

Meeting	<b>LOCAL PLAN ADVISORY COMMITTEE</b>
Time/Day/Date	6.30 pm on Wednesday, 9 March 2016
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
<b>1. APOLOGIES FOR ABSENCE</b>	
To receive and note any apologies for absence.	
<b>2. DECLARATION OF INTERESTS</b>	
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.	
<b>3. MINUTES OF PREVIOUS MEETING</b>	
To approve the minutes of the meeting held on 20 January 2016.	<b>3 - 8</b>
<b>4. COMMITTEE TERMS OF REFERENCE</b>	
Terms of Reference attached.	<b>9 - 10</b>
<b>5. DRAFT LOCAL PLAN - CONSULTATION RESPONSES</b>	
Report of the Director of Services	<b>11 - 26</b>



Circulation:

Councillor R D Bayliss  
Councillor J Bridges (Chairman)  
Councillor J Cotterill  
Councillor R Johnson  
Councillor J Legrys (Deputy Chairman)  
Councillor V Richichi  
Councillor M Specht

MINUTES of a meeting of the LOCAL PLAN ADVISORY COMMITTEE held in the Council Chamber, Council Offices, Coalville on WEDNESDAY, 20 JANUARY 2016

Present: Councillor J Bridges (Chairman)

Councillors J Cotterill, R Johnson, J Legrys, V Richichi and M Specht

In Attendance: Councillors R Adams, G Jones, S McKendrick and T J Pendleton

Officers: Mr M Sharp (Consultant), Mr S Bambrick, Mr D Gill, Mrs M Meredith, Mr I Nelson and Mr J Newton

#### **19. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor R D Bayliss.

#### **20. DECLARATION OF INTERESTS**

There were no interests declared.

#### **21. MINUTES OF PREVIOUS MEETING**

Consideration was given to the minutes of the meeting held on 16 December 2015.

It was moved by Councillor V Richichi, seconded by Councillor J Cotterill and

RESOLVED THAT:

The minutes of the meeting held on 16 December 2015 be approved and signed by the Chairman as a correct record.

#### **22. COMMITTEE TERMS OF REFERENCE**

RESOLVED THAT:

The Terms of Reference be noted.

#### **23. DRAFT LOCAL PLAN - CONSULTATION RESPONSES**

The Director of Services presented the report to members, outlining the progress made to date in respect of the draft Local Plan. He stated that the report was intended to provide a high level understanding of the volume of responses that had been received to the draft Local Plan and some of the key emerging issues at this stage. He emphasised that it was not intended at this stage to give the full detail, as the Planning Policy team were currently working through all the responses, and the full detail would be available to members in due course. He highlighted the methods of communication during the consultation process, and advised that for the first time, social media applications such as Twitter had been significantly utilised to promote the consultation. He added that it was felt this had been quite successful and was something the Council would want to continue going forward. He highlighted that there had been 326 responses to the consultation media which had generated just under 2,000 individual detailed comments. In addition a further 424 responses had been received in the format of a standard letter.

The Director of Services made reference to section 3 of the report which outlined the issues that were being noted as a result of the consultation. He added that a number of responses had been received which suggested either that the housing requirement figure was too high or too low, and the Council's response to these comments needed to be

considered. He advised members that responses had also been received from Charnwood Borough Council and Oadby and Wigston Borough Council in respect of the overall housing requirement, which emphasised the need to provide clear and robust evidence to support the housing requirement figure set out on the Local Plan, once this was agreed upon. He made reference to a recent planning appeal decision in Coalville where the inspector had also made comments regarding the objectively assessed need for the district and this would need to be taken account of as part of the preparations for the Local Plan going forward, and clearly this was a key issue. He added that the Council was already in the process of procuring some external advice from demographic experts to support the development of the housing requirement figure to be included in the Local Plan, and the appeal decision had re-emphasised the need for this work to take place prior to the Council meeting in June.

The Director of Services advised that comments had also been received in relation to the settlement hierarchy, the limits to development, and a significant number of standards responses had been received in relation to the Money Hill development in Ashby de la Zouch. A number of people had also commented on the Council's approach to infrastructure. He advised that as part of the preparations, officers were already planning on preparing an infrastructure delivery plan to support the Local Plan, and a consultant had been commissioned to prepare that plan.

The Director of Services made reference to section 3.32 of the report relating to renewable energy and highlighted that a ministerial statement had been published just prior to the consideration of the draft Local Plan by Council. He advised that it was the view of officers that the impact of this was that there was a risk of the plan being found unsound if some consideration was not given to potential suitable areas for wind energy development in the Local Plan, and as a result, officers were minded to commission some work on this. He sought the views of the Advisory Committee as to whether they felt this was necessary.

Councillor R Johnson expressed disappointment that a consultation event had not taken place in Hugglescote after having approached the Director of Services and the Planning Policy Team Manager. He added that a lot of residents did not use social media.

The Chairman reminded Councillor R Johnson that he had advised all members to liaise with their Parish Councils on this matter and he asked that the officers look into this further.

Councillor J Legrys thanked the officers for their work in putting the report together and the Director of Services for the briefing last week in respect of the effects of the Gladman appeal. He felt it was fair to say that an increased number of responses had been received by using social media. He added that he had attended a meeting at Ashby Wolds which was well attended. He supported Councillor R Johnson on his comments regarding the lack of a village Local Plan meeting in Hugglescote. He felt that it would be very difficult to respond to the issues raised, and added that there had been a number of critical comments on the draft Local Plan and he remained to be convinced that they would be taken into account when the Local Plan was reported back to Council. He stated that most of the people he spoke to were very sceptical about the progress of the Local Plan and the Gladman appeal was now in public domain with the inspector making it clear that he did not believe the Council had a 5 year housing land supply. He added that he fully accepted that Whitehall had moved the goalposts in a lot of cases. He felt that officers were trying to put together a Local Plan effectively in a vacuum. He stated that the proposed housing requirement figures were based on the assumption that the Roxhill development would be going ahead. He added that what concerned people was that only 15% of the employees would come from within the district, and it was necessary to fully understand how this would affect the overall housing requirement. He urged members to read the appeal decision as it would have a profound effect on the Local Plan, as it

questioned the 5 year housing land supply. He emphasised the importance of progressing the Local Plan to prevent spurious development in the district. He stated that additional plots of land would be required should the housing requirement be increase which had not been discussed in the consultation. He expressed concerns that the local community would effectively have very limited time to comment should additional plots of land be needed.

Councillor J Bridges stated that he had read the appeal decision and he assured Councillor J Legrys that officers were working hard to plan for this situation. He added that there were a lot of factors involved and additional land would always be needed whenever there was population growth.

The Consultant stated that clearly, the goalposts did move and it was difficult to draw a line in the sand. He added that a number of local authorities were facing this problem. His view was that inspectors were trying to be a bit more pragmatic than previously. He commented that it was true that the inspector who looked at the Gladman appeal was very senior, however time needed to be taken to consider the implications. He added that the inspector did not go into great detail in respect of the evidence base and he suggested that a Local Plan inspector would do so. He stated that he did not want to advise the Council to move away from current figure, but to do more work on the evidence base to ascertain whether the figure could be adequately defended.

The Planning Policy Team Manager stated that he agreed with the Consultant's comments in respect of the distinction between a planning appeal and a Local Plan inspection, as the latter would really involve a forensic examination of the evidence base. He commented that to some extent, the Gladman appeal reinforced the need for more evidence. He added that the timing was quite fortuitous in that the Local Plan had not progressed to the next stage and there was time to compile the additional information required.

The Director of Services emphasised that the timetable set out in the report was dependent upon being able to present to Council a robust position which was unchanged from the current position. He clarified that the timetable was not sacrosanct, and if significant changes were suggested, the timetable would have to be reconsidered, taking account of the circumstances at that time. He assured members that it would not be in the Council's interests to railroad the Local Plan through to try to meet a preordained timetable.

Councillor M Specht stated that he had read the inspector's report in respect of the Gladman appeal and he was disappointed in his summing up. He added that he was horrified that the housing figure he quoted was significantly more than the figure in the draft Local Plan and he questioned whether members were commenting on something that was already out of date. In light of the shocking evidence in the Gladman appeal, he sought clarification on what the situation would be if different inspectors reached differing opinions.

The Director of Services stated that this reinforced the point made by the Consultant, insofar as the Local Plan should not be prepared by responding to individual appeal decisions. He added that all decisions needed to be taken account of, and clearly this particular decision was important, as it had an immediate impact on the Council's approach to individual planning decisions. He advised however that a different view had to be taken when it came to preparing the Local Plan, as the Council should not be shifting its position constantly. He explained that the work currently being undertaken would take account of respective appeal decisions, but they were more relevant for making individual decisions at Planning Committee. He added that the emphasis was on the evidence base supporting the Local Plan.

Councillor M Specht sought clarification on how the discussions in respect of the five year housing land supply would affect the Planning Committee.

The Director of Services reminded members that the discussion this evening should focus on examining the Local Plan rather than seeking to dissect the Gladmans appeal decision. He added that clearly the impact that this individual decision would have on the Local Plan would be taken into account as part of building the evidence base. He explained that the inspector had said that the 350 dwellings per annum in the Strategic Housing Market Assessment did not represent the full objectively assessed need, and further work needed to be undertaken to establish the need. The implication of this was that, based on the current evidence, an inspector had concluded that the Council did not currently have a five year housing land supply, and it was a matter for the Planning Committee to determine applications on a case by case basis, taking this into account. He assured members that once a figure was finally determined, the evidence base would be in place to support it. He added that until that point was reached, these discussions about the housing need figure would always be ongoing, which was why it was imperative for the Local Plan to progress as soon as possible.

Councillor V Richichi stated that there seemed to be a lot of concern regarding the inspector's report and he was pleased to hear the comments from the Consultant. He commented that he felt the Planning Committee were very fair in their judgement and he felt members should not be tethered to a decision that could be challenged.

The Consultant commented that the Council needed to be absolutely sure that the evidence base in relation to the housing requirement figure was as strong as it could be, and it was advisable not to have a kneejerk reaction to the content of the appeal. He clarified that it had been a misunderstanding that the objectively assessed need identified in the Strategic Housing Market Assessment would be the final figure; indeed the guidance stated that this should be a starting point. He stated that now it was necessary to ensure that the figure of 535 was robust, and only if it was found not to be the case, should members react to the comments made by the inspector as far as the Local Plan was concerned. However, the Consultant emphasised that when members were sitting on the Planning Committee, applications must be determined on a case by case basis and the comments made by the inspector in the Gladman appeal must also be taken account of.

The Director of Services pointed out that, regardless of this particular appeal decision, all members were required to make appropriate planning decisions that accorded with planning policies or other material considerations. He emphasised that the Gladman appeal was a material consideration when determining planning applications.

Councillor J Legrys commented that a significant number of people had commented on the draft Local Plan and he asked whether they would receive an individual response and an opportunity to discuss this with officers. He added that the public often feel that they have commented and then this is ignored.

The Planning Policy Team Manager advised that the intention was to bring a report to a future meeting of this committee showing all the individual comments from the consultation and officers' responses to those. He added that this report would be publically available, so those who have commented would be able to see how officers are recommending the Council respond to those comments. He added that officers would always make themselves available to explain matters to members of the public; however this did not mean the position would change.

The Chairman added that there were a lot of similar questions and he felt it would be useful to feed back the responses to the Parish Council or ward member, so they could assist in feeding that back to members of the public.

In respect of renewable energy, the Director of Services emphasised that officers were seeking to respond to a ministerial statement and there was not a lot of evidence for the Council to present, however on balance, officers felt there was a risk if the Council did not commission some work to at least identify some potential areas as suitable for wind energy developments, in order to mitigate that risk. He sought the views of the Advisory Committee on this.

The Advisory Committee expressed full support for commissioning some additional work on this issue.

It was moved by Councillor V Richichi, seconded by Councillor R Johnson and

RESOLVED THAT:

The summary of responses received to the consultation on the draft Local Plan be noted.

The Chairman congratulated Mr M Sharp on receiving an honour in the Queen's Honours List.

The meeting commenced at 6.30 pm

Councillor G Jones entered the meeting at 6.33 pm

The Chairman closed the meeting at 7.29 pm

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## LOCAL PLAN ADVISORY COMMITTEE TERMS OF REFERENCE

### **Purpose of the Local Plan Advisory Committee**

To enable cross-party discussion, guidance and support for the development of the North West Leicestershire Local Plan.

### **Role of the Local Plan Advisory Committee**

- To consider and comment on documents that relate to the North West Leicestershire Local Plan including (but not restricted to) policy options, draft policies and evidence prepared to support the Plan.
- To make recommendations as required to Council in respect of the North West Leicestershire Local Plan.
- To monitor progress on the preparation of the North West Leicestershire Local Plan.
- To provide updates to other Members who do not sit on the Local Plan Advisory Committee.
- To consider and comment on responses to plans being prepared by other local planning authorities as part of the Duty to Cooperate.

### **Membership of the Local Plan Advisory Committee**

- The Advisory Committee will be constituted in accordance with the proportionality provisions contained within The Local Government and Housing Act 1989.
- The Council's Substitution Scheme will apply.
- The Advisory Committee will select a Chair at its first meeting of each civic year.
- Other members may be invited to attend and participate in meetings of the Advisory Committee in a non-voting capacity at the discretion of the Chair.
- The Advisory Committee meetings must have at least 3 members to be quorate.

### **Operation of the Local Plan Advisory Committee**

- Council Procedure Rule 4 will apply to the Local Plan Advisory Committee
- The Advisory Committee will meet at least once every two months, but will meet more frequently where necessary to enable continued progress on the North West Leicestershire Local Plan.
- The Advisory Committee will have no direct decision-making powers but will consider documents and information relating to the Local Plan and make recommendations to Council. Any such report will include specific comments and issues raised by the minority group.
- The Advisory Committee will be supported by the Director of Services and officers in the Planning Policy Team.
- Meetings will be organised, administered and minuted by Democratic Services with agendas and minutes being made available on the Council's website.
- The Portfolio Holder may attend as an observer.

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**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**LOCAL PLAN ADVISORY COMMITTEE – 9 MARCH 2016**

Title of report	<b>DRAFT LOCAL PLAN – CONSULTATION RESPONSES</b>
Contacts	<p>Councillor Trevor Pendleton 01509 569746 <a href="mailto:trevor.pendleton@nwleicestershire.gov.uk">trevor.pendleton@nwleicestershire.gov.uk</a></p> <p>Director of Services 01530 454555 <a href="mailto:steve.bambrick@nwleicestershire.gov.uk">steve.bambrick@nwleicestershire.gov.uk</a></p> <p>Head of Planning and Regeneration 01530 454782 <a href="mailto:jim.newton@nwleicestershire.gov.uk">jim.newton@nwleicestershire.gov.uk</a></p> <p>Planning Policy Team Manager 01530 454677 <a href="mailto:ian.nelson@nwleicestershire.gov.uk">ian.nelson@nwleicestershire.gov.uk</a></p>
Purpose of report	To consider responses received to the recent consultation on the draft Local Plan and to highlight suggested changes
Council Priorities	<p>These are taken from the Council Delivery Plan:</p> <p>Value for Money Business and Jobs Homes and Communities Green Footprints Challenge</p>
<p>Implications:</p> <p>Financial/Staff</p> <p>Link to relevant CAT</p> <p>Risk Management</p> <p>Equalities Impact Screening</p>	<p>None</p> <p>None</p> <p>A risk assessment of the project has been undertaken. As far as possible control measures have been put in place to minimise these risks, including monthly Project Board meetings where risk is reviewed.</p> <p>The Council has to be able to show how consultation has influenced the Local Plan and so it is important for Members to consider all responses.</p> <p>None, but this will be undertaken at Submission stage of the local plan</p>

Human Rights	None
Transformational Government	Not applicable.
Comments of Deputy Chief Executive	The report is satisfactory
Comments of Deputy Section 151 Officer	The report is satisfactory
Comments of Deputy Monitoring Officer	The report is satisfactory
Consultees	Local Plan Project Board
Background papers	<p>Consultation responses copies of which are available on request from the Planning Policy team.</p> <p>Tables A to D which set out the comments made to the consultation on the draft Local Plan and officers' responses to the comments and which can be viewed at <a href="http://www.nwleics.gov.uk/pages/local_plan_have_your_say">www.nwleics.gov.uk/pages/local_plan_have_your_say</a></p> <p>National Planning Policy Framework which can be found at <a href="http://www.gov.uk/government/publications?topics%5B%5D=planning-and-building">www.gov.uk/government/publications?topics%5B%5D=planning-and-building</a></p>
Recommendations	<p><b>THAT THE ADVISORY COMMITTEE:</b></p> <p><b>(I) NOTES THE RESPONSES RECEIVED TO THE CONSULTATION ON THE DRAFT LOCAL PLAN AS SET OUT IN TABLES A TO D;</b></p> <p><b>(II) NOTES THE SUGGESTED CHANGES TO THE LOCAL PLAN AS OUTLINED IN THE REPORT</b></p> <p><b>(III) COMMENTS ON THE ISSUES RAISED AND THE SUGGESTED CHANGES</b></p>

## 1.0 INTRODUCTION

- 1.1 Consultation on the draft Local Plan was undertaken between 29 September and 30 November 2015. Members will recall that at the last meeting of the Local Plan Advisory Committee (LPAC) on 20 January 2016 a report was considered which provided a summary of the number of comments received to the consultation and also highlighted some of the key issues which were emerging from officers' review of the comments.
- 1.2 That report noted that officers were in the process of assessing all of the comments and that a detailed schedule would be made available for members when this was completed.

1.3 It had initially been envisaged that a single report dealing with all of the comments would be brought to the LPAC. However, in view of the scale of comments received more than one report will be required. Therefore, this report deals with the following chapters from the draft Local Plan:

- Chapter 4 – What are the issues?
- Chapter 5 - Strategy
- Chapter 6 – Housing
- Chapter 7 – Economic

1.4 A further report dealing with the remaining Chapters will be brought to an additional meeting of the LPAC which will be arranged.

1.5 It will be helpful if members can bring along their hard copies of the draft Local Plan in order to understand how the suggested changes will affect the Local Plan.

## **2.0 A BRIEF RECAP**

2.1 In total 326 individuals and organisations made 1,935 detailed comments. In addition, a further 424 standard letters were received, principally in relation to the proposed development north of Ashby de la Zouch (Money Hill) and concerns regarding possible development south of the A453 near East Midlands Airport.

## **3.0 STRUCTURE OF REPORT**

3.1 Published alongside this report as Background Papers are four Tables (Tables A to D) which set out in tabular form the comments received and officers' response for each of the policies included in Chapters 4 to 7 as referred to above.

3.2 The report itself provides a summary of some of the key issues for each policy, provides additional explanation to that set out in the appropriate Table and identifies the changes which are suggested as a result of the consultation. Where wording changes are required, in some cases this will include the exact changes that are suggested by officers, but in other cases additional work will be required to agree these.

3.3 Electronic copies of the Tables will be available at the meeting should Members wish to refer to them. Paper copies are not supplied in view of the size of the documents (450+ pages).

3.4 From these tables individuals or organisations who made comments will be able to see officers' responses.

3.5 Members will appreciate that the work of assessing the responses and identifying possible amendments is ongoing. It may be that changes to other parts of the draft Local Plan might have an impact upon those parts considered in this report and so generate additional changes from those highlighted.

3.6 Comments that the LPAC may make in respect of the suggested changes will be reported to full Council for its consideration when agreeing the publication version of the Local Plan.

#### **4.0 CHAPTER 4 – WHAT ARE THE ISSUES?**

- 4.1 Two questions were included as part of this chapter, one in respect of whether all the issues have been identified and one regarding the suggested objectives.
- 4.2 The consultation comments and officer responses to this chapter are included at Table A.
- 4.3 In terms of the issues, Table 1 in the draft Local Plan outlines what are considered to be the key issues having regard to the findings from the Sustainability Appraisal Scoping Report. The following changes are suggested:
- Include a statement to make it clear that the issues are in no particular order of importance;
  - Amend the Housing issues to meeting the needs of “all” communities;
  - Amend the Pollution issues to refer to improving air quality in the Air Quality Management Areas and to refer to dealing with land contamination issues;
  - Include reference after paragraph 4.3 to working with infrastructure providers to deliver the infrastructure needed to meet future needs.
- 4.4 In respect of the identified objectives the following changes are suggested in order to strengthen them and/or add clarity:
- Amend Objective 3 to state “Ensure new development is of a high quality of design and layout whilst having due regard to the need to accommodate national standards in a way that reflects local context and circumstances.”
  - Amend Objective 4 to include reference to cultural facilities;
  - Amend Objective 5 to include reference to tourism and leisure;
  - Amend Objective 7 to refer to enhancing community safety;
  - Amend Objective 9 to include reference to flood risk;
  - Amend Objective 10 to include reference to ‘rural heritage and heritage assets’
  - Amend Objective 11 to include reference to water environment;
  - Amend Objective 12 to include reference to National Character Areas.

## **5.0 CHAPTER 5 - STRATEGY**

5.1 The consultation comments and officer responses to this chapter are included in Table B.

### S1 – Presumption in favour of sustainable development

5.2 This policy is based upon standard wording suggested by the Planning Inspectorate. It is considered that no amendments are required to the policy, although some changes are suggested to the supporting text.

### S2 – Future housing and economic development needs

5.3 The policy in the draft Local Plan identifies the requirements for new housing to 2031 (10,700 in total, 535 dwellings every year); employment (96 hectares) and retail floorspace (7,300 square metres).

5.4 As noted in the report to the LPAC on 20 January 2016 the issue of housing requirements generated a number of conflicting responses with a significant number of residents suggesting that sufficient provision has already been made, whilst a number of developers suggested that the provision was not high enough. Concerns had also been raised by some of the Leicester and Leicestershire Housing Market Area authorities in view of the fact that the draft Local Plan was proposing significantly more housing than that contained in either the Strategic Housing Market Assessment (SHMA) or the Memorandum of Understanding (MOU). It was also noted that officers were continuing to explore this issue and were seeking advice from an external demographic expert.

5.5 Members will be aware that since the report to the January LPAC was prepared the Council has received an appeal decision in which the Inspector has criticised the SHMA. This has further highlighted the need to consider the evidence base to support the housing requirement to be included in the Local Plan (and which itself must be based upon a full objective assessment of housing need) in more detail and this work is underway.

5.6 In view of this uncertainty the comments received to the consultation on this matter are not included in Table B but will be reported at a later date.

5.7 In terms of the issue of employment requirements it is not proposed to make any changes to these at this time. However, it is suggested that it made clear that the requirement is a net figure and not gross. This means that allowance is made for significant areas of non-developable sites (for example, perhaps because of the inclusion of a large area of land for a drainage balancing facility).

5.8 In respect of retail floorspace requirements it is not proposed to make any change at this time.

### S3 – Settlement Hierarchy

5.9 A number of respondents suggested that greater clarity is required in terms of how the distinction has been made between Sustainable Villages and Small Villages. This has been done by having regard to the range of services and facilities available in each specific settlement. The availability of the following services and facilities has been assessed as these are the types of services which people might be expected to use on a regular basis:

- Education
- Post Office
- General Store
- GP Surgery
- Pharmacy (free standing or as part of a GP Surgery)
- Public House
- Community/village hall
- Recreation ground
- Employment opportunities
- Places of Worship
- Broadband availability
- Public transport provision

- 5.10 In determining Sustainable Villages regard has been had to both the number and range of services and facilities available. However, no one specific service or facility carries more weight than another nor would it be appropriate to require a specific number of services and facilities.
- 5.11 In response to the comments it is considered that it would be appropriate to clarify the methodology used in the supporting text.
- 5.12 A number of comments were received suggesting that neither Appleby Magna nor Blackfordby should be identified as Sustainable Villages. Having regard to the range of services and facilities available in both of these settlements it is considered that it is appropriate to define them as Sustainable Villages.
- 5.13 An issue that has arisen in respect of Sustainable Villages is the reference in the policy to growth involving “the physical extension of the settlement”. Some respondents have said that this means that development beyond the proposed Limits to Development might be appropriate. This was not the intention, although it is accepted that the current wording is not clear.
- 5.14 The Limits to Development have been drawn around a combination of the existing built form and, where they exist, extant planning permissions for new development (principally housing). As such these permissions would result in a physical extension to the existing built form. It is in this context that physical extension was intended to be seen.
- 5.15 In order to overcome this confusion it is necessary to reword Sustainable Villages to state:



“Settlements which have a limited range of services and facilities where a limited amount of growth through infilling and/or physical extensions has already been factored in when defining the Limits to Development were drawn. It is not the case that other extensions to these settlements is supported in principle”.

5.16 A number of planning applications have recently been considered by Planning Committee in respect of proposals for housing development in settlements categorised as Small Villages. An argument which has been put forward in support of some of these, and supported by Planning Committee, is that particular dwellings will meet an identified and evidenced local need. This is not currently allowed for in the wording of policy S3, but it is considered that there would be merit in the inclusion of reference to local needs. It is suggested that a Supplementary Planning Document could be prepared to provide guidance as to what would constitute a local need, so as to provide guidance for applicants.

5.17 The following wording in respect of Small Villages is suggested:

“Settlements with very limited services, where open market development will be restricted to conversions of existing buildings or the redevelopment of previously developed land (as defined in the National Planning Policy Framework). New build development on Greenfield sites which is to meet a local need, including affordable housing in accordance with policy H5 (Rural exceptions Sites for Affordable Housing) may be supported”.

#### S4 – Countryside

5.18 Comments made with respect to this policy deal both with the principle of the policy and detailed concerns regarding the Limits to Development.

5.19 In terms of Limits to Development, land at Measham Road Appleby Magna has the benefit of planning permission for residential development for 39 dwellings. A number of respondents have objected to this on the grounds that a large part of the site is shown on the approved plans as being open space and that as this adjoins an area identified as countryside so the limits should be amended so as to restrict the Limits to Development to the area that will actually be physically developed.

5.20 As defined the Limits to Development for this part of Appleby Magna are consistent with the methodology used for defining Limits to Development. It is quite normal for that part of a site adjoining countryside to include an element of peripheral landscaping. However, in this instance not only is there an element of landscaping but also a significant area of open space which would remain undeveloped and which would be seen as part of the open countryside adjoining this part of Appleby Magna.

5.21 On balance, it is considered that in this instance there is merit in amending the Limits to Development so that it reflects the extent of built development approved and so excludes the area of open space.

5.22 A number of respondents have pointed out that the Limits to Development need to be amended in certain areas to take account of permissions which have been granted since the draft Local Plan was agreed by Council. This will be done in the next iteration of the Local Plan.

5.23 In terms of the principles of the policy it is proposed that the following changes be made to policy S4:

- Merge parts 1 and 2 and reword to be more positive (i.e. do not say that development will be limited);
- Amend (2) (i) to include reference to through both conversions or new build;
- Amend (2)(l) to include reference to places of worship;
- Amend the policy to ensure consistency with policy S3;
- Reword part 3 and include reference to having regard to Natural Character Areas and the Leicester, Leicestershire and Rutland Historic Landscape Character Assessment.

#### S5 – Design of new development

5.24 A number of comments were received which criticised the lack of clarity in the policy. It is considered, therefore, that it would be appropriate to reword this policy. In addition, it is also suggested that the issues of amenity and comprehensive development be dealt with in separate policies rather than as part of the design policy.

### **6.0 CHAPTER 5 - HOUSING**

6.1 The consultation comments and officer responses to this chapter are included in Table C.

#### H1 – Housing provision: planning permissions

6.2 It has been pointed out that the list included in policy H1 either is out-of-date (for example H1z Fox Inn Main Street Thringstone which has now been built) or will very quickly become out-of-date. To overcome this issue it is suggested that a list not be included as part of the policy. However, in order to ensure that it is clear as to which sites have planning permission it is suggested that a separate list be included and maintained as part of the Annual Monitoring Report. The remainder of the policy and the text will require some minor amendments to reflect this.

#### H2 – Housing provision: resolutions

6.3 Similar issues have been raised in respect this policy as those raised under of policy H1. As with H1 it is considered that it would be beneficial maintaining an up-to-date list of sites as part of the Annual Monitoring Report.

6.4 Sometimes there can be a delay between the resolution to grant planning permission and the signing of a Section 106 Agreement. In accordance with comments received it is considered that it would be appropriate that the policy should make it clear that in such circumstances it may be necessary for the application to be referred back to Planning Committee to take account of any material changes in circumstances.

### H3 – Housing provision: new allocations

#### H3(a) Land north of Ashby de la Zouch

- 6.5 A significant number of representations have been received objecting to the allocation of this site. As set out in the report to the 20 January 2016 meeting of LPAC, it is considered that the allocation should be maintained.
- 6.6 Members should note that following a recent appeal decision planning permission has been granted for 70 dwellings on a small part of the proposed allocation on land off Woodcock Way. In addition, an appeal in respect of up to 605 dwellings was allowed in February 2016. In this context, it would be inappropriate to resist the remainder of the proposed allocation.
- 6.7 A representation from Miller Homes has suggested that additional land currently occupied as part of the Ivanhoe Equestrian Centre be included as part of the allocation (Appendix A). This area was excluded from the draft Local Plan as it was not part of the area being promoted by the Money Hill consortium. Further information has been sought from Miller Homes who have confirmed that the land in question is under an option and that they are in discussion with the Money Hill consortium to integrate it in to the wider development.
- 6.8 In planning terms there is no reason as to why this area should not be included as part of the wider allocation now that the issue of deliverability has been addressed. It is, therefore, proposed to amend the allocation to include this additional land.

#### H3(c) Land off Ashby Road/Leicester Road, Measham

- 6.9 This is included as a reserve site, in the event that the Measham Waterside site is prevented from coming forward by virtue of the route for HS2. It is proposed to amend the policy to address concerns raised by Historic England in respect of the protection of heritage assets. A respondent has raised concerns regarding potential land stability issues with this site. This matter is being investigated with the assistance of the Coal Authority.
- 6.10 Both of the above sites are located within a Mineral Consultation Area. It is proposed to include a new generic policy to require the need for applications for development in such areas to be accompanied by a minerals assessment to assess the potential effect on the mineral resource.

### H4 – Affordable housing

- 6.11 As Members will be aware the Housing and Planning Bill is currently progressing through the House of Lords. The Bill includes provision in respect of starter homes which will impact upon this issue. At this time it is proposed to keep this matter under review.
- 6.12 In addition, the outcome of the Government's challenge to the Court of Appeal following a High Court decision relating to affordable housing thresholds is still awaited.
- 6.13 If by the time that the Local Plan is referred back to Council clarification has been forthcoming on these issues then changes will be recommended at that time.

#### H5 – Rural exceptions sites for affordable housing

- 6.14 The issue of starter homes referred to above may also have implications for this policy and so it may be necessary to amend this policy.
- 6.15 Notwithstanding this, it is suggested that Part (3) be amended to state (those parts underlined are the suggested additions):  
“On sites that are outside of, but well related to, a Sustainable Village or a Small Village the inclusion of an element of market housing on ‘Exception ‘ sites will be supported where..”

#### H6 – House types and mix

- 6.16 As worded there is a conflict between part (1) which applies to all housing developments and part (2) which only applies to developments of 10 or more dwellings. To be consistent it is suggested that part (1) be amended to refer to developments of 10 or more dwellings as it is considered that it would not be appropriate to apply it to all developments.
- 6.17 Other proposed changes are:
- Amend 2(a) to also include reference to “other evidence of market demand”;
  - Amend 2(b) to make it clear that account will be taken of development which has been built to date and not just those with permission;
  - Amend 3(a) to state after bungalows “subject to having regard to factors (c) to (g) above”.
- 6.18 A further issue relates to whether H6(3)(b) is deliverable having regard to the use of National Housing Standards in accordance with the government’s policy. Further investigation is required.

### **7.0 CHAPTER 6 – ECONOMIC**

- 7.1 The consultation comments and officer responses to this chapter are included in Table D.

#### Ec1 – Employment provision: permissions

- 7.2 It has been pointed out that the list of sites included in policy Ec1 will over the lifetime of the plan become out-of-date very quickly as sites are either built or new sites come forward which are not included in the list. To overcome this issue it is suggested that a list not be included as part of the policy. However, in order to ensure that it is clear as to which sites have planning permission it is suggested that a separate list be included and maintained as part of the Annual Monitoring Report. The remainder of the policy and the text will require some minor amendments to reflect this.

#### Ec2 – Employment provision: new allocations

- 7.3 This policy proposes the allocation of up to 16 hectares of employment land north of Ashby de la Zouch (Money Hill). A significant number of representations were received objecting to the allocation of this site.

- 7.4 There is a need to ensure an adequate supply of employment land sufficient to meet the requirements evidenced in the PACEC Employment Land study. A number of options have been considered as set out in Background Paper 6 which was published alongside the draft Local Plan. The site north of Ashby de la Zouch was considered to be the most appropriate site and its allocation for employment, in conjunction with the proposed housing development proposed under policy Ec3(a), provides an opportunity to create a mixed use, sustainable development. Therefore, it is considered that the allocation should be maintained.
- 7.5 It is proposed to amend the policy to address concerns raised by Historic England in respect of the protection of heritage assets and to also include reference to the creation of landscape and ecological networks as suggested by the National Forest.
- 7.6 The draft Local Plan identifies two separate parcels of land that make up the allocation, one adjoining the Flagstaff Industrial Estate and one at the junction of Smisby Road and the A511 bypass. A number of respondents have questioned whether the allocation should be split like this, with particular concerns expressed about the potential impact upon the amenity of residential properties at Cliftonthorpe and Smisby Road. The proposed allocation reflects the proposals set out in a Master Plan prepared by the site promoters. The precise layout and other details remain to be agreed with the promoters of the site.

#### Ec3 – Existing employment areas

- 7.7 A number of representations received have suggested that this policy conflicts with the NPPF. Paragraph 22 of the NPPF states that “*Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose*”.
- 7.8 Those sites identified under Ec3(1) are the key employment sites and are largely the more modern sites which remain, and are likely to remain, attractive for employment use (i.e. those uses falling in Class B1, B2 or B8). Some of the sites are still in the process of being developed (e.g. Ivanhoe Business Park Ashby de la Zouch). The policy is not a blanket policy which only seeks to allow employment uses as part 2 allows for other employment generating uses to locate on these sites subject to satisfying the specified criteria. Furthermore, as already noted, it does not apply to all employment, only the most attractive and/or strategic sites.
- 7.9 It is considered, therefore, that this policy does not conflict with the NPPF in principle but that this should be explained in the supporting text. .
- 7.10 Notwithstanding this, there are a number of amendments suggested to strengthen the policy or to provide clarification:
- Amend Ec3(1) to also include consideration of the impact of a development upon existing infrastructure and any other policies in the Local Plan;
  - Amend Ec3(3) to make it clear that only one of (a) to (C) need to be satisfied, not all three;
  - Amend Ec3(3)(a) to include reference to ‘economic viability’

#### Ec4 – Brickworks and Pipeworks

- 7.11 Leicestershire County Council as the Minerals Planning Authority has raised a number of issues which require further investigation.

#### Ec5 – East Midlands Airport

- 7.12 Generally speaking the responses to this policy were positive. The following amendments are suggested:
- Add a new criterion to Ec5(1) to include reference to heritage assets;
  - Amend Ec5(1)(b) to include reference to impact upon the wider area
  - Amend Ec5(1)(c) to state “satisfies the relevant standards” for clarity;
  - Amend Ec5(2) to include a new criterion to include reference to public transport infrastructure and airport car parking;
  - Amend Ec5(2)(d) to include reference to development which requires and benefits from an airport location

#### Ec6 - East Midlands Airport: Safeguarding

- 7.13 No changes are proposed in terms of this policy although it is proposed that the text of paragraph 7.49 be amended to provide greater clarity.

#### Ec7 - East Midlands Airport: Public Safety Zones

- 7.14 No changes are proposed in terms of this policy.

#### Ec8 – Donington Park

- 7.15 Generally speaking the responses to this policy were supportive. However, having reviewed the policy in the light of comments received a number of changes are required.
- 7.16 In terms of the Western Extension referred to in the policy this is potentially misleading, as the area concerned is already part of Donington Park and is largely a tarmac area which is used for a number of activities. In effect the reference to extension is in terms of an extension to the policy area from that shown in the current adopted Local Plan. It is proposed, therefore, to delete reference to a western extension but to include this area within the overall area covered by Ec8. It is also proposed to include additional land and buildings which are functionally related to the Racetrack, including the museum and offices which adjoin the main entrance.
- 7.17 It is also proposed to include reference to ensuring that any landscaping proposals do not have a negative impact upon the flight safety and operations at East Midlands Airport and to include reference to “automotive infrastructure” in Ec8(2)(c). A number of amendments to the supporting text will also be made.

### Ec9 – Town and Local Centres: Hierarchy and management of development

- 7.18 No changes are proposed in terms of this policy although it is proposed that the text be amended to include reference to the work being undertaken by the Council under the auspices of the Coalville Project.

### Ec10 - Town and Local Centres: Thresholds for Impact Assessments

- 7.19 No changes are proposed in terms of this policy.

### Ec11 - Town and Local Centres: Primary Shopping Area- non-shopping uses

- 7.20 It is proposed to amend the boundary of the Primary Shopping Area in Ashby de la Zouch to include the recently completed Coxon Mews.

- 7.21 In terms of the policy it is proposed to:

- Make it clear in Ec11(1) that all three bullet points have to be satisfied;
- Amend the last sentence of Ec11(1) before the bullet points to state “Development of other main town centre uses within the Primary Shopping Areas will be acceptable where, at the time that an application is determined, ...”;
- Amend the supporting text

### Ec12 - Town and Local Centres: Primary Shopping Areas – Hot Food Takeaway balance

- 7.22 It is proposed to delete Ec12(1) as this issue is already covered by policy Ec9(1). It is also proposed to amend Ec12(2) by the addition of the words “at the time that an application is determined” before the bullet points.

### Ec13 – Primary and Secondary Frontages

- 7.23 As noted in representations there is a degree of overlap between this policy and Ec11. For example, Ec13(1) duplicates Ec11(1) whilst Ec13(3) duplicates Ec11(2).

- 7.24 Consideration has also been given to the issue of Primary Frontages and Secondary Frontages and whether such a distinction is required. The NPPF notes that Primary frontages are those which contain a high proportion of shops uses, whilst Secondary frontages have a greater diversity of uses. Primary and Secondary frontages are only identified for Ashby de la Zouch and Coalville Town Centres.

- 7.25 A key aim of the Town Centre policies is to help maintain and enhance the vitality and viability of the district’s town and local centres. Policy Ec11 identifies a Primary Shopping Area in each of Ashby de la Zouch and Coalville where the predominant use is to be shopping so ensuring that the shopping element of the town centres will remain. It is proposed to retain these areas.

- 7.26 It is questionable as to whether having a distinction between Primary and Secondary frontages in what are relatively small centres assists with the aim outlined above or are

necessary. Arguably having such a distinction provides less flexibility. Furthermore, as noted the Primary Shopping Area distinction will remain and so will remain the main shopping area.

- 7.27 On balance it is, therefore, considered, that in view of the duplication with policy Ec11 and the above considerations, that it would be appropriate to delete policy Ec13 and to not have any Primary or Secondary frontages.

Ec14 – Local Centres

- 7.28 No changes are proposed to this policy.

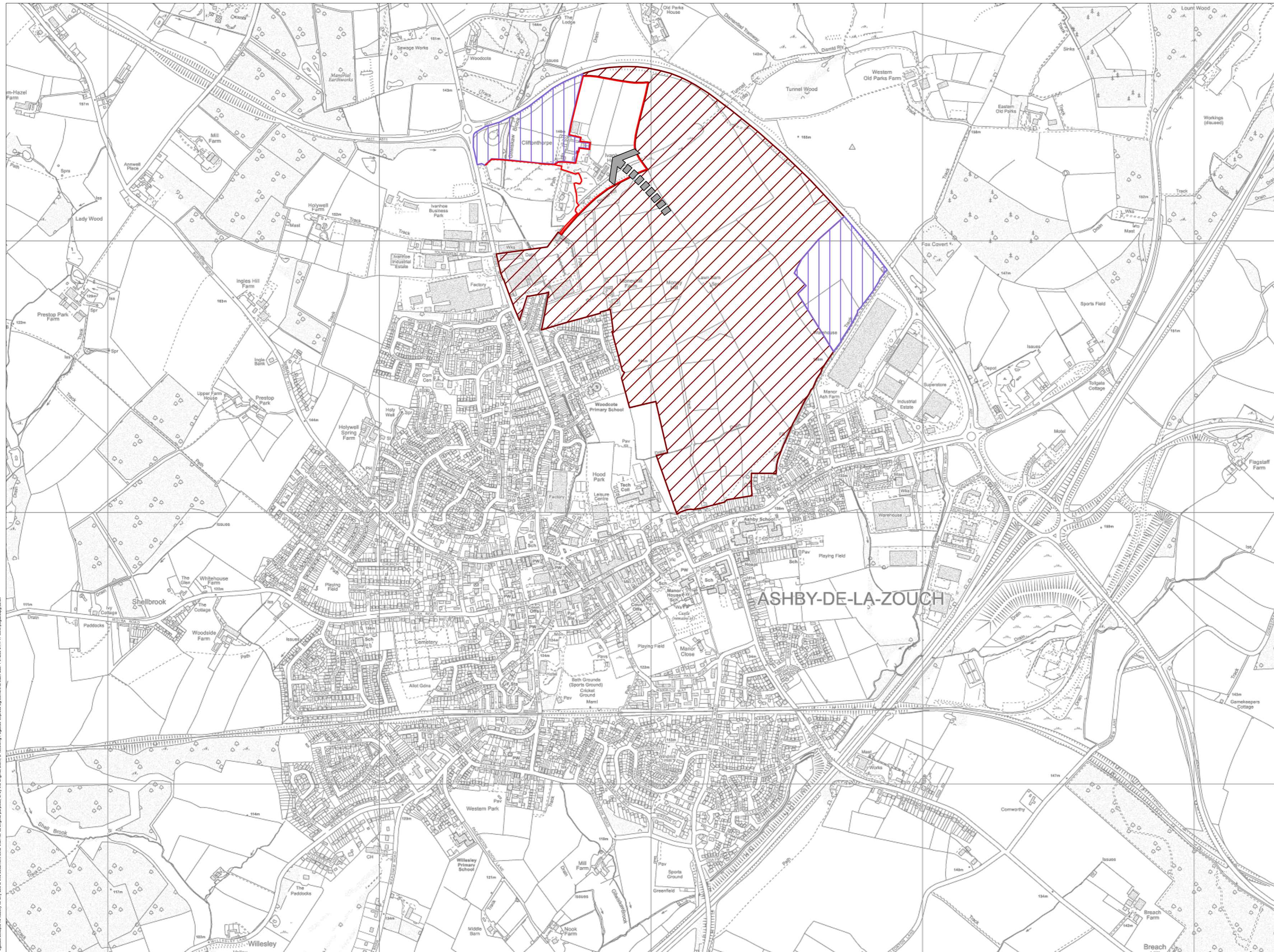
Ec15 – Tourism and cultural development

- 7.29 Although the policy title refers to 'cultural development' in reality the policy is only concerned with tourism development. It is suggested, therefore, that the policy be re-titled 'Tourism Development' and that issues relating to culture be addressed in policies IF1 (Development and Infrastructure) and IF2 (Community Facilities).

- 7.30 Other proposed changes include:

- Amend Ec15 (2) to include reference to the re-use of land/buildings for tourism and tourism related development;
- Amend Ec15 (3) by deleting the word 'sustainable' in the context of 'sustainable tourism';
- Amend Ec15 (4) to include reference to rural tourism.





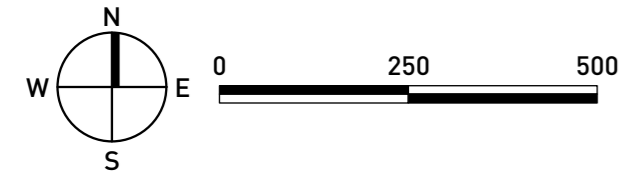
**Key**

- Allocation Boundary (10.31 Hectares)
- Housing Provision New Allocations
- Employment Allocations New Allocations
- Potential Access

**Site Location Plan**

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**IVANHOE EQUESTRIAN CENTRE, ASHBY DE LA ZOUCH - DRAFT SITE LOCATION PLAN**





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