

Meeting	PLANNING COMMITTEE
Time/Day/Date	4.30 pm on Tuesday, 7 October 2014
Location	Council Chamber, Council Offices, Coalville
Officer to contact	Democratic Services (01530 454512)

All persons present are reminded that the meeting may be recorded and by attending this meeting you are giving your consent to being filmed and your image being used. You are kindly requested to make it known to the Chairman if you intend to film or record this meeting.

The Monitoring Officer would like to remind members that when they are considering whether the following items are exempt information under the relevant paragraph under part 1 of Schedule 12A of the Local Government Act 1972 they must have regard to the public interest test. This means that members must consider, for each item, whether the public interest in maintaining the exemption from disclosure outweighs the public interest in making the item available to the public.

AGENDA

Item	Pages
1. APOLOGIES FOR ABSENCE	
2. DECLARATION OF INTERESTS	
Under the Code of Conduct members are reminded that in declaring disclosable interests you should make clear the nature of that interest and whether it is pecuniary or non-pecuniary.	
3. MINUTES	
To confirm and sign the minutes of the meeting held on 2 September 2014	3 - 18
4. PLANNING APPLICATIONS AND OTHER MATTERS	
Report of the Director of Services.	19 - 22



Item	Application Number and Details	Recommendation	Page
Index of Applications to be Considered			
A1	14/00535/FULM: Installation of ground mounted photovoltaic solar arrays to provide 13.88MW generation capacity together with power inverter systems; transformer stations; internal access track; landscaping; deer fencing; CCTV and associated access gate	PERMIT	23 - 52
	Land South Of Babelake Street Packington Ashby De La Zouch		
A2	14/00574/OUT: Erection of 16 Dwellings (Outline application - all matters reserved except for part access)	REFUSE	53 - 82
	Land Off Dawsons Road Osgathorpe Loughborough Leicestershire		
A3	14/00681/FUL: Change of use from neighbourhood equipped area for play (NEAP)/Multi-uses Games Area (MUGA) to informal public open space	PERMIT subject to a Section 106 Agreement	83 - 92
	Play Area Lillehammer Drive Coalville Leicestershire		
A4	14/00328/OUTM: Residential development of up to 85 no. dwellings (outline - all matters other than part access reserved)	PERMIT Subject to a Section 106 Agreement	93 - 120
	Land At Loughborough Road Thringstone Leicestershire		
A5	14/00723/FUL: Erection of one two storey detached dwelling	PERMIT	121 - 134
	Land Adjoining 20 Main Street Osgathorpe Loughborough Leicestershire		
A6	14/00580/FUL: Removal of two garages and replacement with double garage	PERMIT	135 - 140
	144 Central Road Hugglescote Coalville Leicestershire		
A7	14/00248/FUL: Change of use to B1 (Business)	PERMIT	141 - 148
	70A North Street Whitwick Coalville Leicestershire		

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 2 SEPTEMBER 2014

Present: Councillor D J Stevenson (Chairman)

Councillors J Bridges, J G Coxon, D Everitt, J Houtt, D Howe, G Jones, J Legrys, T Neilson, M Specht, R Woodward, M B Wyatt, J Cotterill (Substitute for Councillor G A Allman), A Bridges (Substitute for Councillor T Gillard), V Richichi (Substitute for Councillor N Smith), R Adams and L Spence (Substitute for Councillor R Johnson)

In Attendance: Councillors R D Bayliss, J Geary, P Hyde, T J Pendleton and A C Saffell

Officers: Mr S Bambrick, Mr C Elston, Mr J Knightley, Miss E Mattley, Mr J Mattley, Mr A Mellor, Mrs M Meredith and Mr D Gill

The Chairman reminded all persons present that the meeting may be recorded and by attending the meeting you were giving your consent to being filmed and your image being used. He requested that anyone intending to film the meeting make themselves known.

34. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors G A Allman, T Gillard, R Johnson and N Smith.

35. DECLARATION OF INTERESTS

In accordance with the Code of Conduct, Members declared the following interests:

Councillor L Spence declared that he had been advising the applicant in respect of item A4, application number 14/00320/FUL, and as such he realised that he could be perceived to be biased. He stated that he would remain in the room and would speak on the application, but would not participate in the voting thereon.

Councillor D Howe declared a disclosable non-pecuniary interest in item A4, application number 14/00320/FUL, as an acquaintance of the applicant.

Councillor J Legrys declared that he had indicated his willingness to act as a witness in the appeal relating to item A1, application number 14/00354/OUTM, and as such he was committed to opposing the development. He added that his wife had objected to the application and it would therefore be inappropriate for him to be involved in determining the application. He stated that he would speak as an objector to the application and would then withdraw from the meeting.

Councillor J Legrys declared that he had been lobbied without influence in respect of items A2, A3, A6, A7 and A8, application numbers 13/00141/OUTM, 14/00251/OUTM, 14/00408/FULM, 14/00627/FUL and 13/00857/OUTM.

Councillor T Neilson declared that he had been lobbied without influence in respect of items A1, A2, A3, A7 and A8, application numbers 14/00354/OUTM, 13/00141/OUTM, 14/00251/OUTM, 14/00627/FUL and 13/00857/OUTM.

Councillors R Adams and J Cotterill declared that they had been lobbied without influence in respect of items A1, A3 and A6, application numbers 14/00354/OUTM, 14/00251/OUTM and 14/00408/FULM.

Councillor M B Wyatt declared that he had been lobbied without influence in respect of items A8 and A10, application numbers 13/00857/OUTM and 14/00619/FUL.

Councillors J G Coxon, J Houlton and G Jones declared a disclosable non-pecuniary interest in item A8, application number 13/00857/OUTM as members of Ashby Town Council.

Councillor J G Coxon declared a disclosable non-pecuniary interest in item A8, application number 13/00857/OUTM as a resident of Leicester Road. He declared that he had also been lobbied without influence in respect of this application.

Councillor J Legrys declared a disclosable non-pecuniary interest in item A6, application number 14/00408/FULM, as an owner of 6 photovoltaic solar panel and being in receipt of a feed-in tariff.

36. MINUTES

Consideration was given to the minutes of the meeting held on 5 August 2014.

It was moved by Councillor J G Coxon, seconded by Councillor G Jones and

RESOLVED THAT:

The minutes of the meeting held on 5 August 2014 be approved as a correct record and signed by the Chairman.

37. PLANNING APPLICATIONS AND OTHER MATTERS

Consideration was given to the report of the Director of Services, as amended by the update sheet circulated at the meeting.

38. 14/00354/OUTM - ERECTION OF UP TO 105 DWELLINGS, PUBLIC OPEN SPACE, EARTHWORKS, BALANCING POND, STRUCTURAL LANDSCAPING, CAR PARKING, AND OTHER ANCILLARY AND ENABLING WORKS (OUTLINE - ALL MATTERS OTHER THAN VEHICULAR ACCESS OFF GRANGE ROAD RESERVED)

The Principal Planning Officer presented the report to Members.

Councillor P Hyde, Ward Member, addressed the Committee. He stated that despite the confidential information and legal advice, he still had major concerns in respect of the highways issues. He added that he had lived in the area and he refuted the information provided. He added that Leicestershire County Council was refuting the accredited speedwatch scheme which had been undertaken. He referred to the issues with speeding in the area. He stated that the Parish Council were rightly concerned about the highways issues and the proposed right turn provisions. He added that this was an accident waiting to happen. He made reference to the observations regarding the layby and pointed out that when the surgery was open, there could be up to 15 cars parked there. He felt that parking provision should be made for 10-15 cars, not 2, and that this should be assessed during the day. He stated that the right turn provisions were potentially dangerous, and further discussions needed to be held with the Parish Council and local residents who knew the area. He refuted the mean speeds suggested in the report, highlighting that there had been two fatalities, and stated that he had had near misses himself.

The Legal Advisor advised Councillor P Hyde that the time limit had been reached.

Mr W Jennings, on behalf of the Parish Council, addressed the meeting. He referred to the similarities to the previous scheme which had thankfully been voted down. He stated that many of the previous concerns remained, not least of which was the highways issues. He explained that the entrance to the site was at the bottom of a hill in an area where speeding traffic had been accurately recorded. He referred to the two speedwatch

campaigns which had been undertaken in conjunction with the Police. The schemes had recorded an average speed of 40.5 mph. He made reference to the latest figures regarding the housing land supply which would enable the scheme to be refused. He stated that if the Council was minded to approve the application, the Parish Council would welcome the Highways and access being considered under reserved matters.

Councillor J Legrys, as an objector, addressed the meeting. He stated that although the application site was not located within his Ward, it would have an effect upon it. He added that the Council was between a rock and a hard place in respect of this application. He gave credit to the Parish Council for their efforts in trying to develop a dialogue with the developer, and felt that the work done must be commended, and commented that the Parish Council had tried very hard to achieve an acceptable access. He stated that the development was not required, and added that the Council needed to move from piecemeal planning to proper planning. He added that the acceptance of the SHMA figures meant that considerably less homes were required in the district and the target would be met without this application. If Members were minded to approve the application, he asked that the access issue be placed as a reserved matter, which would enable the developers to get what they wanted, whilst allowing dialogue to continue, enabling a satisfactory conclusion for all parties.

Councillor J Legrys left the meeting on conclusion of his statement.

Mrs K Ventham, applicant's agent, addressed the meeting. She referred to the previous application which was currently the subject of an appeal and which had not been the subject to any objections from the statutory consultees. She stated that the applicant had sought to make improvements in respect of the highways and flooding issues. She pointed out that the proposed dwellings were confined to land in flood zone 1, and the Environment Agency had no objections to the proposals. She advised that the alternative access had been put to the applicant at a very late stage and it was felt that this did not meet the design standards and had not been subject to a road safety audit. She referred to the response provided in the update sheet. She highlighted the developer contributions and the benefits of the scheme in respect of affordable housing, local schooling, health and civic amenities. She stated that the developer was well equipped to making a swift start on the site. She concluded that the developer had sought to listen to the comments made, however there were no objections from the statutory consultees, and if this application was granted, there would be no need to proceed with the appeal in respect of the previous application.

Councillor J Bridges moved that the application be permitted in accordance with the officer's recommendation, and that the press and public be excluded for the remainder of the debate upon this item.

The motion was seconded by Councillor G Jones.

Councillor T Neilson felt it would be helpful to state the reasons why this item needed to be discussed in private.

The Legal Advisor clarified for the benefit of the members of the public present that Members had before them a confidential legal opinion which was subject to legal professional privilege, which could not be released to the public as it contained information which may have an impact upon the appeal.

The motion to exclude the press and public was put to the vote and declared CARRIED.

The Members retired to considered the legal advice at 5.00pm and reconvened at 5.21pm.

The motion to permit the application was then put to the vote and declared CARRIED.

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Director of Services.

At 5.26pm the meeting was adjourned due to a fire alarm. The meeting was reconvened at 5.46pm.

39. 13/00141/OUTM - DEVELOPMENT OF UP TO 450 RESIDENTIAL DWELLINGS AND REINSTATEMENT OF 1.1KM OF ASSOCIATED CANAL, PROVISION OF PUBLIC OPEN SPACE AND VEHICULAR, EMERGENCY AND FOOTPATH ACCESS (OUTLINE APPLICATION - ALL MATTERS RESERVED EXCEPT ACCESS)

The Planning and Development Team Manager presented the report to Members.

Mrs G Banton, objector, addressed the meeting on behalf of a large group of objectors. She stated that the proposals would bring an additional 1000 people to the village that the already stretched surgery would have to accommodate. She added that the increased pressure on services and the highways would be intolerable. She felt that the canal refurbishment was just a dangled carrot as it would now never join the rest of the canal. She referred to issues with sewerage which were unresolved and expressed concerns in respect of the River Mease. She stated that Measham had become a dormitory village with shops closing as no one used them. She stated that there had been so many developments in the last few years that Measham was becoming a small town and the heart of the village was being ripped out. She urged Members to take a common sense approach in making their decision.

Mr B Wilson, applicant's agent, addressed the meeting. He reminded Members of the commitment made by the developer in respect of affordable housing and the canal. He referred to the Section 106 agreement and the additional requirements in respect of affordable housing and education. He added that an option to review clause would also be included. He stated that the developer would construct an access road and a canal bridge to protect the route of the canal, and waste would be removed from the canal bed at a cost of £3.8 million. He added that the construction of the canal was the responsibility of Leicestershire County Council and the developer would continue to work with them to secure funding for this. He advised that he was on the board of directors of the Ashby Canal Trust and it had been his wish to see an aqueduct over Measham High Street. He trusted that Members would now feel able to support the scheme and provide Measham with the regeneration opportunity it deserved.

Councillor T Neilson thanked the Legal Advisor for the response to his point of order raised at the previous meeting. He expressed concern that this application was now being discussed in full for the third time. He made reference to the current position in respect of the SHMA and the surplus housing land supply, meaning that the Committee was not obliged to permit development that was unsustainable and outside the limits to development, as this application was. He stated that the applicant had failed to meet all of the Section 106 obligations which would normally be a requirement for an application of this size. He moved that the application be refused on the grounds that the development was not sustainable due to the applicant not meeting the Section 106 obligations, and the development site was outside the limits to development, which should now have some weight. He stated that Measham had reached its allocation for development, given the reduced overall requirement in the district. He added that if this application was submitted today, he would argue that it was premature as the local plan was still being developed. He stated that Measham was his home and he was proud to represent it, and he also had an ambition to see the aqueduct over the high street, along with a fully extended canal.

He therefore felt confused that this application did not support that, as the stretch of canal would not be developed, and would bring no tourism benefits as it would not connect to the canal. He concluded that all of the benefit had been stripped out and he felt that at this time, this application was not right for Measham.

The motion was seconded by Councillor J Legrys.

Councillor J Legrys stated he shared the concerns regarding the prematurity of the application and made reference to the current position regarding the local plan and the housing figures. He stated that he would argue that the application should not be considered as the infrastructure requirements were unknown. He added that there had to be an element of trust between the developer and local people. He felt that the officers had to be congratulated for the negotiation which had taken place, however he sought assurances that this was not heading towards the same situation as the previous application. He highlighted a number of errors in the report and sought clarification on these.

The Legal Advisor stated that these were typographical errors.

Councillor J Legrys emphasised the importance of addressing mistakes in the report, as Members had to trust the information within them to make their decision. He stated that the trust had gone due to silly mistakes.

The Legal Advisor reminded Members that the reports were prepared and published in advance and he invited Members to bring any errors to the attention of officers in advance of the meeting.

The Chairman concurred that there were far too many errors in the report.

Councillor G Jones stated that he had had a business in Measham in the 1980's and it had been a struggle to make any money. He added that he trusted Mr Wilson with the regeneration of Measham and he was confident that more regeneration would come forward following the proposals.

Councillor V Richichi stated that he had moved approval of the previous application which was rejected. He added that the reason he had supported the application was that the canal would be completely regenerated. He pointed out that that opportunity had been lost and as far as he was concerned, this application should be approved as the offer was lessened with each rejection.

Councillor A Bridges stated that she was confused by Councillor T Neilson's remarks as at the last meeting he had commented that the canal regeneration would not bring that much tourism into the area. She added that she had spoken in support of the application at the last meeting, although she was disappointed that the canal was not going to be fully restored.

Councillor T Neilson made a point of personal explanation and clarified that he had commented that 1.1km of canal which was not connected to anything would bring less tourism into the area.

The motion to refuse the application was then put to the vote and declared LOST.

It was then moved by Councillor D J Stevenson, seconded by Councillor G Jones and

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Director of Services.

40. 14/00251/OUTM - ERECTION OF 12 DWELLINGS (OUTLINE ACCESS AND LAYOUT INCLUDED FOR DETERMINATION)

The Senior Planning Officer presented the report to Members.

Mrs S Liff, objector, addressed the meeting. She explained that she was Chair of the Appleby Environment Community Group which had been in existence for over 20 years. She pointed out that the last time Members had considered applications in Appleby Magna, two large developments had been permitted. She reminded Members that they had said that this was Appleby's share and would allow the Committee to reject further applications. She added that the housing need was now lower. She asked Members to stick to their promises to residents. She stated that the previous arguments were still valid, as the development site was outside the limits to development and in a conservation area, adjacent to and opposite listed buildings and therefore contrary to the conservation policy. She made reference to the comments made in respect of the paddock, which experts agreed was a key part of setting the boundary for the village and it would be a travesty to fill this with houses. She referred to the village design statement and pointed out that green spaces were characteristic. She urged Members to protect their heritage.

It was moved by Councillor J Bridges, seconded by Councillor J Legrys and

RESOLVED UNANIMOUSLY THAT:

The application be refused in accordance with the recommendation of the Director of Services.

41. 14/00320/FUL - ERECTION OF A DETACHED DWELLING (AMENDED SCHEME)

The Senior Planning Officer presented the report to Members.

Mr P Hordley, objector, addressed the meeting. He noted the officer's recommendation and stated that he was generally in agreement with it. He stated that the proposals were contrary to policy E4 as ribbon development radiating from the village was a characteristic. He added that the planting of trees and shrubs should be encouraged and the proposals would remove trees. He felt that the proposals were not in keeping with the street scene and were also contrary to policies E20 and E26. He added that the county geologist had not been consulted. He stated that this was the last remaining area of the Thringstone fault and should be protected. He stated that the unresolved sewerage works would mean further intrusion into a protected area. He expressed amazement that anyone would think the access onto the main road was adequate as it came out by a bus stop, a hedge and a telegraph pole. He added that there were parking issues. He also made reference to the errors in the application submission.

Mr S Grant, applicant's agent, addressed the meeting. He stated that the scheme had been amended to address the issues and the development site was no longer situated within the green wedge. He added that the access was now acceptable, as had been confirmed by the Highways Authority. He pointed out that the principle of development on the site had been established and the only outstanding issue was design. He highlighted the requirement for an accessible retirement dwelling which had been respectfully designed to blend with existing properties. He stated that the site was unique and was the only white land remaining, which would therefore not set a precedent as there were no

other similar sites. He suggested that the design issue was not a robust reason for refusal and the proposals would make a positive contribution.

Councillor L Spence stated that he had called in the application as there was a degree of public interest. He added that he had advised the applicant throughout the process and did not want to lead the Committee. He made reference to the concluding paragraph of the executive summary which highlighted all the salient points of the application. He felt that it was right that the application be discussed and reiterated that he would not participate in the vote as he felt this would lead to a perception of bias.

Councillor D Everitt moved that the application be refused in accordance with the officer's recommendation. He expressed concerns that the green wedge issue had not been addressed. He stated that it was absolutely important that there was a clear yes or no to developments on the green wedge, as a little bit of a site protruding into it was exactly the sort of thing that developers would use in future. He added that he did not want to see the protection of the green wedge thrown away on a little bit of land and added that this would be a nail in the coffin. He stated that the countryside was disappearing, the environment was being destroyed bit by bit and these proposals were detrimental. He added that the whole picture needed to be considered. He felt that it was imperative to retain this part of Thringstone and felt that Members would regret it if this application was permitted. He stated that there were traffic problems and the effects of this would be huge for the village.

The motion was seconded by Councillor R Woodward.

The Director of Services pointed out that Councillor D Everitt had spoken about the impact upon the green wedge and asked whether he wished to include in his motion that the proposals were therefore contrary to policy E20. This was agreed by Councillor D Everitt and Councillor R Woodward as the seconder of the motion.

Councillor R Woodward stated that he knew the area as he was a former representative of Thringstone. He added that the Council was committed to protecting the green wedge and there was a danger of encroachment. He urged Members to protect it.

Councillor M Specht made reference to the green wedge study paper and the pending reclassification of the site. He stated that the site was clearly outside of the green wedge and sought to move that the application be permitted.

The Legal Advisor clarified that the motion on the table needed to be voted upon before any further motion could be considered.

Councillor G Jones stated that he had visited the site and did not feel that the proposals would have any impact upon the street scene. He added that he was not keen on the design, but felt it was acceptable given that it was custom built for a disabled person. He believed that the site was outside the green wedge and he would be in favour of the development.

Councillor J Legrys expressed support for the officer's recommendation in respect of policy E20. He felt that policy E26 needed to be taken into account also. He pointed out that the report stated that part of the site was within the green wedge, and he had to believe that the report was truthful in that respect. He stated that he would be voting in favour of the officer's recommendation in order to avoid setting a precedent for other wards.

The motion to refuse the application was then put to the vote and was declared CARRIED.

RESOLVED THAT:

The application be refused on the basis of the proposed design and layout and on the basis of the site's location within the Green Wedge.

42. 14/00244/OUTM - ERECTION OF 29 DWELLINGS WITH NEW ACCESS, WOODLAND PLANTING AND LANDSCAPING (OUTLINE - ACCESS INCLUDED)

The Planning Officer presented the report to Members.

Mr A Large, applicant's agent, addressed the meeting. He pointed out that the application had only been called in to the Committee by virtue of his relationship with a Councillor. He stated that there were no objections from the statutory consultees, the proposals related well to development boundaries and was sustainable. He added that this was an attractive, well laid out scheme, which would minimise its impact. He highlighted the generous plot sizes, reflecting existing dwellings, and the affordable housing incorporated into the scheme. He concluded that the proposals represented sustainable development and urged Members to support the application.

It was moved by Councillor J Bridges that the application be permitted in accordance with the recommendation of the Director of Services.

The motion was seconded by Councillor J Hoult.

Councillor J Legrys asked whether the Parish Council had made any comment. It was clarified that they had not.

The motion to permit the application was then put to the vote and it was

RESOLVED UNANIMOUSLY THAT:

The application be permitted in accordance with the recommendation of the Director of Services.

43. 14/00408/FULM - INSTALLATION OF A 7.99MWP SOLAR FARM AND ASSOCIATED INFRASTRUCTURE

The Planning and Development Team Manager presented the report to Members.

Mrs J Wall, applicant, addressed the meeting. She stated that her company was an award-winning solar farm developer in the East Midlands. She added that the company prided itself on delivering high quality schemes. She pointed out that the proposals promoted the diversity of the site and there were no objections. She stated that the habitat for bees, birds and great crested newts would be enhanced. She added that the site could be effectively screened by hedgerows and would not be visible from many locations. She urged Members to support the proposals.

Councillor J Bridges moved that the application be permitted in accordance with the recommendation of the Director of Services. He commended the officer on a thorough and detailed report.

The motion was seconded by Councillor R Woodward.

Councillor J Coxon sought clarification on the decommissioning arrangements and asked if there was any sort of bond that would ensure this would happen

The Planning and Development Team Manager clarified that this was dealt with by means of planning conditions. He advised that the planning permission went with the land so this could be enforced with the landowner, should the company go out of business over the next 30 years.

Councillor D Howe expressed support for the scheme and felt this was the best option.

The motion to permit the application was then put to the vote and it was

RESOLVED UNANIMOUSLY THAT:

The application be permitted in accordance with the recommendation of the Director of Services.

44. 14/00627/FUL - ERECTION OF 3 NO. DETACHED DWELLINGS TOGETHER WITH ASSOCIATED GARAGING

The Senior Planning Officer presented the report to Members.

Mrs C Walmsley, supporter, addressed the meeting. She stated that the benefits of the scheme would far outweigh any disadvantages. She explained that the site had been scrubland for over 40 years and was not fit to use for agricultural purposes. She felt that granting the application would support economic growth in the village and support community facilities, including Newbold School which was growing in size. She concluded that the development would enhance village growth in general.

Mr A Large, the applicant's agent, addressed the meeting. He explained how the 3 reasons for refusal of the application could be mitigated. He stated that the loss of the veteran tree could be mitigated by way of conditions and the tree officer had no objections. He made reference to the relationship with the existing dwellings and pointed out that the development was a stone's throw from the school and bus stop, and was surrounded by existing developments. He added that the site nestled in a hollow, would enhance the village, and would be a wholly positive addition to the street scene. He highlighted that there were 17 letters of support for the scheme and only 1 letter of objection. He pointed out that the school had previously suffered from a lack of pupil numbers, and this facility could only be maintained with growth. He concluded that it was appropriate for small, well planned developments such as this to go ahead.

Councillor J Bridges moved that the application be permitted. He took on board the issues regarding the loss of the tree but felt that these could be overcome. He stated that under the NPPF, it was important to find suitable and sustainable pieces of land. He added that if any better land was available, he was not aware of it. He felt that the proposals were deliverable and sustainable, and the village itself would not be sustainable without a small, controlled amount of growth. He added that the land was not suitable for farming and this was an ideal use of the site.

The motion was seconded by Councillor G Jones.

Councillor T Neilson concurred with the officer's recommendation. He stated that having visited the site, he felt that it was too much out on a limb and the relationship with the village was not as good as was being put forward. He also felt that pieces of countryside did not have to have some practical use to be valuable. He stated that the development would look like a sore thumb.

Councillor R Woodward expressed concerns that the site was outside the limits to development and this could set a precedent. He stated that he supported the idea of

small developments in villages, however he expressed concerns and stated that he could not support the proposals.

Councillor D Howe stated that if not for the few weeds, this site would be classified as brownfield. He felt that this was a very good location for development and expressed support for the proposals.

Councillor J Legrys stated that he would be voting against the motion. He asked if the Parish Council had made any comment on the proposals.

The Chairman clarified that they had made no comment, however they had discussed the application.

Councillor J Legrys made reference to the list of representations in support of the application and asked if this was a change of policy as he understood that names were not usually listed in the report. He also sought clarification on who or what Newbold Homes Ltd were. He felt that there was also an issue regarding setting a precedent as the site was outside the limits to development. He added that it was a matter of conjecture whether this site was greenfield or brownfield. He stated that the site was quite distant from the developed part of the village and he felt strongly about that issue. He made reference to the hourly bus service which had been reduced, and he stated that he could not see how the development would add to the sustainability of the village. He added that he was very disappointed that Members were minded to permit the application.

The Senior Planning Officer advised that he could not provide the details regarding Newbold Homes Ltd, however a representation had been received from the owner.

The Chairman made reference to a previous application at Oakthorpe which was outside the limits to development, which was permitted due to the local support for the scheme. He clarified that the bus service remained an hourly service and had not been reduced as indicated. He concluded that there was nowhere to build in Newbold, and if there was no development, the village could die. He concluded that the development was sustainable and asked Members to support it.

Councillor R Woodward asked the Chairman to withdraw his statement about how Members had or hadn't voted at the previous meeting. He pointed out that Members were asked to consider each application on its own merits.

The Chairman stated that he would not withdraw his statement as it was a fact.

Councillor L Spence commented that the village had a strange layout, as Melbourne Road ran along the outside, yet was clearly part of the village as well. He added that there were houses which under normal circumstances would be classified as being outside the limits to development, but they utilised the services in the village and there were other houses close by. He felt that the site was part of the village and as such he was more than happy to support the proposals. He felt that this was a good development and the issues could be circumvented.

Councillor V Richichi stated that he would support the proposals as they were wanted by the people of Newbold. He added that this was a breath of fresh air.

Councillor J Hoult stated that he would support the proposals in order to keep the school alive.

The motion to grant the application was put to the vote and declared CARRIED.

RESOLVED THAT:

The application be permitted on the grounds that the proposals represented sustainable development.

45. 13/00857/OUTM - ERECTION OF 101 DWELLINGS (OUTLINE - ACCESS, APPEARANCE, LAYOUT AND SCALE INCLUDED)

The Planning and Development Team Manager presented the report to Members.

Mr C Tandy, objector, addressed the meeting. He stated that Ashby had exceeded its housing allocation in all respects and there were sites in Ashby that had already been put forward. He felt that the proposed highways mitigation measures were not sufficient and highlighted that 32% of all traffic accidents in Ashby took place in this area. He stated that the traffic on Wood Street continued to grow and the junction had been shown to be over capacity. He added that development commitments of over 600 houses had not been taken into account. He urged Members to refuse the application on the grounds of excessive housing and severe congestion.

The Legal Advisor explained that as Councillor R Adams had left the meeting during the presentation, he would be unable to take part in the voting thereon.

Mrs H Bareford, applicant, addressed the meeting. She stated that David Wilson Homes was a major local business with a commitment to building high quality homes. She pointed out that the site was allocated for residential development and therefore the principal of development was acceptable. She added that the development would not adversely impact upon the housing land supply and there were a number of positive local benefits and the development offered a diverse mix of homes including affordable housing. She stated that the development was sustainable with good transport links, and of high quality design, reflecting the traditional characteristics of the surroundings. She made reference to the Section 106 agreement and the fact that there were no technical objections to the scheme, including no highways impact. She added that approval was awaited from Leicestershire County Council on the works to the Wood Street junction. She respectfully requested that Members give due consideration to supporting the application in accordance with the adopted local plan, the NPPF and the officer's recommendation.

Councillor J G Coxon stated that the Wood Street junction was chaotic and choked up at certain times of the day. He pointed out that the developers had not installed traffic lights on the previous phase of the development as they had promised. He felt that congestion was increasing and he could not support the application. He added that the Town Council were not in favour of the application. He concluded that one solution would be to defer the application until the traffic lights were installed.

The Planning and Development Team Manager stated that this was a fair comment, as the Wood Street signalised improvements had not yet been carried out, which was a condition of phase 1 of the development. He felt however that this was no reason not to approve this application as a condition could be imposed that the dwellings remain unoccupied until the traffic lights were installed. He understood that there could be further delays in completing the signalised improvements.

Councillor J Legrys expressed support for the views of Councillor J G Coxon. He stated that he understood the reason for the delay in the signalised works was that the applicant had not undertaken satisfactory underground investigations prior to submitting the application and equipment had been found which would be expensive to move. He expressed concerns that it was currently unknown whether or not the signalisation would improve the traffic situation. He added that the Corkscrew Lane junction was not good

and there had been a number of accidents there, and this situation should not be exacerbated. He added that his main concern was the housing land supply, as permission had already been given for 5,500 dwellings, and the Council would probably soon be able to demonstrate a 10 year housing land supply at this rate. He added that there would soon be no land under the SHMA upon which to grant permissions. He expressed concerns about prematurity and felt that he would want to see the local plan resolved first.

Councillor J G Coxon moved that the application be deferred until the traffic lights were installed.

The motion was seconded by Councillor J Legrys.

The Chairman reminded Members that if the application was now deferred, the members of the public would be unable to speak again.

The Director of Services advised that an open-ended deferral would be very risky and difficult to sustain as the applicant would likely appeal against non-determination. He stated that if Members were minded to defer the application, it should be to seek further advice from the Highways Authority on the transport assessment. He strongly advised against an open-ended deferral.

The mover and seconder of the motion indicated that they were happy with this advice, subject to the application being deferred for a sufficient amount of time for the proper and considered advice to be sought.

The motion was then put to the vote and declared LOST.

Councillor M Specht stated that the land had been allocated for development and he could see no reason to refuse the application. He moved that the application be permitted in accordance with the officer's recommendation.

The motion was seconded by Councillor M B Wyatt.

The motion was then put to the vote and it was

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Director of Services.

In accordance with Council Procedure Rule 8.1, it was

RESOLVED THAT:

The meeting be extended for no more than 30 minutes to enable the remaining business to be concluded.

At 7.44pm the Chairman adjourned the meeting for a comfort break. The meeting was reconvened at 7.49pm.

46. 14/00554/FUL - ERECTION OF 7 NO. DWELLINGS (AMENDED SCHEME IN RESPECT OF PREVIOUSLY APPROVED DWELLINGS TO PLOTS 1-6)

The Principal Planning Officer presented the report to Members.

Councillor A C Saffell, Ward Member, addressed the meeting. He pointed out that room had been made for an extra dwelling by removing parking spaces and double garages. He referred to the size of the proposed garages, which were the same size of those that had been under discussion by Members as they were too small to accommodate a car. He added that the roads were very narrow and the houses were close together. He stated that the development was over half a mile away from the bus station and people were forced to drive. He pointed out that other 4 bedroomed houses elsewhere in the village had 4 cars. He concluded that the whole estate was a disaster already and urged Members to refuse the application.

Councillor R Woodward moved that the application be refused and referred to comments he had made in the past about reserved matters and amended schemes. He agreed with Councillor A C Saffell's comments that garages had been taken out just to fit in an extra dwelling.

The motion was seconded by Councillor J Legrys.

Councillor J Bridges sought clarification on the density of the overall site and whether this was in line with national planning policy guidelines.

The Principal Planning Officer advised that the overall density was approximately 30 dwellings per hectare, which was a relatively low density scheme.

Councillor J Bridges sympathised with the comments made, however he pointed out that planning permission could be refused on the basis that the requisite density had not been achieved.

Councillor G Jones stated that having visited the site, he disagreed with the comments made and could see nothing wrong with the change in plans.

Councillor J Legrys stated that he supported the motion to refuse the application. He commented that if people could not get their cars into garages, it exacerbated the highways issues. He added that there would always be more cars than parking spaces. He made reference to the current housing land supply situation and added that this change was not needed. He requested that reports be written which reflected the current position rather than a cut and paste. He asked if Leicestershire Fire and Rescue Service had been consulted on the proposals.

The Principal Planning Officer advised that it had not, although clarified that the relevant statutory consultee was the local Highway Authority who would, if necessary, consult with Leicestershire Fire and Rescue Service.

Councillor J Legrys expressed deep concern that his question could not be answered and he felt that it was appalling that the Council did not consult Leicestershire Fire and Rescue Service. He commented that the application represented a reduction in parking spaces, and felt that once permission had been granted, further changes should not be made unless there were mitigating circumstances.

The Chairman commented that the houses on the estate were beautiful. He pointed out that the overall number of houses on the site had been reduced, even taking into account this addition. He could not see any reason to refuse the application.

Councillor T Neilson stated that he had noticed the narrowness of some of the roads when he had visited the site. He commented that the houses were pretty, but also pretty impractical. He added that it was a shame that the Council did not have a policy on garage sizes. He felt that the application should be refused as it was squashing up the

development. He added that this part of the site was the furthest away from the village amenities and people would be expected to use cars.

Councillor D Howe commented on how beautiful the estate was and felt it was a credit to the developer.

The motion to refuse the application was put to the vote and declared LOST.

It was moved by Councillor J Bridges, seconded by Councillor G Jones and

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Director of Services.

47. 14/00619/FUL - SINGLE STOREY REAR EXTENSION TO DWELLING AND GARAGE ALONG WITH THE ERECTION OF A SINGLE STOREY DETACHED STUDIO

The Planning and Development Team Manager presented the report to Members.

It was moved by Councillor G Jones, seconded by Councillor J Hoult and

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Director of Services.

48. 14/00642/FUL - ERECTION OF DETACHED DWELLING AND DETACHED GARAGE (RETROSPECTIVE)

The Senior Planning Officer presented the report to Members.

It was moved by Councillor G Jones, seconded by Councillor V Richichi and

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Director of Services.

49. EXCLUSION OF PRESS AND PUBLIC

RESOLVED THAT:

In pursuance of Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the remainder of the meeting on the grounds that the business to be transacted involves the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A to the Act and that the public interest in maintaining this exemption outweighs the public interest in disclosing the information.

50. RECEIPT OF ADVICE IN RESPECT OF APPLICATION 12/00922/OUTM

The Director of Services reminded Members that this item was being considered in confidential session. In respect of item A1, the applicant had indicated that they would withdraw their appeal, and should that be the case, this advice would become irrelevant. However until the appeal was formally withdrawn, Members were asked to remove one of the reasons for refusal.

Councillor J Legrys stated that he was pleased with the advice and in hindsight, perhaps the issues on the appeal might not have developed in the way they had. He expressed disappointment that the Council was in the position where it was difficult to provide evidence of matters such as the Hugglescote crossroads, as the Council did not have the professional advice at appeal. He added that he was aware of the displeasure of Counsel at not having the requisite professional evidence to provide at appeal. He expressed his deep disappointment at this situation.

It was moved by Councillor R Woodward, seconded by Councillor G Jones and

RESOLVED UNANIMOUSLY THAT:

Reason for refusal 1 be not contested by the Local Planning Authority at the forthcoming appeal.

The meeting commenced at 4.33 pm

The Chairman closed the meeting at 8.11 pm

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APPENDIX B

**Report of the Director of Services
Planning Committee**

7 October 2014

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

4. Reasons for Grant

Where the Director of Services 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.

5. Granting permission contrary to Officer Recommendation

Where the Director of Services 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.

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.

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.

8. Decisions on Items of the Director of Services

The Chairman will call each item in the report. No vote will be taken at that stage unless a proposition is put to alter or amend the printed recommendation. Where a proposition is put and a vote taken the item will be decided in accordance with that vote. In the case of a tie where no casting vote is exercised the item will be regarded as undetermined.

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EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

Call In

This application has been brought to the Planning Committee at the request of Councillor Nigel Smith due to the concerns of local residents about the access to the site via a single track lane with no passing points when the applicant owns land that would allow access from Gallows Lane which is a fully metalled highway.

Proposal

This is a full application for the erection of a 13.88MW solar farm over a 29.08 hectare site which is currently used as agricultural land and is used for arable farming. The scheme seeks consent for a 25 year time period.

The scheme seeks consent for the erection of 55,520 panels (with a height of 2.5m) and 7 inverter cabins, (the device which converts solar energy to electricity). The associated infrastructure also includes 1 customer substation and 1 Distribution Network Operator (DNO), 1 switchgear cabinet and the point of connection to the grid would be via existing overhead power lines to the south of the site. As the point of connection is on site, no new pylons or poles will be required to accommodate the proposal. A new access track is also proposed through the site to allow for the construction of the development and for maintenance of the panels and associated equipment during the operational phase. The scheme also proposes deer fencing to a height of 2 metres and 29 CCTV cameras to be installed alongside the deer fencing at a height of 3m around the perimeter of the site and along the routes of the public footpaths. No lighting is proposed.

Land levels generally rise across the site in a north westerly direction and vehicular access to the site is via an existing access from Babelake Street. There are two public footpaths which cross the site; footpath O67 which crosses the site from north to south and footpath 059 which cross the site from east to west. The Gilwiskaw brook, a tributary of the River Mease SAC/SSSI lies to the east of the site.

Consultations

Members will note that representations from local residents have been made. In terms of those issues raised, all statutory consultees are satisfied that there are no matters that have not been satisfactorily addressed or cannot otherwise be satisfied by way of condition.

Planning Policy

The proposed development would form a renewable energy development in the countryside, but would also represent farm diversification of an existing agricultural operation and would, therefore, be in accordance with the requirements of Countryside Policy S3 of the Adopted North West Leicestershire Local Plan. Technical reports to address agricultural land classification, heritage assets, landscape and visual impact, highway safety, flood risk, coal mining risk and ecological matters have been submitted as part of the application and assessment of these in relation to national and development plan policies is set out in detail in the main report.

Conclusion

The proposed development would have no adverse visual or landscape character or heritage asset impact, and there would be no adverse impact on residential amenities, highway safety or the highway network, site drainage or flora and fauna. As such, the proposed solar farm would be in accordance with national and development plan policies and approval is recommended.

RECOMMENDATION:- PERMIT 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 and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

This is a full application for the erection of a 13.88MW solar farm over a 29.08 hectare site which is currently used as agricultural land and is used for arable farming. The scheme seeks consent for a 25 year time period.

The scheme seeks consent for the erection of 55,520 panels (with a height of 2.5m) and 7 inverter cabins, (the device which converts solar energy to electricity). The associated infrastructure also includes 1 customer substation and 1 Distribution Network Operator (DNO), 1 switchgear cabinet and the point of connection to the grid would be via existing overhead power lines to the south of the site. As the point of connection is on site, no new pylons or poles will be required to accommodate the proposal. A new access track is also proposed through the site to allow for the construction of the development and for maintenance of the panels and associated equipment during the operational phase. The scheme also proposes deer fencing to a height of 2 metres and 29 CCTV cameras to be installed alongside the deer fencing at a height of 3m around the perimeter of the site and along the routes of the public footpaths. No lighting is proposed.

The development would consist of rows of solar panels (known as 'strings'). Each string of panels would be mounted on a rack supported by pile driven foundations, without the need for concrete foundations. The distance between the rows of panels will vary slightly (depending on the slope angles across the site) but there would generally be a distance of 6m between the rows. The height of the panels will respond to the site's topography (although would be no higher than 2.5m). The panels will be installed at a gradient of approximately 25 degrees from the horizontal and would be aligned to face south in order to maximise exposure to solar radiation. The panels will cover approximately 30% of the total site area. Land levels generally rise across the site in a north westerly direction and the Gilwiskaw brook, a tributary of the River Mease SAC/SSSI lies to the east of the site.

The application also includes landscape proposals, which includes native hedgerow and tree planting around the perimeter, an earth bund (1m high by 5m wide) to the north-western boundary of the site where there is currently no landscaping and new native hedgerow planting alongside the two public footpaths which are routed through the site. An area dedicated for biodiversity enhancements (including a wildflower meadow) is proposed to the east of the site between the edge of the development and the brook, on land within the ownership of the applicant.

Vehicular access to the site is via an existing access from Babelake Street. There are two public footpaths which cross the site; footpath O67 which crosses the site from north to south and footpath 059 which cross the site from east to west.

The site is located approximately 1km to the south of Packington and is connected to the village by Babelake Street. Measham is located approximately 3km to the west of the site. The remainder of the surrounding landscape is characterised as either agricultural or is in use for open cast mining operations associated with the Minorca open cast mine.

The site is located outside limits to development, as defined by the North West Leicestershire District Council Proposals Map, 2002.

The application submission was accompanied by the following supporting documents; Planning Statement, Design and Access Statement, Ecological Assessment, Flood Risk Assessment, Statement of Community Involvement, Landscape and Visual Impact Assessment, Heritage Desk Based Assessment, Archaeological Geophysical Survey Report, Agricultural Assessment, Tree Survey, Waste Audit, Construction Management Plan. A Landscape and Ecological Management Plan, Coal Mining Risk Assessment, Construction Environmental Management Plan and Agricultural Land Classification Report were provided during the course of the application.

Amended plans have been received during the course of the application following officer concerns about the original landscape proposals and the design of gates. Amendments to the details of the cabinets/substations proposed on the site have also been submitted by the applicant.

Relevant Planning History:-

No relevant planning history found.

2. Publicity

38 No. neighbours have been notified (Date of last notification 15 September 2014)

Site Notice displayed 30 July 2014

Press Notice published 23 July 2014

3. Consultations

Packington Parish Council Victoria Roe consulted 16 July 2014

Measham Parish Council consulted 16 July 2014

Normanton le Heath Parish Meeting consulted 16 July 2014

Nicola Land Swepestone Parish Council consulted 16 July 2014

County Highway Authority consulted 16 July 2014

Environment Agency consulted 16 July 2014

Severn Trent Water Limited consulted 16 July 2014

Head of Environmental Protection consulted 16 July 2014

Natural England consulted 16 July 2014

NWLDC Tree Officer consulted 16 July 2014

County Archaeologist consulted 16 July 2014

LCC ecology consulted 16 July 2014

Airport Safeguarding consulted 16 July 2014

NWLDC Conservation Officer consulted 16 July 2014

County Planning Authority consulted 16 July 2014

Development Plans consulted 16 July 2014

LCC/Footpaths consulted 16 July 2014

NWLDC Footpaths Officer consulted 16 July 2014

Coal Authority consulted 16 July 2014

National Forest Company consulted 15 September 2014

Coal Authority consulted 15 September 2014

4. Summary of Representations Received

Consultations:

Packington Parish Council has no objections.

Measham Parish Council has no objections.

Natural England has no objections subject to conditions.

Environment Agency has no objections subject to conditions.

National Forest Company Revised comments are awaited following the submission of amended plans.

The Coal Authority has no objections subject to conditions.

East Midlands Airport has no safeguarding objections to the proposal.

County Highways Authority has no objections to conditions and subject to a routing agreement for construction traffic being secured through a legal agreement.

County Ecologist has no objections subject to conditions.

Environmental Protection Officer has no environmental observations.

County Footpaths Officer raises no objections to the proposal.

Conservation Officer has no objections to the proposal.

No comments have been received from NWLDC Footpaths Officer, the County Archaeologist, Normanton le Heath Parish Council or Swepstone Parish Council. Any additional comments received will be reported to Members via the Update Sheet.

Third Party Representations:

A total of 38 letters of neighbour representation have been received, which can be summarised as follows:

Responses to the original submission:

4 letters of objection, raising the following concerns:

- Concern about the size and limited life of the proposed development;
- Loss of agricultural land;
- Concern about the impact on local wildlife;
- Objection to the proposed access route to the site both during the construction phase and operational phase of the development;
- Babelake Street is a quiet residential street and therefore, concerned about the impact of additional traffic, particularly large vehicles during the construction phase which would be intrusive, dirty and potentially dangerous on stretches of Babelake Street where there is no pedestrian footway;
- Beyond the built up area of Babelake Street, the road becomes narrow and concern is raised about whether it is large enough or constructed sufficiently to accommodate HGV traffic or the additional car traffic during the construction and operation phases;
- Babelake Street already serves a number of equine facilities and is used by many pedestrians, runners, horse riders and cyclists and the proposal would create dangers for these vulnerable road users, particularly along narrow sections of the road and where visibility is limited;
- Concern about pedestrians along the route into the site along the B4116 which passes

Packington Recreation Ground used by pedestrians, particularly children and where there are only narrow footways at this point;

- Concern about how electricity will be transferred from the site as overhead wires would be visually intrusive and underground wires would incur upheaval along the route;
- The proposal would have an adverse impact on the appearance of the countryside;
- Given land that appears to be in the ownership of the applicant, an alternative access could be gained off Gallows Lane that would be suitable for construction vehicles, or from Swepstone Road (with the agreement of an adjoining landowner)
- Potato lorries are rarely seen on Babelake Street and appear to use an alternative access;
- Babelake Street is unsuitable for use in connection with the proposal due to being of single track width, its distance from its junction with Measham Road where there is a school crossing point a dangerous bridge which limits visibility;
- The request for whether an Environmental Impact Assessment is required by the applicant and the screening opinion offered by the Council was flawed as it failed to consider the impact of Champneys Springs Health Resort;
- No assessment of Champneys has been provided in the Landscape and Visual Impact Assessment accompanying the application submission despite a comment in the Planning Statement that existing hedges and mature trees provide visual screening;
- No assessment of noise impact during the construction and operational phase has been carried out to Champneys as a sensitive receptor;
- The design and layout of the solar farm does not take account the impact on Champneys and no reasoning is provided for the proposed layout;
- No details have been provided about why this site was selected and therefore, whether there are more suitable sites available;
- The proposal is contrary to the Development Plan as it lies within open countryside and therefore, the applicant has not demonstrated that material considerations exist to warrant planning permission being granted;
- The proposal requires justification about site selection and why the level of energy generation is required to justify the use of the size of site proposed;
- The sloping nature of the site will make the solar farm more visible than a flat site as normally sites with more than 5% gradient are considered unsuitable for solar farms;
- There are no landscape proposals to screen Champneys from the proposed development;
- The proposal is not supported by the NPPF or NPPG as the proposal would adversely impact upon Champneys and fails to provide an appropriate assessment of the impact on visual amenities;
- If the Council is minded to approve the development in principle, changes would be required to protect Champneys Health Resort, including the shifting of the western boundary (which does not follow a field boundary) further eastwards away from Champneys and a combination of bunding (noise attenuation) and tree planting should be provided prior to the development commencing in order to protect Champneys from construction and operational nuisance;
- The application would cause demonstrable harm to Champneys and the countryside and should be refused.

1 letter states neither objection nor support but offering the following comments:

- The site includes footpaths which should be converted to bridleways provide cycle routes between Ashby, Packington and Measham;
- Safe cycle routes between communities should be a Council priority;

29 letters of support have been received from occupiers of nearby settlements and beyond

stating support for the following reasons:

- The application is well thought out and well screened due to land topography and hedgerows and will have a minimal visual impact;
- It is a good use of low grade agricultural land which can be used for sheep grazing in winter;
- The improvements to biodiversity and wildlife habitats proposed will enhance the local ecology;
- The proposal would make contribution to local and national energy targets;
- The package of community benefits over the lifetime of the solar farm is welcomed;
- The community will have an opportunity to directly invest in the solar farm when complete;
- The development is temporary and the agricultural land can be completely restored and the agricultural land improved;
- Positive contribution to addressing climate change and global warming - the proposal will supply clean energy to 3,900 homes and save approximately 7,000 tonnes of greenhouse gas, CO2 from polluting the atmosphere every year;
- Agreement of restricted access should deal with worries about local lorry movements;
- The proposal will provide an additional source of income for the farmer;
- The soil is grade 4 and suited to grain/grass, the proposal would result in limited loss of food production;
- Wildlife and the River Mease will benefit from the low input requirements of the proposed use;
- The development will enhance local footpaths;
- The proposal will raise the profile of renewable energy in the local community and may encourage domestic solar schemes;
- The site is ideally located and should not conflict with the amenities of local residents;
- The issue of electricity storage needs to be resolved to make such developments more effective;

Within those letters of support 18 were identical (including 5 without address details) and 11 were bespoke responses. One letter received was from Packington and the remainder were from the occupiers of nearby settlements and beyond.

One letter of support has also been received from Green Fox Community Energy which is a non-profit social enterprise founded in 2012, which supports community ownership and governance of projects to generate renewable energy, reduce carbon emissions and mitigate future climate change, diversify energy supply and reduce the impact of escalating energy prices.

Responses to the amended/additional information:

Four letters of objection have been received from the owners and employees of the nearby Health Resort raising the following additional objections:

- The proposed landscaped earth bund would not address concern about the impact of the development the nearby Health Resort;
- The western most section of the application site is Grade 3a and should not be developed for a solar farm. The remainder of the site is Grade 3b, which is not poor but medium quality and therefore, the whole of the site should not be developed.
- The assertion that the development of the site is not significant development of agricultural land is incorrect.
- There is no evidence submitted with the application to support the choice of location and all relevant brownfield/non-agricultural land should have been considered first (including smaller sites as the size of solar farms is not fixed);

- Any community/financial contributions should be subject to a legal agreement and meet the CIL tests;
- The solar farm is the same size as the settlement of Packington;
- No assessment of solar glare has been undertaken;
- The Council's Planning Committee should visit the nearby Health Resort as part of its Committee site visit to appreciate the adverse impacts on the neighbouring site;
- A request has been made for the application to be called-in to be considered by the Secretary of State;
- The development is contrary to the Development Plan and in the absence of any material considerations, permission should not be granted;
- The development would put jobs at risk at the nearby Health Resort due to the adverse impact on the business arising from the unsuitable nature of the development in a rural location which will adversely affect the business and the experience it creates for its customers.

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

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

- o approve development proposals that accord with statutory plans without delay; and
- o grant permission where the plan is absent, silent or where relevant policies are out of date unless:
- o 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
- o specific policies in this Framework indicate development should be restricted.

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

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

- o always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- o take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- o support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- o contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;

- o conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;

Paragraph 97 within the NPPF states that to help increase the use and supply of renewable and low carbon energy, Local Planning Authorities (LPAs) should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. It says LPA's should:-

- o have a positive strategy to promote energy from renewable and low carbon sources
- o design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts
- o consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources
- o support community-led initiatives for renewable and low carbon energy, including development outside such areas being taken forwards through neighbourhood planning; and
- o identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

Paragraph 98 within the NPPF states that when determining planning applications, local planning authorities should:-

- o not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- o approve the application if its impacts are (or can be made) acceptable. (Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas).

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

- o if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- o proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;

Paragraph 119 states that 'The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined;

Paragraph 123 indicates that planning policies and decisions should aim to:

- o avoid noise from giving rise to the significant adverse impacts on health and quality of life as a result of new development;
- o mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- o recognise that development will often create noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put them on because of changes in nearby land uses since they were established;

Paragraph 131 outlines that in determining planning applications, local planning authorities should take account of, amongst other things, the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional; Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional;

Paragraph 134 indicates that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use;

Paragraph 188 outlines that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community;

Paragraph 189 states that local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they do offer. They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community before submitting their applications.

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

North West Leicestershire Local Plan:

Policy S1 sets out 13 criteria which form the strategy for the adopted Local Plan;

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

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

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

Policy E4 seeks to achieve good design in new development and requires new development to respect the character of its surroundings;

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

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

Policy F2 states that the Council will have regard to the existing landscape character of the site and the type of development when seeking new planting;

Policy F3 seeks to secure implementation of agreed landscaping and planting schemes for new development by the imposition of planning conditions and/or the negotiation of a planning agreement;

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

Policy T20 seeks to prevent development that would adversely affect the operational integrity or safety of East Midlands Airport;

Submission Version Core Strategy

At a meeting of the Full Council on 29 October 2013, the District Council resolved to withdraw the Submission Core Strategy.

Other Guidance:

The Habitat Regulations

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

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

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

River Mease Water Quality Management Plan - 2011

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

Planning Practice Guidance- 2014

The PPG provides guidance on renewable and local carbon energy the particular planning considerations that relate to large scale ground-mounted solar photovoltaic farms. The information and advice can be given some weight and used as a reference guide when considering applications relating to renewable energy.

6. Assessment

The main considerations in respect of this application are the principle of development, impact upon the visual landscape, impact upon residential amenity, impact on the historic environment, drainage and flood risk, impact upon the River Mease SAC/SSSI, impact upon protected species, archaeology, highway safety, footpaths, aviation, coal and de-commissioning.

Principle of Development

The application site is located outside the limits to development where permission for new development would not normally be granted unless it is for certain uses as set out under Policy S3 of the Local Plan.

The proposal represents a diversification opportunity for an existing arable agricultural operation. As such, the proposal can be considered to be a farm diversification scheme and would fall within category (b) of Policy S3.

The overarching principle of the NPPF is to protect the countryside, but to allow sustainable development where appropriate. The NPPF states that there are three dimensions to sustainable development: - economic; social; and environmental. There is support and encouragement for sustainable development and the sensitive exploitation of renewable energy sources within the NPPF.

Paragraph 97 of the NPPF outlines that Local Planning Authorities should "recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources" in order to help increase the use and supply of renewable energy, and one of the core planning principles at Paragraph 17 of the NPPF is that decisions should "support the transition to a low carbon future and encourage the use of renewable resources (for example by the development of renewable energy)."

At Paragraph 98 it also states that applicants should not be required to demonstrate the overall need for renewable energy and that planning applications should be approved if their impacts are or can be made acceptable.

Notwithstanding Paragraph 98, since the introduction of the Planning Practice Guidance, this now confirms that the local planning authority would need to consider the energy generating potential. The solar farm is estimated to generated 13.88 megawatts of renewable energy, to power approximately 3,900 homes.

In the circumstances that the NPPF supports proposals which provide energy from renewable

energy, as well as the fact that Policy S3 of the Local Plan would support renewable energy projects in the countryside, it is considered that the overall principle of the solar farm would be acceptable.

In summary, there is specific planning policy support for the development of renewable energy projects both at national, and local level, and it is considered that the proposed installation of the solar farm would provide a valuable contribution to the overall output of renewable energy within the area and thus will be consistent with the intentions of national and local planning policy. Accordingly whilst there is no in-principle objection to the use of the panels, this must be carefully balanced against all other planning matters being adequately addressed.

Environmental Value of the Land

The Planning Practice Guidance states that the local planning authority will need to consider encouraging the effective use of land by focusing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value, and where a proposal involves greenfield land, whether

- i. the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and
- ii. the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays."

In addition, paragraph 112 of the NPPF suggests that, where significant development of agricultural land is demonstrated to be necessary, poor quality land should be used in preference to that of a higher quality.

The application has been accompanied by an Agricultural Land Classification Survey Report which confirms that 6.51 hectares (22.38%) is classified as Grade 3a, 22.33 hectares (76.78%) is classified as Grade 3b with the remaining 0.24 hectares (0.82%) being non-agricultural.

Accordingly the majority of the site is land which is not of the highest quality, with just over one fifth being Grade 3a and, therefore, the preference has been to predominantly use the lower quality land. It is commonly accepted that the magnitude of loss of agricultural land is low where less than 20 hectares of Best and Most Versatile (BMV) would be lost (with medium and high impacts defined as those resulting in loss of between 20 and 50ha, and those of 50ha and above respectively). In this case, the development would result in the temporary and reversible loss of 6.51 hectares of BWV land. It is noted that the NPPF does not suggest that release of smaller BMV sites is acceptable. However, it nevertheless appears reasonable to have regard to the extent of the loss in the decision making process, which in this case would be small in scale, temporary and reversible.

In a speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013, he said:- "Where solar farms are not on brownfield land, you must be looking at low grade agricultural land which works with farmers to allow grazing in parallel with generation".

In this case, the use of the fields are arable and are not used for grazing, however, the submitted details confirm that the solar farm will enable the farmer to diversity activities whilst maintaining the site as grassland (with potential for sheep grazing and wild flower seeding, as well as improvements in soil quality and biodiversity). An additional area of land adjacent to the development site is also proposed for biodiversity improvements.

Whether or not the grazing of sheep takes place in this case, given the existing arable use, the grassland will be maintained and after the temporary lifetime of the solar farm, the agricultural land can be restored to its present use.

Whilst the comments of the neighbouring Health Spa in respect of consideration of alternatives site are noted, overall it has been demonstrated that the land is not of high environmental value, and that the proposal could allow for continued agricultural use. Furthermore the scheme encourages biodiversity improvements, in conformity with the advice within the Planning Practice Guidance.

Impact upon the Visual Landscape

As discussed earlier in this report the application site in policy terms lies outside the limits to development, and is therefore within an area designated as countryside.

Paragraph 17 of the NPPF also states that planning should recognise the intrinsic character and beauty of the countryside and supporting thriving rural communities within it, and paragraph 109 states that the planning system should protect and enhance valued landscapes.

Paragraph 97 of the NPPF supports this, stating that cumulative landscape and visual impacts of renewable energy sources should be addressed. Paragraph 98 of the NPPF also states that when determining wind turbine planning applications, local planning authorities should "approve the application if its impacts are (or can be made) acceptable."

For clarity, Landscape Impacts and Visual Impacts will be considered separately below.

Landscape Impacts

Landscape impacts are the effects of a proposed development on the fabric, character and quality of the landscape and is concerned with the degree to which a proposed renewable energy development will become a significant or defining characteristic of the landscape.

The Planning Practice Guidance states that:-

The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

The site lies within Natural England's Landscape Character Area of the Leicestershire and South Derbyshire Coalfield (National Character Area (NCA) 71) and some of its key characteristics include mixed and arable pasture, gently undulating landform of shallow valleys and ridges and localised areas of small fields and dense hedgerows. NCA71 provides the overriding landscape features and characteristics of the site within a wider landscape context, a more localised assessment of character can be found within the Leicester, Leicestershire and Rutland Landscape and Woodland Strategy of 2001 by Leicestershire County Council.

The site would lie within 'The Coalfield' Character Area identified in the Leicester, Leicestershire and Rutland Landscape and Woodland Strategy and within the 'Enclosed Farmlands' Character Area identified in the National Forest Strategy. The Coalfield is distinguished by a denser settlement patterns than almost any other part of Leicestershire. Whilst it is recognised that there is a distinctive landscape character found to the very north east of 'The Coalfield' area towards Coleorton, most of the area is characterised by a gently undulating landform. The area is characterised as having relatively dense settlement patterns, mixed farmland with low woodland cover and effects of past and present coal and clay working.

It is also considered that the lack of any statutory landscape designations on or around the site is significant in assessing the level of harm arising from the proposal, although it is noted that the site lies within the National Forest. As such, although it is acknowledged that the land in question is current undeveloped and there would be some change to the landscape character of the site, this is not considered to be significant or permanent and that the landscape could accommodate the solar farm proposed without its overall character being significantly harmed.

Visual Impacts

Visual Impacts concern the degree to which proposed renewable energy development will become a feature in particular views and the impact this has upon the people experiencing those views. The application has been accompanied by a Landscape and Visual Impact Assessment including a Zone of Theoretical Visibility Map.

The Zone of Theoretical Visibility Map identifies that the site would be potentially visible from areas beyond the immediate site area - predominantly to the north up to Packington and to the east up to Normanton le Heath and to a lesser extent to the south and west of the site where theoretical views would be more sporadic from Measham, Snarestone and Swepstone.

The submitted documentation identifies three residential properties as being the nearest residential properties with a potential views of the solar farm. These are Measham Hall to the south, Arlick Farm to the north and Stonehouse Farm to the north-east. A Spa Health Resort also exists to the north of the site and there are other residential properties further south (Clock Mill and associated dwellings) and to the west of the site (Measham House Farm and associated dwellings).

The site forms part of one larger field and following the proposed introduction of hedgerows alongside the existing footpath routes which cross the site, the solar farm proposal would divide the site into four parcels of land. It was originally proposed to plant new hedgerows along both sides of the public footpaths but these were removed from one side of the footpaths following concerns raised by officers that the narrow hedgerow enclosures created would not be characteristic of the locality and would also restrict views from the footpaths of the open countryside. The single hedgerows are now proposed in locations where it would not be unusual to find a field boundary. The site forms part of a larger field and the existing boundary to the north-west of the site is currently open. A new earth bund topped with hedgerow planting is proposed along this boundary where land levels are at their highest to assist the assimilation of the development into the rural landscape.

Although, the proposed development would divide an existing field and the site would be divided into four parcels of land, it would respect existing hedgerow boundaries and any new parcels created as a result of new hedgerow planting would be sympathetic to the character of field systems in the locality.

The panels would mirror the undulating topography of the site which slopes upward gently to the north-west. The development is also considered to be low level in height, in comparison to the existing hedgerow boundaries and existing, established woodland planting to the north of the site. New hedgerow planting and an earth bund are proposed to address areas where there are gaps in existing landscaping or where landscaping does not exist. Overall it is considered that the topography of the land, combined with the existing and proposed planting proposals would provide natural screening to large parts of the site.

Taking into account the zone of theoretical visibility, photomontages and the topography of the land, it is considered that the greatest visual impact from the solar farm is from the public

footpaths routed through the site, from the north of the site, when travelling along Babelake Street and Redburrow Lane and from the nearest residential dwellings with the most immediate visual impact being from Arlick Farm, Stonehouse Farm and Measham Hall. There would be some more limited views of the site from other residential properties and from the nearby Spa Health Resort. It is noted that the panels would be clearly visible from the public footpaths which are routed through the site but this would short-term as users of the footpath pass approach/ pass through the site, and would not be significantly detrimental to the overall experience of the wider countryside.

During the course of the application, plans have been submitted to show improvements to the existing hedgerow around the perimeter of the site and an earth bund is now proposed along the north western boundary of the site where there is currently no planting. The additional landscaping proposals would ensure that actual screening would be enhanced and improved upon, thereby helping to mitigate any adverse impact on views into the site. On this basis it is considered that the landscape and visual impacts can be mitigated through the proposed planting proposals, in accordance with the Planning Practice Guidance.

Objections have been raised from a neighbouring commercial use (Spa Health Resort) regarding the visual impact of the solar farm upon the commercial site. The Health Resort site is generally separated from the site by agricultural land, neighbouring land uses and existing/proposed hedgerows, although the southern tip of the Health Resort site does meet the site boundary. Glimpses of the site would be visible from gaps in vegetation along the southern boundary of the health resort site (which is in use as a car park) and the objector also advises that views of the site are available from first floor windows at the Resort. However, it is considered that the presence of intervening land uses and existing/proposed landscaping would help mitigate any significant adverse impact on views into the site from the Health Resort.

Landscaping and Impact upon Trees

The scheme proposes the retention of existing trees along existing hedgerow boundaries and an isolated tree within the site adjacent to the eastern boundary of the site. There is sufficient separation distance between the trees and the panels to ensure that there are no adverse impacts upon the existing trees.

The proposed landscaping scheme has been considered by the National Forest and the County Ecologist who are generally satisfied with the information submitted. It is recommended that the precise details of landscaping be secured by condition to ensure it is implemented as envisaged and maintained for a period of five years from the date of planting.

Summary: Impact upon the Visual Landscape

Given the relatively low level of the panels, combined with existing and proposed landscaping, it is considered that the panels would not be visually prominent within the landscape and there are not considered to be any adverse impacts arising from the siting of the development on either the character of the surrounding countryside or landscape.

Cumulative Landscape and Visual Impacts

The Planning Practice Guidance states that the approach to assessing cumulative landscape and visual impact of large scale solar farms should be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of zone of visual influence could be zero.

Further applications for solar farms, within this area of the District are currently being considered

on land at Land between School Lane, Normanton le Heath and Ashby Road, Ravenstone (14/00786/FULM), Prestop Park Farm, Burton Road, Ashby de la Zouch (14/00635/FULM) and a site at The Paddocks, Bowleys Lane, Appleby Magna (14/00583/FUL).

When having regard to the relatively low level nature of the solar farms and intervening topography, combined with the distances between this site, and the nearest other proposed solar farm, it is not considered that the proposals would contribute to an overall impression of a landscape with solar farms. Therefore, the overall impact in terms of sequential cumulative effects would be less than significant and no further consideration on this matter is therefore required.

Impact upon Residential Amenity

To the south of the site, there are 13 residential properties off Swebstone Road, the closest being Measham Hall (135m from the site) and Clock Mill (180m from the site). To the north is Arlick Farm (separated from the site by existing farm buildings and farmland) and Oakwood Bungalow (with its garden being 65m from the site). Further afield to the north/north-east are Stonehouse Farm and Normanton Lodge Farm. To the west is Meahsam House Farm, along with Measham House Cottage and The Cottage (205m from the site). Although not a residential dwelling, a Spa Health Resort is also located to the north-west of Arlick Farm and Oakwood Bungalow.

All of the neighbouring properties are separated from the site by intervening agricultural land, and it is considered that the dwellings and Spa are located at sufficient distance away from the site in order to prevent any significant impacts arising from the development.

In respect of noise, the substation and inverters would generate some additional noise but any additional noise would be mitigated through insulation within the equipment. Furthermore, the inverters do not operate outside of daylight hours, therefore at the most sensitive times i.e. night time when people are trying to sleep, the inverters would not be in operation. Furthermore, any alarm system for security purposes could be silent, and it is recommended that a condition to this affect be imposed.

With respect to concerns raised about noise and disturbance associated with vehicular movements during the operational phase of the development, when having regard to the limited number of vehicular movements that will be required (one visit per week), it is not considered that any significant adverse impacts would arise.

Whilst concern has been raised about noise and disturbance during the construction phase, this would be subject to Environmental Health legislation and, therefore, is not a planning matter to be considered in the determination of the application.

As such, it is not considered that there would be any significant adverse impact on neighbouring residential amenities and the proposal would comply with Policy E3 of the adopted Local Plan.

Impact upon the Historic Environment

The Planning Practice Guidance states that great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting.

There are five Grade II listed buildings within a kilometre of the site but none within the site. The closest listed buildings are Stonehouse Farm and its stables and outbuildings to the north of the site off Babelake Street, Tempe Farm to the south east of the site, and Measham House

Farm and Field Farm to the west of the site. Consideration of the potential impact on the setting of these heritage assets must therefore be considered.

The application has been accompanied by a Heritage Desk Based Assessment which considers heritage assets within 1km of the site, which includes the above-mentioned listed buildings. With the exception of Stonehouse Farm, when having regard to views to and from the site and these buildings, and when considering from where the listed buildings are best experienced, the report concludes that the site does not form part of the setting, which contributes positively to the significance of these listed buildings. With respect to Stone Farmhouse, the report considers that the setting contributes to the significance of Stonehouse Farmhouse through its sense of privacy as well as its prominence on high ground and the long range views it has across the lower rural landscape to the south east, a landscape that has remained a constant feature to the asset since its construction. The development may have a small impact upon the key long range views from the asset to the south-east as the north-eastern corner of the site will be visible. However, this impact is limited by the small part of the site that will be seen compared to the wide range views as well as the long distance and hedgerow/trees located between the site and the farmhouse.

The report also includes consideration of the Grade II* Church of St. Peter at Swepstone which is located 1.6km from the site and is visible from the site but due to the lack of visibility of the site from ground level at the church site, it was concluded that the site does not form part of the setting of the listed building. Furthermore, it was considered that the site would not impact upon the experience of the listed building, which is best appreciated from the churchyard and the village of Swepstone.

The nearest Conservation Areas are at Packington and Measham which are located some distance from the site and given the distance, topography and intervening land uses, it is not considered that the site would form part of their setting.

The Council's Conservation Officer has been consulted on the application and is satisfied that the proposals would have no impact on the setting of nearby heritage assets, and therefore, has no objection to the proposals. In the circumstances that the Council's Conservation Officer raises no objection to the conclusions of the submitted heritage assessment, it is considered that its findings can be supported and are an accurate assessment of the potential effects.

The proposed solar farm is not considered to result in substantial harm to the significance of the identified heritage assets and as such is considered to be determined in accordance with the aims of Paragraph 134 of the NPPF which concludes that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal." It is considered that the provision of the solar farm would provide some public benefits given that the proposal would generate energy from a renewable source equivalent to that required to provide 3,900 homes per year with electricity and assist the wider public interest of tackling climate change by reducing carbon emissions. Furthermore, the proposal would represent farm diversification and help reduce the farming costs for the landowner. Overall, taking all the above matters into account, it is considered that the proposal would not conflict with the principles of Paragraphs 131, 132 and 134 of the NPPF.

Drainage and Flood Risk

The site itself is located within Flood Zone 1, which is in an area recognised as being at low risk of flooding. A piece of land to the east of the site that is within the ownership of the applicant and proposed for biodiversity enhancements lies within Flood Zones 2 and 3 but this does not

form part of the application site. A minor watercourse (the Gilwiskaw Brook) lies to the east of the site.

The application has been accompanied by a Flood Risk Assessment (FRA) which has been considered by the Environment Agency.

The Environment Agency originally objected to the scheme on the grounds that the FRA did not provide a suitable basis for assessment to be made of the flood risk arising from the development. During the course of the application the applicant has produced additional information and re-consultation has been undertaken with the Environment Agency. The Environment Agency have considered the additional information and have removed their objection from the scheme and have recommended a condition requiring further details of the management of surface-water run-off to be agreed prior to the commencement of development.

In summary, subject to the imposition of a planning condition it is considered that the proposed works would be in accordance with the overarching intentions of the NPPF.

Impact on the River Mease Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI):

The Gilwiskaw brook, a tributary of the River Mease SAC/SSSI lies to the east of the site.

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC), which was designated in 2005. The 2010 Habitat Regulations and Circular 06/2005 set out how development proposals within an SAC should be considered. Regard should also be had to paragraph 118 of the NPPF. During 2009 new information came to light regarding the factors affecting the ecological health of the River Mease SAC, in particular that the river is in unfavourable condition due to the high level of phosphates within it. Discharge from the sewerage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal will have a significant effect on the SAC is required.

The application has been accompanied with a River Mease SAC Impact Assessment Report. The scheme has been considered by the Environment Agency who raise no objection subject to the imposition of a note to applicant concerning pollution prevention measures during construction and subsequent to the development.

Natural England has also been consulted on the application, and has no objections subject to a condition concerning the recommendations in the submitted Construction and Management Plan concerning a buffer zone between the site and the Gilwiskaw Brook and pollution prevention measures being implemented. On this basis, Natural England are satisfied that the River Mease SAC/SSSI can be protected during the construction of the solar farm.

Given these circumstances it can therefore be ascertained that the proposal will not alone or in combination with other developments, have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

Protected Species and Ecology

The application has been accompanied by an Ecology Survey which has been considered by the County Ecologist who is satisfied with the submitted survey and has no objections to the scheme. The County Ecologist advises that the land is currently in arable use and the proposed development is likely to increase the biodiversity value of the site. It is noted that no habitats of

note or species requiring conservation measures or mitigation were identified, apart from boundary features. Some of the boundary hedge species are species rich, and designated as candidate Local Wildlife Sites but if buffer zones of natural habitat of at least 5m are retained between the hedges and the installation, the hedgerows will not be impacted upon by the development. The proposal for a strip of species rich wildflower grassland adjacent to the Gilwiskaw Brook is also welcomed by the County Ecologist.

The County Ecologist is satisfied that the layout protects boundary features and adjacent habitat of ecological value through buffer zones and biodiversity enhancements. The County Ecologist requests that the recommendations in the Ecology Survey and layout plan are conditioned to ensure the development is carried out in accordance with the submitted details.

In summary, the County Ecologist has been consulted on the application and is satisfied with the conclusions and recommendations reached within the submitted reports and subject to the imposition of conditions the County Ecologist raises no objections to the proposal. Overall, it is considered that the proposal would accord with the aims of Paragraphs 118 and 119 of the NPPF, the Habitats Regulations and Circular 06/05.

Archaeology

The application has been accompanied by a Heritage Desk Based Assessment. The County Archaeologist has been consulted on the application but at the time of writing this report, comments were awaited. Therefore, Members will be informed of any comments received via the Update Sheet.

Aviation

The Planning Practice Guidance states that authorities need to consider the proposal's visual impact of glint and glare in respect of aircraft safety. East Midlands Airport has considered the scheme and have no safeguarding objection to the proposal.

Highway Safety

A number of local concerns have been raised about the suitability of Babelake Street to accommodate the vehicles required both during the construction and operational phases of the development and potential conflict between vehicles and other road users. These are summarised in the representations section of the report.

The application was accompanied by a Construction Traffic Management Plan and this has been considered by the County Highway Authority (CHA). The supporting information confirms that given the proximity of the site to the B4116 and the A42, construction vehicles and deliveries will be carried out outside of peak hours. A maximum of 50 construction workers are anticipated to be on site during peak times during the construction period, and a temporary compound will be provided within the site to provide on-site parking during the construction phase. The construction period will include the use of HGV's to bring the equipment onto the site but abnormal load vehicles will not be required. It is anticipated that five deliveries a day (Monday to Saturday) would be required by large vehicles over a 2 month build period. In addition to the HGV movements, there would also be a small number of vehicle movements by smaller vehicles, such as for the collection of skips for waste management and the transporting of workers and sub-contractors. During the operational phase, one visit to the site per week would be required for equipment maintenance and monitoring and these would typically be made using a small van.

The County Highways Authority has been consulted on the application and advises that they would normally seek to resist a proposal that could lead to an increase in traffic using Babelake

Street, which is unsuitable in its width and design to cater for such an increase. However, on the basis that following the construction phase, the proposal is unlikely to lead to a significant increase in traffic above the existing level, the County Highways Authority considers the development to be acceptable. Therefore, subject to the imposition of conditions including the agreement of a route for construction traffic, the County Highways Authority raises no objection to the proposal.

It has been suggested by local residents that there may be alternative ways to provide access to the site within land in the ownership of the applicant. In the absence of any objection from the County Highways Authority, it is not considered that a request for an alternative means of access to the site could be justified.

The proposal is considered acceptable from a highway safety viewpoint and would comply with the provisions of policies T3 and T8 of the Local Plan.

Footpaths

There are two public footpaths which cross the site; footpath O67 which crosses the site from north to south and footpath O59 which cross the site from east to west. The scheme has been considered by the County Footpaths Officer who advises that the footpaths as shown on the amended plan are consistent with those shown on the Definitive Map. Subject to a note to applicant, the County Footpaths Officer has no objection.

Coal

At the request of the Coal Authority, a Coal Authority Risk Assessment was provided during the course of the application and this has been considered by the Coal Authority. The Coal Authority raise no objection subject to a condition requiring that site investigation works are undertaken prior to the commencement of the development.

Decommissioning

The Planning Practice Guidance advises that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use.

It is considered that a de-commissioning condition be attached which would secure the full details of the method undertaken to remove the modules once they are at the end of their life (in addition to restoration works) and should any module become damaged or need to be replaced in the meantime, it should be carried out in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. In addition, conditions relating to the installation and maintenance, including a log book to be kept, are also suggested.

Letters of Representation

In respect of other objections received which have not already been addressed within the report above:-

It is acknowledged that the owners of the adjacent Health Resort consider that the proposed development would adversely affect their business by virtue of a perceived impact on the experience of customers using the Resort and the surrounding countryside. However, when having regard to the scale, nature and relationship of the proposals with the neighbouring land use, and that the proposal would not raise any significant adverse impacts with respect to noise or highway safety (except for a limited during the construction phase) or adversely affect the visual amenities of the site or its surroundings, it is the view of Officers that the proposal would not have any significant adverse impact on the business. Notwithstanding this, any impacts

would also need to be balanced against the environmental benefits of the scheme.

A number of comments have been made by supporters and objectors of the proposal about a package of financial benefits that would be available over the lifetime of the solar farm for local schools and the local community generally. Members are advised that no such financial benefits are proposed as part of this development and therefore, these are not a material consideration in the determination of this application.

In respect of concerns about a lack of assessment of solar glare (reflected sunlight), the finish of the solar panels are specifically designed to absorb the energy from the sun and not reflect it and, therefore, it is not considered to be likely result in significant reflected light. This matter is covered in the Planning Statement accompanying the application submission.

An objector to the application considers the screening opinion provided by the Authority to be flawed. However, Officers remain of the view that an Environmental Impact Assessment is not required for the proposed development.

Conclusion

In conclusion, the NPPF clearly states that the purpose of planning is to help achieve sustainable development and that development that is sustainable should go ahead without delay - a presumption in favour of sustainable development should be the basis of every decision.

There is specific planning policy support for renewable energy projects at both national and local level. In the circumstances that the proposal would accord with the aims of Policy S3 of the Local Plan, as well as the fact that the NPPF does not explicitly prevent renewable energy proposals from being located within the countryside, it is considered that the principle of the development would be acceptable. It is, however, considered that the positive benefits of renewable energy of the proposed development must be carefully balanced against the potential harmful impacts.

The scheme has been assessed and is not considered to give rise to any significant adverse impacts upon the landscape and visual amenity of the area, drainage and flooding, effect on the internationally important interest features of the River Mease SAC, and features of special scientific interest of the River Mease SSSI, areas of historical and designated landscapes, protected species, residential amenity, or aviation and nor is the scheme considered to result in any other material impacts, that would indicate that the proposal is not in compliance with local development plan policies and overarching government guidance.

Accordingly the application is recommended for approval, subject to the imposition of planning conditions.

RECOMMENDATION:- PERMIT, subject to the following conditions:-

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

Reason- To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The proposed development shall be carried out strictly in accordance with the following

- schedule of plans, unless otherwise required by a condition of this permission:
- Drawing no. BRS.5081_05-1 (Site Location Plan) received by the Authority on 27 June 2014;
 - Drawing no. CASF440AA_02 (Substation detail) received by the Authority on 27 June 2014;
 - Plan No.10 (Park Farm Deer Fence Elevations) received by the Authority on 27 June 2014;
 - Plan No. 8.0 (Park Farm Pre Cast Switch Substation (Transformer) received by the Authority on 27 June 2014;
 - Plan No, 6.0 (Park Farm Deer Fence Elevations as shown on Fig 2 only) received by the Authority on 27 June 2014;
 - Plan No. 5.0 (Park Farm Table Elevations) received by the Authority on 27 June 2014;
 - Drawing no. REV#1 06-02-2014 (50m Static IR Camera Past Equipment Mounting) received by the Authority on 27 June 2014;
 - Plan No. 9.0 (Park Farm Footpath Plan) received by the Authority on 27 June 2014;
 - Drawing no. BRS.5081_04-A (Tree Retention/Removal Plan and Tree Protection Plan) received by the Authority on 27 June 2014;
 - Drawing no. I005(01)-29-01-0 (WPD 33kv GRP Substation - Switchroom Details) received by the Authority on 28 July 2014;
 - Drawing no. I009(01)-29-01-0 (Client Substation) received by the Authority on 28 July 2014;
 - Drawing no. BRS.5081_11-C (Site Layout and Planting Proposals) received by the Authority on 08 September 2014;
 - Drawing no. GM-200 Rev C (Access Track Section Details) received by the Authority on 08 September 2014;
 - Drawing no. ALL-002 (Proposed Gate Detail) received by the Authority on 08 September 2014;
 - Drawing entitled Customer Substation (CSS) (Revision 5) received by the Authority on 08 September 2014;
 - Plan no. 1.0 (Park Farm Site Layout Plan) received by the Authority on 08 September 2014;
 - Drawing no. BRS.5081_14-A (Landscape and Ecological Management Plan) received by the Authority on 08 September 2014;

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 No development shall commence on site until the further research and site investigation works as outlined in the submitted Coal Mining Risk Assessment has been carried out. In the event that the site investigations confirm the need for remedial works or any other mitigation measures to ensure the safety and stability of the proposed development and/or special foundations, the works shall be carried out in full prior to the first export to the grid, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure the stability of the development, having regard to the comments of the Coal Authority and good engineering practice.

- 4 The development shall be carried out in accordance with landscaping proposals set out on drawing no. BRS.5081_11-C (Site Layout and Planting Proposals) supported by the details provided in the Landscape and Ecological Management Plan both received by the Authority on 08 September 2014, and be carried out within the first planting season following the first export. No development shall commence until details of the proposed landscaped earth bund (including landscaping) along the north-western boundary of the

site have been submitted to and agreed in writing by the Local Planning Authority., and the development shall be carried out in accordance with the agreed scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees, shrubs, hedgerow or grass which die or are damaged, removed, or seriously diseased shall be replaced by trees, shrubs, hedgerow or grass of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason- In the interests of visual amenity and to ensure that the work is carried out within a reasonable period and thereafter maintained.

- 5 No work shall commence on site until the existing trees and hedgerows on the site have been securely fenced off with protective barriers to form a construction exclusion zone in line or at a distance greater than the Root Protection Areas as shown on drawing number BRS.5081_03_A and in accordance with BS 5837:2012 Trees in relation to design, demolition and construction. Within the protected areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and no service trenches shall be dug unless first agreed in writing by the Authority.

Reason-To ensure the existing trees are adequately protected during construction in the interests of the visual amenities of the area.

- 6 Written confirmation of the date of the first export of electricity to the grid shall be provided to the Local Planning Authority within one month of the date of this taking place.

Reason- To ensure that a record can be kept of all operational PV panels.

- 7 The solar panels hereby approved shall not be sited higher than 2.5 metres above ground level.

Reason- For the avoidance of doubt and in the interests of visual amenity.

- 8 The alarm system shall be silent at all times.

Reason- In the interests of residential amenities.

- 9 All cables within the development site shall be set underground.

Reason- In the interests of visual amenity.

- 10 A log book should be kept of the maintenance of the solar panels and should be available for inspection at any time by the Local Planning Authority.

Reason - To ensure the panels are checked and maintained in the interests of visual amenity and to ensure that that best practices are maintained.

- 11 No development shall commence until a Removal Method Statement has been submitted to and approved in writing by the Local Planning Authority in the event any PV module needs to be removed or replaced before the expiry of this planning permission, other than in accordance with condition 25 (decommissioning). The removal or

replacement of any module shall be carried out in compliance with the approved Removal Method Statement

Reason- To ensure best practices throughout the removal phase of the development.

- 12 Notwithstanding the approved details, no development shall commence until details of the colour finishes, of the PV panels, brackets, substation, transformer units and inverter units, CCTV cameras and mounting poles, and security fencing and gates have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and retained as such for the life of the development.

Reason- In the absence of full details and in the interests of visual amenity.

- 13 No development shall commence on site until details for the routing of construction traffic (HGV's) has been submitted to and agreed in writing by the Local Planning Authority in conjunction with the Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason- In the interests of highway safety.

- 14 No development shall commence on site until the full details of the temporary site and construction traffic parking and manoeuvring compound, along with wheel cleansing facilities and permanent maintenance vehicle parking area, along with a timetable for their provision has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

Reason- In the interests of visual amenity and to reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.

- 15 No development shall commence on site until details of access arrangements have been submitted to and agreed in writing by the Local Planning Authority. The agreed access details shall have been provided on site prior to works commencing on the installation of the solar panels and associated equipment.

Reason - To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway.

- 16 No development shall commence on the development hereby permitted until the access drive and any turning space has been surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 10 metres behind the highway boundary.

Reason - To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)

- 17 Before the development commences, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.

Reason - To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.

- 18 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 20 metres behind the highway boundary and shall be hung so as to open inwards only.

Reason - To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.

- 19 The development shall be carried out in accordance with the Ecological Enhancements set out in section 6.5 of the Ecological Survey by MWA Ecological Consultants (dated May 2014), unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of protected species and enhancing biodiversity on the site.

- 20 A distance of at least 5m shall be provided between the proposed security fencing and existing boundary features.

Reason - In the interests of protecting existing features of ecological importance on the site.

- 21 The development hereby permitted shall be carried out in strict accordance with the Landscape and Ecological Management Plan by MWA Ecological Consultants (dated August 2014) and the Construction Environmental Management Plan by Pegasus dated August 2014, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To protect the River Mease SAC/SSSI during the development phase of the solar farm.

- 22 No development shall commence until such time as a scheme to manage any potential effects and provide betterment for surface water runoff and mitigate against sediment mobilisation from the development has been submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.

Reasons - Solar farms have the potential to change the run-off characteristics of Greenfield sites. As such, the development should incorporate best practice measures to ensure that any potential implications on surface water runoff and sediment mobilisation are reduced as far as possible.

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

Reason - To protect and improve the quality of 'Controlled Waters' receptors on and in the vicinity of the site.

- 24 The planning permission hereby granted is for a period of 25 years from the date of the first export of electricity to the national grid. After that time the use shall cease and the PV panels and associated equipment and infrastructure shall be removed from the site in accordance with condition 25 (decommissioning).

Reason- The planning application has only been made for a 'life span' of 25 operational years to prevent unnecessary clutter.

- 25 No later than one year before the expiration of the planning permission, or not more than 6 months from permanent cessation of the exporting of electricity to the national grid if earlier, a Decommissioning Method Statement shall be submitted for the written approval of the Local Planning Authority. This shall include details of:-

- a) decommissioning and works for the removal of the PV panels
- b) decommissioning and works for the removal of all other ancillary equipment and structures
- c) the depth to which the PV panels and ancillary equipment would be dismantled and removed from site
- d) method of removal
- e) works for the restoration of the site
- f) timetable of works.

The Decommissioning Method Statement shall be carried out as approved.

Reason- The planning application has only been made for a 'life span' of 30 operational years to prevent unnecessary clutter.

Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

- 2 The applicant's attention is drawn to the following comments of the County Highways Authority:

This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from either the Adoptions team (for 'major' accesses) or the Highways Manager. For further information, including contact details, you are advised to visit the County Council website as follows: -

- For 'major' accesses - see Part 6 of the "6Cs Design Guide" at www.leics.gov.uk/6csdg
- For other minor, domestic accesses, contact the Service Centre Tel: 0116 3050001.

If you intend to provide temporary directional signing to your proposed development, you

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

Before you draw up a scheme, the Area Managers' staff (contacts as below) 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 (telephone 0116 3050001).

Public footpaths cross the site and must not be obstructed or diverted without obtaining separate consent from Leicestershire County Council.

With respect to condition 13, the applicant will be required to meet with a representative of the Highways Manager of Leicestershire Highways to carry out an inspection of the roads within the routing agreement, including a video survey, in order to agree the condition of the highway. Prior to completion of the development, the Applicant will be required to meet with a representative of the Highways Manager of Leicestershire Highways and shall repeat the inspection and video survey of the roads within the routing agreement in order to agree what highway works are required as a consequence of the proposed vehicle movements. Within 28 days of the completion of the development, the Developer will be required to provide the agreed works to the highway to a specification provided by and to the satisfaction of the Leicestershire County Council.

- 3 The applicant's attention is drawn to the following notes of the County Footpaths Officer:

The applicant will be responsible for ensuring that footpaths O59 and O67 which cross the application site remain usable at all times and that free access can be exercised safely by pedestrians, while works associated with the development are being undertaken. In view of the close proximity of the proposed development to the rights of way, particular attention should be given to ensuring that no materials are stored on the lines of them and that no Contractors' vehicles are parked either along or across them. Any damage that may be caused to the surface of the footpaths which is directly attributable to works associated with the development, will be the responsibility of the applicant to repair at his own expense to the satisfaction of the Highway Authority.

No additional structures including stiles, gates or other barriers either of a temporary or a permanent nature, should be placed across the routes of any of the public rights of way 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 applicant's attention is drawn to the comments of the Environment Agency as detailed in their response dated 08 September 2014.

In addition and with respect to condition 22, the applicant's attention is drawn to the following comments of the Environment Agency:

In seeking to discharge any surface water drainage condition, the following should be considered:

- The introduction of impermeable areas within the development should be minimized wherever possible. All access tracks should be permeable.
- Any surface water attenuation volume provided (e.g. swales and cut off ditches)

- should take into account the site specific circumstances.
- Management of the land, including grass seeding, planting, grazing and restricted vehicle movements (in line with proposals set out in the Flood Risk Assessment) should be considered and confirmed. Vehicle movements in particular can increase soil compaction leading to reduced infiltration/ increased surface water runoff.
 - Measures to offer betterment on existing surface water rates and volumes to reduce flood risk elsewhere should be considered given the scale of the development.
- 5 With respect to condition 4, it is noted that there is a conflict between the approved site layout and planting proposals plan and the LEMP due to proposed hedgerows being removed from one side of the footpaths routed through the site during the course of the application. For clarification, the content of the LEMP with respect to the two hedgerows should apply to the single hedgerows shown on the site layout and planting proposals plan.

Erection of 16 Dwellings (Outline application - all matters reserved except for part access)

**Report Item No
A2**

**Land Off Dawsons Road Osgathorpe Loughborough
Leicestershire**

**Application Reference
14/00574/OUT**

**Applicant:
Mr I, S & S Armett, Broad and Broad**

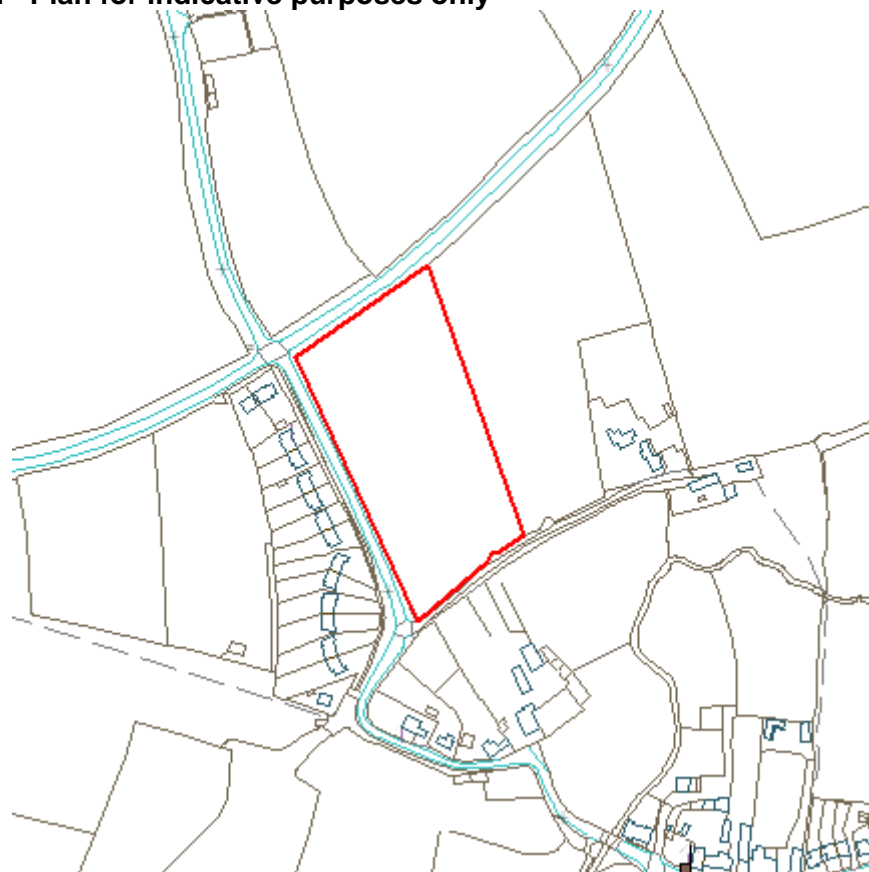
**Date Registered
23 June 2014**

**Case Officer:
Adam Mellor**

**Target Decision Date
22 September 2014**

**Recommendation:
REFUSE**

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application is brought to the Planning Committee as the agent for the application is related to three serving councillors (Caroline Large, Charles Meynell and Richard Blunt).

Proposal

This is an outline planning application with details of a proposed access for 16 dwellings on 0.73 hectares of agricultural land to the north and north-east of existing residential properties on Dawsons Road, Osgathorpe. The site is situated outside the defined limits to development as identified on the North West Leicestershire Local Plan Proposals Map.

The public house (Storey Arms), within the village, has been registered as a community asset and as part of the application it was proposed that a contribution of £300,000, in lieu of any affordable housing contribution, would be made available to the Parish Council for the purchase and restoration of this asset. A local referendum, administered by North West Leicestershire District Council, posed the following statement for consideration by the parishioners: -

"Do you agree with the following statement: I support the outline planning application for 16 houses comprising three local needs housing, 13 market dwellings and a play area. Given the lack of an up to date housing needs survey an offsite contribution will be made but redirected to the Parish Council. This payment will be £300,000 and on the understanding this will be for the securing of the site of the Storey Arms. There will be a 125 year lease to the Parish Council on the land to the rear to become a wildlife corridor and there will be a covenant on the use of materials as per the latest site layout."

The referendum was held on the 7th August 2014 and a turnout of 59.25% voted 124 to 78 against this statement and as a result the agent has now specified that consideration should be given to the direction of the money (£300,000) to the Parish Council to use at their discretion to provide for community facilities (which may include the purchase of the Storey Arms and its subsequent improvement).

Consultations

42 representations against the development and three in support of the development have been received with the Parish Council also objecting to the development proposals. The County Highways Authority has objected to the application on sustainability grounds with all other statutory consultees raising no objections.

Planning Policy

It is considered that the development would result in conflict with the social and environmental strands of sustainability as well as Paragraphs 17 and 50 of the National Planning Policy Framework, Policies S3, E22, H4/1 and H8 of the North West Leicestershire Local Plan and the District Council's Affordable Housing Supplementary Planning Document.

Conclusion

The report indicates that the site is a greenfield site outside Limits to Development, is located within an Area of Particularly Attractive Countryside and that Osgathorpe is not a sustainable settlement with or without the retention of the Storey Arms Public House.

The proposed development would result in the development of land outside of the defined Limits to Development and the erection of 16 dwellings and associated built infrastructure would diminish the present open character of the Area of Particularly Attractive Countryside which

would be contrary to Policy E22 of the Local Plan. The release of this land for the proposed residential scheme would result in an adverse impact to the rural environment due to the physical intrusion into the rural environment and as such would represent unwarranted development in the countryside. A heavy reliance on the private car by any future occupants will also lead to increases in vehicular fumes into the atmosphere which would not support the approach to a low carbon economy. The Council is currently able to demonstrate an adequate supply of housing and there are no other over-riding material planning considerations that outweigh the conflict with the Area of Particularly Attractive Countryside. In these circumstances the proposed development of the site is unacceptable in principle and would conflict with the environmental strand of sustainability and Paragraph 17 of the NPPF as well as Policies S3 and H4/1 of the Local Plan.

Although contributions would be provided for certain services, albeit in different settlements, a play area and local needs housing, the positive contribution they make to the scheme are heavily outweighed by the under provision of affordable housing, either on-site or off-site, and the lack of services within Osgathorpe which would contribute towards people's day to day needs and as such the development would also conflict with the social strand of sustainability and Paragraph 17 of the NPPF.

A failure to provide an appropriate Section 106 contribution towards social infrastructure in the form of affordable housing would also result in conflict with the social strand of sustainability as well as Paragraphs 17 and 50 of the NPPF and Policy H8 of the Local Plan as well as the Affordable Housing SPD.

It is therefore recommended that the application be refused.

RECOMMENDATION - REFUSE;

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

MAIN REPORT

1. Proposals and Background

Outline planning permission is sought for the erection of 16 dwellings (outline application - all matters reserved except for part access) at land off Dawsons Road, Osgathorpe. The application site measures 0.73 hectares and is located to the north and north-east of existing residential properties on Dawsons Road. Whilst all matters other than part access are reserved for subsequent approval, an illustrative layout plan has been submitted showing the proposed dwellings, together with landscaping, and a public open space/children's play facility. The site is situated outside the defined limits to development, as indicated on the North West Leicestershire Local Plan Proposals Map, and is also within an area identified as an area of particularly attractive countryside.

It is proposed that a vehicular access into the site would be formed off Dawsons Road at a distance of 77.0 metres from the junction of Dawsons Road with Ashby Road and 75.0 metres from the junction of Dawsons Road with Armetts Lane.

The public house (Storey Arms), within the village, has been registered as a community asset and as part of the application it was proposed that a contribution of £300,000, in lieu of any affordable housing contribution, would be made available to the Parish Council for the purchase and restoration of this asset. A local referendum, administered by North West Leicestershire District Council, posed the following statement for consideration by the parishioners: -

"Do you agree with the following statement: I support the outline planning application for 16 houses comprising three local needs housing, 13 market dwellings and a play area. Given the lack of an up to date housing needs survey an offsite contribution will be made but redirected to the Parish Council. This payment will be £300,000 and on the understanding this will be for the securing of the site of the Storey Arms. There will be a 125 year lease to the Parish Council on the land to the rear to become a wildlife corridor and there will be a covenant on the use of materials as per the latest site layout."

The referendum was held on the 7th August 2014 and a turnout of 59.25% voted 124 to 78 against this statement and as a result the agent has now specified that consideration should be given to the direction of the money (£300,000) to the Parish Council to use at their discretion to provide for community facilities (which may include the purchase of the Storey Arms and its subsequent improvement).

A design and access statement, Building for Life 12 assessment, draft heads of terms for a section 106 agreement, heritage impact statement, affordable housing statement and habitat survey have been submitted in support of the application.

A previous application for the erection of a dwellinghouse was refused on the 14th January 1975.

2. Publicity

28 No. neighbours have been notified (Date of last notification 25 June 2014)

Site Notice displayed 4 July 2014

Press Notice published 9 July 2014

3. Consultations

County Highway Authority consulted 25 June 2014
 Osgathorpe Parish Council consulted 25 June 2014
 Severn Trent Water Limited consulted 25 June 2014
 Head of Environmental Protection consulted 25 June 2014
 Natural England consulted 25 June 2014
 County Archaeologist consulted 25 June 2014
 LCC ecology consulted 25 June 2014
 NWLDC Conservation Officer consulted 25 June 2014
 LCC Development Contributions consulted 25 June 2014
 NHS Leicester, Leicestershire And Rutland Facilities Managme consulted 25 June 2014
 Development Plans consulted 25 June 2014
 Head Of Leisure And Culture consulted 25 June 2014
 Manager Of Housing North West Leicestershire District Council consulted 25 June 2014
 Police Architectural Liaison Officer consulted 25 June 2014
 LCC/Footpaths consulted 25 June 2014

4. Summary of Representations Received

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

Environment Agency has identified that although they will not comment formally on the application they would advise that any surface water drainage scheme should look to reduce the level of flows leaving the site through the use of a Sustainable Urban Drainage Scheme (SuDs).

Leicestershire County Council - Archaeology no representation received to date. Any consultation response received following the publication of the Planning Committee Agenda will be reported to Members on the Update sheet.

Leicestershire County Council - Developer Contributions in relation to infrastructure matters, seek commuted sums towards library facilities of £990.00 and civic amenity of £342.00 with no contributions required for landscaping or biodiversity enhancements. With regards to education a sum of £28,601.87 is requested for the high school sector and £29,368.26 for the upper school sector, with no contribution towards the primary school sector, which would result in a total of £57,970.13 being payable.

Leicestershire County Council - Ecology has no objections as all hedges would be retained in the layout although the retention and future management of these hedgerows should be subject to a planning condition with any new hedgerows being of a locally native species.

Leicestershire County Council - Footpaths Officer no representation received to date. Any consultation response received following the publication of the Planning Committee Agenda will be reported to Members on the Update sheet.

Leicestershire County Council - Highways objects to the application on the basis of the site being unsustainable but raises no representation in respect of highway safety.

Leicestershire County Council - Lead Local Flood Authority identifies that they are not opposed to development where it can be achieved without any detrimental impact on the flood

risk to surrounding properties and land. They anticipate that the proposed development will conform to the National Planning Policy Framework (NPPF), by attenuating surface water run-off to Greenfield run-off rate.

Natural England no representation received to date. Any consultation response received following the publication of the Planning Committee Agenda will be reported to Members on the Update sheet.

NHS Leicester, Leicestershire and Rutland no representation received to date. Any consultation response received following the publication of the Planning Committee Agenda will be reported to Members on the Update sheet.

NWLDC - Affordable Housing Enabler states that *"if 16 properties are to be developed on this site the 30% would equate to 5 properties and the Council's preferred position is to seek delivery on site with the properties provided through a Registered Provider (RP). If this does not prove possible (e.g. due to insufficient Registered Provider capacity) the Council would be seeking an offsite commuted sum in lieu of on-site delivery to be utilised to increase the provision of affordable housing in areas where housing needs have been identified anywhere in the District; Where possible in our smaller rural settlements, the Strategic Housing Team would look to meet the needs of residents with a local connection to the village to aid sustainability and to assist residents who may support needs that wider family members could not provide. However larger development sites in these settlements would still need to assist the wider affordable housing requirements from our housing register."*

NWLDC - Conservation Officer considers that the development would not adversely affect the setting of the listed building subject to sufficient landscaping being planted along the south-eastern boundary and the play area remaining in the position indicated.

NWLDC - Environmental Protection has no objections.

NWLDC - Footpaths Officer has no objections and outlines that there are no footpath diversion applications necessary for the development.

NWLDC - Leisure and Culture no representation received to date. Any consultation response received following the publication of the Planning Committee Agenda will be reported to Members on the Update sheet.

Osgathorpe Parish Council object to the application following the results of the public poll and also raise issues in respect of surface water run-off not being adequately addressed in the application submission given the proximity of the site to a watercourse.

Police Architectural Liaison Officer no representation received to date. Any consultation response received following the publication of the Planning Committee Agenda will be reported to Members on the Update sheet.

Severn Trent Water no representation received to date. Any consultation response received following the publication of the Planning Committee Agenda will be reported to Members on the Update sheet.

Third Party Representations

42 representations have been received objecting to the application with the objections raised summarised as follows: -

- Traffic movements throughout the village, via narrow roads, will result in detriment to highway safety given the narrowness of the roads (single tracks) and the vehicular capacity of these roads;
- Osgathorpe is not a sustainable settlement for new development;
- Applicant is trying to 'buy' planning permission by offering money for the retention of the Storey Arms Public House;
- The Village Design Statement, adopted by the Parish Council in November 2011, outlines that although peace and quiet are not visual amenities it was the highest rated characteristic of the settlement which would be impacted on by the introduction of this development;
- On-street parking of vehicles on Dawsons Road will impact adversely on highway safety given the position of the site access;
- The development will be on land outside the village envelope and which is defined as an Area of Particularly Attractive Countryside and as such the proposal would be visually intrusive and contrary to the village plan and village design statement;
- Item 4.2 of the Osgathorpe Village Design Statement outlines that "there should be no large scale developments (greater than 10 properties) permitted in and around the village," If localism is to mean anything then the views of the village should outweigh opportunistic opportunities such as this;
- The village would be adversely affected by disproportionately large developments such as that proposed;
- Views from our properties would be adversely impacted on;
- A play area exists on Orchard Close but this is not accessible to children of the village and the position of the play facilities on the application site would be no better;
- Dwellings on site will result in overlooking impacts onto my rear amenity area as well as an increase in noise and disturbance;
- The scale of the development would be overbearing and out of scale with the rest of the village;
- There will be a negative impact on hedges and trees on the site;
- The social housing within the village already accommodates occupants from outside of the parish;
- The Local Authority now has a five year housing land supply and as such there is not a need for a development of this nature;
- Osgathorpe does not benefit from a shop, school, doctor's surgery, playground, village hall, employment or hourly bus service;
- The development would result in implications to the localised flooding impacts experienced in the village given the increase in water volumes of Westmeadow Brook which have been exacerbated by climate change (increase in rainfall);
- Increase in noise levels within the village by virtue of an increase in population numbers;
- Surface water run-off from the existing pasture is reasonably slow and depends on the natural attenuation existing when heavy rainfall occurs, a housing development with significant areas of hard landscaping affords little natural attenuation with the vast majority of rainfall channelled directly into the surface water drainage system;
- No off-site assessment of the impacts of the development on the flora and fauna in and around Osgathorpe has been provided and as such water run-off from the site could result in pollution implications to Westmeadow Brook;
- An alteration in the volume of water flowing in Westmeadow Brook will increase the risk of pollution which will be contrary to the Riparian Rights, which common law protect, and as such should not be accepted;
- The school at Griffydam and surgery in Belton are over subscribed and could not accommodate additional people;

- Vote undertaken by the Parish has pre-empted the decision of the District Council by outlining that even if the scheme was voted against it would still be approved;

Three representations in support of the development have been received with the comments raised summarised as follows: -

- Little consideration given to the supply of inexpensive dwellings for local offspring, therefore resulting in an exodus from the village. It is felt that the village could benefit from some local needs housing;
- Development will help to sustain the local services and the provision of a contribution to the purchase and upkeep of the Storey Arms will be more beneficial than a contribution towards social housing;

One representation has been received neither objecting to nor supporting the development which comments as follows: -

- There will be residents in the village that have views either supporting or against the Dawsons Road application, but the Parish poll was not the vehicle for hearing those views. If the Dawsons Road housing application is permitted then I would call on NWLDC to ensure that section 106 monies are safeguarded and applied as widely as possible for the wider public good.

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 17 indicates, amongst other things, that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs; always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

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

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

Paragraph 38 outlines that for larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties;

Paragraph 39 indicates that if setting local parking standards for residential and non-residential development, local planning authorities should take into account:

- the accessibility of the development;
- the type, mix and use of development;
- the availability of and opportunities for public transport;
- local car ownership levels; and
- an overall need to reduce the use of high-emission vehicles;

Paragraph 47 outlines that to boost significantly the supply of housing, local planning authorities should, amongst other things, identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;

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

Paragraph 50 identifies that to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- identify the size, type and tenure and range of housing that is required in particular locations, reflecting local demand; and
- where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take

account of changing market conditions over time;

Paragraph 57 outlines that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes;

Paragraph 59 indicates that 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;

Paragraph 60 outlines that planning policies and decisions should not impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness;

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

Paragraph 64 outlines that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions;

Paragraph 73 indicates that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required;

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

Paragraph 103 indicates that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere;

Paragraph 109 outlines that the planning system should contribute and enhance the natural and local environment by, amongst other things:

- preventing both new and existing development from contributing to or being put at unaccepted risk from being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate;

Paragraph 112 outlines that Local planning authorities should take into account the economic

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

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

Paragraph 120 outlines that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account;

Paragraph 121 outlines that planning policies and decisions should also ensure that, amongst other things:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;

Paragraph 123 outlines that planning policies and decisions should aim to avoid noise from giving rise too significant adverse impacts on health and quality of life as a result of new development;

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 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use;

Paragraph 141 indicates that local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (any any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted;

Paragraph 173 states that pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of the development identified in the plan should not be subject to such a

scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable;

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

Paragraph 204 outlines that 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;

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

North West Leicestershire Local Plan

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

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

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

Policy E4 seeks to achieve good design in new development and requires new development to respect the character of its surroundings;

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

Policy E8 indicates that development will be permitted only where appropriate crime prevention measures are incorporated as an integral part of the design, layout and landscaping features of the proposal;

Policy E22 seeks to prevent development which would adversely affect Areas of Particularly Attractive Countryside;

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

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

Policy T10 indicates that development will be permitted only if, where appropriate, provision is

made for the requirements of effective public transport operation and the needs of passengers;

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

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

Policy H7 seeks good quality design in all new housing development;

Policy H8 sets out the criteria for the provision of an element of affordable housing as part of any development proposal;

Policy L21 indicates that new housing development will be required to incorporate the provision of a children's play area, except where the development is a discrete site of less than 10 dwellings; or all play space needs arising from the development can be adequately met by existing facilities within walking distance;

Policy L22 states that major new development, including that of allocated sites, will only be permitted where adequate provision is made for open space for formal recreation use;

Submission Version Core Strategy

At a meeting of the Full Council on 29 October 2013, the District Council resolved to withdraw the Submission Core Strategy;

Other Guidance

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;

Leicestershire County Council Statement of Requirement for Developer Contributions in Leicestershire

The County Council's Statement of Requirement for Developer Contributions in Leicestershire sets out the circumstances in which developer contributions will be required in respect of County and District service areas, as well as other public services, and the level of contributions required;

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

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

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;

Play Area Design Guidance Note

Policies L21 and L22 of the Local Plan are supplemented by the District Council's adopted Play Area a Design Guidance Note (July 2001). In relation to open space for formal recreation use the Guidance Note, which makes reference to the use of the NPFA standards (paragraph 4.5), notes inter alia that "if on site provision is not feasible a commuted sum towards upgrading of existing facilities in the locality will be sought" (paragraph 4.3) and that "formal recreation open space will generally be regarded as sports pitches (whether natural or artificial turf) and any associated changing facilities" (Paragraph 4.4);

Affordable Housing Supplementary Planning Document

The Council adopted a revised Affordable Housing Supplementary Planning Document (SPD) on 18th January 2011 and this indicates that the amount of affordable housing sought on all sites of 5 or more dwellings in areas such as Osgathorpe will be 30%;

National Planning Practice Guidance

In March 2014 the Government published National Planning Practice Guidance (NPPG) to supplement the NPPF. The Guidance does not change national policy but offers practical guidance as to how such policy is to be applied.

6. Assessment

Principle of the Development and Sustainability

In terms of the principle of development, and in accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2002 (as amended)).

With regard to the adopted North West Local Plan, the site is outside Limits to Development. Policy S3 sets out the circumstances in which development will be permitted outside Limits to Development and as the development proposal would not meet the criteria for development in the countryside an approval of the application would be contrary to the provisions of Policy S3.

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

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

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

Whether or not this site would be considered "appropriate" is a matter of judgement having regard to its location outside Limits to Development. This policy nevertheless sets out criteria relevant to release of land. In terms of the sustainability credentials of the site, it is located the

following (approximate) distances away from a range of services:

- Church (St Mary's Church, Church Lane) - 464 metres;
- Public House (Storey Arms Public House, 41 Main Street) - 787 metres (using public footpath N2 over brook) or 907 metres should the footpath be inaccessible;
- Bus Stop (Dawsons Road) - 70 metres;
- Play Facilities (to be provided as part of the development) - 50 metres;

In terms of the distance to amenities, the inspector in the Moira Road, Ashby appeal referred to DoT statistics which show that the average trip length regularly undertaken by the population of Great Britain is, on average, walking about 1km, cycling about 4.5km and by bus about 8km. The now withdrawn submission version North West Leicestershire Local Plan: Core Strategy did not identify Osgathorpe as a "sustainable village" and the bus service provided to the village (Paul S Winson Coaches No. 129) between Ashby De La Zouch and Loughborough sees the first bus arrive in the village (at the bus stop opposite the Storey Arms Public House) at 07:46 with the last bus to Loughborough departing at 16:59 and the last bus returning to Ashby arriving at 18:10. This service runs Monday to Saturday with only five buses during the operational hours which means the service is less than hourly.

With regards to the services available within the village the public house (Storey Arms) has been registered as a community asset and as part of the application it was originally proposed that a contribution of £300,000, in lieu of any affordable housing contribution, would be made available to the Parish Council for the purchase and restoration of this asset. A local referendum, administered by North West Leicestershire District Council, posed the following statement for consideration by the parishioners: -

"Do you agree with the following statement: I support the outline planning application for 16 houses comprising three local needs housing, 13 market dwellings and a play area. Given the lack of an up to date housing needs survey an offsite contribution will be made but redirected to the Parish Council. This payment will be £300,000 and on the understanding this will be for the securing of the site of the Storey Arms. There will be a 125 year lease to the Parish Council on the land to the rear to become a wildlife corridor and there will be a covenant on the use of materials as per the latest site layout."

A turnout of 59.25% voted 124 to 78 against this statement and as a result the agent has now specified that consideration should be given to the direction of the money (£300,000) to the Parish Council to use at their discretion to provide for community facilities (which may include the purchase of the Storey Arms and its subsequent improvement).

Paragraph 203 of the NPPF outlines that local planning authorities should consider whether *"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."* The crux of the contribution towards the purchase and restoration of the Storey Arms is an attempt to make a development which would be considered unacceptable, as discussed in more detail below, acceptable. Although sympathetic to the approach taken by the applicant's in trying to maintain one of the few services available to Osgathorpe, it is considered that even in the event that parishioners voted 'yes' to the proposition, the money made available would not necessarily have guaranteed the longevity of the public house being kept operational with the re-direction of funds to the Parish Council, to use at their discretion for community facilities, also not overcoming the shortfall in the service provision which would lead to Osgathorpe being considered sustainable. In this context, therefore, an acceptance of this position would be contrary to the intentions of

Paragraph 203 as with or without the public house, Osgathorpe would not be considered sustainable from an accessibility point of view. The offer of £300,000 is therefore not CIL compliant.

Housing Land Supply and Limits to Development

In terms of the contribution that this scheme would make towards the Council's five year housing land supply it is considered that this would be limited given that the scheme only relates to the provision of 16 dwellings.

The NPPF requires that the Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery. The appeal decision of May 2013 in respect of land south of Moira Road, Ashby de la Zouch, concluded that the Council's 5 year housing land supply calculation should be based on the "Sedgefield" approach (i.e. an approach requiring planning authorities to deal with any past under-supply within the first 5 years rather than to spread this over the whole plan period) an approach now expressly preferred in the recently published National Planning Practice Guidance, and thus even more likely to be favoured by appeal inspectors going forward. The Moira Road inspector also applied a buffer of 20% for persistent under delivery. As such, officers have recently been advising Members of the Council's inability to demonstrate a five-year supply of deliverable housing sites. The consequence of this has been that the Council has not been able to rely on adopted policies S3 and H4/1 in determining housing applications as they are "*relevant policies for the supply of housing*" for the purposes of Paragraph 49 of the NPPF which, Members are aware "*should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.*"

As reported to Committee on the 8th July 2014, however, a recently completed County-wide Strategic Housing Market Assessment (SHMA) has provided the Council with an up-to-date objectively assessed housing requirement, on which basis, the Council is now able to demonstrate a supply of 6.35 years.

As a result of the above, Policies S3 and H4/1 should no longer be considered 'out-of-date' in the context of Paragraph 49 of the NPPF - indeed these are Development Plan policies to which the Council should again now properly have regard to in determining future planning applications. Whilst the weight to be applied to these policies against other material considerations is a matter entirely for Members, officers would advise Members, in applying weight to any conflict with Policy S3 in the overall planning balance, to bear in mind the fact that the Limits to Development as defined in the adopted Local Plan were drawn having regard to housing requirements only up until the end of the Plan Period (i.e. to 2006).

However, it is accepted that the NPPF's provisions do not specifically seek to preclude development within the countryside, and consideration must therefore be given to whether the proposals constitute sustainable development (including in its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF. These are set out in more detail below:

Environmental

The NPPF outlines that the environmental role should contribute to "*protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*"

The site is located within an Area of Particularly Attractive Countryside (APAC) which the

adopted Local Plan confirms is considered to represent the most significant and important rural landscape area locally. This designation is subject to saved Policy E22 which states the following: -

"Development will not be permitted which would adversely affect or diminish the present open character and attractive rural landscape and/or be detrimental to natural habitats and scientific interest of the following Areas of Particularly Countryside, identified on the Proposals Map:

- (a) *Land to the east of Greenhill, Thringstone, Whitwick and Worthington, including part of Charnwood Forest;*
- (b) *Land in the vicinity of Staunton Harold; and*
- (c) *Land at Gospall's Wharf, Snarestone.*

Built development will be permitted only where it is appropriate to the established character of the designated area in terms of scale, siting, detailed design and materials of construction.

In addition the District Council will seek to:

- (a) *Undertake or encourage measures to protect and enhance the landscape, wildlife, habitat, archaeological and scientific interest of the designated area, including planting, nature conservation measures and the provision of nature interpretation and appreciation facilities;*
- (b) *Secure the positive management of land within the designated areas to enhance and maintain its wildlife habitat and features of scientific and archaeological interest;*
- (c) *Protect and conserve particular features which contribute to the special character of the designated areas, such as dry stone walls in the Charnwood Forest."*

The land slopes upwards from south-east to north-west and it is considered that the provision of 16 dwellings, and the associated built infrastructure, within the APAC would diminish the present open character of the area and result in an urbanising impact and, therefore, would conflict with the intentions of Policy E22 of the Local Plan. In terms of the built development being proposed, on the basis of the indicative site layout plan, this would be in close proximity to Dawsons Road and would extend to the junctions with Ashby Road and Armetts Lane with a play area being situated in the south-western corner of the site with retained hedgerows to the existing boundaries and new hedge planting and fencing to the newly formed boundaries of residential properties along with tree landscaping. Although landscaping would be retained to the site boundaries, and reinforced with additional planting, this would not negate the overall impacts on the development on the open character of the area by virtue of the views which would be established from Ashby Road and Dawsons Road. The construction of buildings on the land would also result in the loss of greenfield land, which is identified in the adopted Local Plan as being countryside, and as such the scheme would not protect or enhance the natural environment.

It is also considered, taking into account the views of the Planning Inspectorate relating to a recent appeal decision at Tea Kettle Hall in Diseworth (APP/G2435/A/13/2208611), that due to the distance from shops, services and employment opportunities, as well as the severely limited bus service through the village, that the private car would be the most likely mode of transport for the majority of trips to and from the proposed dwellings. This would involve lengthy trips in an unsustainable mode of transport for shopping, work and leisure purposes which again would conflict with the environmental aims of the NPPF which seek to use natural resources prudently and move towards a low carbon economy.

Although the development would be constructed on agricultural land this land is Grade 3 Agricultural Land and as such would not be considered the best and most versatile agricultural land (defined as Grades 1, 2 and 3a of the Agricultural Land Classification) in the context of Paragraph 112 of the NPPF.

Social

The NPPF outlines that the social role should support *"strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being."*

In making an assessment of the development against the social role of sustainability consideration has been given to the views of the Planning Inspectorate relating to a recent appeal decision at Tea Kettle Hall in Diseworth (APP/G2435/A/13/2208611) with it being noted that Diseworth was considered a *"sustainable village"* in the now withdrawn North West Leicestershire Local Plan: Core Strategy.

The social role would benefit from the provision of 16 dwellings which would include three local needs housing, although a need for such dwellings has not been demonstrated, with a mix of housing (2, 3 and 4 bedroom properties) being supported and contributing to the housing needs of different groups in the community. An under provision of affordable housing is proposed on the site and the off-site contribution towards such provision is to be re-directed to the Parish Council, and as such there would be conflict with the District Council's Affordable Housing SPD. This issue is discussed in more detail in the Viability of the Development section of this report.

A development of this scale will also require the provision of an on-site play area, which will be at a scale commensurate with the development, and as such may not provide a level of facility which could be utilised by all of the community and financial contributions are also sought for education (schools in Ibstock and Ashby), libraries (Shepshed) and civic amenity (Lount and Shepshed).

However, the social role, as defined in Paragraph 7 of the NPPF, requires the supply of housing to be linked to accessible local services which meet the needs of the community and support its health, social and cultural well being. As identified above Osgathorpe does not benefit from many services and as such residents would consequently be relatively isolated from shops, medical services and cultural or recreational facilities. The submitted design and access statement indicates that Belton, around 1.5 miles from the site, would be the nearest settlement which would provide a shop and other services (including a doctor's surgery) with the nearest centre offering significant employment opportunities being Coalville and Shepshed. The public transport provision, being on a two hourly basis and not extending into the evening hours, would also restrict opportunities to access services other than via the private car. As a consequence, in the terms of the social role as defined by the NPPF, the accessibility to a range of local services for residents of the proposed housing would be severely limited.

Economic

The NPPF outlines that the economic role should contribute to *"building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure."*

In the short term the construction of the development would provide opportunities for local employment with associated benefits to the local economy.

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 NPPF is a material consideration and includes a presumption in favour of sustainable development.

The site is outside Limits to Development, as defined in the adopted North West Leicestershire Local Plan and, as such, the scheme would be in conflict with the relevant Development Plan and other policies designed to protect the countryside from inappropriate development, which include Local Plan Policy S3, a policy designated to protect the countryside for its own sake. Paragraph 17 of the NPPF also outlines that decisions should "*recognise the intrinsic character and beauty of the countryside,*" and it is considered that the physical intrusion into the countryside of this type of development, on land which would not be considered sequentially preferable for development should the limits to development be extended, would be unwarranted and could potentially set a precedent for the further expansion of the settlement of Osgathorpe into the surrounding fields to the further detriment of the rural environment. A development of this nature would also conflict with Local Plan Policy E22 which seeks to restrict development that would adversely affect or diminish the present open character and attractive rural landscape.

It is accepted that the contribution to the economic growth associated with the proposed development would ensure that the scheme would sit well in terms of the economic dimension. With regards to the social role it is acknowledged that a development of this scale would provide contributions to services (albeit in different settlements), a play area and local needs housing, which would be considered positive aspects in the social dimension, these however are outweighed by the negative factors involved in an under provision of affordable housing and the accessibility of future residents to local services given the under provision of such services in Osgathorpe. Insofar as the environmental role is concerned, the proposed development would result in the development of land outside the defined Limits to Development, the erection of 16 dwellings and associated built infrastructure would diminish the present open character of an APAC and the heavy reliance on the private car to access basic services would not support the move to a low carbon economy.

Consequently it is considered that the support to the economic and social benefits relating to the proposal would not outweigh the negative social aspects or the environmental impacts of the development and as such development of the site is unacceptable in principle and would not represent sustainable development in terms of the social or environmental roles.

Means of Access and Transportation

All matters are reserved for subsequent approval except for access (insofar as vehicular access into and out of the site is concerned). The point of access proposed show vehicular access via a new junction onto Dawsons Road directly opposite Nos. 41 and 43 Dawsons Road. Whilst the illustrative layout shows internal access roads and a pedestrian link onto Dawsons Road, these would be dealt with at the reserved matters stage(s), although their impact on the overall potential accessibility and connectivity of the site still ought to be considered.

The County Highways Authority has raised a representation to the application on the basis of the sustainability of the site but has raised no objections in respect of highway safety implications.

It is noted that the submitted design and access statement indicates that consultation was

undertaken with the County Highways Authority prior to the submission of the application with the comments raised stating: *"the site is considered to be in an unsustainable location and it is likely we would recommend refusal on this basis as there are no services within walking distances...An access appears to be able to be achieved and visibility splays of 2.4 x 43 metres would apply...The access and internal layout should be designed to the requirements of the 6CsDG."*

In the context of these comments of the Highway Authority, it is considered that the provision of a vehicular access in the position indicated on the indicative plan would be acceptable and would not cause significant highway safety implications by virtue of the level of visibility achieved in both directions being acceptable. Although on-road parking exists on the western side of Dawsons Road the presence of vehicles in the highway has not been identified as a particular concern by the County Highways Authority and, in any case, any vehicle exiting the development site would have a sufficient level of visibility in both directions to ensure that an adequate assessment of the movement of vehicles in both directions is undertaken before exiting the site. With regards to the adequacy of the highways network in and around Osgathorpe being able to 'cope' with a potential increase in vehicular movements it is noted that the County Highways Authority has raised no objections to the development on this basis and the lack of control over the movement of vehicles throughout the village means that these roads could be subject to an increase in vehicular movements with or without the development. Given that Paragraph 32 of the NPPF outlines, amongst other things, that *"development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe,"* it is considered that the above conclusions outline that a residential development on the site would not have a severe impact on highway safety as to justify a refusal of the application. In these circumstances the development would also accord with Policy T3 of the Local Plan.

The potential provision of a pedestrian footway from the site entrance to the junction with Armetts Lane, with a pedestrian link from the development onto this footway at the position of the play area, would also improve the highway safety merits of the scheme by ensuring future residents would be able to safely cross the road at points other than the site entrance.

No representation to the development has been received from the County Council Rights of Way Officer and as such it is considered that the provision of the access and development of the site would not result in detriment to the safe usage of the right of way which will ensure compliance with Paragraph 75 of the NPPF.

The specific parking arrangements for each individual property would be assessed and addressed following the submission of any subsequent reserved matters application and as such the particular requirements of Paragraph 39 of the NPPF as well as Policy T8 of the Local Plan would be satisfied at that time.

Density

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

With a site area of 0.73 hectares, the proposal would have a density of 21.92 dwellings per hectare based on the provision of 16 dwellings. Although this density would fall below that advised in Policy H6, this policy also identifies that it is important to factor into any assessment

the principles of good design as well as green space and landscaping requirements. In the circumstances that the Local Authority values good design in its approach to residential development and there would be a need to retain and reinforce the landscaping of the site it is considered that the density proposed would represent an efficient use of the land in this instance. In these circumstances the proposal would not substantially conflict with the principles of Policy H6 as to warrant a refusal of the planning permission.

Neighbours' and Future Occupants' Amenities

In terms of the impacts on neighbouring occupiers arising from the proposed buildings themselves are concerned, these 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 16 units could not be provided on the site in a manner which would not adversely impact upon neighbours' amenities.

In terms of the issues raised by residents in respect of overbearing and overlooking impacts it is considered that the indicative layout identifies that Plot 1 would be set 21.5 metres from the north-eastern (side) boundary of No. 126 Ashby Road, with Plot 2 being situated 27.0 metres from the same boundary. Plot 16 would be set 25.5 metres from the north-eastern (front) elevation of No. 41 Dawsons Road. It is considered that these distances would be acceptable in preserving the amenities of neighbours, particularly in the circumstances that the layout is indicative only, with it also being noted that these distances would be greater than that between the south-eastern (rear) elevation of No. 124 Ashby Road and the north-western (side) boundary of No. 49 Dawsons Road which is 19.0 metres.

Concerns have been expressed that the development will result in an increase in dirt and noise, from a rise in vehicular movements and activity on the site, however it is considered that whilst the provision of a residential scheme along Dawsons Road would increase the volume of traffic this increase would not be significantly detrimental to amenities to justify a reason for the refusal of the application. This view is taken given that there are no controls in place to restrict the movement of vehicles along Dawsons Road and the fact the vehicular movements of any future occupants of the scheme would be similar to those of existing residents. The scheme relates to the provision of 16 dwellings and in the context that a residential use would not be considered a noisy use it would also be difficult to justify a refusal of the application on the basis that the tranquillity area would be adversely affected by the introduction of new residents.

Although dirt and noise would be associated with the construction of the scheme it is considered that this is an inevitable temporary, manifestation of any development project, which is not the concern of the planning system unless there would be exceptional amenity harm. When this is the case, a planning condition restricting hours is often applied but in this instance as Environmental Health has raised no issues to the development in this regard, it is considered that the imposition of an hours condition would be unreasonable.

With regards to future amenities it is considered that any subsequent scheme assessed under a reserved matters application could establish an acceptable level of amenity for future residents.

The issues raised in respect of the loss of a view would not constitute a material planning consideration and as such does not warrant further deliberation in the assessment of the application.

Overall the proposed development would not conflict with the principles of Paragraph 123 of the NPPF or Policy E3 of the Local Plan.

Landscape and Visual Impact, Design and Impact on the Historic Environment

The need for good design in new residential development is outlined not only in Local Plan Policies E4 and H7 but also Paragraphs 57, 60 and 61 of the NPPF with Paragraph 61 outlining that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Policy E4 requires new development to respect the character of its surroundings.

The application site slopes modestly from south-east to north-west and is currently defined by mature hedgerows of between 1.5 to 1.6 metres in height, with three trees and a group of trees being situated to the south-eastern, north-eastern and south-western boundaries. Residential properties exist to south-west and south of the site (on Dawsons Road), with two properties (Leas Cottage and Fields Farm House) being situated to the south-east of the site on Armetts Lane. Dawsons Road also serves as a public footpath, bridleway and cycleway. Properties within the area are largely two-storey semi-detached or detached types.

A Building for Life 12 Evaluation (BfL12) has been submitted in support of the application which scores the scheme on the basis of red/amber/green ratings rather than a points based scoring system. The evaluation concludes that the scheme would score all green points. The Council's Urban Designer has assessed the Building for Life 12 Evaluation, and the submission as a whole, and considers that in the circumstances that Osgathorpe would not be considered a sustainable settlement it would not be possible to score questions 2 (facilities and services) and 3 (public transport) as anything other than red and in the circumstances that BfL12 has been adopted by the District Council as a measure for assessing urban design quality the Urban Designer would not be in a position to endorse the proposals.

Although this is the case the District Council's Urban Designer has provided the following comments on the indicative layout: -

- *"The layout has the potential to be more traditional/'village like' if the highways design was softer - at the moment highways are rather over engineered, dominating the scheme to a great extent. A softer, more rural land would be appropriate;*
- *There is an opportunity to create a village green where the play area is shown, framing this better through building shape and orientation. This green should be complemented by the existing properties across the road. The form, layout/orientation and relationship between plots and parking for 11-13 is not right and fails to capitalise on the tree as a focal point/feature to be celebrated more;*
- *The buildings in this part of the village are set back from the street and whilst I question the placement of 14-16, I can equally see merit in doing this form from a spatial definition point of view;*
- *Field boundaries tend to be linear, so the new curved boundary is somewhat odd. I would simply suggest creating a linear/right angled boundary - much like you see in the adjacent field (so keep the alignment, just 'iron out' the curves;*
- *Appearance - outline only;*
- *Hipped garages would reduce the visual impact of garages along the un-built boundary;*
- *Recess garages into plots further to maximise parking provision (ref: plots 1, 8/9; suggest 4/5 open car ports with outbuilding attached to the side for storage."*

A key challenge for any future reserved matters application, should the principle of development be accepted, will relate to the creation of a scheme which has character and how a place with local or otherwise distinctive character can be created by drawing influence from the positive

and distinctive characteristics of Osgathorpe. This could be achieved by drawing upon selected local characteristics of dwellings and their materials within the vicinity of the site, i.e. window details, brick and cill details, verge and eaves detailing, and combining these with a strong landscape character which in turn creates a locally distinctive identity.

Although the comments of the District Council's Urban Designer are noted it is considered that the scheme is not sufficiently advanced to be assessed fully against BfL12. Whilst acknowledging that any development in Osgathorpe would not accord with questions 2 and 3, and in the circumstances that the District Council's Urban Designer concludes that *"any approval should be accompanied by a condition requiring a BfL assessment to be submitted to ensure compliance with questions 1 and 5 -12 in order to ensure any scheme is well designed and built to a good standard,"* it is considered that an appropriate scheme could be secured at the reserved matters stage should the principle of the development be accepted.

The Council's Conservation Officer has raised no objections to the development in the context of implications to the setting of heritage assets at Brookside Farmhouse (No. 16 Dawsons Road) and Hallington House (No. 18 Dawsons Road) subject to the provision of landscaping along the south-eastern boundary of the site and the retention of the play area in the position indicated on the indicative layout plan. In the circumstances that these matters would be addressed accordingly at the reserved matters stage it is considered that the development would not conflict with the intentions of Paragraphs 131, 132 and 134 of the NPPF.

Overall, the development is considered to accord with Paragraphs 57, 59, 60, 61 and 64 of the NPPF and Policy E4 of the Local Plan. The specific requirements of Policy H7 of the Local Plan would be achieved through any reserved matters application submitted for the detailed design of the proposals.

Viability of the Development

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

- Necessary to make the proposed development acceptable in planning terms;
- Directly related to the proposed development; and
- Fairly and reasonably related in scale and kind to the proposed development;

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

The relevant developer contributions are listed below: -

Affordable Housing

The Affordable Housing Supplementary Planning Document indicates that on all development sites providing five or more properties a requirement of 30% affordable housing would be required with the Council's preferred position for this to be provided on site.

The Council's Affordable Housing Enabler officer has indicated that *"if 16 properties are developed on this site the 30% would equate to 5 properties and the Council's preferred position is to seek delivery on site with the properties provided through a Registered Provider (RP). If this does not prove possible (e.g. due to insufficient Registered Provider capacity) the Council would be seeking an off-site commuted sum in lieu of onsite delivery to be utilised to increase the provision of affordable housing in areas where housing needs have been identified anywhere in the District."*

Where possible in our smaller rural settlements, the Strategic Housing Team would look to meet the needs of residents with a local connection to the village to aid sustainability and to assist residents who may have support needs that wider family members could not provide. However larger development sites in these settlements would still need to assist the wider affordable housing requirements from our housing register."

It is considered that in light of the design of the scheme the Strategic Housing Team would look to secure the following mix for the affordable housing element -

- 3 x 2 bed houses to be provided as Affordable Rented properties; and
- 2 x 3 bed houses to be made available as some form of low cost home ownership properties;

Although this would provide a lower than policy requirement with regard to the tenure split it would aid scheme viability and would be supported by the Strategic Housing Team.

Within the submitted Affordable Housing Statement it is indicated that the applicant is proposing to provide three affordable properties on site as two bed houses with a commuted sum, in lieu of affordable housing, to support the purchase of the Storey Arms Public House. It is noted that the referendum hosted by the Parish Council, on the 7th August 2014, identified that this approach was not supported by members of the community and the Strategic Housing Team comment that *"any commuted sum negotiated and accepted in lieu of onsite affordable housing provision is ring fenced for the provision of affordable housing and cannot be ascribed to alternative uses. The Strategic Housing Team would seek to ensure any monies provided in lieu of onsite affordable housing provision would be used to secure affordable housing anywhere in the District."*

The Affordable Housing Statement also indicates that the affordable properties would be provided as local needs housing with occupancy restrictions and the Strategic Housing Team is more than happy to seek to attach a local lettings policy, in line with those used on Rural Exception Sites, to any new affordable homes provided on this proposed development.

The agent bases the fact that any additional affordable housing contribution should be redirected to the Parish Council for their own use on the lack of any housing need assessment being available for Osgathorpe, however, this would not justify the redirection of such funds given that the intentions of the Affordable Housing SPD are that any off-site provision should be targeted for affordable housing anywhere in the District. It also has not been demonstrated that the scheme would not be viable for any off-site contribution towards affordable housing as well as any additional contribution to the Parish Council.

Given the insufficient provision of affordable housing, either on-site or off-site, and the lack of substantial justification as to why the scheme would discord from policy, even in the circumstances of a negative vote towards the redirection of money to the Parish Council for the purchase of the Storey Arms, it is considered that the development would not provide for the amount of relevant social infrastructure which would be required for a development of this size. In these circumstances there would be further deviation from the social strand of sustainability and Paragraph 50 of the NPPF as well as conflict with Policy H8 of the Local Plan and the District Council's Affordable Housing Supplementary Planning Document.

Education

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

Primary School Requirements

The site falls within the catchment area of Griffydam Primary School. The School has a net capacity of 105 and 98 pupils are projected on roll should this development proceed; a surplus of 7 places after taking into account the 4 pupils generated by this development. An education contribution will therefore not be requested for this sector.

High School Requirements:

The site falls within the catchment area of Ivanhoe College. The College has a net capacity of 949 and 1063 pupils are projected on roll should this development proceed; a deficit of 114 pupil places (of which 112 are existing and 2 are created by this development). There are no other high schools within a three mile walking distance of the site. A claim for an educational contribution in the high school sector is therefore justified. In order to provide the additional high school places anticipated by the proposed development, the County Council requests a contribution of **£28,601.87**. This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Ivanhoe College.

Upper School Requirements:

The site falls within the catchment area of Ashby School. The school has a net capacity of 1841 and 2038 pupils are projected on roll should this development proceed; a deficit of 197 pupil places (of which 195 are existing and 2 are created by this development). There are no other upper schools within a three mile walking distance of the site. A claim for an education contribution in this sector is therefore justified. In order to provide the additional upper school places anticipated by this proposed development, the County Council requests a contribution of **£29,368.26**. This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Ashby School.

The applicant has agreed to meet the education financial request.

Libraries

The County Council have indicated that the library facilities contribution is outlined in the Statement of Requirements for Developer Contributions in Leicestershire (December 2007). It is considered that 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 Dawsons Road is within 4.9km of Shepshed Library on Hall Croft, the nearest local library facility which would serve the development site, and as such a contribution of **£990.00** (rounded to the nearest £10) would be requested.

The contribution would be used for an additional 63 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 money requested has been calculated in accordance with the following formula: -

3 x 2 bedroom houses/apartments @ £54.35 per house/apartment;
13 x 3/4/5 bedroom houses/apartments @ 63.41 per house/apartment.

The applicant has agreed to meet the libraries financial request.

Civic Amenity

The County Council have indicated that the civic amenity contribution is outlined in the

Statement of Requirements for Developer Contributions in Leicestershire (December 2007). It is considered that 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. In these circumstances a contribution of **£342.00** (rounded to the nearest pound) is sought. The nearest civic amenity sites to the proposed development are located at Shepshed and Lount and residents of the proposed development are likely to use either of these sites with the calculation based on 16 units multiplied by the current rate for the Shepshed Civic Amenity site of £42.71 and £0.00 for the Lount site respectively, reduced by 50% for each site.

The applicant has agreed to meet the civic amenity financial request.

NWLDC - Leisure and Cultural Services

Under the District Council's Play Area Design Guidance Supplementary Planning Guidance (SPG), on-site children's play provision is required at a rate of 20 square metres per dwelling. Given that 16 dwellings are proposed, this would require a play area of not less than 320 square metres. A play area in excess of this size is identified on the indicative layout plan and the provision of such play facilities, and their future management, would be secured via planning conditions and subsequent legal agreement on any consent granted.

Ecology and Trees

The County Council Ecologist has raised no objections to the application and no representation has been received from the Council's Tree Officer. As part of the development proposals it is intended that all existing vegetation would be retained, apart from the removal of partial sections of the hedgerow along Dawsons Road to accommodate the vehicular access, pedestrian entrance and visibility splays. The mature trees on the site are located to the site boundaries and as such can be retained within any future layout progressed under any reserved matters submission without significant implications to their integrity. It is considered that the retention of the existing trees within the site will be important given the positive contribution they make to the visual amenities of the streetscape and surrounding area.

In terms of the comments raised with regards to the implications of surface water run-off to the species of fauna and flora within Westmeadow Brook it is noted that this is not designated as a Special Area of Conservation (SAC) or Site of Special Scientific Interest (SSSI) and the consultation responses from the County Council Ecologist and Environment Agency have raised no objections in respect of this issue. Although this is the case it is considered that the imposition of a surface water condition, should permission be granted, on any consent could ensure any scheme progressed incorporated measures such as treatment trains which would capture and prevent polluted surface water run-off from reaching the brook and as such impacting on its integrity.

In these circumstances, therefore, it is considered that subject to an appropriate scheme being agreed at a subsequent reserved matters stage(s), should permission be granted, to retain existing trees on the site and the imposition of relevant conditions relating to drainage the development would not result in conflict with Paragraph 118 of the NPPF, Circular 06/05 or Policies E2 or E7 of the Local Plan.

Flood Risk and Drainage

The site lies within Flood Zone 1 as defined by the Environment Agency as having a low probability of flooding. As the site does not exceed 1 hectare in size, there is no formal requirement to provide a Flood Risk Assessment (FRA) or formal consultation undertaken with the Environment Agency.

Severn Trent Water has been consulted on the application but no comments have been received at time of writing. A chasing request has been made and should any comments be received, they will be reported to Members via the update sheet.

Although there is no formal need to consult with the Environment Agency (EA), following the concerns raised by members of the public in respect of localised flooding impacts associated with Westmeadow Brook, which does lie within Flood Zones 2 and 3, the EA were consulted. The EA have commented that: *"we would advise that in any final surface water drainage scheme there will be an opportunity to reduce the level of flows leaving the site through the use of SuDs. We also advise that you seek the views of Leicestershire County Council in their capacity as Lead Local Flood Authority, on the proposal."*

Consultation has also been undertaken with the Lead Local Flood Authority at the County Council who have stated that: *"Although the proposed development is outside of the flood zones, and is not shown to be at risk from surface water flooding. Concerns have been raised regarding the impact on the low lying areas of the village. Properties have not currently been flooded internally, but the water levels experienced are very high (reported between 60-90cm) and any further increase has the potential to flood properties...The Lead Local Flood Authority are not opposed to development, where it can be achieved without any detrimental impact on the flood risk to surrounding properties and land. It is to be anticipated that the proposed development will conform to the National Planning Policy Framework, by attenuating surface water run-off to Greenfield run-off rate."*

Clarification was requested from the applicant in respect of the precise means of surface water run-off from the site and the following information was provided: *"I confirm that the field currently drains into the watercourse to the south-east boundary of the field alongside Armetts Lane, it is our opinion that the only risk identified could be from accelerated surface water run-off from the development should it be allowed to freely drain off site...Therefore a Sustainable Urban Drainage System (SuDs), will be designed and incorporated into the final layout of the proposed development during the "Reserved Matters" application process. Since the design of such a system is dependent upon the final design and layout of the dwellings and infrastructure proposed in detail; a SuDs scheme will incorporate, where appropriate, swales and geocellular storage systems and where appropriate a hydrobrake system, all to ensure that the post development surface water run-off will not exceed that from the present land use, within the current required parameters."*

In the circumstances that a scheme of surface water drainage for the site could be conditioned on any consent granted for the proposal, and this scheme could ensure that the current run-off rate from the fields was not exceeded, it is considered that the implications of the development on the localised flooding impact would not be sufficiently detrimental as to warrant a refusal of the application.

With regards to the means of foul drainage it is considered that the imposition of a relevant condition, on any consent granted, could achieve a scheme which would be acceptable to the relevant sewerage undertaker (Severn Trent Water).

Overall, therefore, the development would not conflict significantly with the intentions of Paragraph 103 of the NPPF.

Archaeology

No representation to the application has been received from the County Council Archaeologist and in this context it is considered that the development of the site would not result in significant

implications to archaeological remains and would accord with Paragraph 141 of the NPPF.

Other Matters

Although numerous representations have been received identifying that the development would be contrary to the Osgathorpe Village Design Statement it is noted that this document has not been formally adopted by the District Council, as a supplementary planning document, and as such no weight can be given to the aspirations of this document in the determination of the application.

Conclusion

The report above indicates that the site is a greenfield site outside Limits to Development, is located within an Area of Particularly Attractive Countryside and that Osgathorpe is not a sustainable settlement with or without the retention of the Storey Arms Public House.

The proposed development would result in the development of land outside of the defined Limits to Development and the erection of 16 dwellings and associated built infrastructure would diminish the present open character of the Area of Particularly Attractive Countryside which would be contrary to Policy E22 of the Local Plan. The release of this land for the proposed residential scheme would result in an adverse impact to the rural environment due to the physical intrusion into the rural environment and as such would represent unwarranted development in the countryside. A heavy reliance on the private car by any future occupants will also lead to increases in vehicular fumes into the atmosphere which would not support the approach to a low carbon economy. The Council is currently able to demonstrate an adequate supply of housing and there are no other over-riding material planning considerations that outweigh the conflict with the Area of Particularly Attractive Countryside. In these circumstances the proposed development of the site is unacceptable in principle and would conflict with the environmental strand of sustainability and Paragraph 17 of the NPPF as well as Policies S3 and H4/1 of the Local Plan.

Although contributions would be provided for certain services, albeit in different settlements, a play area and local needs housing the positive contribution they make to the scheme are heavily outweighed by the under provision of affordable housing, either on-site or off-site, and the lack of services within Osgathorpe which would contribute towards people's day to day needs and as such the development would also conflict with the social strand of sustainability and Paragraph 17 of the NPPF.

A failure to provide an appropriate Section 106 contribution towards social infrastructure in the form of affordable housing would also result in conflict with the social strand of sustainability as well as Paragraphs 17 and 50 of the NPPF and Policy H8 of the Local Plan as well as the Affordable Housing SPD.

It is therefore recommended that the application be refused.

RECOMMENDATION - REFUSE, for the following reasons;

- 1 Osgathorpe is a settlement which benefits from few services or an appropriate level of public transport and as such would not be considered a sustainable settlement for the scale of the development proposed. The application site is on unallocated Greenfield land located outside the limits to development of Osgathorpe, as defined on the Proposals Map to the North West Leicestershire Local Plan, and is also within an Area of Particularly Attractive Countryside. Policy S3 of the adopted North West Leicestershire

Local Plan provides a presumption against non-essential residential development in the countryside and Policy E22 of the adopted North West Leicestershire Local Plan states that development will not be permitted which would adversely affect or diminish the present open character and attractive rural landscape and/or be detrimental to natural habitats and scientific interest. Paragraph 17 of the National Planning Policy Framework (NPPF) also indicates that planning should recognise the intrinsic character and beauty of the countryside. The NPPF also outlines that socially development should provide the supply of housing required to meet the needs of present and future generations with accessible local services and the support of their health, social and cultural well being. Although the scheme would be considered acceptable in terms of the economic strand of sustainable development the scheme would fail the environmental and social elements as it would adversely affect and diminish the present open character and attractive rural landscape of this part of the Area of Particularly Attractive Countryside, would physically intrude into the rural environment and would create a development where future occupants would be heavily reliant on the private car to access the most basic of services thereby leading to greater vehicular emissions and not supporting the approach to a low carbon economy. An under provision of affordable housing as part of the development and insufficient local services and public transport provision to support the basic needs of future residents would also lead to such residents being socially isolated. An approval, therefore, would be contrary to the environmental and social strands of sustainability enshrined within the NPPF, as well as Paragraph 17 of the NPPF and Policies S3, E22 and H4/1 of the Local Plan.

- 2 The development proposal would fail to make an appropriate Section 106 contribution towards social infrastructure in the form of affordable housing which would also result in conflict with the social strand of sustainability as well as Paragraphs 17 and 50 of the NPPF, Policy H8 of the North West Leicestershire Local Plan and the District Council's Affordable Housing Supplementary Planning Document.

Notes to applicant

- 1 Outline planning permission has been refused for this proposal for the clear reasons set out in this decision notice. It is considered that the application is not acceptable in principle and as such the Local Authority has not entered into dialogue to seek any amendments. The Local Planning Authority has therefore complied with the requirements of the National Planning Policy Framework (Paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

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Change of use from neighbourhood equipped area for play (NEAP)/Multi-uses Games Area (MUGA) to informal public open space

**Report Item No
A3**

Play Area Lillehammer Drive Coalville Leicestershire

**Application Reference
14/00681/FUL**

**Applicant:
Barratt Homes North Midlands**

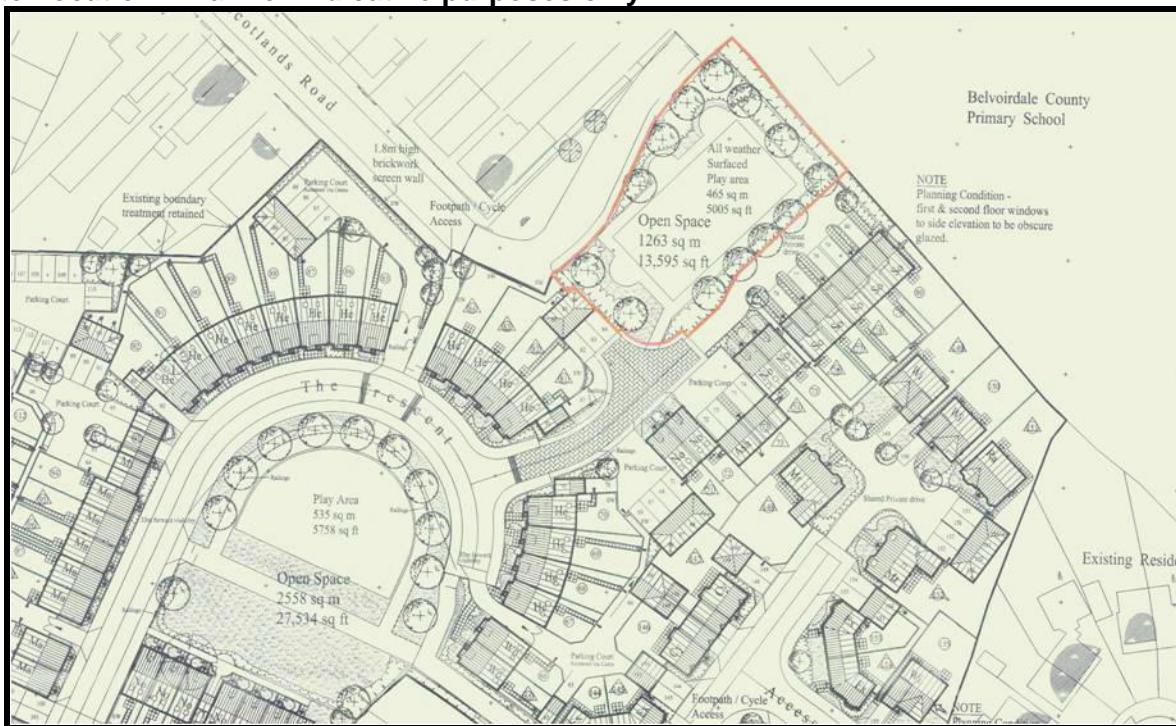
**Date Registered
8 July 2014**

**Case Officer:
James Mattley**

**Target Decision Date
2 September 2014**

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

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR APPROVAL

Call In

The application falls to be determined by the Planning Committee as it is a matter which is considered to be of significant public interest.

Proposal

Planning permission is sought for the change of use from neighbourhood equipped area for play (NEAP)/Multi-uses Games Area (MUGA) to informal public open space. It is proposed to relocate the MUGA to a more appropriate location within Coalville.

Consultations

Members will see from the report below that letters of representation have been received from surrounding neighbours some of which consider the MUGA should remain and some of which consider that the area should be re-designed to make the area less attractive for ball games.

Planning Policy

Providing that the MUGA is relocated to a more appropriate location within Coalville the scheme is considered to comply with the relevant policies of the North West Leicestershire Local Plan as well as guidance contained within the National Planning Policy Framework.

Conclusion

Providing that the MUGA is relocated, the requirements for open space are still considered to be met by the scheme and there is no objection in principle to the proposed development. The proposed scheme is considered to strike an acceptable balance between providing a suitable level of open space in the locality and helping to limit impacts on surrounding residential amenity. Taking all of this into account, the proposal is deemed to comply with the relevant policies in the Local Plan, in this case S2, E3 and E4 and the advice in the NPPF. It is therefore recommended that the application be permitted subject to a legal agreement requiring the MUGA to be relocated to a more appropriate location in Coalville.

PERMIT, subject to conditions and subject to a legal agreement requiring the MUGA to be relocated;

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

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the change of use from neighbourhood equipped area for play (NEAP)/Multi-uses Games Area (MUGA) to informal public open space along with the erection of 2.4 metre high fencing on land off Lillehammer Drive, Coalville. The site is located within the limits to development.

In May 2005 outline planning permission was granted for a residential development on the site under planning application reference 03/01880/OUT. This planning application included for a MUGA which has been in place since 2013. The MUGA has resulted in noise, disturbance, nuisance and anti-social behaviour to some residents on the estate and the applicants (in conjunction with the District Council) have recently decided to fence off the MUGA which has prevented its use. This action has been taken as a precursor to formal consideration being given to the current planning application.

The current application seeks for planning permission to remove the MUGA and replace it with an area of informal public open space. It is also proposed to erect 2.4 metre high mesh fencing and associated gates to the area. It is proposed that the MUGA would be relocated to a more appropriate location in Coalville.

Relevant Planning History:

03/01880/OUT - Residential development (Outline - means of access) - permitted.

05/01283/REM - Erection of 95 houses and 60 flats (reserved matters to outline planning permission ref. 03/01880/OUT) - permitted.

06/00120/VCU - Carrying out of residential development approved under reserved matters approval 05/01283/REM without complying with condition 29 so as to enable the existing war memorial to be relocated to Newbridge School - permitted.

07/00907/VCU - Carrying out of residential development approved under reserved matters approval 06/00120/VCU without complying with Condition 2 so as to enable development to proceed not in accordance with approved street scene plans - permitted.

2. Publicity

209 No. Neighbours have been notified (Date of last notification 22 July 2014)

Site Notice displayed 23 July 2014

3. Consultations

County Highway Authority 23 July 2014.

Severn Trent Water Limited 23 July 2014.

Street Action Team Manager 23 July 2014.

National Forest Company 23 July 2014.

Leisure Services Team Manager 23 July 2014.

Police Architectural Liaison Officer 23 July 2014.

4. Summary of Representations Received

Third Party Representations

A total of 8 letters of representation have been received making the following points:

- Young people need a designated area to play;
- Removal of the MUGA would result in problems elsewhere on the estate;
- The estate is currently blighted by parking issues due to inadequate road widths and a lack of off-street car parking;
- Existing MUGA resulted in noise, disturbance, trespass, vandalism, litter and anti-social behaviour;
- The proposed informal space will still result in anti-social behaviour;
- The police would not be happy with the revised plans;
- The plans only address the issue of noise created by bouncing balls which is the least important issue in this area;
- The play area should remain but should be improved;
- The existing parking area for residents in close proximity to the MUGA is small and the proposed fence may further impact on this area;
- The location of the MUGA and the proposed open space is poorly lit and in a secluded area;
- Would not wish to see any restrictions relating to ball games in the proposed open space area.

Statutory Consultees

County Highway Authority raises no objection to the proposal under the standing advice procedure;

Severn Trent Water raises no objection to the proposed development;

National Forest Company raises no objection to the proposed development;

Non-Statutory Consultees

The Neighbourhood Police Sergeant from the **North West Local Policing Unit** makes the following comments regarding the proposal:

- The existing MUGA has resulted in a disproportionately large number of incidents related to noise nuisance, damage, substance misuse and general anti-social behaviour;
- The site should be sculpted, landscaped and planted as this will assist in alleviating a reoccurrence of the incidents that have taken place on the site;
- There is adequate youth provision catered for by existing parks and youth activity areas within a reasonable distance to Lillehammer Drive;
- Further youth provision on Lillehammer Drive could not be justified when balanced against the quality of life of the residents;
- A level and turfed area would attract groups that would result in an even higher demand on resources.

The North West Leicestershire Joint Action Group (JAG) which includes NWLDC community safety team, Leicestershire Police, Leicestershire Fire and Rescue and other agencies makes the following comments regarding the proposal:

- The JAG would like to re-iterate the work that has been carried out to try to manage the anti-social behaviour in the area in the past. This has included using the incremental approach (where perpetrators were identified), speaking with residents and deploying the Impact Team to provide diversionary activities.
- The JAG realised last year that the MUGA was not suitable for this location, a view the group still shares.

- The JAG believes that any design which would deter ball games from this location would be favourable due to the proximity of properties to this space.
- The JAG would not want to see the MUGA provision abolished completely as a resource for Coalville and would support it's relocation to a more suitable location.
- Undulated ground and mature trees would be favoured in the space as the most effective way of deterring ball games and reducing potential ASB.

5. Relevant Planning Policy

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

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

Paragraph 58 and 69 of the NPPF states that planning policies and decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;

The policies of the North West Leicestershire Local Plan as set out in more detail in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application. In March 2014 the Government published National Planning Practice Guidance (NPPG) to supplement the NPPF. The NPPG does not change National Policy but provides practical guidance as to how such policies should be applied.

North West Leicestershire Local Plan

The North West Leicestershire Local Plan forms the development plan and the following policies of the Local Plan are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application:

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

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

Policy E4 seeks to achieve good design in new development.

Policy 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.

Submission Core Strategy (April 2012)

At a meeting of the Full Council on 29 October 2013, the District Council resolved to withdraw the Submission Core Strategy.

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.

North West Leicestershire District Council Play Area Design Guidance SPG

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

6. Assessment

Principle

The site is located within the Limits to Development as set out on the Proposals Map to the Local Plan. When the site was originally developed a development brief was adopted by the District Council as Supplementary Planning Guidance (SPG) and this stated, amongst other things, the following: An integral part of the redevelopment of the site will be the provision of adequate open space. Such areas provide opportunities for play for children whilst also contributing towards an attractive environment. The MUGA was required to be provided under a legal agreement associated with Outline Planning Permission 03/01880/OUT.

In terms of the principle of the development, it has previously been established that a MUGA is required to serve a development of this size in this location. It is the applicant's intention to relocate the MUGA to a more appropriate venue in Coalville. Whilst a site has not been selected at this stage, the preferred option is for the MUGA to be relocated to a site within Scotlands Playing Fields. A consultation exercise by the District Council is currently underway in relation to the relocation of the MUGA to this location and the results of the consultation will be reported on the update sheet. The relocation of the MUGA could be secured through a suitable legal agreement or by way of a Deed of Variation to the existing S.106 agreement. Providing that the MUGA is relocated, the requirements for open space are still considered to be met by the scheme and there is no objection in principle to the proposed development. However, it is still necessary to consider other material planning considerations such as design, residential amenity, highway safety and any other material considerations.

Residential Amenity and Design

It is clear that the existing MUGA is leading to significant impacts upon the residential amenities of some occupiers in the area particularly those located off Lillehammer Drive which is located in close proximity to the MUGA. The issues which have been cited by some local residents, the local police and the North West Leicestershire Joint Action Group (JAG) include noise, disturbance, trespass, vandalism, litter, substance misuse and anti-social behaviour. It is also clear from letter of representation that other residents in the area consider the existing MUGA

as an important facility in the locality and provides a dedicated area for their children to play.

The removal of the MUGA and resultant open space area that would be turfed with landscaping to the site boundaries should help to reduce noise disturbance in the area as the sound of balls bouncing on the hard surface, the surrounding fencing and the basketball backboard would not occur on the site. However, some letters of representation consider that the design of the proposal should be amended to include for further landscaping and for level changes to prevent the area being used for ball games and to limit anti-social behaviour emanating from the site. This has to be weighed up against the need for local children to have adequate open space in the locality. Officers are of the view that the proposed scheme strikes an acceptable balance between providing a suitable level of open space in the locality and helping to limit impacts on surrounding residential amenity. However, officers are of the view that further landscaping (including the retention of existing landscaping) could be achieved along the south-eastern boundary that would help to screen the development and reduce residential amenity issues with surrounding residents. This could be secured through an amended landscaping condition.

If Members of the Planning Committee deemed it necessary, it would be possible to attach conditions requiring further landscaping to be secured centrally within the site in order to limit the potential for ball games to take place on the site.

Having regard to all of the issues above and on balance, it is deemed that the design of the development would help to reduce some of the issues that have been experienced in the surrounding area and is considered to be acceptable in relation to Policy E3 and E4 of the Local Plan.

Other

Concerns have been expressed regarding parking issues on the wider estate. This application seeks alterations only to the MUGA and would not impact upon the existing levels of car parking on the estate. It is also noted that the County Highway Authority raises no objection to the proposal.

The District Council's Leisure Services Team consider that the proposed pedestrian gate should be lockable both in an open and closed position. This could be achieved through a suitably worded planning condition.

Conclusion

Providing that the MUGA is relocated, the requirements for open space are still considered to be met by the scheme and there is no objection in principle to the proposed development. The proposed scheme is considered to strike an acceptable balance between providing a suitable level of open space in the locality and helping to limit impacts on surrounding residential amenity. Taking all of this into account, the proposal is deemed to comply with the relevant policies in the Local Plan, in this case S2, E3 and E4 and the advice in the NPPF. It is therefore recommended that the application be permitted subject to a legal agreement requiring the MUGA to be relocated to a more appropriate location in Coalville.

RECOMMENDATION - PERMIT, subject to the following conditions and subject to a legal agreement requiring the MUGA to be relocated;

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

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

- 2 The proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by a condition of this permission:

Drawing No. 579/02/A Rev A deposited with the Local Planning Authority on 8 July 2014;
Drawing No. GL0257 02 deposited with the Local Planning Authority on 8 July 2014;
Drawing No. GL0257 01F deposited with the Local Planning Authority on 8 July 2014.

Reason - To determine the scope of this permission.

- 3 Before development commences on the site an amended landscaping scheme shall first be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in the first planting and seeding season following either the first occupation or the bringing into use of the development hereby approved unless an alternative implementation programme is first agreed in writing with the Local Planning Authority. The scheme shall have particular regard to the treatment of the site boundaries.

Reason - To ensure satisfactory landscaping is provided within a reasonable period and to agree an amended scheme with additional landscaping along the south-eastern boundary.

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

Reason - To provide a reasonable period for the replacement of any trees.

- 5 The boundary treatment on the site shall be carried out in accordance with the details shown on drawing no. GL0257 02, shall be implemented within 6 months of the date of this planning permission and shall thereafter be maintained in perpetuity.

Reason - To preserve the amenities of the locality.

- 6 The pedestrian gate shall be lockable both in an open and closed position.

Reason - In the interests of amenity.

Notes to applicant

- 1 Written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97 per request. Please contact the Local Planning Authority on 01530 454666 for further details.
- 2 Severn Trent Water advise that there is a public sewer located within the application site.

Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

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Residential development of up to 85 no. dwellings (outline - all matters other than part access reserved)

**Report Item No
A4**

Land At Loughborough Road Thringstone Leicestershire

**Application Reference
14/00328/OUTM**

**Applicant:
Investin Properties Ltd**

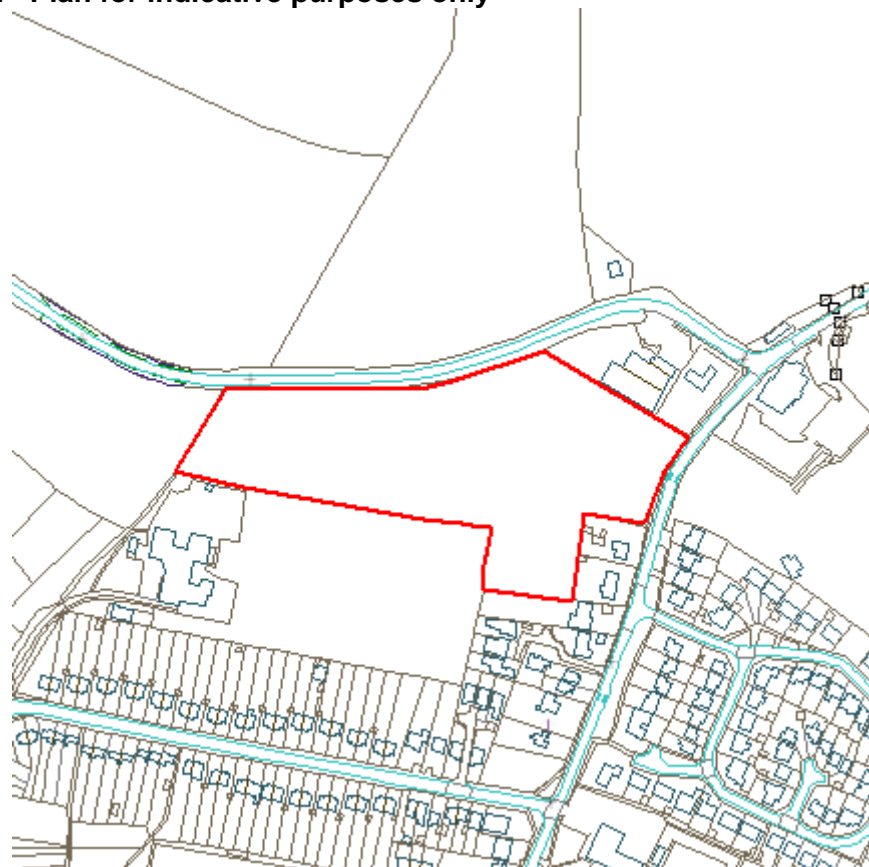
**Date Registered
11 April 2014**

**Case Officer:
James Mattley**

**Target Decision Date
11 July 2014**

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

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Reasons for Decision

Proposal

This application seeks outline planning permission for a residential development of up to 85 dwellings on land off Loughborough Road, Thringstone. All matters are reserved for future approval apart from the access into the site from Loughborough Road.

Consultations

Members will see from the main report below that objections have been received in respect of the proposals from local residents but no other objections are raised by any statutory consultees.

Planning Policy

The application site lies outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. Also material to the determination of the application, however, is the supply of housing in the context of the National Planning Policy Framework (NPPF) and whether the scheme represents sustainable development.

Conclusion

As set out in the main report, the site lies outside the Limits to Development in the adopted Local Plan and constitutes greenfield land. Policies S3 and H4/1 which restrain the supply of housing are now considered to be up-to-date given the Council can demonstrate a five-year supply of deliverable housing land.

However, the site is considered to be well located in relation to the settlement of Thringstone and its proximity to local services and facilities. The proposed development would be acceptable in terms of density, layout and design, impact on trees, residential amenities, transportation and highway safety issues, flood risk and drainage, ecological impacts and 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/services.

Taking all of this into account, whilst the scheme would not be in accordance with Policy S3 of the Local Plan, it is considered to constitute sustainable development as defined in the NPPF. It is therefore recommended that outline planning permission be granted subject to conditions and entering into a legal agreement to secure relevant 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

Outline planning permission is sought for a residential development of up to 85 dwellings. The site comprises of 2.52 hectares of agricultural land and is located to the west of Loughborough Road and to the south of Ashby Road (A512). Whilst all matters other than part access are reserved for subsequent approval, an illustrative masterplan has been submitted showing the proposed dwellings, together with public open space and landscaping.

A new vehicular access is proposed onto Loughborough Road and would involve the provision of a priority junction. The A512 and open fields are located to the north of the site, an existing haulage and storage business premises operated by Leicester Machine Movers is located to the north west, residential development is located to the south-east and Thringstone Primary School is located to the south-west.

A public footpath (N5) runs partially through the western corner of the site. The illustrative masterplan indicates that the footpath would be retained along its current alignment.

The application is accompanied by an arboricultural assessment, statement of community involvement, planning statement, noise assessment, transport assessment, travel plan, landscape and visual impact assessment, flood risk assessment, ecological assessment, draft heads of terms, design and access statement, heritage assessment and air quality assessment.

The application has not been called in by any Councillor but is reported to planning committee as the scheme could be considered to be of significant public interest.

No relevant planning history found.

2. Publicity

51 No. neighbours have been notified (Date of last notification 30 June 2014)

Site Notice displayed 2 May 2014

Press Notice published 30 April 2014

3. Consultations

17 April 2014 Osgathorpe Parish Council
 17 April 2014 County Highway Authority
 17 April 2014 Environment Agency
 17 April 2014 Severn Trent Water Limited
 17 April 2014 Head of Environmental Protection
 17 April 2014 NWLDC Tree Officer
 17 April 2014 County Archaeologist
 17 April 2014 LCC ecology
 17 April 2014 NWLDC Urban Designer
 17 April 2014 LCC Development Contributions
 17 April 2014 NHS Leicester, Leicestershire And Rutland Facilities Management
 17 April 2014 Development Plans
 17 April 2014 Head Of Leisure And Culture
 17 April 2014 Manager Of Housing North West Leicestershire District Council

17 April 2014 Police Architectural Liaison Officer
17 April 2014 LCC/Footpaths
17 April 2014 National Forest Company
17 April 2014 Head Of Street Management North West Leicestershire District
17 April 2014 NWLDC Footpaths Officer
17 April 2014 LCC Fire and Rescue
30 June 2014 NWLDC Urban Designer
30 June 2014 LCC ecology
7 May 2014 LCC/Footpaths
1 May 2014 Head of Environmental Protection
9 July 2014 County Highway Authority

4. Summary of Representations Received Statutory Consultees

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

Leicestershire County Council Ecologist states that the ecology report is satisfactory and raises no objections to the principle of the application. However, concerns were originally expressed regarding the masterplan as this originally showed retained hedges forming the boundaries to gardens and other private land. An amended masterplan has been submitted to address this issue and the County Ecologist now raises no objections subject to suitable conditions.

Leicestershire County Council Highway Authority states that they have no objection subject to the inclusion of relevant planning conditions and legal obligations.

Leicestershire County Council Highway Transportation & Waste Management Authority requests a developer contribution of £6,041 in order to mitigate the impact on civic amenity waste facilities in the local area.

Leicestershire County Council Library Services Development Manager requests a contribution of £4,620.

Leicestershire County Council Local Education Authority requests a contribution of £180,985.07.

Leicestershire Police requests a contribution of £32,635.

National Forest Company requests an off-site contribution of £10,000 towards woodland planting and landscaping.

NHS England (Leicestershire and Lincolnshire Area) requests a developer contribution of £15,033.41.

North West Leicestershire District Council Contaminated Land Officer has no objections subject to relevant conditions.

North West Leicestershire District Council Environmental Health Officer (EHO) originally requested that further noise monitoring take place on the site. Following the submission of

additional information the EHO considers that there would be a satisfactory environment for the proposed residential units and, therefore, no objections are raised in relation to the proposed development.

Osgathorpe Parish Council has no comments or observations to make as a neighbouring Parish Council.

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

Third party representations

A total of five representations have been received objecting to the application on the following grounds:

- _ the application will require the removal of a speed restricting device on Loughborough Road;
- _ the road drainage from Loughborough Road becomes inundated during periods of rainfall;
- _ the junction of Ashby Road and Loughborough Road is already a busy and hazardous junction;
- _ the traffic plan fails to consider the impact on the A512;
- _ the accident statistics contained within the documentation are inaccurate;
- _ the layout shows a cramped form of development;
- _ small apartments and bungalows should be provided on the site;
- _ proposal could exacerbate flooding in the area;
- _ the existing traffic calming on Loughborough Road should be maintained;
- _ an increase in traffic volume will increase air pollution in the surrounding area;
- _ proposal would result in a visual impact;
- _ the applicant has failed to provide an adequate foul sewage removal process;
- _ application should be decided at the planning committee;
- _ Section 106 agreement should provide funds for the community centre to install suitable access for people with disabilities;
- _ the car park on the village green will become even more congested;
- _ the employment centres listed in the reports would not provide employment for the occupiers of this development.

5. Relevant Planning Policy

National Policies

National Planning Policy Framework

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

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

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

In March 2014 the Government published National Planning Practice Guidance (NPPG) to supplement the NPPF. The NPPG does not change National Policy but provides practical guidance as to how such policies should be applied.

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

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

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

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

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

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

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

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

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

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

"59 Local planning authorities should consider using design codes where they could help

deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally."

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

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

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

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

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

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

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

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

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

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

Adopted North West Leicestershire Local Plan (2002)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Other Policies

North West Leicestershire District Council Affordable Housing SPD

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

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

North West Leicestershire District Council Play Area Design Guidance SPG

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

Submission Core Strategy (April 2012)

At a meeting of the Full Council on 29 October 2013, the District Council resolved to withdraw the Submission Core Strategy.

6. Assessment

Principle of Development

In terms of the principle of development, and in accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2002 (as amended)).

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

Notwithstanding the countryside location of the site, in determining the application regard must be had to other material considerations, including other Development Plan policies and whether the proposal constitutes sustainable development (including in its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF.

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

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

Whether or not this site would be considered "appropriate" is a matter of judgement. Insofar as the site's location is concerned it is located adjacent to the existing built up area of the settlement and would not result in isolated development in the countryside. In terms of the site's greenfield status, it is accepted that the site does not perform well. However, this issue needs to be considered in the context of the need to maintain a five year housing land supply in the District. It is therefore considered inevitable that greenfield land will need to be released in order to maintain a five year supply of deliverable sites, as well as (as in this case) land not allocated for housing development in the adopted Local Plan.

Housing Land Supply

The NPPF requires that the Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery. The

appeal decision of May 2013 in respect of land south of Moira Road, Ashby de la Zouch, concluded that the Council's 5 year housing land supply calculation should be based on the "Sedgefield" approach (i.e. an approach requiring planning authorities to deal with any past under-supply within the first 5 years rather than to spread this over the whole plan period) an approach now expressly preferred in the recently published National Planning Practice Guidance, and thus even more likely to be favoured by appeal inspectors going forward. The Moira Road Inspector also applied a buffer of 20% for persistent under delivery. As such, officers have recently been advising Members of the Council's inability to demonstrate a five-year supply of deliverable housing sites. The consequence of this has been that the Council has not been able to rely on adopted Policies S3 and H4/1 in determining housing applications as they are "relevant policies for the supply of housing" for the purposes of Paragraph 49 of the NPPF which, Members are aware "should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites".

As reported to Committee on 8th July 2014, however, a recently completed County-wide Strategic Housing Market Assessment (SHMA) has provided the Council with an up-to-date objectively assessed annual housing requirement. Further to the recalculated housing land supply figure reported on the Update Sheet to the Planning Committee meeting of 8 July 2014, the District Council has now published a revised housing supply trajectory. The latest housing supply trajectory indicates that, as matters currently stand, using the approach of an annualised requirement with a 20% buffer, the District is able to demonstrate a supply of 6.35 years.

As a result of the above Policies S3 and H4/1 should no longer be considered 'out-of-date' in the context of Paragraph 49 of the NPPF - indeed these are Development Plan policies to which the Council should again now properly have regard in determining future planning applications. Whilst the weight to be applied to these policies against other material considerations is a matter entirely for Members, officers would advise Members, in applying weight to any conflict with Policy S3 in the overall planning balance, to bear in mind the fact that the Limits to Development as defined in the adopted Local Plan were drawn having regard to housing requirements only up until the end of that Plan Period (i.e. to 2006).

In addition, the NPPF's provisions do not specifically seek to preclude development within the countryside, and consideration must therefore be given to whether the proposals constitute sustainable development (including in its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF.

Sustainability

Thringstone provides a range of local facilities including a post office, hairdressers, fish and chip shop, off licence, public house as well as a retail convenience store. There are also recreational facilities and a community centre. There is also a good level of public transport accessibility including a circular bus service within Thringstone and also a Coalville to Loughborough Service.

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. The Inspector in the Moira Road appeal referred to the DoT statistics which detail that the average trip length regularly undertaken by the population of Great Britain is, on average, walking about 1Km (0.62 miles), cycling about 4.5Km (2.8 miles) and by bus about 8Km (4.97 miles). In terms of the sustainability credentials of the site, the site is located the following (approximate) distances away from a range of services:

Thringstone Primary School - 0.64km

'The Green' (including Co-Op convenience store, general store/post office, fish and chip shop, hairdressers and community centre) - 0.96km

Playing Fields - 0.64km

Public House - 0.32km

Bus Stop - 0.64km

The application site is well related to most of the key services/facilities within Thringstone, being within 800/1000 metres (preferred maximum walking distance) of the majority of the services listed above.

The Arriva 16 bus service provides a bus service that runs three times an hour during the day between Monday to Saturday. This service provides a circular route around Thringstone and also serves 'The Green' and the wider Coalville area. The application site is located in fairly close proximity to the range of services/facilities listed above and is also well located in terms of the extensive facilities and services that are available in the Greater Coalville Area. Taking these matters into account, it is considered that the site would be located within a sustainable area.

Scale of Development and Cumulative Impacts

Given that the application site is located within the Greater Coalville Area and that the proposed scheme seeks only 85 dwellings, it is not considered that this development would be out of scale with Greater Coalville Area or result in cumulative impacts with other developments in the surrounding area.

Loss of Agricultural Land

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

Paragraph 112 of the NPPF suggests that, where significant development of agricultural land is demonstrated to be necessary, poorer quality land should be used in preference to that of a higher quality. Best and Most Versatile (BMV) agricultural land is defined as that falling within in Grades 1, 2 and 3a of the Agricultural Land Classification (ALC). The application site falls within Grade 3 of the ALC but it has not been established whether the land is Grade 3a or Grade 3b and, therefore, whether any BMV would be affected.

However, even if the site does fall within the 3A classification, it is commonly accepted that the magnitude of loss of agricultural land is low where less than 20 hectares of BMV would be lost (with medium and high impacts defined as those resulting in loss of between 20 and 50ha, and those of 50ha and above respectively). It is noted that the NPPF does not suggest that release of smaller BMV sites is acceptable. However, it nevertheless appears reasonable to have regard to the extent of the loss in the decision making process. Also relevant is the extent to which change of use of the BMV land is irreversible. Whilst the submitted masterplan is illustrative only, it is noted that it indicates that a proportion of the site would be given over to landscaping and public open space which, it is considered, would not necessarily preclude its future re-establishment in active agricultural use if circumstances so dictated.

Nevertheless, in terms of agricultural land quality, if the development does impact upon BMV it is not considered that the proposed development sits particularly comfortably with the requirements of the NPPF and, in particular, the aims of Paragraph 112. However, this would need to be weighed against other material considerations and, whilst there would be adverse

impacts in this regard, these concerns would not be so significant as to outweigh the considerations in favour of the scheme. When considering the benefits of releasing the site to assist in maintaining such supply, it is considered that the agricultural land quality issue is not sufficient to suggest that planning permission should be refused, particularly given the relatively limited extent of the loss (i.e. 2.52ha).

Conclusions in respect of the Principle of Development and Planning Policy

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

The site is located outside the Limits to Development in the adopted Local Plan and is a greenfield site. The scheme would be contrary to Local Plan Policy S3, which along with Policy H4/1 is now considered to be up to date. The site's general suitability for housing (given its location in terms of distances to most services/facilities) is also material, together with the need for the District to release land for housing to ensure the maintenance of a five year supply of land and to accord with the Government's intention to stimulate growth through a presumption in favour of sustainable development (as set out in the NPPF).

Having regard to the three dimensions of sustainable development, it is accepted that the contribution to economic growth associated with the proposed development in terms of jobs and the creation of new households, coupled with the role played in maintaining housing land supply, its proximity to services/facilities, the provision of affordable housing and open space and the inclusion of appropriate contributions to local services would ensure that the scheme would sit well in terms of the economic and social dimensions. Insofar as the environmental role is concerned, the scheme would not accord with the provisions of Policy S3 and would result in the development of a greenfield site. However, the development of the site would not result in significant visual impacts given the contained and screened nature of the site (discussed in more detail in the 'Landscape and Visual Impact' section below). In the overall balance it is considered that the proposal would constitute a sustainable form of development.

Means of Access and Transportation

All matters are reserved for subsequent approval except for access (insofar as vehicular access into and out of the site is concerned). The point of access proposed shows the creation of a new vehicular access onto Loughborough Road. Whilst the illustrative layout shows internal access roads, these would be a matter for the reserved matters stage(s) (although their impact on the overall potential accessibility and connectivity of the site still ought to be considered).

The application is accompanied by a Transport Assessment (TA) as well as a Travel Plan. The TA (submitted by the applicant) concludes as follows:

_ the site is accessible by modes of transport other than the private car being located within a short walking and cycle distance of the centre of Thringstone, existing bus services and local facilities, including local shops and schools;

_ a suitable vehicular access for the site can be provided via the provision of a priority junction connecting to Loughborough Road;

_ the development would not have a detrimental impact on the operation of the local highway network in the vicinity of the site. The capacity assessment undertaken for the Loughborough Road / A512 Ashby Road junction confirm that junction capacity and the extent of vehicle

queues would not be materially affected by the proposed development;

_ a review of highway safety issues and road accident records for highways in the vicinity of the site does not suggest a significant road safety problem in the area

_ overall the transport assessment concludes that the development should be acceptable in transport terms.

The County Highway Authority (CHA) has reviewed the TA submitted in support of the application and has not raised any objection to the conclusions which have been reached. The CHA raises no objection to the proposed scheme subject to the inclusion of conditions and legal obligations. The legal obligation would need to secure details of the routing of construction traffic along with other contributions in respect of public transport. These include the following:

_ Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).

_ 6 month bus passes, two per dwelling (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) £350.00 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).

_ New/Improvements to 3 nearest bus stops (including raised and dropped kerbs to allow level access); to support modern bus fleets with low floor capabilities. At £3263.00 per stop.

_ Bus shelters at 2 nearest bus stops; to provide high quality and attractive public transport facilities to encourage modal shift. At £4,908.00 per shelter.

The proposed access arrangements would necessitate the removal of the existing traffic calming feature on Loughborough Road and the applicant's TA indicates that an amended scheme could involve the relocation of the existing traffic calming feature further to the north of the proposed access. The CHA recommends a condition that the development shall not begin until such time as a detailed design for these off-site highway works has been submitted and that no more than 10 dwellings shall be occupied until such time as the new traffic calming has been provided. Whilst it would be for the applicant to design an acceptable traffic calming scheme, the CHA have indicated that the relocation of the existing traffic calming feature is unlikely to be a preferred scheme and a scheme involving a raised junction or other vertical calming measures may be more appropriate.

To reiterate, the County Highway Authority raise no highway safety objections to the proposed scheme subject to the inclusion of relevant conditions and obligations. Taking these matters into account, therefore, the proposed development is considered acceptable in terms of Means of Access and Transportation issues and would comply with Local Plan Policy T3 and the advice in the NPPF.

Neighbours' and Future Occupiers' Amenities

In terms of the impacts on neighbouring occupiers arising from the proposed buildings themselves are concerned, this would need to be assessed at the reserved matters stage(s); notwithstanding the details shown on the illustrative layout, there would appear to be no reason

in principle why up to 85 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 issue is considered to be the potential for noise and disturbance to arise from the existing haulage and storage business premises operated by Leicester Machine Movers which is located to the north east of the application site. The application was originally accompanied by a noise assessment and an updated noise assessment has been received following the request of the Council's Environmental Protection Section.

The updated noise assessment indicates that noise levels from the haulage and storage use were relatively low and infrequent. The report indicates that appropriate sound reduction can be achieved by the use of specialist glazing, boundary treatments and the siting and orientation of dwellings. However, the precise mitigation measures would need to be detailed at the reserved matters stage once the precise location of the plots is established.

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

Design

The proposed scheme has been assessed by the District Council's Urban Designer, and rated in accordance with CABE's new Building for Life criteria which scores on the basis of red/amber/green rather than a points based scoring system. The Council's Urban Designer has reviewed the proposals and originally had some concerns over the illustrative layout that has been submitted as part of the application. These concerns included issues regarding parking provision, density, lack of tree lined principle routes and the character of the development being proposed.

The comments have been raised with the applicants and they have submitted a revised layout and additional information which has addressed some of the issues which have been raised. It is accepted that the majority of these issues would need to be fully addressed as part of the reserved matters application. Suitable conditions and notes to applicant can be provided to indicate that the design concerns would need to be fully addressed as part of any future reserved matters application(s).

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 NPPF states that local planning authorities should set their own approach to housing density to reflect local circumstances. The former advice in PPS3 provided that net dwelling density includes those site areas which will be developed for housing and directly

associated uses, including access roads within the site, private garden space, car parking areas, incidental open space and landscaping and children's play areas. Whilst this has now been superseded in the NPPF the methodology contained within it for working out net dwelling density would, in the absence of any other guidance in the NPPF or the Local Plan, still be relevant.

The application site area is given as 2.52 hectares and the maximum of 85 dwellings proposed by the developers would therefore equate to a maximum density of 33 dwellings per hectare, which would fall short of the requirements set out in Policy H6. However, when considering that parts of the site would be taken up by the creation of landscaping and public open space, the net dwelling density would be higher and more in-line with that advised by Policy H6. This is considered to be an acceptable density in relation to the advice in Policy H6 of the Local Plan.

Landscape and Visual Impact

The application is accompanied by a landscape and visual impact assessment (LVIA) which has also been updated during the course of the application.

The site is not protected by any national landscape designations. The application site immediately borders the A512 and residential development is located to the south. The submitted LVIA states that the development would not have any significant effect on the wider landscape due to the surrounding landform and features. Any impacts would be localised in nature and any adverse impacts that are likely to be experienced during the construction phase would be temporary in nature. In terms of the visual impact of the development the LVIA concludes that any visual impacts would be confined to the study area and would not be significant.

The conclusions reached in the submitted LVIA are considered to be reasonable and subject to appropriate landscaping, officers are of the view that the visual impacts of the proposals would be acceptable and that, notwithstanding the site's location outside Limits to Development, unacceptable impacts on the amenities of the surrounding area would not be likely to arise. Overall, therefore, and subject to an appropriate form of development being proposed at the reserved matters stage(s), it is considered that the landscape and visual effects of the proposed development are acceptable.

Ecology and Trees

The application is supported by an ecological appraisal. The appraisal concludes that there are no statutory designated sites within or in close proximity to the site boundary. The closest designated ecological site is Grace Dieu and High Sharpley which is located 1.25km south of the site. At this distance it is not considered that there would be any impacts upon this site.

There are no trees or hedges within the body of the application site although they are found on the site boundary. These provide suitable habitat for breeding birds and opportunities for commuting and foraging bats. All hedgerows are expected to be retained, except one alongside Loughborough Road.

In response to the application and the submitted ecological report, Leicestershire County Council's ecologist considers that the report is satisfactory and no species or habitats other than hedges have been identified. However, concerns were originally expressed regarding the masterplan as this originally showed retained hedges forming the boundaries to gardens and other private land. An amended masterplan has now been received which shows the retention

of most of the hedges outside back garden boundaries and the County Ecologist now raises no objections subject to conditions.

The Council's Tree Officer considers that the trees along the southern boundary of the application site are the most important and that any development should take into account the eventual mature tree height/spread and shade of these trees. The amended masterplan appears to take into account the presence of these trees but this would need to be considered further at the reserved matters stage(s).

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

Flood Risk and Drainage

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

The illustrative layout indicates that a balancing lagoon would be provided on the site but the precise location and design of this feature would need to be considered at the reserved matters stage(s). Conditions would need to be attached to any outline planning permission to ensure that detailed and satisfactory surface water and foul drainage schemes are provided on the site.

Overall, in terms of issues of Flood Risk and Drainage, it is considered that the scheme is acceptable, and would provide for appropriate drainage solutions to accommodate the proposed development. In coming to this conclusion it is noted that the Environment Agency and Severn Trent Water raise no objections to the proposed development subject to the inclusion of relevant planning conditions and notes to applicant.

Developer Contributions

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

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

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

The relevant developer contributions are listed below.

Affordable Housing

The Council's SPD on affordable housing indicates that for developments of this scale in the Greater Coalville Area 20% of the units should be provided as affordable housing (i.e. 17 units, assuming the construction of the maximum 85 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% low cost home ownership would be sought and the District Council's Strategic Housing

Team would currently be seeking the following:

Affordable Rented - 12

6 x 1 bed homes

4 x 2 bed house

2 x 2 bed bungalows

Low cost home ownership - 5

2 x 2 bed house

3 x 3 bed house

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 20% (and including the tenure split suggested above) with the actual contribution in terms of unit types to be agreed by the District Council.

Transportation Contributions

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

- One Travel Pack per dwelling; can be provided through LCC at a cost of £52.85 per pack/dwelling. If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC;
- Two six-month bus passes per dwelling; can be provided through LCC at an average cost of £355.00 per pass;
- New/Improvements to 3 nearest bus stops (including raised and dropped kerbs to allow level access); to support modern bus fleets with low floor capabilities. At £3263 per stop;
- Bus shelters at 2 nearest bus stops; to provide high quality and attractive public transport facilities to encourage modal shift. At £4,908 per shelter;
- A monitoring fee of £6000 to enable LCC to provide support to the Travel Plan Co-ordinator.

The applicants are agreeable to making these contributions. However, the £6000 monitoring fee towards providing support for the Travel Plan Co-ordinator would not meet the CIL tests as it is not considered necessary to make the proposed development acceptable in planning terms. This is on the basis that a suitable travel plan, including the appointment of a travel plan co-ordinator, can be secured through a planning condition and could be enforced against.

Education

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

Primary School Requirements:

The site falls within the catchment area of Thringstone Primary School. The School has a net capacity of 210 pupils and 235 pupils are projected on roll should this development proceed; a deficit of 25 places (of which 4 are existing and 21 are created by this development). However, the overall deficit including all schools within a two mile walking distance of the development is 3 places. The 21 deficit places created by this development can therefore be partly accommodated at nearby schools but a claim for an education contribution of 3 pupil places in the primary sector is justified. A primary school contribution of £29,037.62 has been calculated

and would be used at Thringstone Primary School. The applicants are agreeable to paying the requested contribution.

High School Requirements:

The site falls within the catchment area of Newbridge High School. The school has a net capacity of 590 pupils and 656 pupils are projected on roll should this development proceed; a deficit of 66 pupil places (of which 57 are existing and 9 are created by this development). There are no other high schools within a three mile walking distance of the site. A high school contribution of £151,947.45 has been calculated and would be used at Newbridge High School. The applicants are agreeable to paying the requested contribution.

Upper School Requirements:

The site falls within the joint catchment area of Coalville King Edward V11 Science and Sport College. The College has a net capacity of 1193 pupils and 1109 pupils are projected on roll should this development proceed; a surplus of 84 places after taking into account the 9 pupils created by this development. Therefore, no education contribution is requested in respect of the Upper School sector.

Play and Public Open Space

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

National Forest Planting

The National Forest Company has requested a developer contribution of £10,000 to be used for off-site woodland planting and landscaping. The applicants are agreeable to making this contribution.

Civic Amenity

The nearest civic amenity site is located at Coalville and residents of the proposed development are likely to use this site. Therefore, a civic amenity contribution of £6041 is requested. The applicants are agreeable to making this contribution.

Library Services

The proposed development is within 3.7km of Coalville Library and the proposal would impact on local library services in respect of additional pressures on the availability of local library facilities. Therefore, a library contribution of £4620 is requested. The applicants are agreeable to making this contribution.

Healthcare

NHS England (Leicestershire and Lincolnshire Area) requests a developer contribution of £15,033.41 based upon a contribution commensurate to the anticipated increased population arising from this development. The applicants are agreeable to making this contribution.

Contributions sought by Leicestershire Police

Leicestershire Police requests a developer contribution of £32,635 in respect of policing as set out in the consultation response above. This money is requested in relation to equipment, police vehicles, improving force communications, CCTV, contribution towards additional premises in Coalville, Enderby and Loughborough.

The policing contributions listed above remain under consideration as to whether they meet the tests pursuant to CIL Regulation 122.

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

Other

A public footpath crosses the application site in the western part of the site in an area which is shown for tree planting on the submitted illustrative masterplan. The County Footpath Officer advises that the footpath should be accommodated along its existing line and that a minimum width of 3 metres (2 metres surfaced and 0.5 metres either side) should be allowed where it passes through the trees. Suitable conditions can be attached to the grant of any planning permission in order to secure the upgrading of this part of the public footpath.

Conclusions

The site is located outside the Limits to Development in the adopted Local Plan and is a greenfield site. The scheme would be contrary to Local Plan Policy S3, which along with Policy H4/1 is now considered to be up to date. The site's general suitability for housing (given its location in terms of distances to most services/facilities) is also material, together with the need for the District to release land for housing to ensure the maintenance of a five year supply of land and to accord with the Government's intention to stimulate growth through a presumption in favour of sustainable development (as set out in the NPPF). Having regard to this and the sites location adjacent to the existing settlement boundary, location within the Greater Coalville Area and proximity to local services and facilities, the proposed development would be considered to constitute sustainable development as defined in the NPPF and, as such, would benefit from a presumption in favour of such development as set out in that document.

The scheme is considered to be acceptable in terms of technical issues (and including in respect of transportation and highway safety issues), such that there appear to be no other reasons to prevent the site's development for housing. The development is considered to be acceptable in terms of access issues, landscape and visual impact, design, heritage issues, ecological issues, flood risk and residential amenity; 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.

It is therefore recommended that outline planning permission be granted.

RECOMMENDATION - PERMIT, subject to the following conditions and the completion of a Section 106 legal agreement;

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

Reason - This permission is in outline only.

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

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

- 3 Application for approval of 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).

- 4 The proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by another condition of this planning permission:

- INV108 - Figure 3.1 (Proposed Access Arrangements) deposited with the Local Planning Authority on 11 April 2014;
- Site Location Plan (C129.1-001) deposited with the Local Planning Authority on 11 April 2014.

Reason - To determine the scope of this permission.

- 5 Notwithstanding Conditions 1, 2 and 3 above, the first reserved matters application shall include a masterplan for the whole of the site setting out indicative details of site layout, areas of open space / children's play, surfacing and width of footpaths through the site, landscaping, density parameters and scale, as well as details of any proposed phasing of development. All subsequent reserved matters applications shall be in accordance with the approved masterplan unless any alteration to the masterplan is first agreed in writing by the Local Planning Authority. All development of the site shall thereafter be undertaken in accordance with the agreed phasing and timetable details (or any alternatives subsequently agreed in writing by the Local Planning Authority).

Reason - To ensure that the development of the site (including where undertaken in a phased manner) takes place in a consistent and comprehensive manner.

- 6 A total of no more than 85 dwellings shall be erected.

Reason - To define the scope of this permission.

7 No development (except any demolition permitted by this permission) 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 that the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:

- BS10175 Year 2011+A1:2013 Investigation Of Potentially Contaminated Sites Code of Practice;
- BS 8576 Year 2013 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOCs)
- BS8485 Year 2007 Code of Practice for the Characterisation 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 Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan must be prepared and submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of:

- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

The Verification Plan shall be prepared in accordance with the requirements of:

- Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the land is fit for purpose and to accord with the aims and objectives of paragraph 120 of the NPPF.

8 Prior to occupation of any part of the completed development, a Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme and a report showing the findings of the Verification Investigation relevant to either the whole development or that part of the development shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:

- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;

- Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
- Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
- Contain Test Certificates of imported material to show that it is suitable for its proposed use;
- Demonstrate the effectiveness of the approved Remedial Scheme; and
- Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

Reason - To ensure that the land is fit for purpose and to accord with the aims and objectives of paragraph 120 of the NPPF.

- 9 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.

- 10 No development shall take place until a 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 development is completed.

Reason - To prevent the increased risk of flooding, both on and off site.

- 11 No development shall take place until a scheme for foul drainage has been submitted to and approved in writing by the local planning authority. The scheme shall take account of sewer modelling to be undertaken and shall be implemented in accordance with the approved details.

Reason - To protect the water environment by ensuring that there is no risk of pollution due to the increase in foul flows, particularly with regards to any potential adverse impact on the performance of any combined sewer overflows downstream.

- 12 The development hereby approved shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Reason - To reduce the risk of pollution of any receiving watercourse.

- 13 No development shall commence on site until such time as precise details of the off-site highway works being the removal of the existing traffic calming measures and the introduction of new traffic calming measures and the provision of a 2 metre wide footway at the site frontage been submitted to and agreed in writing with the Local Planning Authority. No more than 10 dwellings shall be occupied until the agreed scheme has been provided in full.

Reason - In the interests of highway safety, including pedestrian safety.

- 14 No development shall commence on site until such time as a scheme of public footpath improvements within the site and between the site and Hensons Lane (by provision of a 2m wide tarmaced surface, or other width first agreed) has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include for the timescales for implementation of the improvements. The scheme shall be carried out in accordance with the approved details and timescales.

Reason - To provide a good quality and convenient pedestrian link to the primary school, bus stops and local services.

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

Reason - To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.

- 16 No part of the development as approved shall be brought into use until details of a Residential Travel Plan have been submitted to and agreed in writing by the Local Planning Authority.

The Plan shall address the travel implications of the use of the whole site as if the development approved were to have been fully completed and occupied.

The Plan shall specify facilities and measures with measurable output and outcome targets designed to:

- Reduce single occupancy vehicle use, reduce vehicular travel at peak traffic times and reduce vehicle emissions for journeys made for all purposes to and from the developed site,
- Increase the choice and use of alternative transport modes for any journeys likely to be made to and from the developed site and, in particular, to secure increases in the proportion of travel by car sharing, public transport use, cycling and walking modes and the use of IT substitutes for real travel,
- Manage the demand by all users of the developed site for vehicle parking within and in the vicinity of the developed site.

The Plan shall also specify:

- The on-site Plan implementation and management responsibilities, including the identification of a Travel Plan Co-ordinator,
- The arrangements for regular travel behaviour and impact monitoring surveys and Plan reviews covering a period extending to at least one year after the last unit of development is occupied or a minimum of 5 years from first occupation, whichever will be the longer.
- The timescales or phasing programmes for delivery of the Plan's proposals and for the achievement of the specified output and outcome targets, and
- Additional facilities and measures to be implemented if monitoring shows that the Plan's targets are not likely to be met, together with clear trigger dates, events or threshold levels for invoking these measures.

The Plan, once agreed, shall be implemented in accordance with the approved details, and thereafter, the implementation of the proposals and the achievement of targets of the Plan shall be subject to regular monitoring and review reports to the LPA and, if invoked, to the implementation of the specified additional measures.

Reason - To ensure that adequate steps are taken to achieve and maintain reduced travel, traffic and parking impacts and to provide and promote use of more sustainable transport choices to and from the site in order to relieve traffic and parking congestion, promote safety, improve air quality or increase accessibility in accord with Section 4: 'Promoting Sustainable Transport' of the NPPF 2012.

- 17 Save for any works associated with the formation of the access as shown on INV108 - Figure 3.1 (Proposed Access Arrangements), no development shall commence on the site until such time as the Loughborough Road site access junction as shown on INV108 - Figure 3.1 (Proposed Access Arrangements) has been provided in full and is available for use by vehicular traffic.

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

- 18 The first reserved matters application in respect of the matter of landscaping shall provide for a hedgerow management plan, including long-term design objectives, management responsibilities and maintenance schedules, together with a timetable for its implementation. The development shall be carried out in accordance with the hedgerow management plan, or in accordance with any subsequent variations first submitted to and agreed in writing by the Local Planning Authority.

Reason - To ensure the protection of wildlife and supporting habitat, to secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy and to provide for an appropriate form of development.

- 19 No site works of any description shall take place on the site until such time as the existing trees to be retained have been securely fenced off in accordance with a scheme that has first been submitted to and agreed in writing with the Local Planning Authority. Within the fenced off areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and back-filled by hand, unless any alteration is first agreed in writing by the Local Planning Authority.

Reason - To ensure that existing trees are adequately protected during construction in the interests of the visual amenities of the area.

- 20 No work shall commence in respect of the erection of any dwelling until such time as precise details of all measures proposed in respect of protection of occupiers of the relevant dwelling from noise and a timetable for their implementation have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in full in accordance with the agreed details, and in accordance with the agreed timetable.

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

interests of amenity.

- 21 The first reserved matters application shall be accompanied by a further Building for Life 12 assessment.

Reason - To provide evidence that demonstrates detailed compliance with Building for Life 12.

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

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

Notes to applicant

- 1 In relation to Condition 10, you are advised to review the comments made by the Environment Agency in respect of the level of detail and information that they would expect to accompany the discharge of this planning condition.

- 2 The Council's Tree Officer provides the following comments which will need to be addressed at the Reserved Matters stage:

Trees in the north-east corner close to overhead power lines are prominent and should be retained. Necessary root protection areas have been defined in the BS5837 tree survey but any construction should stay well clear of the canopies

- 3 Your attention is drawn to the notes to applicant provided by the Environment Agency (Ref: LT/2014/117756/01-L01).

- 4 The County Highway Authority has provided the following notes to applicant:

The details of the proposed off-site highway works, being traffic calming, shown on drawing No. INV108 - Figure 3.1 are unlikely to be a preferred scheme to L.C.C.; a scheme involving a raised junction or other vertical calming measures may be appropriate at this location.

On the basis of the submitted plans, the details of tactile paving crossings at the access are not in accordance with the guidance contained in the '6 C's Design guide'.

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.

Please be aware that Leicestershire County Council as Lead Local Flood Authority (LLFA) are currently not a statutory consultee to the planning process for drainage matters. When Schedule 3 of the Flood and Water Management Act 2010 is implemented Leicestershire County Council will become the SuDs Approval Body (SAB) and also a statutory consultee of the planning process. You will need to contact Leicestershire County Council if you have an aspiration for us to adopt any SuDs features associated with the development. Please e-mail roadadoptions@leics.gov.uk if you wish to discuss further.

You will be required to enter into a suitable legal Agreement with the Highway Authority for the off-site highway works before development commences and detailed plans shall be submitted and approved in writing by the Highway Authority. The Agreement must be signed and all fees paid and surety set in place before the highway works are commenced.

C.B.R. Tests shall be taken and submitted to the County Council's Highways Manager prior to development commencing in order to ascertain road construction requirements. No work shall commence on site without prior notice being given to the Highways Manager.

A public footpath crosses the site and this must not be obstructed or diverted without obtaining separate consent from Leicestershire County Council.

The site is affected by a Prescribed Building Line, details of which can be obtained from the Highway Authority (contact Highway records by email to hre@leics.gov.uk).

Any statutory undertaker apparatus that requires relocation shall be moved entirely at the expense of the applicant, who shall first obtain the separate consent of the relevant authority.

- 5 At the reserved matters stage the County Footpath Officer advises that the footpath within the site should ideally comprise a minimum surfaced width of 2 metres together with grass borders of at least 1 metre either side.
- 6 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 (20%)
 - National Forest Planting off site contribution (£10,000)
 - Financial contribution in respect of healthcare (£15,033.41)
 - Financial contribution in respect of policing if found to be CIL compliant (£32,635)
 - Financial contribution in respect of education (£180,985.07)
 - Financial contribution in respect of libraries (£4,620)
 - Financial contribution in respect of civic amenity (£6,041)
 - Provision / maintenance of a children's play area
 - Provision of travel packs to first occupiers of the new dwellings
 - Provision of bus passes to first occupiers of the new dwellings
 - Improvements to the three nearest bus stops (including raised and dropped kerbs (£3,263 per stop)
 - Bus shelters at two nearest bus stops (£4,908)
 - Construction traffic routeing

- Section 106 monitoring
- 7 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England)) Order 2010 (as amended).
- 8 The Council requires all developments meet BfL12 and the applicant of any future reserved matters application is strongly encouraged to benefit from pre-application advice.

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Erection of one two storey detached dwelling

Report Item No
A5

Land Adjoining 20 Main Street Osgathorpe Loughborough
Leicestershire

Application Reference
14/00723/FUL

Applicant:
Mrs Catherine Bennison

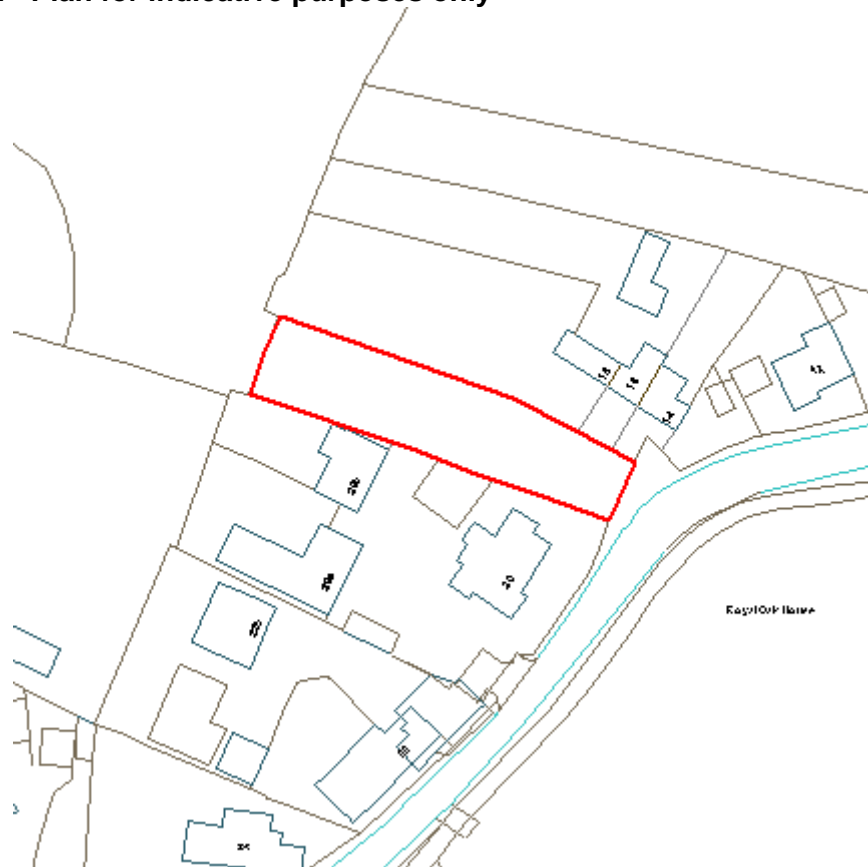
Date Registered
7 August 2014

Case Officer:
Ebony Mattley

Target Decision Date
2 October 2014

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application falls to be determined by the Planning Committee as the agent is related to three serving councillors (Caroline Large, Charles Meynell and Richard Blunt).

Proposal

Full planning permission is sought for the erection of a two storey detached dwelling with access, a single detached garage and turning area proposed to the sites frontage on land adjoining 20 Main Street, Osgathorpe.

Consultations

Members will see from the main report below that four letters of representation have been received, with two letters of objection, one letter of support and one neutral. No objections have been received from any of the statutory bodies consulted upon and Osgathorpe Parish Council has no observations to make on the application.

Planning Policy

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

Conclusion

Whilst Osgathorpe is not considered to have an extensive wide range of facilities and services, the scheme proposes the erection of one dwelling, within limits to development which is proposed to be constructed to Code Level 4 of the Code for Sustainable Homes, and occupies a position surrounded by existing residential development. It is therefore considered that the site provides a natural 'infill' site for residential development without significant harm to Osgathorpe. The proposed development would be acceptable in terms of layout and design, residential amenities, parking and highway safety and no other technical issues are considered to arise.

The proposed development would, overall, therefore be considered to constitute sustainable development as defined in the NPPF and, as such, benefits from a presumption in favour of such development as set out in that document. There are no other relevant material planning considerations that indicate planning permission should not be granted and it is therefore recommended that planning permission be granted.

RECOMMENDATION:- PERMIT, 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 and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and background

Full planning permission is sought for the erection of a two storey detached dwelling and detached single garage on land adjoining 20 Main Street, Osgathorpe.

Access is proposed from Main Street with the single detached garage and turning area proposed to the sites frontage.

The dwelling proposes a footprint of 9 metres by 7.6 metres, to an eaves and ridge height of 5.1 and 8.1 metres, respectively.

During the course of the application, at the request of officers amended plans have been received showing the re-positioning of the dwelling to the northern boundary, in addition to re-siting it approximately 2 metres further to the east. The garage has also been re-sited further towards the southern boundary and re-consultation has been undertaken for a period of 10 days.

Amendments have also been submitted to increase the internal dimensions of the garage to 6 metres in length by 3 metres in width and alterations to the side elevation of the dwelling to reflect the true position of the window serving the WC, which is now shown at ground floor level and not first floor level, as originally submitted.

The site has been used as access to the field to the rear and is located within Limits to Development, as defined by the North West Leicestershire Local Plan Proposals Map 2002.

The application is accompanied by a Design and Access Statement.

Planning History :-

09/00595/FUL - Erection of a Coach house for the storage of horse drawn vehicles - Approved - 27/08/09.
 07/00895/FUL - Erection of a two storey dwelling - Approved - 30/07/07.
 07/00690/FUL - Erection of a detached stable and tack room - Approved 22/06/07.
 89/1024 - Erection of one dwelling (outline) - Refused - 06/12/89.
 89/0706 - Erection of one dwelling (outline) - Refused - 24/07/89.
 88/1434 - Erection of one dwelling (outline) - Refused - 11/01/89.
 88/0517 - Erection of one dwelling (outline) - Refused - 15/06/88.
 87/0640 - Erection of one dwelling (outline) - Refused - 19/08/87.

2. Publicity

5 No. neighbours have been notified (Date of last notification 9 September 2014)

Site Notice displayed 5 September 2014

3. Consultations

Osgathorpe Parish Council consulted 26 August 2014
 County Highway Authority consulted 26 August 2014
 Environment Agency consulted 26 August 2014
 Severn Trent Water Limited consulted 26 August 2014
 Head of Environmental Protection consulted 26 August 2014

County Archaeologist consulted 26 August 2014
LCC ecology consulted 26 August 2014

4. Summary of Representations Received

The following summary of representations is provided.

Osgathorpe Parish Council originally asked who owned the parcel of land and raised concerns over the proximity of the house to 20B Main Street and that a brick wall would face the window in 20B resulting in a loss of light. Following the submission of amended plans and re-consultation, Osgathorpe Parish Council has no observations to make on the application.

Leicestershire County Council - Highways has no objections subject to condition.

The Environment Agency has no observations.

County Ecologist has no objection.

Third Party Representations

Four letters have been received.

Two letters of objection has been received raising the following concerns:-

- a) The village recently voted for no new houses;
- b) Not a sustainable village, no shop, no village hall, no play ground, no school, no doctor and a limited bus service which is under threat;
- c) Nearby schools and doctors are already full and additional families would put a strain on both;
- d) 9 properties are for sale in the village and have not been sold;
- e) The amendments move the dwelling closer to No. 16 infringing on privacy and giving the feeling of being boxed in;
- f) No. 16 faces south and so looks onto the proposed site and causes privacy issues for existing residents and future occupiers of the dwelling;
- g) The side elevation shows a window on the upper floor which would look straight onto No. 16;
- h) Dwelling would be close to No. 20b and result in loss of light into upstairs bathroom and utility room and side access to No. 20b;
- i) The ground at the front of the site is raised up 3 feet and would result in overlooking;
- j) Flooding;
- k) Previous application has been refused and nothing has changed since then so why pass it now?;
- l) The land is not wide enough for a house, garage and turning space with restricted visibility;
- m) The land is contaminated with asbestos;
- n) A bungalow would be more appropriate in this setting and the village needs bungalows;
- o) A number of people have offered to purchase the land to retain it and extend gardens area and it should remain a free space.

One letter of support has been received stating:-

- a) Benefit the streetscene by infilling a vacant plot which is now redundant;
- b) Usefully provide housing without any detraction to the amenity of the immediate streetscene or the wider village;
- c) Add to the security of houses along Main Street by preventing access to the rear.

One letter has been received stating that they support the scheme in principle, but would have designed it differently to integrate the garage with a bedroom above.

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

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

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

The policies of the North West Leicestershire Local Plan as set out in more detail in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, 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."

P55. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities."

"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."

"64. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

"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..."

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

North West Leicestershire Local Plan

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

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

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

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

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

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

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

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

Emerging Core Strategy

At a meeting of the Full Council on 29 October 2013, the District Council resolved to withdraw the Submission Core Strategy.

Other Guidance

National Planning Practice Guidance

In March 2014 the Government published National Planning Practice Guidance (NPPG) to supplement the NPPF. The Guidance does not change national policy but offers practical guidance as to how such policy is to be applied.

6. Assessment

The main issues for consideration in the determination of this application relate to the principle of development, siting and design, impact upon residential amenity, highway considerations and other matters.

Principle of Development

The site is located within the limits to development where the principle of residential development is considered acceptable subject to compliance with the relevant policies of the adopted North West Leicestershire Local Plan and other material considerations.

In March 2012 the National Planning Policy Framework (NPPF) was published and introduces the presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved without delay and where relevant policies are out of date planning permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies as a whole or if specific policies in the NPPF indicate development should be restricted.

Policy H4/1 of the Local Plan, which is now an up to date policy in the light of the Council's current position on five year housing land supply, relates to the release of land for housing and states that a sequential approach should be adopted, which reflects the urban concentration and sustainability objectives underpinning national policies. These are outlined as criteria (a) to (f) and the application site would fall within criterion (f) i.e. other locations where appropriate in the context of other policies. The second section of the policy goes on to outline criteria relating to the sustainability of the location.

Whilst Osgathorpe has a limited range of facilities and services, it does contain a public house, a place of worship and has a two hourly bus service to other neighbouring towns and villages, where a greater range of facilities are available. Osgathorpe does also have premises for a village hall, although it is understood that availability is restricted.

Discussions have been undertaken during the course of the application regarding the construction of the dwelling, if permitted. The current Building Regulations, in CO2 emission terms, for the construction of a new dwelling is to Code Level 3 of the Code for Sustainable Homes. The agent has agreed to a condition requiring that the dwelling would be constructed to Code Level 4 of the Code for Sustainable Homes, which is over and above that currently required, in order to demonstrate that additional benefits can be provided by the construction of

a dwelling in this location.

It is considered that there are additional benefits arising from the construction of a new dwelling to this higher code and in this case it should be balanced against a new residential dwelling in this settlement, where there are fewer or limited facilities and services and where the private car would therefore be utilised. Accordingly the construction of this dwelling to this higher standard, implementing sustainable building and construction techniques and sustainable materials would assist in mitigating against the increase in the level of co2 emissions associated with trips undertaken by the private motor car, which would be resultant of this development.

It is therefore acknowledged that whilst Osgathorpe does not have an extensive, wide range of facilities and services, it is not considered that the scheme for the erection of one dwelling would result in any significant harm. The anticipated increase in the level of vehicular trips by the private car would be offset by the imposition of a condition requiring the construction of the dwelling to Code Level 4 of the Code for Sustainable Homes.

In addition, the site is located within limits to development and occupies a position, surrounded by residential development. It is therefore considered that the site is a natural 'infill' and as discussed below is suitable for residential development.

Whilst Members will be aware that the application for 16 dwellings in Osgathorpe is recommended for refusal on the agenda, for the reasons discussed above it is considered that it would be difficult to sustain a reason for refusal for the erection of one dwelling in this case.

Siting and Design

The need for good design in new residential development is also outlined in Local Plan Policy H7, but also paragraphs 57, 60 and 61 of the NPPF, with paragraph 61 outlining that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Policy E4 indicates that in the determination of planning applications regard will be had to the wider settings of new buildings; new development should respect the character of its surrounding, in terms of scale, design, height, massing, materials of construction, the spaces between and around buildings and the street scene generally.

There is already the existence of dwellings sited within back land positions - namely No's 20A and 20B Main Street. Therefore the principle of back land development has already been established within this area and on this basis the siting of a single dwelling in this set back position, is in principle considered to be acceptable.

As discussed above, the proposed dwelling is set back from the road frontage and is sited in a similar position to that of No's 20A and 20B Main Street, sited to the south of the site. Similarly the garage is sited in a similar position to that of the neighbouring No 20's garage and sited forward of the dwelling, similar to the arrangement of No. 20A.

The detached nature, scale of the footprint and the proposed 2 storey proportions are all characteristic of surrounding residential development.

During the course of the application, amended plans have been received which has proposed the re-siting of the dwelling further towards the northern boundary and the garage further

towards the southern boundary. Whilst the siting of the garage forward of the dwelling is considered acceptable in principle, given similar arrangements in the vicinity, the re-siting has maximised the view of the dwelling ensuring that the siting of the garage does not detract from the view and appearance of the dwelling from the streetscene.

The design of the dwelling is simplistic and symmetrical in appearance and includes an external chimney stack and porch, reflecting detailing with surrounding residential properties. Whilst the rear elevation is bland in appearance, views of this elevation would be limited from the public realm.

The scale of the garage is subservient in relation to the main dwelling and proposes matching materials to give a compatible appearance.

Overall the proposed development accords with the general siting and scale of existing dwellings within the vicinity, ensuring that the development appears in keeping with the scale and character of existing dwellings and the design approach is considered acceptable.

Impact upon Residential Amenity

The residential dwelling most immediately impacted upon as a result of the scheme would be No. 20 B Main Street, located to the south of the site.

During the course of the application, the proposed dwelling has been set off the common boundary with No. 20B and located as close to the northern boundary of the site, as possible, resulting in a distance of between 3.5 and 4 metres between the southern side wall of the proposed dwelling and the northern side wall of neighbouring No. 20B. In addition, the dwelling has also been re-positioned a further two metres to the east within the site, which has resulted in only the rear half of the proposed dwelling being located within the 3.5-4 metre distance of No. 20B. Overall it is considered that resultant of the amended plans the proposed dwelling is sited at sufficient distance away from the nearest neighbouring dwelling to ensure that there are no significant overbearing impacts.

No 20B has one first floor window which is obscurely glazed and serves a bathroom and one ground floor window which serves a utility. Accordingly neither windows serve habitable rooms and the first floor window is already obscurely glazed. Given the orientation of the two properties there could be a loss of some light in the early part of the day, however this would not be significant and would only be temporary as the sun continues its path throughout the day. Overall when considering the distance between the two properties and given that there could be the loss of light in the early part of the day only, and to two windows which do not serve habitable rooms (and one of which is already obscurely glazed), it is not considered that that the scheme results in any significant loss of light.

The proposed dwelling does not propose any windows in the (south) side elevation and following the re-siting of the dwelling to the east of the site, and that two of the three proposed first floor rear windows would be obscure glazed (to be secured by condition) it is considered that the scheme would not result in any significant overlooking upon the occupiers of No. 20B.

A letter of objection has also been received from No. 16 Main Street. Given the orientation of the proposed dwelling facing east and the neighbouring dwelling located to the north east, facing south there would not be any direct relationship between the proposed and neighbouring dwelling. There is a distance of approximately 19 metres between the closest point of the proposed dwelling to the closet point with No. 16, and this shortest distance would also be

screened by the presence of No. 16's garage. Furthermore, there are no first floor windows proposed within the (north) side elevation of the dwelling and the proposed ground floor window would be obscurely glazed. Overall it is considered that by virtue of the distance and orientation there would be no significant overshadowing, overlooking or overbearing impacts upon the occupiers of No. 16 Main Street.

In respect of levels, the ground level are higher at the site entrance, however the dwelling is not proposed to be sited here. In addition, a condition is recommended securing details of existing and finished floor levels of the proposed dwelling to ensure it is compatible with the surroundings.

All other neighbouring dwellings are sited at sufficient distances away not to be impacted upon as a result of the proposal and no other letters of objection have been received from neighbours.

Overall, it is considered that the development would not have any significant detrimental impact upon neighbouring residential amenities and the proposal is considered to be acceptable in relation to Policy E3 (Residential Amenity) of the Local Plan.

Highway Considerations

One letter of objection has been received raising concerns over insufficient space for the house, garage and turning space to enable a car to turn, resulting in cars reversing out on a dangerous site entrance where visibility is restricted.

Access is proposed from Main Street with a single detached garage and turning proposed to the front of the site. The scheme proposes a dwelling of three bed configuration and two on-site parking spaces can be provided within the scheme. During the course of the application amended plans have been received showing the increase in scale of the garage to ensure the internal dimensions are in accordance with the recommended standards.

In response to the concerns raised by the letter of representation, the County Highway Authority have considered the scheme, including turning and visibility and raise no objection, subject to the imposition of planning conditions.

In summary, subject to the imposition of conditions it is considered that the scheme is acceptable in relation to Saved Policies T3 and T8 of the Local Plan.

Other Matters

Letters of Representation

Previous Reason for Refusal

Five applications were made between 1987 and 1989 for the erection of one dwelling. Application ref: 87/0640 was refused for three reasons; 1) cramped appearance being to the detriment of the visual amenities of the streetscene; 2) overlooking to the detriment of residential amenities and 3) highway safety. Application refs: 88/0517 and 88/1434 were both refused for the same two reasons:- 1) highway safety and 2) overlooking. Application refs: 89/0706 and 89/1204 were refused for the same three reasons 1) overlooking; 2) loss of privacy resultant of the access point and 3) modern form and design appearing out of keeping with the character of the village. The 89/1204 application was appealed and the appeal was later

dismissed on 22/05/1980. Accordingly during the five applications the reasons for refusal were cramped appearance, overlooking, highway safety and modern form and design.

In respect of this application, the dwelling is sited at sufficient distance away from neighbouring dwellings, has ample amenity space and parking and turning provision and therefore is not overdeveloped or cramped. The proposed dwelling, is sited in a different location to that of the five applications previously made, and as discussed within the main report does not result in any direct overlooking upon neighbouring dwellings. The scheme has been assessed by the County Highway Authority who raise no objection in highway safety terms. In respect of modern form and design, since 1989, two other dwellings have been granted to the rear of No. 20 both of a more modern design, and there is no objection raised in respect of design of this dwelling.

In response to the letter of representation, the same reasons for refusal are not applicable in this application.

Land Contamination

In response to the letter of objection regarding the land being contaminated by asbestos the scheme has been considered by both the Environment Agency and the Council's Environmental Health Team who do not raise any objections.

Land Ownership

In respect of the question and comments originally raised by the Parish Council the issue of land ownership is not a material planning consideration. The Council requires that the correct notice has been served upon the land owner, and the latter parts of the application form confirm that this has been undertaken.

Conclusion

In conclusion, the site lies within Limits to Development where there is a presumption in favour of development subject to all other matters being addressed. Whilst Osgathorpe is not considered to have an extensive wide range of facilities and services, the scheme proposes the erection of one dwelling, within limits to development which is proposed to be constructed to Code Level 4 of the Code for Sustainable Homes, and occupies a position surrounded by existing residential development. It is therefore considered that the site provides a natural 'infill' site for residential development without significant harm to Osgathorpe. The scheme does not give rise to any significant material impacts upon the occupiers of neighbouring dwellings, visual amenity and the character of the area or highway safety and there are no other material impacts identified, that would indicate that the proposal is not in compliance with the NPPF or local development plan policies. Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

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 proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by a condition of this permission: Proposed House Plans Drawing No. ALL.PRP.002 received by the Local Planning Authority on 7 August 2014 and the following amended plans: Proposed Garage Drawing No. ALL.GAR.004 A Rev A and Site Layout, Block Plan and Roof Plan Drawing No. ALL.LAY.001.B Rev B received by the Local Planning Authority on 9 September 2014 and Proposed House Elevations Drawing No. ALL.PRE.003 Rev A received by the Local Planning Authority on 12 September 2014.

Reason - to determine the scope of this permission.

- 3 No development shall commence on site until representative samples of the materials to be used in all external surfaces of the dwelling and garage have been submitted to and agreed in writing with the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

Reason: to enable the Local Planning Authority to retain control over the external appearance in the absence of details.

- 4 No development shall commence on site until such time as precise details of the finished ground levels on the site and the finished floor levels of the buildings in relation to an existing datum point have been submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

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

- 5 Notwithstanding the submitted plans, nor Condition 2 above, no development shall commence on the site until such time as a detailed scheme for the boundary treatment of the site has been submitted to and agreed in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use until such time as the approved scheme has been implemented in full (unless an alternative timescale is first agreed in writing by the Local Planning Authority). Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no gates, fences, walls or other means of enclosure (other than any approved pursuant to this condition) shall be erected, unless planning permission has first been granted by the Local Planning Authority.

Reason - To preserve the amenities of the locality.

- 6 The window serving a wc at ground floor and en-suite at first floor shall be glazed with obscure glass to Pilkington Standard 3 (or equivalent) and non-opening only which shall thereafter be retained unless planning permission has first been granted by the Local Planning Authority.

Reason-to ensure that the development is not detrimental to the privacy and amenities of the neighbouring property.

- 7 The dwelling shall achieve Level 4 of the Code for Sustainable Homes and shall not be occupied until a final Code Certificate has been issued (by a registered Code for Sustainable Homes Assessor) and submitted to the Local Planning Authority certifying

that Code Level 4 has been achieved.

Reason - to ensure that the development takes the form envisaged by the Authority.

- 8 Prior to the first occupation of the dwelling hereby approved, the detached garage and area of parking and turning shall be provided and maintained in accordance with the approved details and shall be kept available for use at all times.

Reason- To avoid the need for vehicles to park on adjoining highways in the interests of highway safety.

- 9 Prior to the first occupation of the dwelling hereby approved, the access drive shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the Highway boundary and shall be so maintained this way thereafter.

Reason - To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)

Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

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Removal of two garages and replacement with double garage

Report Item No
A6

144 Central Road Hugglescote Coalville Leicestershire

Application Reference
14/00580/FUL

Applicant:
Mr Shane Fox

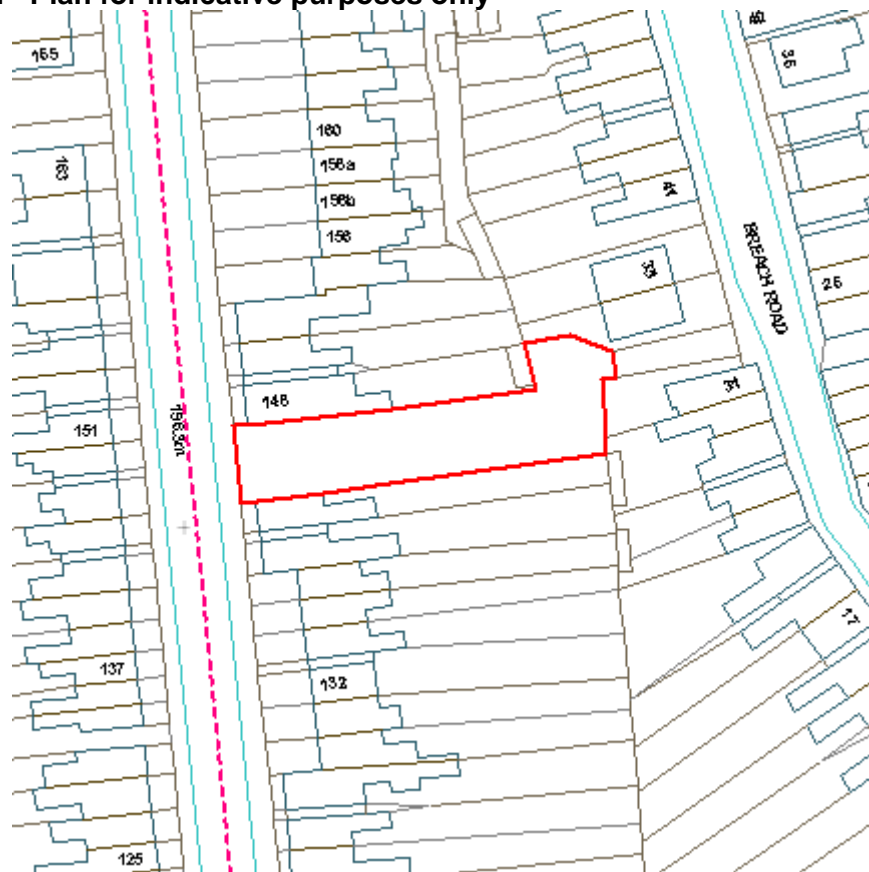
Date Registered
8 July 2014

Case Officer:
Anna Edwards

Target Decision Date
2 September 2014

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR APPROVAL

Proposal

This is a householder application for the removal of two garages and replacement with double garage at 144 Central Road, Hugglescote. The subject dwelling is a two storey end terrace property situated on the eastern side of Central Road. Access to the rear garden of the site is gained via an existing access off Breach Road to the east of the site. The site is located in a residential area with dwellings surrounding the site to the north, east, south and west. The subject property is located within Limits to Development.

The proposal is for the replacement of two garages with a double garage. The proposed garage would be located to the south eastern corner of the site and it will be facing north. Access to the rear garden and the proposed garage is gained via Breach Road to the east of the site.

This application has been called to Planning Committee by Councillor Legrys on the grounds of the impact of the proposed garage on the amenity of neighbouring residents.

Consultations

Members will see from the report below that locally, there has been 2 neighbour objections to the proposal in relation to the planning issues of overshadowing, overbearing and oppressive impacts.

Hugglescote and Donington Le Heath Parish Council did not respond during the course of the application.

Planning Policy

The development is considered to comply with the relevant policies of the Development Plan as well as guidance contained within the National Planning Policy Framework.

Summary Reasons for Granting Planning Permission

The site is located within the limits to development where the principle of outbuildings and alterations to existing dwellings are considered acceptable subject to impacts upon amenity and design and compliance with the relevant policies of the Local Plan and other material considerations. The proposal is not considered to significantly affect residential amenity in the area or have any significant detrimental design impacts. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the Local Plan, in this case S2, E3 and E4. It is therefore recommended that the application be permitted.

RECOMMENDATION- PERMIT, subject to conditions

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

MAIN REPORT

1. Proposals and Background

Planning Permission is sought for the removal of two garages and replacement with double garage at 144 Central Road, Hugglescote.

The subject property is a two storey, end terrace dwellinghouse, situated on the eastern side of Central Road. The proposed double garage is to be located to the south eastern corner of the site and access is gained from a driveway adjacent to 31 Breach Road, Hugglescote. The site is located in a predominantly residential area with dwellings surrounding the site to the north, east, south and west. The subject property is located within Limits to Development.

The proposal is for the replacement of two garages with a double garage. The proposed garage will be located to the south eastern corner of the site and it will be facing north. Access to the rear garden and the proposed garage is gained via Breach Road to the east of the site. The proposed garage would have a pitched roof and it will measure 6.35 metres in length, 5.7 metres in width, 2.25 metres in height to the eaves and 3.9 metres in height to the ridge. The materials proposed are brick and block walls, concrete tiled roof, double width up and over door, single pedestrian PVC door to side and PVC window.

No relevant planning history.

2. Publicity

5 No. Neighbours have been notified (Date of last notification 24 July 2014)

3. Consultations

Hugglescote And Donington Le Heath Parish Council consulted 24 July 2014

4. Summary of Representations Received

2 No. letters of representation have been received from neighbours. The issues raised in the letters are outlined below;

- Proposed garage will overshadow neighbouring gardens and house causing loss of light.
- visual impact overbearing and oppressive
- could cause a hazard from fire, falling ice and snow to neighbouring residents.

Hugglescote and Donington Le Heath Parish Council did not respond during the course of the application.

5. Relevant Planning Policy

National Planning Policy Framework

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

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with

the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

The North West Leicestershire Local Plan forms the development plan and the following policies of the Local Plan are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application:

North West Leicestershire Local Plan

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

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

Policy E4 seeks to achieve good design in new development.

Submission Core Strategy (April 2012)

At a meeting of the Full Council on 29 October 2013, the District Council resolved to withdraw the Submission Core Strategy.

6. Assessment

Principle

The site is located within the Limits to Development as set out on the Proposals Map to the Local Plan where the principle of extensions to existing dwellings and the erection of outbuildings are considered to be acceptable subject to impacts upon design, amenity and any other material considerations.

Residential Amenity

Consideration has been given to the impact of the development on surrounding residential properties and 2 no. letters of objection were received during the course of the application. The most immediately affected dwellings would be the two adjacent dwellings to the east of the site; No's 29 and 31 Breach Road, both two storey terraced dwelling houses. It was considered in the representations received that there would be loss of light to the adjacent properties and it was also highlighted that the proposal would cause overshadowing, overbearing and an oppressive impact to an adjacent dwelling. The proposed double garage is situated 0.5 metres from the eastern boundary of the subject site. The roof is pitched and is therefore at its highest point (3.9 metres in height) some 3.5 metres from the common boundary with No's 29 and 31 Breach Road. It is noted that Permitted Development rights allow for outbuildings erected up to 4 metres in height with a dual pitched roof 2 meters away from the boundary without the requirement of planning permission. The boundary between the subject site and the adjacent dwellings on Breach Road consists of an approximately 2 metre high brick wall. Given this, it is not considered that there would be any significant overlooking, overbearing or oppressive impacts to the amenities of No's 29 and 31 Breach Road. It is noted that due to the position of the proposal in relation to the adjacent dwellings that there may be some overshadowing impact which is more likely to be evident in the winter months, however given that the garage is of a single storey it is considered that any overshadowing as a result of the proposal would be very limited and not of any significance which would warrant a refusal in this instance.

It is, therefore, deemed that the development would not have any significant detrimental impact

upon neighbouring residential amenities and is considered to be acceptable in relation to Policy E3 of the Local Plan.

Design

Consideration has also been given to the design of the replacement double garage and whether it has an acceptable impact upon the character and appearance of the dwelling itself and the street scene. The materials proposed are brick and block walls, concrete tiled roof, double width up and over door, single pedestrian PVC door to side and PVC window. These materials are considered to be appropriate and appear well related to the existing dwelling. The proposed garage will not be visible from the public highway. A letter of representation considers that the visual impact of the garage would be overbearing and oppressive. It is considered that an outbuilding with a ridge height of 3.9 metres in a residential area consisting of two storey dwellinghouses would be acceptable given that Permitted Development rights allow for outbuildings with a maximum height of 4.0 metres without the requirement of planning permission.

Overall, the design, appearance and scale of this proposal is acceptable and would not look out of keeping with the character and appearance of the surrounding area or the existing dwelling and is considered to be compliant with Policy E4 of the Local Plan.

Other

Also raised within the letters of representation was a concern over the garage being a risk for fire and falling ice and snow to the adjacent dwellinghouses. These risk factors are not material planning considerations and therefore cannot be used in the assessment of this planning application.

Conclusion

There has been 2 no. letters of objection against the replacement double garage, however, it is considered that the proposal will not significantly affect residential amenity in the area or have any significant detrimental design impacts. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the Local Plan, in this case S2, E3, and E4. 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 proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by a condition of this permission:

Drawing titled 'Proposed Replacement Garage' (Sectional) deposited with the Local Planning Authority on 8th July 2014;

Drawing titled 'Proposed Roof on Replacement Double Garage' (Plan) deposited with the Local Planning Authority on 8th July 2014;

Drawing titled 'Proposed Replacement Double Garage' (Elevations) deposited with the Local Planning Authority on 8th July 2014;

Drawing scale 1:240 ('Plan') deposited with the Local Planning Authority on 8th July 2014;

Reason- To determine the scope of this permission.

- 3 The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing with the Local Planning Authority.

Reason- to ensure a satisfactory standard of external appearance.

Notes to applicant

- 1 Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

Change of use to B1 (Business)

**Report Item No
A7**

70A North Street Whitwick Coalville Leicestershire

**Application Reference
14/00248/FUL**

**Applicant:
Mr Neil Wright**

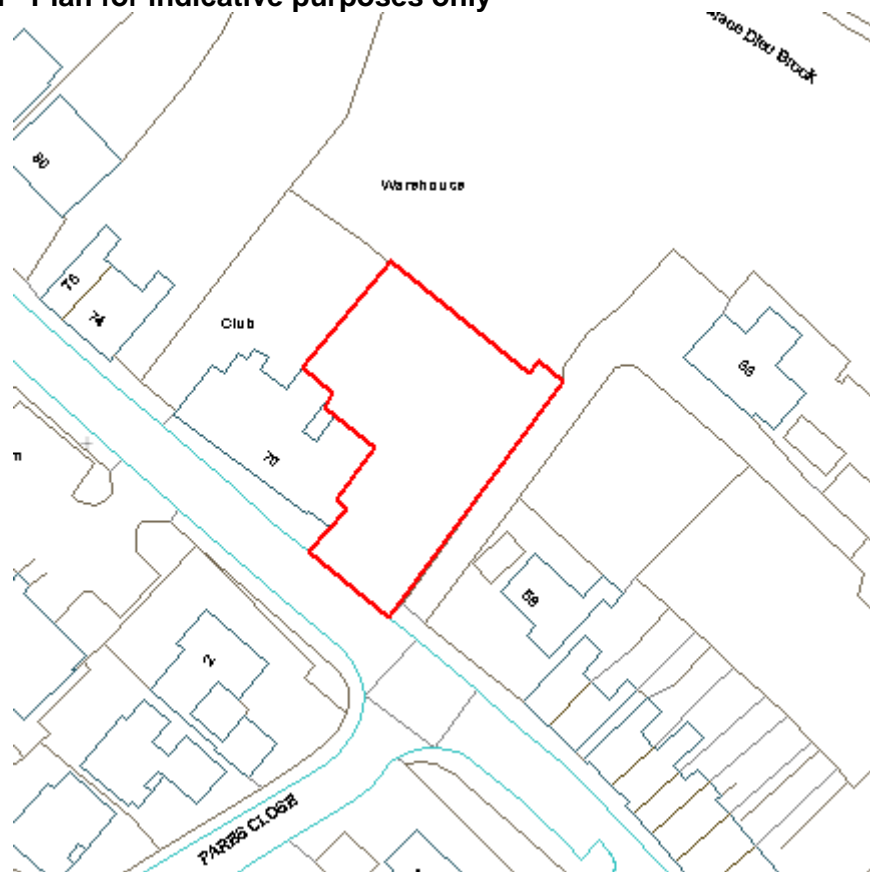
**Date Registered
12 March 2014**

**Case Officer:
James Mattley**

**Target Decision Date
7 May 2014**

**Recommendation:
PERMIT**

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR APPROVAL

Call In

The application falls to be determined by the Planning Committee as the application has been called in by Councillor Woodward as part of the DEL1 process.

Proposal

The application comprises the change of use from an undertakers to B1 (Business), forming a light industrial workshop and supporting office at 70A North Street, Whitwick.

Consultations

Neighbour objections have been received in respect of the proposal with regards mainly to car parking and ownership issues. Whitwick Parish Council have also raised concerns over these issues. The County Highway Authority raise no objections subject to the inclusion of relevant planning conditions.

Planning Policy

The development is considered to comply with the relevant policies of the North West Leicestershire Local Plan as well as guidance contained within the National Planning Policy Framework.

Conclusion

The principle of the development is considered to be acceptable. The proposal is not considered to affect residential amenity in the area, have any significant detrimental design impacts or conflict with highway safety. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the Local Plan, in this case S2, E3, E4, T3 and T8. It is therefore recommended that the application be permitted.

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

MAIN REPORT

1. Proposals and Background

The application comprises the change of use from an undertakers to B1 (Business), forming a light industrial workshop and supporting office. Hours of operation are proposed to be 0700 to 1800 hours Monday to Friday and 0800 to 1200 hours on Saturdays with no working on Sundays and Bank Holidays. There are proposed to be 8 full time employees and 2 part-time employees, creating the equivalent of 3 additional full time jobs.

The property is to the rear of the site with hardstanding to the foreground and to the side which is used for parking. To the centre of the site is the club with residential properties to each side. This includes a number of properties on Pares Close. There is open space to the rear and the Grace Dieu Brook.

There is a detailed history on the site. This includes 07/01664/FUL for the change of use of shop to indoor play centre with associated car parking which was withdrawn, 08/00043/FUL for the change of use of shop to indoor play centre with associated car parking which was approved and 13/00336/FUL for the change of use from D2 (Assembly and Leisure) to a funeral directors (A1 use class) with ancillary functions room which was approved.

Additional/amended information and plans have been submitted during the course of the application to show the car parking arrangements and legal information regarding title deeds to show that the car parking spaces are available.

2. Publicity

13. No neighbours have been notified (Date of last notification 4 September 2014)

Site Notice displayed 25 March 2014

3. Consultations

Whitwick Parish Council consulted 20 March 2014

County Highway Authority consulted 20 March 2014

4. Summary of Representations Received

Whitwick Parish Council: expressed concerns that there are no parking spaces allocated to the building the subject of the application.

County Highway Authority: originally provided standing advice for the Local Planning Authority to consider parking. Following the concerns that were expressed the County Highway Authority has provided more detailed comments in which they requested alterations to the car parking layout in order to allow cars to turn within the car parking area. On the basis of the latest amended plan the County Highway Authority raises no objection subject to the imposition of relevant conditions.

Neighbours: one letter received from the Club, objecting on the grounds that the applicant does not have any car parks to the landlocked building. Both car parks to the rear belong to the club and the applicant does not have the right to determine where spaces should be marked and where bins are to be placed along with a suggested cycle rack outside the club's emergency door. The club has not entered into any verbal or written agreement with the applicant to use

the car park.

One letter objecting on the grounds that the car parking layout gives concern, the applicant does not own any land other than the footprint of the building and has no scope for car parking, are aware there is a covenant on the adjacent club allowing the occupiers of the property at 70a to park on their land for a limited amount of time but there is also a covenant the other way round allowing the club to restrict the use of 70a to warehousing only. Aware planning does not take into account covenants but the situation is that the applicant has no parking associated with the building whatsoever or access to the building without relying on easements and covenants.

One letter objecting on the grounds that the hours of use would be extensive, the use would be the only industrial use in a 95% residential area, the building is surrounded by housing and is not suitably located to have any form of industrial usage. All residents are worried about noise and do not want noisy machinery for 11 hours per day.

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.

North West Leicestershire Local Plan:

Policy S2 relates to development within Limits to Development.

Policy E3 relates to residential amenity.

Policy E4 relates to visual amenity.

Policy T3 relates to highway standards.

Policy T8 relates to parking.

Submission Version Core Strategy

At a meeting of the Full Council on 29 October 2013, the District Council resolved to withdraw the Submission Core Strategy.

6. Assessment

Principle

The site is within the Limits to Development of the settlement and the proposed use, B1 light industry, is generally an acceptable use within residential areas. The area is mixed in terms of use with the club to the front of the site but is predominantly residential. As such the proposed use is considered acceptable in principle subject to impacts upon design, amenity, highway safety and any other material considerations.

Residential Amenity

The building has been used for a variety of purposes including an indoor play area and a funeral directors. A B1 use is considered to be compatible with residential properties in terms of noise, disturbance, hours of use, deliveries etc. and, therefore, it is considered the residential amenities of occupiers of neighbouring properties would not be unduly harmed by the proposal.

The applicant has suggested operating times between 0700 to 1800 hours Monday to Friday and 0800 to 1200 hours on Saturdays with no working on Sundays and Bank Holidays. The existing planning permission on the site for an A1 use restricts the hours of operation between 0830 to 1800 hours Monday to Friday and 0830 and 1200 hours on Saturdays and not at all on Sundays. The previous operating times that have been agreed on the site would appear to be more appropriate for a B1 use. A condition could be attached to the grant of any planning permission in order to secure appropriate operating times.

It is, therefore, deemed that the development would not have any significant detrimental impact upon neighbouring residential amenities and is considered to be acceptable in relation to Policy E3 of the Local Plan.

It is, therefore, deemed that the development would not have any significant detrimental impact upon neighbouring residential amenities and is considered to be acceptable in relation to Policy E3 of the Local Plan.

Highway Safety

The site would be served by parking to the front of the building and parking to the side. The application originally stated that there would be a total of 14 spaces (of which 12 were stated as usable), 6 disabled spaces, 2 motorcycle spaces and 4 cycle spaces. The application form does however state the parking plan submitted is slightly optimistic as it shows a total of 19 spaces.

Concern has been raised by neighbours that the applicant does not have control over the parking as stated in the application.

In response to these concerns, the applicant was advised to clarify the situation on the site with regard to ownership and to provide a scaled car parking plan which demonstrated a workable car parking arrangement. An amended plan was submitted showing two car parking options and the County Highway Authority (CHA) have been asked to provide comments on the amended car parking proposals. The CHA stated the following:

As the building has an existing use attached to it, we are able to raise little objection to the proposal, even though the parking arrangement is constrained. None of the parking proposals (Parking1 or Parking2) are acceptable as they requires cars to reverse out into the highway,

however a modified version of parking1 removing spaces 6-9 will allow cars to turn within the carpark to the west of the site and exit in a forward direction.

There is good visibility on the approach along North Street and a speed reducing feature in front of the property, which gives protection to cars reversing out from the eastern carpark, so reversing from this location is acceptable.

This arrangement will provide 13 carparks which should be acceptable as the application proposes 8 full-time and 2 part-time employees. There are TROs adjacent to the site which prevent parking in inappropriate locations should there be any short term shortfall for visitors.

The applicant has submitted a further amended plan to address the comments made by the CHA and car parking spaces 6-9 have been removed in order to allow turning facilities on the site. The CHA raise no objection to the proposed scheme subject to the car parking spaces being surfaced and marked out and thereafter maintained in perpetuity.

In terms of whether the applicant has control over the car parking spaces, the land registry details supplied appear to demonstrate that the applicant is able to utilise all of the car parking spaces with the exception of two spaces. The two spaces appear to be available to the working men's club between the hours of 8.00am to 6.00pm Monday to Friday (inclusive) and 8.00am to 12.00 noon on a Saturday but exclude all Bank Holidays. Whilst this would be more of a legal issue, rather than a planning matter, the proposed use may generally not coincide with the existing use of the adjoining building (used as a Working Men's Club) and so if these uses do share the car parking, in practice, this is likely to be acceptable.

A condition would be required for the car parking to be marked out and surfaced as shown on the submitted plan prior to the first use of the building and thereafter retained. If there is any legal reason why these spaces cannot be laid out or utilised then that would prevent the planning permission being implemented.

In terms of the ownership/legal issues that have been raised it is also noted that the Local Planning Authority has granted previous planning applications on the site (13/00336/FUL and 08/00043/FUL) based on the same site area.

Having regard to all of the above, and that the County Highway Authority has no objections; it is not considered that the proposal would conflict with highway safety policies T3 and T8 in the Local Plan or the advice contained in the County Council's 6C's document.

Design and Visual Impact

The proposal relates to a change of use and proposes no external alterations. As such no objection is raised on visual grounds and the scheme is considered to be acceptable in relation to Policy E4 of the Local Plan.

Conclusions

The principle of the development is considered to be acceptable. The proposal is not considered to affect residential amenity in the area, have any significant detrimental design impacts or conflict with highway safety. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the Local Plan, in this case S2, E3, E4, T3 and T8. It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT subject to the following condition(s):

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

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

- 2 The use hereby permitted shall only operate between 0830 hours and 1800 hours Monday - Friday, and between 0830 hours and 1200 hours on Saturdays and not at all on Sundays.

Reason - To ensure that the use operates in a satisfactory manner and does not unduly disturb adjoining occupiers or prejudice local amenity generally, and to ensure that adequate off-street parking provision is available to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

- 3 No gates shall be erected to either vehicular access.

Reason - To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic, including pedestrians, in the public highway.

- 4 No walls, planting or fences shall be erected or allowed to grow on the Highway boundary exceeding 0.9 metres in height above the level of the adjacent carriageway.

Reason - To afford adequate visibility at the accesses to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.

- 5 Before first use of the development hereby permitted, the car parking layout shown on the approved plan, shall be surfaced and marked out and shall thereafter be retained in perpetuity.

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

- 6 The use of the premises shall be strictly limited to Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that order.

Reason - Changes to other uses normally permitted by the Town and Country Planning (General Permitted Development) Order 1995 would be harmful to the amenities of the area.

Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in

line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).