicant**

- 1 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 £25.00 per request. Please contact the Local Planning Authority on (01530) 454665 for further details.
- 2 You must ensure that no part of the development extends onto, over or under your neighbours property.

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**Two-storey and single storey front extension**

**Report Item No  
A6**

**72 Glebe Road Thringstone Coalville Leicestershire**

**Application Reference  
12/00740/FUL**

**Applicant:  
Mrs Julie Everitt**

**Date Registered  
29 August 2012**

**Case Officer:  
Adam Mellor**

**Target Decision Date  
24 October 2012**

**Recommendation:  
PERMIT**

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**Indicative Site Location**



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## **EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR APPROVAL**

The application is called to planning committee as the property is a registered interest of Councillor Everitt.

### **Proposal**

Planning permission is sought for a two-storey and single storey front extension at 72 Glebe Road, Thringstone, a two-storey semi-detached property situated on the eastern side of the street, where it is set back 6.5 metres from the public footway. An existing vehicular access provides off-street car parking as well as access to a detached garage to the rear of the property. The site is situated within the defined limits to development, as identified in the North West Leicestershire Local Plan, and the surrounding area is predominately residential with properties varying in their type and design.

The proposed two-storey element of the front extension would project 1.80 metres from the southern part of the western elevation with a width of 2.69 metres and use of a pitched gable ended roof with an eaves height of 4.8 metres and overall height of 5.72 metres. The single storey element would project 1.46 metres from the northern part of the western elevation with a width of 2.93 metres and use of a mono-pitched roof with an eaves height of 2.4 metres and overall height of 3.2 metres.

### **Consultations**

No representations have been received from members of the public or the County Highways Authority.

### **Planning Policy**

The development would accord with Policies S2 (Limits to Development); E3 (Residential Amenities); E4 (Design); T3 (Highway Standards) and T8 (Parking) of the North West Leicestershire Local Plan.

### **Conclusions**

The proposed development would not have an adverse impact on the amenities of the neighbouring properties by virtue of its minimal projection and the existing orientation which would ensure compliance with Policy E3. Given the minimal scale of the extensions and as this form of development has been replicated elsewhere on the street it is also considered that the proposal would not have an adverse impact on the appearance of the streetscape or the character of the property and would therefore comply with Policy E4. The existing vehicular access and parking arrangements would not be impacted on which accords with the aims of Policies T3 and T8. It is therefore recommended that the application be approved.

## **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

This application is brought to the Planning Committee as the applicant is related to a serving councillor. Planning permission is sought for a two-storey and single storey front extension at 72 Glebe Road, Thringstone, a two-storey semi-detached property situated on the eastern side of the street, where it is set back 6.5 metres from the public footway. An existing vehicular access provides off-street car parking as well as access to a detached garage to the rear of the property. The site is situated within the defined limits to development, as identified in the North West Leicestershire Local Plan, and the surrounding area is predominately residential with properties varying in their type and design.

The proposed two-storey element of the front extension would project 1.80 metres from the southern part of the western (front) elevation. In width the extension would be 2.69 metres and would utilise a pitched gable ended roof with an eaves height of 4.8 metres and overall height of 5.72 metres. The single storey element of the extension would project 1.46 metres from the northern part of the western (front) elevation with a width of 2.93 metres and use of a mono-pitched roof with an eaves height of 2.4 metres and overall height of 3.2 metres. It is indicated on the floor plans that the extension would provide a porch and extended lounge at ground floor level and an extended bedroom at first floor level for the occupants.

No previous planning history was found.

### 2. Publicity

5 no. Neighbours have been notified (Date of last notification 31 August 2012)

Site Notice displayed 5 September 2012

### 3. Consultations

County Highway Authority consulted 31 August 2012

### 4. Summary of Representations Received

No letters of representation from neighbours have been received have been received to date.

**The County Council Highways Authority** has no objections.

### 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.

The following policies of the North West Leicestershire Local Plan are consistent with the policies in the NPPF and should be afforded weight in the determination of this application:

#### **North West Leicestershire Local Plan**

Policy S2 sets out that development will be permitted on allocated sites and other land within the Limits of 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 indicates that in the determination of planning applications regard will be had to the wider settings of new buildings; new development should respect the character of its surrounding, in terms of scale, design, height, massing, materials of construction, the spaces between and around buildings and the street scene generally.

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

## **6. Assessment**

### **Residential Amenity**

It is considered that the properties most immediately affected by the proposed development would be No. 70 Glebe Road, a two-storey semi-detached property, situated to the south of the site and No. 74 Glebe Road, the attached two-storey semi-detached property, situated to the north of the site.

Whilst No. 70 is situated further back than No. 72 it has been extended to the front and a distance of 5.5 metres would exist between the side elevations of the properties. Given that the projection of the two-storey extension would be fairly limited, has been designed with a roof which would be lower than the main ridge height, and the orientation of No. 70 to No. 72, it is considered that the proposal would not have a sufficiently detrimental overbearing or overshadowing impact on the occupants' amenities. A window would be proposed at ground floor level in the southern (side) elevation of the two-storey element however this would only provide a direct view onto the front amenity area of No. 70 and as such would not create a sufficiently detrimental overlooking impact.

The current front elevations of Nos. 72 and 74 are level and the single storey extension would be situated on the shared boundary. Whilst the extension would protrude beyond the front elevation of No. 74 it is considered that its projection has been kept to a minimum to ensure that there would not be a sufficiently detrimental overbearing impact, the two-storey element of the proposal would also be 3.0 metres from the boundary to prevent this element having a

significant overbearing impact. Although No. 74 is to the north of the site it is also considered that the extensions would not have a significantly detrimental overshadowing impact given that a 2.0 metre boundary treatment (wall/fence) could be erected along the shared boundary, as a form of permitted development, which would have a similar impact to that of the single storey element, and the two-storey element has been designed in a manner which would mitigate any overshadowing impact by virtue of its distance from the boundary. As no windows would be proposed in the side elevation of the extension there would be no overlooking implications.

A distance of over 20.0 metres would remain between No. 72 and the properties on the opposite side of the street, which lie at lower land levels, and this would be sufficient in ensuring there would be no overlooking implications to the occupant's amenities.

Overall the development would accord with Policy E3.

### **Design**

The existing property forms one of a pair of semi-detached properties which, whilst having a degree of symmetry between them, do have slight difference in terms of window and door details and the fact that No. 72 is rendered at first floor level. It is considered that the extension would be subservient to the property and would not significantly detract from the overall appearance given that alterations could be carried out to the front elevation of the property, such as the construction of a porch, replacement of roof tiles, insertion of roof lights and rendering, as permitted development, which would have similar impacts in reducing the conformity between these properties.

In these circumstances it is also worth noting that the form of extension proposed by the applicant's has already been replicated on numerous properties on Glebe Road, including No. 70, and as such would not appear as an 'alien' feature in the context of the streetscape and would also not have a sufficient impact on the appearance of the wider area.

It is the applicant's intentions to utilise materials in the construction of the extension which would match those used in the existing property and the use of these materials would be considered acceptable in preserving the character and appearance of the property, streetscape and surrounding area. Overall the appearance, design and scale would be acceptable and would accord with Policy E4.

### **Highway Safety**

The County Highways Authority has raised no objections to the proposal and given that the existing vehicular access and off-street parking facilities would not be impacted on by the development it is considered that the development would accord with Policies T3 and T8.

### **Conclusions**

The site is situated within the defined limits to development where the principle of this form of development is acceptable. It is considered that given the modest projection of the extension, its general design and the relationship with the neighbouring properties, there would not be a sufficiently detrimental overbearing, overshadowing or overlooking impact on the amenities of neighbours and as such the proposal would accord with Policy E3 of the Local Plan. Whilst the extension would disrupt the degree of symmetry between Nos. 70 and 72 its implications to the character and appearance of the dwelling and surrounding area would not be sufficiently detrimental given the fact that the extensions projection would be fairly minimal and the proposal has been replicated on other properties on the street. In these circumstances the development would accord with Policy E4 of the Local Plan. The existing vehicular access and off-street parking would not be impacted on by the development and as such the proposal would

accord with Policies T3 and T8 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 Location Plan (1:1250); Existing and Proposed Parking Plan (1:500); Existing and Proposed Block Plan (1:500) and Existing and Proposed Elevations and Floor Plans (1:50; 1:100; 1:200), received by the Local Authority on the 29th August 2012, unless otherwise required by another condition of this permission.

*Reason - for the avoidance of doubt and to determine the scope of the permission.*

- 3 The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application and as shown on the Existing and Proposed Elevations and Floor Plans (1:50; 1:100; 1:200), received by the Local Authority on the 29th August 2012, unless alternative materials are first agreed in writing with the Local Planning Authority.

*Reason - to ensure a satisfactory standard of external appearance.*

- 4 Notwithstanding the provisions of Part 1 of Schedule 2, Article 3, of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking and re-enacting that Order) no window or opening (other than any that may be shown on the approved drawings) shall be formed in the northern (side) or southern (side) elevations of the two-storey and single storey front extension unless planning permission has first been granted by the Local Planning Authority.

*Reason - to avoid the possibility of overlooking in the interests of preserving the amenities of residents.*

**Summary Reasons for Granting Planning Permission**

North West Leicestershire District Council's decision to grant planning permission in this instance arose following careful consideration of the relevant provisions of the Development Plan and all other relevant material considerations. The following policies of the East Midlands Regional Plan and North West Leicestershire Local Plan are consistent with the policies in the National Planning Policy Framework and should be afforded weight in the determination of this application:

**North West Leicestershire Local Plan**

Policy S2 (Limits to Development);  
Policy E3 (Residential Amenity);  
Policy E4 (Design);  
Policy T3 (Highway Standards);

Policy T8 (Parking);

### Reasons

The site is situated within the defined limits to development where the principle of this form of development is acceptable. It is considered that given the modest projection of the extension, its general design and the relationship with the neighbouring properties, there would not be a sufficiently detrimental overbearing, overshadowing or overlooking impact on the amenities of neighbours and as such the proposal would accord with Policy E3 of the Local Plan. Whilst the extension would disrupt the degree of symmetry between Nos. 70 and 72 its implications to the character and appearance of the dwelling and surrounding area would not be sufficiently detrimental given the fact that the extensions projection would be fairly minimal and the proposal has been replicated on other properties on the street. In these circumstances the development would accord with Policy E4 of the Local Plan. The existing vehicular access and off-street parking would not be impacted on by the development and as such the proposal would accord with Policies T3 and T8 of the Local Plan. In these circumstances the development would accord with the planning policies identified above.

### Notes to applicant

- 1 You must ensure that no part of the development extends onto, over or under your neighbours boundary.
- 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 £25.00 per request. Please contact the Local Planning Authority on (01530) 454665 for further details.
- 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 of 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.

## PLANNING APPLICATIONS- SECTION A

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](http://www.groundstability.com).

**SECTION B- OTHER MATTERS**

**There are no items in this Section**

**LIST OF APPLICATIONS FOR PLANNING COMMITTEE 2 October 2012**

**Section A – Planning Applications**

Item	Reference	Details	Amend	Print	Sign	Sent
A1	12/00453/FULM					
A2	12/00323/OUTM					
A3	12/00627/OUT					
A4	12/00193/FUL					
A5	12/00687/FUL					
A6	12/00740/FUL					

**Section B – Other Matters**

Item	Reference	Details	Amend	Print	Sign	Sent
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