

Meeting	<b>PLANNING COMMITTEE</b>
Time/Day/Date	4.30 pm on Tuesday, 4 August 2015
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>	
<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</b>	
To confirm and sign the minutes of the meetings held on 23 June and 7 July 2015	<b>5 - 22</b>
<b>4. PLANNING APPLICATIONS AND OTHER MATTERS</b>	
Report of the Head of Planning and Regeneration.	<b>23 - 26</b>



**5. EXCLUSION OF PRESS AND PUBLIC**

The officers consider that the press and public should be excluded during consideration of the following items in accordance with Section 100(a) of the Local Government Act 1972 as publicity would be likely to result in disclosure of exempt or confidential information.

**6. RECEIPT OF ADVICE IN RESPECT OF APPLICATION NOS.  
14/00769/OUTM AND 15/00354/OUTM**

Report of the Head of Planning and Regeneration.

**117 - 122**

## Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
<b>A1</b>	<b>15/00227/OUTM: Proposed residential development of up to 122 dwellings (use class C3), retail unit (up to 400 sq m use class A1), access and associated infrastructure (outline all matters reserved)</b>  Land Off Greenhill Road Greenhill Road Coalville	<b>REFUSE</b>	<b>27 - 56</b>
<b>A2</b>	<b>14/01132/FULM: Demolition of existing commercial building and erection of 188 dwellings, B2 manufacturing unit and associated development including vehicular access, pedestrian and cycle links, public open space, car parking, landscaping and drainage</b>  Slack And Parr Ltd Long Lane Kegworth Derby DE74 2FL	<b>PERMIT Subject to a Section 106 Agreement</b>	<b>57 - 90</b>
<b>A3</b>	<b>15/00527/VCI: Removal of conditions 6 and 11 from planning permission 14/00311/VCI in order to allow the existing sports hall to be able to play amplified music and to allow doors and windows to be opened whilst in use</b>  Newbridge High School Forest Road Coalville Leicestershire LE67 3SJ	<b>PERMIT</b>	<b>91 - 100</b>
<b>A4</b>	<b>15/00451/FUL: Erection of a detached dwelling along with associated garage</b>  Oak Tree Stables School Lane Newbold Coalville Leicestershire LE67 8PF	<b>PERMIT</b>	<b>101 - 116</b>

This page is intentionally left blank

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 23 JUNE 2015

Present: Councillor J Bridges (in the Chair)

Councillors R Adams, G A Allman, R Ashman (Substitute for Councillor J G Coxon), R Boam, R Canny, J Cotterill, D Everitt, J Houlst, R Johnson, G Jones, J Legrys, K Merrie MBE (Substitute for Councillor D J Stevenson), V Richichi, N Smith, M Specht and M B Wyatt

In Attendance: Councillors T J Pendleton

Officers: Mr C Elston, Mrs C Hammond, Mr J Knightley, Mrs A Lowe and Mr J Newton

## **12. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors J G Coxon and D J Stevenson.

## **13. DECLARATION OF INTERESTS**

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

Councillors R Canny, K Merrie, N Smith and V Richichi declared that they had been lobbied without influence in respect of item A2 application number 14/01040/OUT and had entered the meeting with an open mind.

The Deputy Chairman advised Members that the minutes of the previous meeting were not quite ready and would be considered at the Committee's next meeting in July.

Councillor J Legrys stated that he had been advised by the Legal Advisor that had attended the meeting in question that the reason the minutes were not available was due to resource matters, however at the briefing Members had been informed that they were being checked for accuracy.

The Legal Advisor advised Members that it was necessary for minutes to be checked for accuracy and that it was unusual to have a second committee in the same month, therefore the staff resources had not been available to get the minutes checked for accuracy in time for the second committee.

Councillor J Legrys stated that he was not satisfied with the responses that had been provided.

## **14. PLANNING APPLICATIONS AND OTHER MATTERS**

Consideration was given to the report of the Head of Planning and Regeneration, as amended by the update sheet circulated at the meeting.

## **15. A1**

**15/00015/FULM: PART FULL/PART OUTLINE PLANNING APPLICATION FOR THE REDEVELOPMENT OF LAND AT SAWLEY CROSSROADS, INCLUDING THE DEMOLITION OF ALL EXISTING ON-SITE BUILDINGS AND STRUCTURES. FULL CONSENT SOUGHT FOR THE CONSTRUCTION OF A REGIONAL DISTRIBUTION CENTRE (USE CLASS B8) AND ANCILLARY OFFICE ACCOMMODATION (USE CLASS B1(A)) AND ASSOCIATED GATEHOUSE AND ACCESS ARRANGEMENTS, SERVICE STATION, REFUSE AND RECYCLING AREA, CAR PARKING AND LANDSCAPING. OUTLINE CONSENT (WITH ALL MATTERS RESERVED EXCEPT ACCESS) FOR ADDITIONAL USE CLASS B8 STORAGE AND DISTRIBUTION USES.**

Land At Sawley Crossroads Sawley

Officer's Recommendation: PERMIT Subject to a Section 106 Agreement

The Principal Planning Officer presented the report to Members.

Mr R Labbett, on behalf of the applicant, addressed the committee. He advised Members that the comprehensive report addressed the key issues and that the company felt that there was a pressing need for a distribution centre in the East Midlands. He stated that the location was ideal and would be able to deliver the scheme in the timescales required. He informed Members that the centre would bring £50 million worth of investment to the area, create 400 jobs in the first phase and 600 jobs at a later time. He stated that the building would be energy efficient and that a travel plan had been submitted which included a commitment to provide a free six month bus pass. He added that if the application was permitted work would start in the autumn hoping to complete in 2017.

The officer's recommendation was moved by Councillor J Hoult and seconded by Councillor G Jones.

Councillor J Hoult stated that he was happy to move the officer's recommendation.

Councillor R Canny expressed sadness for the proposed loss of the last green area through building and that she could understand why companies wanted to build in the area due to the good transport links. She stated that the site of the former power station would be more suitable as the proposed site had no sewage facilities and was not sustainable.

Councillor G Jones stated that he was happy to second the officer's recommendation and commented that he had had concerns that there was no mention of green energy in the report but was pleased to see solar panels on the illustrations. He added his support for more jobs to be created in the area.

Following a question from Councillor R Adams, the Head of Planning and Regeneration advised Members that there was no guarantee where future employees would live and that it was not reasonable to specify this in detail within the section 106.

Councillor J Legrys expressed concerns that the site was outside the limits to development, that the application went against Policy S3 of the Local Plan, the site was too close to Hemington Hall and that North West Leicestershire would be providing jobs for residents in other districts such as Erewash, South Derbyshire and Rushcliffe, adding that even though it was not a planning issue he felt it was wrong for North West Leicestershire to do this. He stated that he had worked in the area for many years and had witnessed severe flooding around the proposed site as there was not sufficient drainage.

Councillor M Specht highlighted the phrase 'North West Leicestershire is a place that people want to live and work' and the main issue for families was to ensure that they could put food on the table with a feel good factor. He added that Councillors should be proud that the company wanted to locate to the district.

Councillor D Everitt agreed with Councillor M Specht stating that he was in favour of the creation of jobs and had no issue with the location of the site.

Councillor R Johnson thanked the officer for a comprehensive report and stated he was excited about the jobs for the area, but wondered if the applicant had considered the Ellistown site as a more suitable location.

The Principal Planning Officer advised the Committee that the applicant had given consideration to the Paragon site at Ellistown however had ruled it out due to the length of time it would take to get on the site.

Councillor R Canny stated that she was sad to see which way the application was going and that the applicant should consider that there were more suitable sites if they were happy to give the project a little more time.

Councillor G A Allman stated that 1,000 jobs were jobs and that the Council deserved a pat on the back for supporting the application.

Councillor N Smith expressed concerns over the vast height and size of the proposed building compared with the proposed landscaping bund and felt that the applicant should plant some five to six metre high semi/mature trees to provide some screening.

In response to a question from Councillor N Smith, the Principal Planning Officer advised Members that there would be a landscaping condition included and that a note to the applicant could be added to provide a steer toward the use of semi/mature trees.

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Regeneration.

**16. A2**  
**14/01040/OUT: ERECTION OF DETACHED DWELLING (OUTLINE - ACCESS, LAYOUT AND EXTERNAL APPEARANCE INCLUDED FOR DETERMINATION)**  
 Site Off Main Street Normanton Le Heath Leicestershire

Officer's Recommendation: Permit

The Planning and Development Team Manager presented the report to Members

Mr A Cooper, Chair of Normanton le Heath Parish Meeting, addressed the committee. He stated that there was a lot of opposition to the development as it was outside the limits to development, near to the listed church, would affect a well used footpath and the land was classed a sensitive area. He informed the committee that the village was already suffering from increased parking and traffic, and that it was not sustainable. He urged Members to refuse an application that would destroy a piece of village history.

Mr P Bailey, objector, addressed the committee. He stated that the statements in the application were untrue and the site plan was misleading. He advised that the site was outside the limits to development and that the applicant had no consideration for the village when purchasing the site. He added that the development offered nothing to the village and that in permitting the application the council would view one family over many more. He urged the Members to refuse the application and protect Normanton le Heath.

Mr G Phillips, agent, addressed the committee. He informed Members that he had been brought in to look at the application with a fresh pair of eyes. He highlighted to the committee that an application was permitted back in 1974 and only did not come forward as the applicant passed away. He stated that the applicant had taken into consideration that the area was a sensitive site and had put forward an application that would enhance the area. He stated that the dwelling would be well away from the footpath and had been designed to ensure there was no loss of view.

The officer's recommendation was moved by Councillor J Legrys and seconded by Councillor M Specht.

Councillor N Smith stated that he had never known so many objections to an application and felt that there was no positive approach. He stated that the application should be refused on the grounds that the application was outside the limits to development, a sensitive area, unsustainable and that the village regarded the space as its own green wedge. He accepted that an application had been permitted in 1974 but that was 41 years ago.

The Head of Planning and Regeneration reminded Members that the number of objections that had been received in relation to a planning application was not a reason for refusing it and Members should judge the application on planning merits only.

Councillor D Everitt stated that Councillors were appointed to represent the views of the residents of the district and felt that the application was un-necessary, stating that the centre of villages such as Normanton le Heath were slowly disappearing. He urged Members to respond to common sense.

Councillor K Merrie stated that he had listened to all that had been said and he would be voting against the officer's recommendation.

Councillor V Richichi stated that a few months previously a small booklet had been delivered to the residents of the District encouraging them to have their say on the Local Plan and questioned why it was done if the council was going to ignore the responses. He highlighted that many applications had been refused on the site, including one for a bungalow and that his principles prevented him from voting in favour of the development. He informed Members that there was no bus service and it would mean an addition of cars on the roads and that nearly every household in the village had signed the petition.

The Head of Planning and Regeneration advised Members that the emerging Local Plan was at an early stage and that the application had to be considered alongside the information in front of them.

Councillor J Legrys stated that he had moved the recommendation as there was no reason to refuse. He expressed disappointment over the remarks made about listening to residents and advised Members that he was under the impression that the emerging Local Plan was 90% there. He informed the Committee that the church was not directly opposite the site, instead there was a row of 20<sup>th</sup> century buildings and that the ground was not classified as special. He felt that the development would benefit the village and sought clarification on the meaning of sensitive areas and what the cost would be to the council if it went to appeal.

The Head of Planning and Regeneration informed Members that if they were minded to refuse the application he was confident that the authority would not lose costs at appeal and that sensitive areas are local plan designations that are supported by Policy E1. The Planning & Development Team Manager clarified the meaning of the sensitive area and advised that part of the sensitive area would still be maintained as a result of this proposal.

Councillor M Specht stated that he was not there to be popular and as with other members of the Committee had gone through the training, highlighting what was or was not material planning conditions. He informed Members that loss of view was not a reason but overshadowing could be, however the application did not overshadow and the land was not a green wedge. He advised that the church was not opposite the site, only houses were and that Members were there to make a balanced judgement.

The motion to permit the application in accordance with the recommendation of the Head of Planning and Regeneration was put to the vote and LOST.



The motion to refuse the application was moved by Councillor N Smith, seconded by Councillor V Richichi and

RESOLVED THAT:

The application be refused as it is outside the limits to development, a sensitive area, and the proposed development would be unsustainable.

**17. A3**  
**15/00204/FUL: CONSTRUCTION OF A DETACHED TWO-STOREY DWELLING INVOLVING THE FORMATION OF A NEW VEHICULAR ACCESS OFF MELBOURNE LANE**

1 Hollow Road Breedon On The Hill Derby DE73 8AU

Officer's Recommendation: Permit

The Chairman advised the Members that following a late submission in relation to the application he proposed to defer item A3 to allow officers to consider the new information.

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

RESOLVED THAT:

The application be deferred to allow consideration of the new information received.

**18. A4**  
**15/00466/VCI: VARIATION OF CONDITION 4 ATTACHED TO PLANNING PERMISSION REF:00/00403/PC TO EXTEND THE HOURS OF OPENING BEYOND 23:30 TO 01:00 FOR 12 OCCASIONS A YEAR.**

Ashby Rugby Football Club Nottingham Road Ashby De La Zouch Leicestershire LE65 1DQ

Officer's Recommendation: Permit

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

Mr G Bott, objector, addressed the meeting. He stated that the noise that was generated from the clubhouse had impacted on his health and quality of life as the bass level of the music rattled his house. He informed the Committee that the club regularly breached its conditions by playing music past the opening hours and hiring out the clubhouse for private functions. He added that due to these breaches the club was having a detrimental effect on the local amenities.

Mr D Harris-Watkins, agent, addressed the meeting. He advised Members that the club was non profit making and currently had 430 members. He informed Members that the club provided 200 hours coaching around Ashby and contributed to visitors to the area. He highlighted the objector's main concern of environmental impact and reminded Members that there had been no objections on those grounds. Mr Harris-Watkins then went on to speak about the floodlights and advised Members that extension to the hours was to ensure that coaching could take place for the younger members of the club during the week to fit in around bedtimes and stated that when the lights were inspected the club was informed that the wattage was far below the recommended maximum strength. He drew Members attention to the number of letters that had been received in support of the application.

The officer's recommendation was moved by Councillor G Jones and seconded by Councillor M Specht.

Councillor Jones stated that he was happy to move the officer's recommendation as the Rugby Club played an important role within the town and was very well run.

Councillor M Specht stated that he was happy to second the recommendation but had concerns over the breach of conditions that had been mentioned by the objector.

The Head of Planning and Regeneration stated that through the consultation process officers had not been made aware of any breaches from Planning Enforcement.

Councillor Legrys stated that voluntary bodies like the Rugby club was run by parents and needed to ensure that the facilities were right to generate income to ensure their future. He added that he had been reassured that the 12 occasions would be for the clubhouse only and not for marquees to be used. He highlighted that the nearest property was 50 meters away, that the site was surrounded by trees and close to main roads. He sought clarification that there had been no breaches of conditions reported to officers.

The Chairman reminded Members that if a breach had been reported it would have been highlighted in the report.

Councillor V Richichi sympathised with the objector as the bass level of music did amplify the further away people were to it.

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Regeneration.

- 19. A5**  
**15/00346/VCI: VARIATION OF CONDITION 4 ATTACHED TO PLANNING PERMISSION REF:06/01140/FUL TO EXTEND THE HOURS OF LIGHTING OF THE FLOOD LIGHTS FROM 19:00 TO 21:30 TO 17:00-21:30**  
 Ashby Rugby Football Club Nottingham Road Ashby De La Zouch Leicestershire LE65 1DQ

Officer's Recommendation: Permit

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

Mr G Bott, objector, addressed the committee. He stated that the requested extension would double the length of time in which the lights were on. He advised that there had never been an issue until November of 2014 when it appeared that the angle of the lights had been altered and that he felt that the lux levels were not in accordance with the regulations. He queried as to whether there had been any checks on the lighting and stated that a full assessment should be requested.

Mr D Harris-Watkins, agent, addressed the committee. He advised Members that any previous issues with the floodlights that had been raised by the objector had been dealt with and when the lights were previously checked the club was advised the strength of the light wattage would never reach the acceptable maximum level.

The officer's recommendation was moved by Councillor G Jones and seconded by Councillor J Legrys.

Following concerns raised by Councillors J Hault and V Richichi about the angles of the floodlights, The Chairman advised Members that a note to applicant would be added in relation to having the floodlights checked.

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Regeneration.

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 6.14 pm

This page is intentionally left blank

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 7 JULY 2015

Present: Councillor D J Stevenson (Chairman)

Councillors R Adams, G A Allman, R Boam, J Bridges, R Canny, J Cotterill, J G Coxon, D Everitt, D Harrison (Substitute for Councillor N Smith), J Hoult, R Johnson, G Jones, J Legrys, V Richichi, M Specht and M B Wyatt

In Attendance: Councillor T J Pendleton

Officers: Mr C Elston, Mrs C Hammond, Mr J Knightley, Mrs A Lowe, Miss E Mattley and Mr J Newton

## **20. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor N Smith.

## **21. DECLARATION OF INTERESTS**

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

Councillors G A Allman, J G Coxon, J Hoult and G Jones declared non pecuniary interests in items A1, application number 15/00196/FULM, A2, application number 15/00354/OUTM, A3, application number 14/00769/OUTM and A6, application number 15/00278/FULM as members of Ashby Town Council.

Councillor J Bridges declared a non pecuniary interest in item A5, application number 15/00364/FUL as he had called in the application as Ward Member.

Councillor J Legrys declared a non pecuniary interest in item A4, application number 15/00147/FUL as an acquaintance of a number of objectors.

Councillor V Richichi declared a non pecuniary interest in item A4, application number 15/00147/FUL as an acquaintance of the applicant.

Members declared that they had been lobbied without influence in respect of various applications below:

Item A1, application number 15/00196/FULM

Councillors R Adams, G A Allman, R Boam, J Bridges, R Canny, J Cotterill, J G Coxon, D Everitt, D Harrison, J Hoult, R Johnson, G Jones, J Legrys, M Specht, D J Stevenson and M B Wyatt.

Item A2, application number 15/00354/OUTM

Councillors R Adams, G A Allman, R Boam, J Bridges, R Canny, J Cotterill, J G Coxon, D Everitt, D Harrison, J Hoult, R Johnson, G Jones, J Legrys, V Richichi, M Specht, D J Stevenson and M B Wyatt.

Item A3, application number 14/00769/OUTM

Councillors R Adams, G A Allman, R Boam, J Bridges, R Canny, J Cotterill, J G Coxon, D Everitt, D Harrison, J Hoult, R Johnson, G Jones, J Legrys, V Richichi, D J Stevenson and M B Wyatt.

Item A4, application number 15/00147/FUL

Councillors R Boam and J Legrys.

Item A6, application number 15/00278/FULM  
Councillor D J Stevenson.

## 22. MINUTES

Consideration was given to the minutes of the meeting held on 9 June 2015.

Councillor J Legrys moved that the final paragraph in relation to item A4 on page 10 be amended to read "The Legal Advisor gave advice that due to conflicting votes resulting in the application being undetermined and the unlikelihood that a decision would be reached along with the fact that there was currently a live appeal in relation to the previously refused application his advice was that, Members should move that the committee proceed to the next item of business under procedure rule 13.1.9 of the Council's Constitution. It was therefore moved by the Chairman and seconded by Councillor J Bridges'. This was seconded by Councillor R Johnson.

Councillor D J Stevenson stated that he personally believed that the minutes in front of them were correct.

Councillor J Bridges added that as the seconder he had read the minutes and felt they were correct.

The motion to move the amendment was put to the vote and LOST.

It was moved by Councillor J Bridges, seconded by Councillor M Specht and

RESOLVED THAT:

The minutes of the meeting held on 9 June 2015 be approved and signed by the Chairman as a correct record.

## 23. PLANNING APPLICATIONS AND OTHER MATTERS

Consideration was given to the report of the Head of Planning and Regeneration, as amended by the update sheet circulated at the meeting.

## 24. A1 15/00196/FULM: ERECTION OF 41 DWELLINGS AND ASSOCIATED INFRASTRUCTURE INCLUDING THE PROVISION OF PLAY SPACE AND COMBINED CYCLE AND FOOTPATH (RESUBMITTED 14/00520/FULM)

Land At Wells Road And Willesley Road Ashby De La Zouch Leicestershire LE65 2QD

Officer's Recommendation: PERMIT

The Senior Planning Officer presented the report to Members.

Councillor M Tuckey, on behalf of Ashby Town Council, addressed the Committee. She highlighted to Members the Town Council's objections. She stated that the development was not in accordance to the NPPF and not sustainable. She informed Members that there were no shops within walking distance, that the local schools were full and the area had been given a landscape quality of 9 which was the highest in the area and if the application was permitted, the beauty would be destroyed. She reminded Members that the Committee had previously refused the application and urged them to take the reasons into consideration.

Mr D Trunkfield, objector, addressed the Committee. He advised that the key objections were as before. He informed Members that the site was un-sustainable and impacted on the landscape. He highlighted that when the application was previously refused it was a unanimous vote and the application had many similarities to the Packington Nook application that had also been refused. He stated to Members that the key services were further away than stated and officers should have advised them that the site was outside the Limits to Development. He urged the Committee to refuse the application.

Ms H Guy, agent, addressed the Committee. She advised Members that the applicants fully supported the officer's recommendation and highlighted that there were no technical reasons for refusing the application. She informed the Committee that there would be 12 affordable homes on the site, that a hard surface cycle track would be provided and provision for a children's play area and public open space.

Councillor J G Coxon moved that the application be refused on the grounds that the development was not sustainable and it was outside the Limits to Development. It was seconded by Councillor G Jones.

Councillor G Jones raised concerns that the site was not sustainable under the 2002 Local Plan and should be refused on the same grounds that the Lower Packington Road and Shellbrook applications were. He added that the development would not be consistent with the appearance of the rest of the town.

Councillor J Legrys expressed concerns that it was the third time that the application had been in front of Members and sought clarification that it was legal to do so and if it was legal was it moral.

The Legal Advisor confirmed that it was lawful as under section 70 of the Town and Country Planning Act 1990 an application must be determined when it is put before committee and reminded Members that they should make their decision based on the facts before them.

Councillor D J Stevenson having requested a recorded vote, the vote was as follows:

For the motion:

Councillors R Adams, G A Allman, R Canny, J Cotterill, J G Coxon, J Hault, R Johnson, G Jones, J Legrys, V Richichi, D J Stevenson and M B Wyatt (12).

Against the motion:

Councillors J Bridges, R Boam, D Everitt, D Harrison, and M Specht (5).

Abstentions:

(0).

The motion was CARRIED.

RESOLVED THAT:

The application be refused on the grounds that it was outside the limits to development and it was unsustainable.

- 25. A2**  
**15/00354/OUTM: OUTLINE PLANNING APPLICATION FOR UP TO 70 DWELLINGS TOGETHER WITH PUBLIC OPEN SPACE, NATIONAL FOREST PLANTING, LANDSCAPING, DRAINAGE INFRASTRUCTURE AND ACCESS OFF WOODCOCK WAY**

Land Adjoining Woodcock Way Woodcock Way Ashby De La Zouch Leicestershire LE65 1AX

Officer's Recommendation: PERMIT Subject to a Section 106 Agreement

The Principal Planning Officer presented the reports for A2 and A3 together, to Members.

Councillor M Tuckey, on behalf the Ashby Town Council, addressed the Committee. She advised Members that the Town Council was in objection to the application as the district had a 5 year housing land supply, the access to the development on Nottingham Road was unsuitable and the increase in traffic would add to an existing problem for local residents with the road being congested. She informed the Committee that the increase in traffic was a safety concern for the school nearby and that there had been several traffic accidents in the area, which the emergency services had found it an issue in getting through the traffic. She urged Members to consider the points that she had raised.

Mr T Gregory, objector, addressed the Committee. He advised Members that residents of Ashby were aware of the traffic issues along Nottingham Road and the lengthy queues during the peak times. He highlighted that should the development go ahead there would be a 25% increase in the amount of traffic. He informed the Committee that the authority had enough housing land supply and that brownfield sites should be used instead. He added that residents were not against the bigger Money Hill development, but only when the time was right. He urged Members to refuse the application on the grounds that it was contrary to policies S3, H4/1, E6 and NPPF 32.

Mr S Lewis-Roberts, agent, addressed the Committee. He advised Members that following the deferral of the previous application, the applicants had now provided further information in respect of access to the site and sustainability, and proposed that 30% of the site would be affordable housing. He informed Members that should they be minded to permit the application, the applicants would withdraw the appeal on the previous application. He highlighted to Members that the site was close to the town centre, that there were no technical issues with the application, including no objections from the highways authority and Section 106 contributions had been agreed. He stated that the district need to maintain its housing land supply and that the application should be granted.

Councillor G A Allman moved that the application be refused on the grounds that the site was outside the Limits to Development and there was inappropriate vehicle access. It was seconded by Councillor J Hoult.

Councillor J G Coxon stated that the district had met its 5 year housing land supply and that the application was a piecemeal application of a much larger site, which it was not acceptable to pick bits from as there would be no infrastructure. He added that Nottingham Road was over capacity and the local knowledge on the traffic issues was much more valuable. He expressed that he would be voting in support of Councillor Allman's motion.

Councillor V Richichi stated that he did not like the application as the area was too congested and that he would not be voting in favour of the application.

Councillor J Hoult stated that he had lived opposite Woodcock Way and had seen the traffic issues on Nottingham Road. He highlighted to Members that it was up to the Committee to get the issue of access right for the area.

Councillor G Jones stated that the schools in the area were at full capacity with more developments to come and that he was totally against the application before them, but not



the whole Money Hill development. He added that the traffic on Nottingham Road was already excessive and expressed that the application was contrary to policy E6.

The Head of Planning and Regeneration advised Members that because the proposal was in outline, which establishes the principle of development, and that the indicative images suggested potential connection with the wider money hill scheme, it would not compromise a comprehensive scheme, and urged Members to steer away from refusing permission on that ground. He highlighted that the clear advice of the county highway authority was that traffic from 70 extra homes emptying onto Nottingham Road via Woodcock Way would not take the traffic congestion situation along Nottingham Road to severe. He added that education contributions had been agreed within the Section 106.

The Planning and Development Team Manager advised Members that the motion to refuse on grounds that the application would be contrary to S3 would not be defensible on this occasion.

Councillor J Bridges stated that the application before them was a back door development, but could understand where officers were coming from. He felt that the application was speculative and that Members wanted to see the bigger picture however the Committee had to determine the application that was in front of them. He advised that he would have to vote in favour of the application, even though he did not like it and added that developers did not think of the masterplan.

Councillor D J Stevenson stated that the access was satisfactory to normal developments, but he felt that Nottingham Road was not normal.

Councillor D J Stevenson having requested a recorded vote, the vote was as follows:

For the motion:

Councillors R Adams, G A Allman, R Boam, R Canny, J Cotterill, J G Coxon, D Harrison, J Hoult, R Johnson, G Jones, J Legrys, V Richichi, D J Stevenson and M B Wyatt (14).

Against the motion:

Councillors J Bridges, D Everitt, and M Specht (3).

Abstentions:

(0).

The motion was CARRIED.

RESOLVED THAT:

The application be refused on the grounds that it was outside the Limits to Development there was inappropriate vehicle access and was contrary to policy S3.

26.

**A3**

**14/00769/OUTM: ERECTION OF UP TO 70 DWELLINGS TOGETHER WITH PUBLIC OPEN SPACE, NATIONAL FOREST PLANTING, LANDSCAPING, DRAINAGE INFRASTRUCTURE AND ACCESS OFF WOODCOCK WAY (OUTLINE - ALL MATTERS OTHER THAN PART ACCESS RESERVED)**

Land Adjoining Woodcock Way Woodcock Way Ashby De La Zouch Leicestershire LE65 1AX

Officer's Recommendation: PERMIT Subject to a Section 106 Agreement

The Principal Planning Officer had presented the report to Members during the previous item and had nothing further to add.

Mr T Gregory, objector, addressed the Committee. He raised concerns over the traffic impact assessment stating that it was relaxed. He highlighted that the lanes would not be wide enough, the visual sight on to Nottingham Road required maintenance and that the pedestrian refuge was not wide enough. He informed Members that the Nottingham Road was already congested with 15,000 cars before any further development took place.

Councillor G A Allman moved that the application be refused on the grounds that the site was outside the Limits to Development, inappropriate vehicle access and was contrary to policy S3. It was seconded by Councillor J G Coxon.

Councillor D J Stevenson having requested a recorded vote, the vote was as follows:

For the motion:

Councillors R Adams, G A Allman, R Boam, R Canny, J Cotterill, J G Coxon, D Harrison, J Hoult, R Johnson, G Jones, J Legrys, V Richichi, D J Stevenson and M B Wyatt (14).

Against the motion:

Councillors J Bridges, D Everitt, and M Specht (3).

Abstentions:

(0).

The motion was CARRIED.

RESOLVED THAT:

The application be refused on the grounds that it was outside the Limits to Development, there was inappropriate vehicle access and was contrary to policy S3.

27.

**A4**

**15/00147/FUL: ERECTION OF 1 NO 500 KW WIND TURBINE AND ASSOCIATED INFRASTRUCTURE**

Land West Of Heather Lane Heather Lane Ravenstone Coalville Leicestershire LE67 2AH

Officer's Recommendation: PERMIT

The Senior Planning Officer presented the report to Members.

Parish Councillor S Lunn, on behalf of Ravenstone with Snibston Parish Council, addressed the Committee. She advised Members that when the application had been discussed at the Parish Council, all Members expressed objection. She stated that the objections were that it would have a visual impact, it was too close to the school, which in turn would cause health issues for the children in attendance, that the site of the turbine did not take into consideration the habitat of birds and wildlife. She highlighted that the new development of Heather Lane would be only 700ms from the site with the guidance stating that it should be no less than 2000ms away. She expressed concern that the turbine would have no benefit to the village and felt that the village had suffered enough already.

Mr G Ensor, objector, addressed the Committee. He informed Members that it was felt that the application was not needed and that there was now enough onshore energy to meet the 2020 targets. He highlighted to Members that following new guidance that had been released on June 18<sup>th</sup> development should only continue if planning consent had been given and therefore 200 schemes had been scrapped. He expressed to Members that villagers views had not been taken in to consideration, that the wildlife survey had not

included migrating birds and that it was quite clear on balance the turbine was not needed.

Mr D Wheeler, agent, addressed the Committee. He advised Members that wind turbines were the cheapest form of energy and that with climate change all energy sources must be secured. He advised that the applicant had sited one near to the Severn Trent facility and that no residents had experienced issues from shadow flicker or noise and that the turbine could be seen from a distance. He informed Members that the local community would receive a direct benefit as the energy would be directed to the locals rather than being lost to the National Grid. He urged Members to send a message for the future generation and support the application.

The Head of Planning and Regeneration advised Members that as the application was already in the system prior to the Ministerial statement of 18<sup>th</sup> June 2015, the application was to be considered under the transitional arrangements.

In response to a question from Councillor R Johnson, the Head of Planning and Regeneration advised Members that the woodland was approximately 500ms away.

Councillor M Specht felt that the turbine would be located near to new woodland not ancient like Holly Hayes. He expressed concerns that the applicant had not consulted with residents appropriately. He moved that the application be refused on the grounds of visual intrusion. It was seconded by Councillor J Legrys.

The Senior Planning Officer stated that the results from the consultation were contained within the Statement of Community Involvement submitted with the application.

Councillor V Richichi stated that there was a turbine 20 yards from the new jubilee wood that could be seen from most of the district and highlighted that there were no objections from the National Forest.

Councillor D Everitt stated that the application should be permitted as there was a need to provide renewable energy for the future generations. He stated that technology would move on and turbines would be replaced by better alternatives in years to come. He urged Members to think of the future and permit.

Councillor M B Wyatt stated that there were several wind turbines in his ward and he had not yet received any complaints about them. He felt that they should be put up and that they were not a blot on the landscape.

Councillor D J Stevenson stated that he hated wind turbines, however he had not yet found a reason to refuse one.

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

The officer's recommendation was put to the vote

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Regeneration.

- 28. A5**  
**15/00364/FUL: PROPOSED ERECTION OF 2 NO. DETACHED DWELLINGS, ACCESS & PARKING**  
 33 Ashby Road Moira Swadlincote Derby DE12 6DJ

Officer's Recommendation: PERMIT Subject to a Section 106 Agreement

The Senior Planning Officer presented the report to Members.

The officer's recommendation was moved by Councillor D Harrison and seconded by Councillor J Hoults.

Councillor D Harrison stated that it was a perfect site for development.

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Regeneration.

29.

**A6**

**15/00278/FULM: CONSTRUCTION OF ACCESS ROAD AND ASSOCIATED SERVICES TO SERVE EXISTING VACANT SITE AND ERECTION OF FOUR LIGHTING COLUMNS**

Land At Smithy Road Ashby De La Zouch Leicestershire LE65 1JG

Officer's Recommendation: PERMIT

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

Mr N Marchini, agent, addressed the Committee. He advised Members that the proposal was for a new road that was designed to service the site that the applicant had bought four years previously. He stated that a new access road would make the site more attractive to prospective developers and that any detailed development proposals would be subject to a specific planning application. He informed Members that the applicant was happy to accept the condition in relation to security and that there was no valid reason to refuse.

The officer's recommendation was moved by Councillor J Legrys and seconded by Councillor D J Stevenson.

Councillor J Legrys stated that he had expressed concerns over the security of the site and thanked the agent for advising that the applicant would accept the condition on security. He sought clarification on whether the lights, once erected, would be lit.

The Head of Planning and Regeneration advised members that the Committee could specify if the lights were lit whilst the site was vacant.

Councillor J Legrys requested that it was specified that the site was not lit whilst vacant.

Councillor D J Stevenson agreed with the specification and stated that to help with the sale of the site the access road was required.

Councillor G Jones felt that there should be a condition for the lights to be solar powered.

Councillor J G Coxon stated that the Town Council had been very sceptical about the application and that he would prefer to see the whole scheme for the site.

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Regeneration with an additional condition relating to when the columns can be lit.

**30. PROPOSED ALTERATIONS TO SECTION 106 OBLIGATIONS REQUIRED IN ASSOCIATION WITH RESIDENTIAL DEVELOPMENT AT FORMER FOREST WAY SCHOOL**

The Principal Planning Officer presented the report to Members.

It was moved by Councillor R Adams, seconded by Councillor J Bridges and

RESOLVED THAT:

The amendment of the previously agreed obligations so as to secure all units as affordable housing and with no obligations in respect of bus passes, children's play, civic amenity, libraries, national forest planting, travel packs and Section 106 monitoring, the precise wording of which be delegated to the Head of Legal and Support Services, and limited to a period of three years be agreed.

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 6.15 pm

This page is intentionally left blank

**APPENDIX B**

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

**4 August 2015**

**PLANNING & DEVELOPMENT REPORT**



## **PLANNING COMMITTEE FRONT SHEET**

### **1. Background Papers**

For the purposes of Section 100(d) of the Local Government ( Access to information Act) 1985 all consultation replies listed in this report along with the application documents and any accompanying letters or reports submitted by the applicant, constitute Background Papers which are available for inspection, unless such documents contain Exempt Information as defined in the act.

### **2. Late Information: Updates**

Any information relevant to the determination of any application presented for determination in this Report, which is not available at the time of printing, will be reported in summarised form on the 'UPDATE SHEET' which will be distributed at the meeting. Any documents distributed at the meeting will be made available for inspection. Where there are any changes to draft conditions or a s106 TCPA 1990 obligation proposed in the update sheet these will be deemed to be incorporated in the proposed recommendation.

### **3. Expiry of Representation Periods**

In cases where recommendations are headed "Subject to no contrary representations being received by ..... [date]" decision notices will not be issued where representations are received within the specified time period which, in the opinion of the Head of Planning and Regeneration are material planning considerations and relate to matters not previously raised.

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

Where the Head of Planning and Regeneration report recommends a grant of planning permission and a resolution to grant permission is made, the summary grounds for approval and summary of policies and proposals in the development plan are approved as set out in the report. Where the Planning Committee are of a different view they may resolve to add or amend the reasons or substitute their own reasons. If such a resolution is made the Chair of the Planning Committee will invite the planning officer and legal advisor to advise on the amended proposals before the a resolution is finalised and voted on. The reasons shall be minuted, and the wording of the reasons, any relevant summary policies and proposals, any amended or additional conditions and/or the wording of such conditions, and the decision notice, is delegated to the Head of Planning and Regeneration.

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

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



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

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

## **6 Refusal contrary to officer recommendation**

Where members are minded to decide to refuse an application contrary to the recommendation printed in the report, or to include additional reasons for refusal where the recommendation is to refuse, the Chair will invite the Planning Officer to advise on the proposed reasons and the prospects of successfully defending the decision on Appeal, including the possibility of an award of costs. This is in accordance with the Local Planning Code of Conduct. The wording of the reasons or additional reasons for refusal, and the decision notice as the case is delegated to the Head of Planning and Regeneration.

## **7 Amendments to Motion**

An amendment must be relevant to the motion and may:

1. Leave out words
2. Leave out words and insert or add others
3. Insert or add words

as long as the effect is not to negate the motion

If the amendment/s makes the planning permission incapable of implementation then the effect is to negate the motion.

If the effect of any amendment is not immediately apparent the Chairman will take advice from the Legal Advisor and Head of Planning and Regeneration/Planning and Development Team Manager present at the meeting. That advice may be sought during the course of the meeting or where the Officers require time to consult, the Chairman may adjourn the meeting for a short period.

Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of. The amendment must be put to the vote.

If an amendment is not carried, other amendments to the original motion may be moved.

If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendment, or if there are none, put it to the vote.

## **8 Delegation of wording of Conditions**

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

to the Head of Planning and Regeneration.

### **9. Decisions on Items of the Head of Planning and Regeneration**

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.

**Proposed residential development of up to 122 dwellings (use class C3), retail unit (up to 400 sq m use class A1), access and associated infrastructure (outline all matters reserved)**

**Report Item No  
A1**

**Land Off Greenhill Road Greenhill Road Coalville  
Leicestershire**

**Application Reference  
15/00227/OUTM**

**Applicant:  
Gladman Developments**

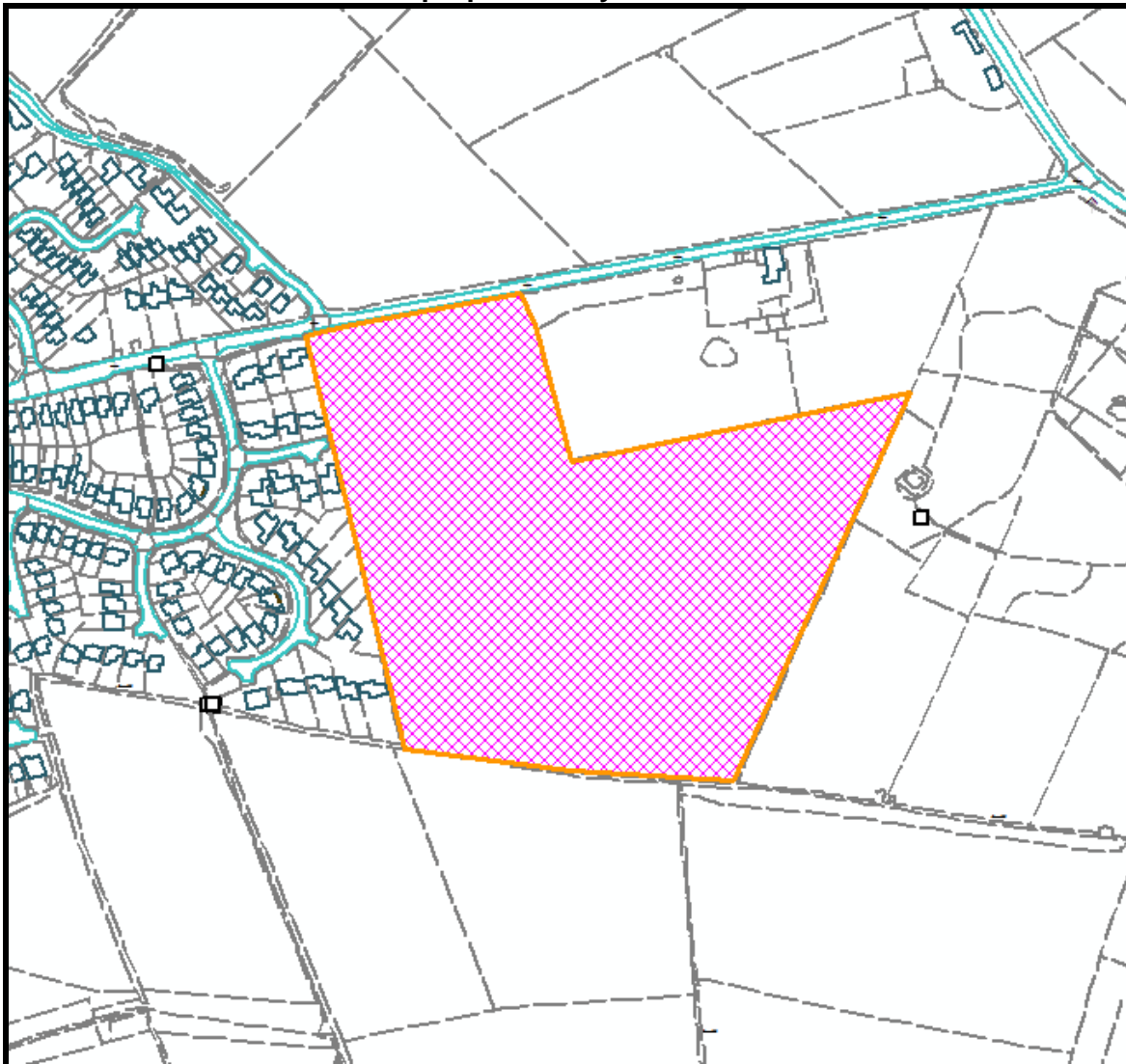
**Date Registered  
21 April 2015**

**Case Officer:  
James Knightley**

**Target Decision Date  
21 July 2015**

**Recommendation:  
REFUSE**

**Site Location - Plan for indicative purposes only**



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

## **Executive Summary of Proposals and Recommendation**

### **Proposal**

This application seeks outline planning permission for residential development of up to 122 dwellings, a retail store and associated works.

### **Consultations**

Members will see from the main report below that objections have been received in respect of the proposals.

### **Planning Policy**

The application site lies outside Limits to Development as defined in the adopted North West Leicestershire Local Plan and also within an Area of Particularly Attractive Countryside. Also material to the determination of the application, however, is the supply of housing in the context of the National Planning Policy Framework (NPPF).

### **Conclusion**

The report below indicates that the application site is a greenfield site outside Limits to Development as defined in the adopted North West Leicestershire Local Plan and is, for the most part, Best and Most Versatile agricultural land. Whilst the site has some degree of connectivity to local services, and whilst the District Council needs to maintain a five year (plus buffer) housing land supply, the view is taken that release of the site would not in any event constitute sustainable development, particularly when having regard to its location within an Area of Particularly Attractive Countryside (wherein Local Plan Policy E22 presumes against development which would diminish the present open character of such areas). In addition, there are unresolved technical issues in respect of transportation, and the application as submitted also does not provide for appropriate contributions to infrastructure required to support the proposed development.

### **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 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 an outline planning application for residential development of a site of 7.22 hectares primarily comprising grassland for up to 122 dwellings on land to the south of Greenhill Road, Coalville.

All matters are reserved; whilst all matters are reserved for subsequent approval, an illustrative masterplan has been submitted showing the proposed dwellings and shop (the shop being located to the north western part of the site), together with areas of public open space / children's play and surface water attenuation facilities. Whilst access is a reserved matter, the submitted Transport Assessment indicates that vehicular access would be provided by way of a new priority access onto Greenhill Road.

The site is adjacent to agricultural and residential land, and lies to the opposite side of Greenhill Road from a site currently under development for 70 dwellings (ref. 14/00050/FULM). The application site itself is as per that the subject of an earlier application for 180 dwellings (ref. 14/00614/OUTM); that application was refused at the Planning Committee meeting of 4 November 2014 for the following reasons:

*1 Paragraph 14 of the National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development; Paragraph 7 defines sustainable development (and including its environmental dimension) and also provides that the planning system needs to perform an environmental role, including in respect of protecting and enhancing our natural environment and using natural resources prudently. Policy S3 of the adopted North West Leicestershire Local Plan sets out the circumstances in which development outside of Limits to Development would be acceptable. Paragraph 112 of the NPPF provides that, 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. The site is located outside of the Limits to Development as defined in the adopted Local Plan, and is, in the most part, Best and Most Versatile (BMV) in terms of its agricultural quality. Approval of the application would result in the unnecessary development of BMV land located outside Limits to Development, not constituting sustainable development, and contrary to the policies and intentions of the NPPF and Policy S3 of the North West Leicestershire Local Plan.*

*2 In addition to being located outside of the Limits to Development as defined in the adopted North West Leicestershire Local Plan, the site also falls within an Area of Particularly Attractive Countryside. Policy E22 of the adopted North West Leicestershire Local Plan presumes against development within Areas of Particularly Attractive Countryside which would, amongst others, adversely affect or diminish their present open character. By virtue of the site's development for housing, the present open character of that part of the Area of Particularly Attractive Countryside forming the application site would inevitably be diminished, to the detriment of this part of the Area of Particularly Attractive Countryside and the character of the Area as a whole, neither protecting nor enhancing the natural environment and not constituting sustainable development, contrary to the policies and intentions of the NPPF and Policy E22 of the North West Leicestershire Local Plan.*

*3 Paragraph 32 of the National Planning Policy Framework (NPPF) requires that all developments that generate significant amounts of movement be supported by a Transport Statement or Transport Assessment, and that plans and decisions should take account of*

*whether, amongst others, the opportunities for sustainable transport modes have been taken up, and that safe and suitable access to the site can be achieved for all people. Policy T3 of the adopted North West Leicestershire Local Plan requires development to make adequate provision for vehicular access and circulation and servicing arrangements. The application as submitted provides insufficient information to demonstrate the highways and transportation impacts of the proposed development, in the absence of which the Local Planning Authority is unable to be satisfied that unacceptable adverse highway safety and capacity impacts on the surrounding highway network would not result, contrary to the policies and intentions of the NPPF and Policy T3 of the North West Leicestershire Local Plan.*

*4 Paragraph 14 of the National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development; Paragraph 7 defines sustainable development (and including its environmental dimension) and also provides that the planning system needs to perform an environmental role, including in respect of minimising pollution. The site is located approximately 2.2km from the Coalville Air Quality Management Area (AQMA), an area designated on the basis of existing exceedances of the annual mean Air Quality Objective for nitrogen dioxide. The application is supported by an Air Quality Assessment but, having regard to the failure to demonstrate that the predicted traffic flows upon which the Assessment is based are robust, the Local Planning Authority is unable to be satisfied that unacceptable adverse impacts on air quality within the AQMA would not result, contrary to the policies and intentions of the NPPF.*

*5 Paragraph 14 of the National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development; Paragraph 7 defines sustainable development (and including its economic dimension) and also provides that the planning system needs to perform an economic role, including in respect of provision of infrastructure. The application as submitted does not include for appropriate contributions in respect of associated infrastructure (including mitigation for the impacts of the proposed development in terms of youth / adult recreation facilities, library facilities, civic amenity and healthcare), contrary to the policies and intentions of the NPPF.*

That refusal is now the subject of an appeal, to be considered at an inquiry due to open in November 2015. The revised scheme differs from the refused application insofar as the number of dwellings proposed is concerned. Whilst the application site area is essentially unchanged from the refused scheme, the illustrative plan indicates that the eastern section of the site would be retained as open space. The current application is referred to the Planning Committee for a decision at the request of Councillor Clarke (the request being received prior to the 2015 District Council elections and reorganisation of wards).

## **2. Publicity**

153 neighbours have been notified (date of last notification 29 April 2015).

Press Notice published 6 May 2015

Site Notice posted 12 May 2015

## **3. Consultations**

County Highway Authority  
 Environment Agency  
 Severn Trent Water Limited  
 Head of Environmental Protection

Natural England  
NWLDC Tree Officer  
County Archaeologist  
LCC ecology  
Airport Safeguarding  
NWLDC Urban Designer  
National Forest Company  
County Planning Authority  
LCC Development Contributions  
NHS Leicester, Leicestershire And Rutland Facilities Management  
Development Plans  
Head Of Leisure And Culture  
Manager Of Housing North West Leicestershire District Council  
29 April 2015 Police Architectural Liaison Officer  
LCC Flood Management  
Highways Agency- Article 15 development  
Head Of Street Management North West Leicestershire District  
Leicester & Rutland Wildlife Trust

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

**Environment Agency** has no objections subject to conditions

**Highways England** has no objections

**Leicestershire and Rutland Wildlife Trust** objects on the following grounds:

- Significant encroachment into the Charnwood Forest - the Charnwood Forest has been identified by the Trust as a priority Living Landscape, by the County Council, the District Council and Charnwood and Hinckley and Bosworth Borough Councils as a candidate Regional Park and by the National Forest Company as a key area within the National Forest
- Site outside Limits to Development and not a priority for development
- Within an Area of Particularly Attractive Countryside
- Site should be retained for its wildlife value and intrinsic landscape appeal
- Site adjacent to a mosaic of habitats and, as such, is an important wildlife corridor linking Bardon Hill SSSI, Charnwood Lodge NNR and Coalville Meadows SSSI

**Leicestershire County Council Archaeologist** has no objections subject to conditions

**Leicestershire County Council Local Education Authority** requests developer contributions of £566,400.04 in respect of additional provision in the primary, high and upper school sectors

**Leicestershire County Council Library Services Development Manager** requests a developer contribution of £3,680 in respect of Coalville Library

**Leicestershire County Council Highway Transportation & Waste Management Authority** requests a developer contribution of £7,976 in order to mitigate the impact on civic amenity waste facilities in the local area.

**Leicestershire County Council Landscape Officer** has no comments

**Leicestershire County Council Ecologist** has no objections subject to conditions, and subject to the provision of a suitable buffer zone

**Leicestershire County Council Highway Authority** final response awaited

**Leicestershire County Council Lead Local Flood Authority** has no objections subject to conditions

**Leicestershire County Council Mineral Planning Authority** has no objections but notes the site's location in the vicinity of the Bardon Quarry and draws attention to previous resident concerns regarding noise and dust

**Leicestershire Police** objects unless a developer contribution of £44,774 in respect of policing is provided

**National Forest Company** has no objections in principle but requests provision of additional information from the applicant in respect of demonstrating that sufficient space would be provided to enable avenue tree planting within the development

**Natural England** has no objections subject to conditions

**North West Leicestershire District Council Environmental Health** has no objections subject to conditions

**Severn Trent Water** has no objections

### **Third Party Representations**

254 representations have been received, objecting to the application on the following grounds:

- Shop not needed - other shops have recently closed due to lack of custom
- Site within an Area of Particularly Attractive Countryside
- Site within the countryside / outside Limits to Development
- Increased traffic / congestion
- Inaccurate Transport Assessment
- Adverse impact on Charnwood Forest / National Forest
- Contrary to Local Plan policies
- Loss of good quality agricultural land
- Impact on air quality
- Site and adjacent land are liable to flooding
- Increased flood risk to neighbouring properties
- Health and safety implications of proposed surface water attenuation
- Greenfield sites should not be developed when previously-developed sites and derelict properties are available
- Disturbance associated with proposed retail use
- Increased anti-social behaviour
- Litter
- Previous application was refused
- No need for additional affordable housing in Coalville
- No Core Strategy in place
- Site within Green Belt
- Insufficient infrastructure (including schools, healthcare, and highway network capacity)
- Impact on wildlife



- Flawed technical assessments / supporting documents
- Impact on dry stone walls / heritage
- Site liable to heavy snow due to altitude
- Adverse impact on neighbours' amenities from development as shown on proposed masterplan
- District Council has a five year supply of housing
- Loss of trees
- Loss of visual amenity / impact on landscape
- Site close to a SSSI
- Tree survey inaccurate / out of date
- Site forms part of an attractive rural setting for Coalville
- Loss of green space
- Pollution
- Unsustainable location for development
- Limited public transport services
- Impact on a listed building
- No evidence of a positive impact of the development on the local economy

## 5. Relevant Planning Policy

### National Policies

#### *National Planning Policy Framework*

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

Save where stated otherwise, the policies of the North West Leicestershire Local Plan as listed 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 (Presumption in favour of sustainable development)
- Paragraph 17 (Core planning principles)
- Paragraph 24 (Ensuring the viability of town centres)
- Paragraph 26 (Ensuring the viability of town centres)
- Paragraph 27 (Ensuring the viability of town centres)
- Paragraph 28 (Supporting a prosperous rural economy)
- Paragraph 32 (Promoting sustainable transport)
- Paragraph 34 (Promoting sustainable transport)
- Paragraph 47 (Delivering a wide choice of high quality homes)
- Paragraph 49 (Delivering a wide choice of high quality homes)
- Paragraph 57 (Requiring good design)
- Paragraph 59 (Requiring good design)
- Paragraph 61 (Requiring good design)
- Paragraph 100 (Meeting the challenge of climate change, flooding and coastal change)
- Paragraph 101 (Meeting the challenge of climate change, flooding and coastal change)
- Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change)

Paragraph 109 (Conserving and enhancing the natural environment)  
Paragraph 112 (Conserving and enhancing the natural environment)  
Paragraph 118 (Conserving and enhancing the natural environment)  
Paragraph 123 (Conserving and enhancing the natural environment)  
Paragraph 124 (Conserving and enhancing the natural environment)  
Paragraph 203 (Planning conditions and obligations)  
Paragraph 204 (Planning conditions and obligations)

**Adopted North West Leicestershire Local Plan (2002)**

The application site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy S3 - Countryside  
Policy E2 - Landscaped Amenity Open Space  
Policy E3 - Residential Amenities  
Policy E4 - Design  
Policy E6 - Comprehensive Development  
Policy E7 - Landscaping  
Policy E8 - Crime Prevention  
Policy E22 - Areas of Particularly Attractive Countryside  
Policy F1 - National Forest General Policy  
Policy F2 - National Forest Tree Planting  
Policy F3 - National Forest Landscaping and Planting  
Policy T3 - Highway Standards  
Policy T8 - Parking  
Policy H4/1 - Housing Land Release  
Policy H6 - Housing Density  
Policy H7 - Housing Design  
Policy H8 - Affordable Housing  
Policy R1 - Central Areas Shopping  
Policy L21 - Children's Play Areas  
Policy L22 - Formal Recreation Provision

**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.

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

On 11 June 2013, and following the completion of consultation on the draft policy, the District

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

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

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

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

## **6. Assessment**

### **Principle of Development**

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

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

### *Housing Land Supply and Limits to Development*

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 District Council is currently able to demonstrate a five year supply (and including for a 20% buffer) (although it is noted that the applicants do not concur with this position).

Having regard to the above and to the approach set out in Paragraph 49 of the NPPF, Local Plan Policy S3 is considered to be up-to-date in the context of Paragraph 49. However, given 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), this needs to be

taken into account when considering the weight to be applied to any conflict with this policy.

In addition, notwithstanding the principles contained in Paragraph 17 of the NPPF which highlights the need to recognise the intrinsic character and beauty of the countryside, 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. Further consideration of the proposals' compliance with the three dimensions of sustainable development is set out in more detail in this report.

#### *Site Accessibility and Policy H4/1*

Policy H4/1 of the Local Plan relating to the release of land for housing states that a sequential approach should be adopted. Whilst a sequential approach is outdated in the context of the NPPF, the sustainability credentials of the scheme would still need to be assessed against the NPPF.

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF. Insofar as the site's location is concerned, and whilst it is outside Limits to Development, it is adjacent to the existing built up area of the settlement. In terms of accessibility generally, the view is taken that, as a site within close proximity of the built up area of Coalville and the range of services available therein, it performs relatively well in this regard. Whilst the site entrance is approximately 3.5km from the town centre (being the closest point of the Core Town Centre Shopping Area as defined in the adopted Local Plan), there are other facilities in closer proximity (including shops, schools and the Coalville Community Hospital). The proposals would also, of course, include an on-site shop. The site is also approximately 250m from the nearest bus stop; this stop is served by the Arriva No. 11 bus route connecting Agar Nook with the town centre on Mondays to Saturdays at approximately 10 or 15 minute intervals during the daytime (but with no evening or night time service, nor daytime service on Sundays).

In terms of the site's greenfield status, it is accepted that the site does not perform well. However, this issue needs to be considered in the context of the need to demonstrate and maintain a five year housing land supply in the District, and the need for sites to be released to meet this need. Given the need to provide significant areas of housing land as set out below, it is considered inevitable that greenfield land will need to be released in order to maintain a five year supply of deliverable sites, as well as (as in this case) land not allocated for housing development in the adopted Local Plan.

#### *Other Issues*

In addition to lying outside Limits to Development as defined in the adopted North West Leicestershire Local Plan, the site is located within an Area of Particularly Attractive Countryside (APAC) which, the Local Plan notes, represent the most significant and important rural landscape areas within the District. This designation is subject to Local Plan Policy E22 which provides 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 of the following Areas of Particularly Attractive Countryside, identified on the Proposals Map:*

- (a) *Land to the east of Greenhill, Thringstone, Whitwick and Worthington, including part of Charnwood Forest...*

*...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."*

Accompanying paragraph 4.93 provides that *"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."*

As well as being within an Area of Particularly Attractive Countryside as defined in the adopted Local Plan, the site also falls within the Charnwood Forest Regional Park, an area comprising land within the District of North West Leicestershire, and the Boroughs of Charnwood and Hinckley and Bosworth, distinctive for its rugged upland landscape. Regional Parks are non-statutory partnership-led initiatives, and designation does not provide affected land with any statutory protection. There are no adopted Local Plan policies relating to the Regional Park, although a Vision has been agreed between Leicestershire County Council and the respective District and Borough Councils and provides that *"The unique natural and cultural heritage features of the Charnwood Forest will be managed and promoted through the Charnwood Forest Regional Park. The Regional Park will be recognised as an essential part of the growing communities in the Derby, Leicester and Nottingham area, now and in the future"*.

Further assessment on the impacts on the character of the Area of Particularly Attractive Countryside is contained within the relevant section below.

Having regard to the three dimensions of sustainable development, it is accepted that the development has the potential to make a positive contribution to the economic dimension by virtue of the growth associated with the proposed development. Subject to the issues surrounding the ability of the site to make a meaningful contribution to housing land supply within the next five years given the potential drainage constraints and, were the applicants to confirm the inclusion of appropriate contributions to local services as detailed below, the scheme has the potential to sit well in terms of the economic and social dimensions. Insofar as the environmental role is concerned, however, and whilst the proposals would be reasonably accessible (during the daytime on six days per week, given the availability of the nearest bus service) in terms of need to travel and the movement towards a low carbon economy, for the reasons set out in more detail below, the proposed development would result in the development of part of an Area of Particularly Attractive Countryside located outside of the defined Limits to Development. The resulting environmental harm from these impacts would, overall, it is considered, indicate that, even when taking into account the economic and social dimensions, the proposals would not represent sustainable development.

*Conclusions in respect of the Principle of Development*

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

The site is outside Limits to Development 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, and including Local Plan Policy S3, a policy designed to protect the countryside for its own sake. The site lies within an Area of Particularly Attractive Countryside; whilst this designation in itself does not preclude development in principle in the same way as Policy S3, separate tests are set out within Policy E22, and the proposals' performance against these requirements is set out in more detail later in this report.

However, it is also necessary to consider any other relevant material considerations, including the Government's current intentions in respect of the need to stimulate growth through a presumption in favour of sustainable development (as set out in the NPPF), and the current position in the District in terms of housing land supply. An important consideration is that the Council must demonstrate and maintain a five year supply of housing land (with a 20% buffer) as required by the NPPF, which is considered to be a material consideration of some significance. As set out above, the Council is now in a position whereby it is able to demonstrate a five year supply and, as such, Paragraph 49 of the NPPF would not be engaged. Regardless, however, as set out within this report, the development would not be considered to represent sustainable development and, in principle therefore, the scheme is not considered acceptable.

**Detailed Issues**

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

**Means of Access and Transportation**

As set out above, all matters are reserved for subsequent approval, although the information submitted with the application indicates vehicular access would be provided via a new priority junction to Greenhill Road. The illustrative layout also shows other potential pedestrian links through the site; these would also be a matter for the reserved matters stage(s). It is noted, however, that a previously proposed potential pedestrian link to Jacquemart Close is no longer indicated on the 122 unit scheme.

The application is accompanied by a Transport Assessment and a Framework Travel Plan. These documents indicate that, in the applicants' consultants' opinion, the development is in a location that is accessible by modes of travel other than the private car, and including foot, cycle and bus. They suggest that the development provides the "capacity to readily access these wider major destinations by rail and bus provides a key advantage in providing a real alternative to car travel (e.g. for journeys to work) and as such promotes the aim of reducing car travel". Whilst, as set out above, the nearest bus service (no.11) does not operate in the evening or on Sundays, in coming to this view, the Transport Assessment and Travel Plan have also had regard to the no. 29A service, which is approximately hourly seven days per week. The nearest stops served by the no. 29A are approximately 700m and 900m from the site respectively (depending on direction of travel on that service). Insofar as the submitted Travel Plan is concerned, the County Highway Authority's Sustainable Travel Officer has indicated that, in principle, the Travel Plan is acceptable (albeit subject to agreement of updated targets in due

course).

In terms of the impacts on highway safety and the operation of the wider highway network, it is noted that the previous application was, in view of unresolved highways issues, refused on the grounds that insufficient information had been provided to demonstrate that the proposals would be acceptable in terms of highway safety and capacity on the surrounding highway network. Since that time the applicants have continued to engage with the County Highway Authority with a view to overcoming its concerns but, as matters stand, the County Council is not yet satisfied and, at this time, Reason for Refusal 3 continues to be contested in respect of the forthcoming appeal.

It is understood that, whilst progress has been made between the County Highway Authority and the applicants' transportation consultants with regard to issues such as traffic assignment, some issues remain, both in respect of the appeal proposals and the current application. In particular, the County Council advises that it had requested a Stage 1 Road Safety Audit in respect of the (indicated) proposed access, raised junction table and zebra crossing; this has now been submitted but, at the time of preparing this report, the County Highway Authority had not had an opportunity to complete its review of the updated submission. The County Highway Authority advises that it will respond further once this process is complete; the applicants have agreed to an extension of time sufficient to allow the application to be determined at the Planning Committee of 4 August 2015.

As matters stand, therefore, it may be the case that the County Highway Authority now has sufficient information in order to demonstrate the impacts of the development but, until such time as the County Council has had a reasonable opportunity to assess the recently submitted information, it is not in a position to confirm if this is indeed the case. Any further comments received ahead of the Planning Committee meeting will be reported on the Update Sheet (and, if applicable, amendments made to the recommendation).

### **Landscape and Visual Impact**

The application is accompanied by a Landscape Visual Impact Assessment (LVIA), as well as an Arboricultural Implication Study.

The LVIA considers the site's context in relation to surrounding development / landscape, and considers the impact upon a total of 12 viewpoints within the vicinity of the application site; views from areas further east within the Charnwood Forest are not assessed, however, as they fall outside the zone of theoretical visual influence (i.e. those areas within 2.5km of the site from where the development could be seen, assuming a maximum building height of 11 metres, and having regard to existing topography).

In terms of the impacts upon these 12 viewpoints, these are predicted at three principal phases (namely during construction, following completion, and at 15 years following construction) as follows (and expressed in terms of significance and residual impact (following mitigation)):

#### *Construction Phase:*

- Nil / No Effect 1
- Slight Adverse 4
- Moderate Adverse 3
- Substantial Adverse 4

#### *Year 0 (following completion):*

Nil / No Effect 3  
 Slight Adverse 5  
 Moderate Adverse 4

*Year 15:*

Nil / No Effect 1  
 Negligible Adverse to Nil / No Effect 2  
 Negligible Adverse 3  
 Slight Adverse 5  
 Moderate Adverse to Slight Adverse 1

In terms of the mitigation assumed in undertaking the LVIA (and upon which the Year 15 residual impacts would be dependent), this includes retention of existing vegetation, provision of additional planting, and establishment of public open space to the eastern portion of the site.

Overall, the LVIA concludes that the long term establishment of the site for residential and retail development would result in the scheme blending in with the existing setting of eastern Coalville, and that the visual impact of the proposed development would diminish over the short to medium term and would not have an unacceptably adverse impact on public amenity.

As per the LVIA submitted in respect of the earlier application, however, the updated document does not make reference to the site's location within an Area of Particularly Attractive Countryside, nor the impacts of the development upon its character. However, the applicants' Planning Statement suggests that Policy E22 is (alongside Policy S3) out of date and inconsistent with the NPPF as, in their view, the District Council is unable to demonstrate a five year supply of housing and as they are time-expired. This position is not accepted by officers.

In addition, the LVIA accompanying the current application has been assessed on the Local Planning Authority's behalf by a landscape consultant who is engaged by the District Council in respect of the forthcoming appeal on the 180 unit scheme. He expresses a number of concerns regarding the revised document including, not only the lack of consideration of the Area of Particularly Attractive Countryside as suggested above, but also an overstating of the influence on local landscape character of a range of discordant features, most of which are some distance from the site and cannot be seen from it. These factors, he advises, together with some methodological confusion within the LVIA, mean that it understates the adverse effects on local landscape character which would result from the proposed development. As such, he considers, little if any weight should be given to its conclusions. In the District Council's consultant's opinion, the landscape effects would be more properly assessed as at least moderate adverse for the local landscape around the site, with significant adverse effects on the openness, attractiveness and character of the approach to Coalville from the east.

As set out above, Local Plan Policy E22 presumes against development 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 relevant Area of Particularly Attractive Countryside. Putting to one side the issue as to whether or not the impacts from the viewpoints considered could be mitigated, the fundamental issue that the proposals would, inevitably, diminish the open character of that part of the Area of Particularly Attractive Countryside upon which the development would be sited would remain. Whilst it needs to nevertheless be considered whether other material considerations can outweigh this departure from the Development Plan (and, not least, the NPPF's requirements in respect of housing land supply and the presumption in favour of sustainable development), having regard to the Local Planning Authority's current position in respect of housing land supply, it is not considered that



there is any overriding need to release the most sensitive areas of countryside within the District for housing. Whilst, in order to maintain a five year supply, it would seem likely that some areas of land outside Limits to Development would need to be released, any such release should, it is considered, be limited to areas wherein the adverse environmental effects of so doing would not be such that, overall, they would not constitute sustainable development. In this case, it is considered that there would be no overriding reason to release this part of the Area of Particularly Attractive Countryside for housing and that, on balance, any economic or social benefits of the scheme could not reasonably be concluded to outweigh the significant adverse environmental impacts in this regard.

In terms of retained and proposed planting, it is noted that the site lies within the National Forest. Insofar as the scheme's performance vis-à-vis the relevant National Forest standards is concerned, based on the National Forest Company's Planting Guidelines, 20% of the site area (i.e. 1.44ha) would be required to be provided as woodland planting and landscaping. The National Forest Company notes that the submitted documents set out that the development includes 2.96ha of National Forest planting which would comfortably exceed the minimum 20%.

Insofar as existing trees are concerned, the application is supported by an Arboricultural Implication Study assessing existing trees on the site, the majority of which are located on the site's periphery, although a number are nevertheless located within the proposed developable areas of the site, primarily adjacent to existing stone walls. Based on the illustrative layout submitted, significant loss of tree cover would appear unlikely to result although more detailed assessment of any potential implications on existing trees would need to be undertaken at the reserved matters stage. Whilst the proposed means of access is reserved, on the basis of the access plan included within the Transport Assessment, a number of trees would be likely to be affected by the proposed access formation and / or provision of visibility splays. Whilst this matter would need to be considered in more detail at the reserved matters stage, there appears no reason in principle at this stage why unacceptable impacts on trees arising from the likely means of access would necessarily result.

### **Loss of Agricultural Land**

The site is currently in agricultural use and, insofar as the proposed built development is concerned, this would result in an irreversible loss to non-agricultural use.

Having regard to the need to ensure an ongoing five year supply of housing land, it would seem inevitable that land outside Limits to Development (much of which will be agricultural in terms of use) will need to be released, and the Local Planning Authority has, accordingly, been permitting development on a number of sites constituting agricultural land as it seeks to meet its housing land supply obligations. 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 Grades 1, 2 and 3a of the Agricultural Land Classification.

The application is also accompanied by an assessment of the agricultural quality of the application site, indicating the following distribution of land quality:

Grade 3a:	4.7ha
Grade 3b:	2.2ha
Other:	0.3ha

On this basis, approximately 65% of the application site would be BMV and, therefore, contrary to the thrust of the NPPF in this regard. Whilst the applicants' Planning Statement suggests that

the development avoids (and, hence, would help to preserve) wider areas of BMV elsewhere around the town, the fact remains that the majority of the site is BMV.

Nevertheless, it is also considered relevant to have regard to the extent of the loss. Whilst the NPPF does not suggest that release of smaller BMV sites is acceptable, it nevertheless appears reasonable to have regard to the extent of the loss in the decision making process. Whilst, given the extent of the area falling within BMV grades, the extent of the harm caused to the supply of BMV land would not be very large, it is nevertheless considered that the loss of this higher quality agricultural land would weigh against the proposals in assessing whether the scheme constitutes sustainable development, and in the overall planning balance. Whilst the current application indicates that the eastern portion of the site would remain available as public open space (and, therefore, could be more readily reverted to agricultural use if the need arose), this area includes the majority of the non-BMV land. Whilst, therefore, the proposed reduced number of dwellings vis-à-vis the earlier proposals would result in some of the BMV land no longer being the subject of built development, the benefits in terms of reduced loss of BMV land vis-à-vis the previous scheme would be limited.

### **Flood Risk and Drainage**

A Flood Risk Assessment (FRA) and a Foul Drainage Strategy have been submitted in support of the application. The Environment Agency flood zone maps indicate that the site lies within Flood Zone 1 (i.e. less than a 1 in 1,000 annual probability of river or sea flooding in any one year) and, on this basis, the site is considered to pass the sequential test.

Insofar as the disposal of surface water is concerned, the FRA considers this to be the most significant source of flood risk. The FRA notes the potential for surface water to be managed by means of infiltration, disposal to watercourses and disposal to the public sewer. In terms of infiltration, the FRA suggests that this may be possible, but does not provide detailed assessment given the outline nature of the proposals. Insofar as disposal to watercourse is concerned, the FRA sets out proposals in this regard involving use of existing and enhanced drainage ditches (prior to disposal to a nearby watercourse). An attenuation pond is also proposed.

At the time of the previous application, concerns were raised by the Environment Agency but, following the submission of an updated FRA, the Agency's objections were subsequently addressed. Since that time the relevant statutory consultee has changed such that surface water issues are now the responsibility of Leicestershire County Council as Lead Local Flood Authority (LLFA), although the Agency has still commented in terms of foul drainage disposal issues. For its part, the LLFA raises no objections subject to conditions. Whilst concerns have been raised regarding the surface water drainage scheme indicated, it is accepted that, in principle, there is no overriding reason why an appropriate scheme could not be secured.

Insofar as foul drainage is concerned, the applicants' Foul Drainage Strategy (including supplementary report) states that there are public foul sewers available in Romans Crescent and that it is also possible that additional public sewers not currently shown on the public sewer records are located closer to the site, and available to connect to in Greenhill Road. The Strategy states that a new network of foul sewers (both on and off site, as well as a pumping station, if required) would be constructed and then connected to the existing public foul sewer network.

Concerns have been raised regarding the capacity of the local sewerage network, and its ability to accept additional flows, and representations have been received from local residents to the

effect that, as a result of existing capacity issues, sewer flooding has taken place. Advice on drainage matters can be found within the DCLG's Planning Practice Guidance which states at ID 34 Paragraph 020 that *"If there are concerns arising from a planning application about the capacity of wastewater infrastructure, applicants will be asked to provide information about how the proposed development will be drained and wastewater dealt with. Applications for developments relying on anything other than connection to a public sewage treatment plant should be supported by sufficient information to understand the potential implications for the water environment.*

*When drawing up wastewater treatment proposals for any development, the first presumption is to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works (those provided and operated by the water and sewerage companies). This should be done in consultation with the sewerage company of the area.*

*The timescales for works to be carried out by the sewerage company do not always fit with development needs. In such cases, local planning authorities will want to consider how new development can be phased, for example so it is not occupied until any necessary improvements to public sewage treatment works have been carried out..."*

Severn Trent Water originally raised no objection to the application subject to the inclusion of a condition requiring drainage plans for the disposal of surface water and foul sewage to be submitted and agreed. Having regard to earlier issues raised in respect of the earlier application and the nearby David Wilson Homes application (14/00050/FULM), however, further clarification was sought from Severn Trent Water and it has subsequently advised that a recent modelling report for the 1 in 20 year and 1 in 40 year storm events confirms that the development would result in a maximum increase in flooding of less than 2 cubic metres which would normally produce a low risk status. However, Severn Trent Water advises that the high risk status applied to two locations where there had been previous internal flooding would reduce the required level to signal a high impact; all others were identified as medium or low risk. Improvements to capacity would therefore be necessary to accommodate the proposed development.

On the basis of an assumed build rate of 30 dwellings per year, Severn Trent Water considers that it would have at least three years to complete works to remove ground water and land drainage flows in the public foul sewer to provide sufficient capacity for the development as well as addressing the existing flooding, and does not, therefore, require any conditions to be attached. However, it is not clear whether the additional capacity would be likely to be provided in sufficient time in the event that a higher rate of delivery were achieved (e.g. if the site were developed by more than one developer).

Severn Trent Water also advises that it is currently undertaking further monitoring and flow measurements to understand fully the nature and the reason for the high levels of groundwater and land drainage flows in the foul and surface water sewers in this area of Coalville and that, subject to the results of these investigations, a solution will be found and a scheme designed to remove the surface water from the foul sewers to provide the capacity for this and future developments in this area. Some relining of sewers downstream of Greenhill Road has, Severn Trent Water advises, already been completed over the last two years to reduce the infiltration in that area.

Severn Trent Water had also advised the Local Planning Authority that the development would have a detrimental impact on the downstream combined sewer overflow (CSO) operations, putting Severn Trent Water out of consent. However, it now advises that, whilst there would be a negligible increase of discharge from the Greenhill Road CSO, the Environment Agency would

need to decide if a condition was required in respect of that risk. For its part, the Environment Agency advises that it is aware of the current capacity issues and has recommended that a condition be attached to any planning permission precluding commencement of development until such time as a scheme to increase capacity had been approved, and occupation of any units until such time as it was implemented, the reasons for the condition being that (i) there is a lack of capacity in the public sewerage system downstream of the proposed development; (ii) the performance of CSOs downstream of the development would deteriorate in the absence of improvements to the sewer system; and (iii) the Grace Dieu Brook is currently classed as "poor" under the Water Framework Directive, and that this "poor" status would be exacerbated by the development in the absence of any improvements to the sewerage system. However, this advice was received prior to the most recent comments from Severn Trent Water, and the Agency has therefore been requested to confirm its latest position; any further comments will be reported on the Update Sheet.

It appears from the responses received therefore that a technical solution in respect of foul water disposal is possible in this case and, accordingly, in accordance with ID 21a Paragraph 009 of the DCLG's Planning Practice Guidance, it is considered that a Grampian planning condition could be attached to deal with this issue. Whilst, in practice, the condition may not be required (and this is reflected in the advice of Severn Trent Water) given the timescales for delivery of the housing and required sewer improvements, this is based on an assumed rate of development which may or may not be delivered and, as such, the view remains that, were members minded to permit the development, the inclusion of such a condition would be appropriate.

### **Air Quality**

The application includes an Air Quality Assessment considering the impacts on nitrogen dioxide and particles associated with the development, including impacts arising from the construction works and the additional traffic associated with the development once it is in use. The submission has been assessed by the District Council's Environmental Protection team.

In terms of National policy, Paragraph 124 of the NPPF sets out the Government's approach to air quality and AQMAs. However, this also needs to be read in the context of the wider approach to sustainable development as set out in the NPPF, and its economic, social and environmental roles.

The Assessment considers likely air quality effects in two principal categories: impacts during the demolition, earthworks and construction phase (principally dust emissions), and impacts from road traffic during the operational phase (nitrogen dioxide and particulates). In terms of nitrogen dioxide implications from road traffic, it is noted that the Assessment includes consideration of the potential impacts on receptors within the Coalville Air Quality Management Area (AQMA), which is located in the vicinity of the junction between the A511 Stephenson Way and Broom Leys Road.

In terms of the construction phase, the Assessment indicates that, from the earthworks and construction operations, the development would, if unmitigated, have a "large" magnitude impact, and "medium" in respect of the "trackout" operations. However, the Assessment suggests that, subject to the implementation of appropriate mitigation measures as set out within the Assessment, the potential for nuisance dust and particulate matter to be generated would be substantially reduced and any residual impact would not be significant.

Insofar as the operational phase is concerned, the Assessment concludes that, for nitrogen

dioxide concentrations, all eight receptor locations considered would experience a "negligible / not significant" impact as a result of the proposed development in both 2015 and 2025. As per the construction phase impacts, mitigation is recommended by the applicants' consultants in respect of the operational phase, and including the implementation of a Travel Plan to reduce traffic use. Notwithstanding the impacts of the suggested mitigation, the development would still result in an exacerbation of the existing exceedances beyond the annual mean Air Quality Limit Value (AQLV) of 40 micrograms per cubic metre ( $\mu\text{g}/\text{m}^3$ ) at the Broom Leys Crossroads receptor but would, the assessment suggests, be expected in any event given that receptor's location within the AQMA.

At the time the previous application was considered, whilst there were no specific concerns raised per se within the then Air Quality Assessment, that assessment was based on traffic flow data taken from the then submitted Transport Assessment which had not been agreed as robust by the County Highway Authority. The revised Air Quality Assessment has been based on comparable data to that used in the updated Transport Assessment and, whilst the County Highway Authority is not, as of yet, in a position to confirm that it has no objections to the application, this element of the Transport Assessment is understood to be generally agreed by the County Council and, therefore, the data used to inform the current Air Quality Assessment is now accepted as appropriate. On this basis, no objections are raised by the District Council's Environmental Protection team, and the development is now considered acceptable in this regard.

## Design

The application is supported by a Design and Access Statement (and including a Building for Life assessment) setting out the applicants' proposals, and explaining the approach taken in terms of design. Having reviewed the proposals and the Design and Access Statement, the District Council's Urban Designer had raised concerns regarding the illustrative scheme, and in particular in respect of Building for Life 12 questions 1, 2, 3, 5, 6, 7, 8, 9, 10, 11 and 12. The concerns raised relate to, amongst others, connections to adjacent land and how the respective developments relate, a lack of local character and distinctiveness, poor relationships to the adjacent woodland, poor spatial definition, poor legibility, a lack of regard to Manual for Streets, visually prominent car parking, and the relationship between public and private spaces.

On this basis, the District Council's Urban Designer expresses concern that the applicants have failed to demonstrate that an appropriate form of development could be achieved which would meet the requirements of Building for Life 12 (and, accordingly, the NPPF and the DCLG's Planning Practice Guidance), and objects to the application.

It is agreed that, on the basis of the submitted Design and Access Statement and illustrative material, the applicants have failed to address adequately the design fundamentals of the proposed development, and its approval on the basis of the scheme as submitted would conflict with national and local policy designed to secure good standards of design in new development. Whilst it may be the case that, with the preparation of an updated Design and Access Statement and a revised framework plan, the basis of an appropriate design approach could be found but, at this time, the proposals as submitted are considered unacceptable. It is recommended that, should members be minded to refuse the application on this issue, officers be authorised to continue to negotiate with the applicants' design consultants prior to any appeal in order to seek to establish whether an appropriate approach could be formulated and, if so, to not contest any appeal on the basis of design issues.

### **Residential Amenity**

In terms of amenity issues, the impacts of the proposed development need to be considered both in terms of the impacts on the future living conditions of residents of the proposed development, having regard to the site's location, as well as on existing residents arising from the proposed development. These are considered in turn below. The application is accompanied by a Noise Assessment.

In terms of future residents' amenities, the Noise Assessment identifies the areas of the site closest to Greenhill Road as being most susceptible to existing noise (from road traffic). To mitigate this impact on occupiers of the proposed dwellings, and to achieve a 55dB(A)eq(16 hour) standard, the Assessment suggests that a 2m high close boarded fence or wall be provided to garden areas in northern areas of the site closest to Greenhill Road. Such an approach would appear unlikely to be appropriate in terms of design, but the Assessment also suggests that, if gardens were located on the screened side of dwellings, no further mitigation would be required. Internal noise levels could, the Assessment suggests, be secured by use of appropriate glazing. In addition to the sources considered in the Noise Assessment, Leicestershire County Council in its capacity as Mineral Planning Authority raises no objections but advises that the site adjoins land within the ownership of the operators of Bardon Hill Quarry. Whilst, the County Council advises, the proposed quarry extension would eventually move quarrying operations further to the east (and away from the Greenhill area), it is currently proposed that the associated processing plant area would remain in its present location to serve the extension works. The County Council advises that this is adjacent to the Greenhill area and has given rise to complaints from neighbouring properties relating to noise (as well as dust) issues. In respect of this issue, the District Council's Environmental Protection team has previously advised that these noise and dust issues are controlled by the quarry operators' permit, and that problems only arise occasionally (and normally as a result of adverse weather conditions). As per the previous application, no objections are raised by the District Council's Environmental Protection team.

Insofar as the noise impacts on neighbouring occupiers arising from the proposed development are concerned, the Noise Assessment identifies these as including construction noise, and potential impacts associated with the operation of the proposed retail unit (which would also impact on future occupiers of the development as well). In terms of construction impacts, the Assessment acknowledges the close proximity of the nearest sensitive receptors, but does not anticipate that any associated disturbance would be long-lasting, and would be negligible if undertaken in accordance with best working practice and at reasonable hours; such issues would normally be controlled under Environmental Protection legislation. In terms of the issues associated with the operation of the proposed retail unit, the Assessment suggests that mitigation measures would be incorporated into the design of the proposals so as to ensure noise impacts are acceptable at the closest receptors (assumed to be on Jacquemart Close and Greenhill Road), and delivery times be limited. Whilst the Assessment does not detail how these criteria would be met, it is accepted that, in principle, a store could be provided on the application site without undue loss of amenity, subject to appropriate design, orientation, control of external plant, location / separation from sensitive premises, screening and hours of operation / deliveries. The inclusion of any such restrictions / mitigation would, it is considered, depend on what exactly was proposed at the reserved matters stage. Again, no objections are raised by the District Council's Environmental Protection team.

In terms of other residential amenity issues, whilst an illustrative masterplan has been submitted, all matters (other than the proposed Greenhill Road access) are reserved for subsequent approval. Any reserved matters scheme would need to be appropriately devised at the edges of the site adjacent to other dwellings (primarily to the western part of the site) so as

to ensure that occupiers of both existing and proposed dwellings were afforded an appropriate level of amenity but there is no reason to suggest that the eventual form of development proposed under the reserved matters would necessarily result in undue loss of amenity to adjacent occupiers, and the scheme is, at this outline stage, acceptable in this regard. Whilst there could be likely to be some impacts on occupiers of dwellings in the vicinity of the proposed vehicular access (and including from vehicular movements and, potentially, vehicle headlights), it is accepted that such impacts would not represent unacceptably adverse loss of amenity, and a refusal of planning permission on such an issue would be unlikely to be sustainable on appeal.

### **Ecology**

The application is supported by a Preliminary Ecological Assessment of the site and a Protected Species Surveys report. This provides that the closest statutorily designated sites to the application site are the Holly Rock Fields, Charnwood Lodge, Bardon Hill, Bardon Hill Quarry and Coalville Meadows Sites of Special Scientific Interest (SSSIs); Holly Rock Fields is less than 100m from the application site, to the opposite side of Greenhill Road and, the Ecological Assessment confirms, is a nationally important site for its lowland species-rich neutral grassland. In terms of non-statutory designation, 12 Local Wildlife Sites are located within 2km of the application site.

In terms of the potential impacts on these designated sites, the Preliminary Ecological Assessment states that the majority of designated sites are located at least several hundred metres away from the site and are therefore unlikely to be directly affected by the development. Insofar as Holly Rock Fields SSSI is concerned, by virtue of the location of the site access, the Assessment concludes that no direct impacts would be likely. Natural England considers that, given the nature and scale of the proposals, there is not likely to be an adverse effect on the nearest SSSIs as a result of the development, and raise no objections subject to the imposition of a condition requiring approval and implementation of a construction management plan designed to avoid any damage to the Holly Rock Fields SSSI. On this basis, Natural England advises, the nearby SSSIs do not represent a constraint in determining the application.

Insofar as the ecological value of the site itself is concerned, it is noted that the Leicestershire and Rutland Wildlife Trust objects on the basis that the site has ecological value as part of a wider "mosaic" of habitats in the area, and given the proposed development's encroachment into the Charnwood Forest which, as a whole, is of importance from a wildlife point of view. However, as set out above, there are currently no adopted Development Plan policies which provide for a Forest-wide protection in this way. The Preliminary Ecological Assessment indicates that the majority of the site comprises semi-improved grassland, with occasional scattered and dense scrub, young trees and tall ruderal vegetation, but that none of the habitats present are particularly rare or of significant botanical interest.

In terms of the potential impacts on protected species, the Preliminary Ecological Assessment confirms that additional survey work is required in respect of bats, amphibians, reptiles, badgers and breeding birds. Reference to additional survey work is included within the separate submitted Protected Species Surveys report.

Whilst the County Ecologist had initially raised concerns with regard to the earlier scheme's illustrative layout, she raises no objections to the scheme now proposed. On this basis, and whilst the Leicestershire and Rutland Wildlife Trust raises concerns that the site, alongside other nearby sites, forms part of a wider mosaic of habitats, it is nevertheless accepted that unacceptable harm to specific interests of ecological importance would be difficult to

demonstrate and, as such, the proposals would meet the requirements of the NPPF in this regard and are acceptable.

### **Proposed Main Town Centre Uses**

The proposed development includes a convenience store of up to 400sqm (gross), and including retail floor space of up to 280sqm, and the planning application is supported by information in respect of the sequential test and impact (although, given the scale of the proposed retail development (which falls below the 2,500sqm threshold set out in the NPPF), no supporting information in respect of retail impact is required by the NPPF per se).

In terms of the sites considered by the applicants' Retail Assessment, these are limited to those with a relationship to the Cropston Drive Local Centre (as defined in the adopted Local Plan). The only site considered in respect of the Local Centre is the site of the former Coked Hat public house, approximately 60m from the Local Centre (and, therefore, defined as "edge of centre"). This site is discounted on the basis it is too small to accommodate the proposed retail unit (the site being 0.13 hectares, whereas the area proposed for the retail unit as shown on the illustrative plan would be approximately 0.2 hectares).

Paragraph 24 of the NPPF provides that local planning authorities should require applications for main town centre uses to be located in town centres, then in edge of centre locations and, only if suitable sites are not available, should out of centre sites be considered. The application site is out of centre (i.e. the least sequentially suitable), although it is accepted that, for the reasons set out in the applicants' Retail Assessment, no centre or edge of centre locations are available within the Cropston Drive Local Centre. Paragraph 24 also provides that, when considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. In this case, for the reasons already set out within this report, the site has a reasonable level of accessibility (albeit with limited access to public transport services during the evening and on Sundays) and, in this regard, it would seem debatable as to whether this site could be considered "well connected" to the town centre. In this case, however, it is considered reasonable to have regard to the fact that the proposed retail unit would, in part, serve the new population resident on the site (and, thus, reduce its occupants' need to travel to some degree) and, in this sense, this represents an argument for the retail unit in this location (and notwithstanding the existing convenience store on the Agar Nook estate, approximately 500m from the site); in the absence of any associated residential development, the location of a retail unit in this out of centre location adjacent to the existing edge of the settlement would, it is considered, be inappropriate in sequential terms. Whilst it is accepted that, sequentially, the applicants have demonstrated that no suitable town centre or edge of centre site is available, as a free-standing retail development it would appear unlikely that this site would be the most suitable of all potential out of centre sites. However, when taking into account the proposed associated residential development, it would be considered acceptable in retail policy terms to consider the sequential test as being passed in this case.

Insofar as impact is concerned, and as set out above, the NPPF does not require an impact assessment for developments of less than 2,500sqm. However, Paragraph 27 provides that, where an application is likely to have significant adverse impact on town centre vitality and viability or investment in centres, it should be refused. In this case, it is accepted that any significant adverse impacts on existing centres would be unlikely.

On the basis of the above, therefore, having regard to the proposed retail unit's association with the proposed residential development, it is considered that the proposed development would be



acceptable in retail / town centre policy terms, and would not adversely affect the vitality and viability of nearby centres.

### **Heritage Issues**

The application is supported by an Archaeological Desk Based Assessment. This concludes that the site has low potential for as-yet to be discovered archaeological assets within the site (other than a Medieval deer park boundary along the southern boundary of the site which, on the basis of the illustrative proposals, would remain intact); the County Archaeologist raises no objections subject to conditions including a requirement for the provision of a written scheme of investigation (including a programme of archaeological mitigation), together with a heritage management scheme for the southern earthwork boundary.

In terms of other heritage issues, the Assessment concludes that there would be no direct or indirect impacts on the nearby Scheduled Monument (rabbit warren on Warren Hills) or listed buildings (or their settings) in that they would be screened from the development by intervening built development; there are no Conservation Areas within the immediate vicinity of the site. Whilst the site is within the vicinity of Abbots Oak (a Grade II listed building), by virtue of the distance between the listed building and application site (approximately 200m) and the intervening woodland, no material impact on its setting is considered likely.

### **Geo-Environmental Conditions**

A Phase 1 Geo-environmental site assessment has been submitted with the application which provides an assessment of the site's ground conditions, and indicates that, given the site's agricultural history, there is not considered to be significant potential for contamination. A further intrusive survey is recommended. Whilst no further comments have to date been received from the District Council's Environmental Protection team in terms of geo-environmental conditions, the no new issues are raised in this regard vis-à-vis the earlier proposals to which no objections were raised subject to conditions.

### **Other Matters**

#### **Developer Contributions**

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

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

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

The relevant developer contributions are listed below. The applicants' Planning Statement advises that they propose contributions in respect of affordable housing, education, on-site open space / children's play, highways / public transport (i.e. a contribution to the District and County Council's Coalville transportation infrastructure contributions strategy), National Forest planting and community facilities. Insofar as the other contributions sought are concerned, the applicants have been asked to confirm whether they would be agreeable to making the contributions requested; at the time of preparing this report no detailed response had been received, but any received subsequently will be reported on the Update Sheet.

*Means of Access and Transportation*

In view of the unresolved position in respect of these issues, the range of contributions required are not as of yet known. However, it would be anticipated that these would be likely to include items in respect of, amongst others, public transport (including measures designed to encourage its use by future residents), and the District Council's Coalville transportation infrastructure contributions strategy. The applicants have indicated that, in principle, they would be agreeable to making a contribution in respect of Coalville's transportation infrastructure.

*Affordable Housing*

The applicants propose to make an affordable housing contribution of 20% (25 units) which would meet the relevant requirements as set out in the District Council's Affordable Housing SPD.

Insofar as unit size and tenure types are concerned, the applicants propose that 79% of the units would be rented and 21% intermediate units; subject to the rented properties being affordable rented, the District Council's Strategic Housing Team is content with the proposals in principle. Whilst the applicants' Planning Statement also then indicates that they would prefer to make an affordable housing contribution as an off-site commuted sum, there would appear no overriding reason why on-site provision could not be made. As such, subject to the appropriate provision being made on-site, and subject to the applicants entering into a suitable Section 106 agreement including the relevant requirements of the Strategic Housing Team, the proposals are considered acceptable in this regard. In terms of the proposed development's contribution towards sustainable development, the development would therefore score well insofar as this aspect of the social dimension is concerned.

*Children's Play and Public Open Space*

The illustrative masterplan shows a significant proportion of the site given over to landscaping, retained and proposed tree / hedgerow planting and other open space, with the open space including an on-site equipped children's play area. In terms of the extent of the equipped parts of the play area, on the basis of the illustrative details, this is indicated on the illustrative masterplan as being 400 square metres in area. Under the Local Planning Authority's Play Area Design Guidance SPG, children's play areas should be provided at a rate of 20 square metres per dwelling. Therefore, for a development of 122 dwellings, an area for children's play of 2,440 square metres would normally be required. Whilst this represents a shortfall in this regard, the extent of the "play area" in its general terms (which is the figure to which the SPG relates) is normally calculated in its wider sense and, when taking into account the other landscaped open space in the immediate vicinity of the equipped play area, the minimum requirements of the SPG would be comfortably met. Overall, the illustrative material indicates that approximately 41% of the site would be given over to public open space / landscaping / National Forest planting.

In terms of the range of equipment necessary, for developments of this number of dwellings, Local Plan Policy L22 and the District Council's SPG requires that the needs of children up to the age of 14 should be provided for, including a minimum of 8 types of activity, as well as a "kickabout" area. In addition, formal recreation open space (e.g. sports pitches) should also be provided for. On the basis of the submitted illustrative layout, it would appear that no on-site "kickabout" area or recreational open space provision is proposed. In terms of the requirement for a "kickabout" area, it is noted that the applicants' Planning Statement confirms that an on-

site policy compliant play area would be required and, therefore, this could still, it would seem, potentially be secured as part of the proposed obligations in respect of policy-compliant on-site play. Insofar as the requirement for formal recreation open space is concerned, however, it is understood from the District Council's Environmental Development Officer that, in this case, given the availability of capacity on the nearest publicly accessible playing fields, it would be possible to accommodate any additional users without significant impacts on existing facilities and, notwithstanding the lack of provision proposed to be made (and the resulting conflict with the adopted SPG), a refusal on this issue would be unlikely to be successful on appeal.

#### *National Forest planting*

As set out above, the applicants' proposals include the provision of on-site planting to meet the relevant National Forest planting requirements, and the proposals are therefore considered appropriate in this regard.

#### *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 Warren Hills Primary School. The School has a net capacity of 198 and 257 pupils are projected on roll should this development proceed; a deficit of 59 places (of which 29 are existing and 30 are created by this development). There are currently no pupil places at this school currently being funded by Section 106 agreements from other developments in the area. However there is one other primary school within a two mile walking distance of the development (Broom Leys Primary School) which has a surplus of 48 pupil places, and an education contribution (£124,377.82) in respect of the 11 places unable to be accommodated is therefore requested for this sector.

##### High School Requirements:

The site falls within the catchment area of Castle Rock High School. The School has a net capacity of 600 and 607 pupils are projected on roll should this development proceed; a deficit of 7 places. There are currently no pupil places at this school being funded by S106 agreements from other developments in the area. There is one other high school within a three mile walking distance of the development (Newbridge High School) which has a deficit of 46 pupil places, and an education contribution (£218,089.27) in respect of the 13 places generated by the development is therefore requested for this sector.

##### Upper School Requirements:

The site falls within the catchment area of King Edward VII College. The College has a net capacity of 1193 and 1375 pupils are projected on roll should this development proceed; a deficit of 182 places (of which 169 are existing and 13 are created by this development). There are currently no pupil places at this school currently being funded by Section 106 agreements from other developments in the area. There are no other upper schools within a three mile walking distance of the development, and an education contribution (£223,932.95) in respect of the 13 places generated by the development is therefore requested for this sector.

At the time of preparing this report, the applicants had not confirmed whether they would be agreeable to making the education contributions sought.

*Civic Amenity*

A contribution of £7,976 is sought by Leicestershire County Council towards civic amenity facilities so as to accommodate the additional use of the Coalville Civic Amenity site; at the time of preparing this report, the applicants had not confirmed whether they would be agreeable to making the contribution sought.

*Library Services*

Leicestershire County Council advises that an additional 176 plus users of Coalville Library are anticipated to be generated by the proposed development, requiring an additional 423 items of lending stock (plus reference, audio visual and homework support material), and a contribution of £3,680 is therefore sought by the County Council. The applicants have been requested to confirm whether or not they would be willing to make the contribution requested; at the time of preparing this report, the applicants had not confirmed whether they would be agreeable to making the contribution sought.

*Healthcare*

In respect of the earlier application, NHS England had requested a developer contribution in respect of healthcare given the anticipated impacts on services, but has not done so in respect of the current, reduced, application.

*Contributions Sought by Leicestershire Police*

Leicestershire Police requests a developer contribution of £44,774 in respect of policing as set out in the consultation response above. The contribution sought comprises:

Start up equipment / training	£4,997
Vehicles	£3,101
Additional radio call capacity	£311
Police National Database	£159
Additional call handling	£284
ANPR	£2,055
Mobile CCTV	£375
Additional premises	£33,248
Hub equipment	£244

It is considered that, in principle, contributions towards policing may be capable of being justified in terms of satisfying the relevant NPPF and CIL Regulations tests. In terms of the increased level of police activity associated with the proposed development, Leicestershire Police advises that the scheme would result in 220 additional calls, 28 emergency events, 17 non-emergency events and 12 additional recorded crimes per year. Whilst officers have no alternative data in respect of these levels of activity, officers are concerned that the level of additional calls on Police time assumed to be associated with this development of 122 dwellings could be somewhat excessive and, as such, the scale and kind of contributions sought may not be fairly and reasonably related to this development. Insofar as the various individual elements of the requested policing contribution are concerned, however (and putting the issue raised above to one side), it is considered as follows:

*Start up equipment / training:*

It is accepted that, in principle, such a contribution could be reasonable.

Vehicles:

It is accepted that, in principle, such a contribution could be reasonable.

Additional radio call capacity:

The process of improving radio cover / capacity is, it seems, an ongoing process and would appear to occur regardless of the development going ahead.

Police National Database:

The process of improving capacity of the Police National Database is, it seems, an ongoing process and would appear to occur regardless of the development going ahead.

Additional call handling:

It is accepted that, in principle, such a contribution could be reasonable.

ANPR:

It is not accepted that the proposed development would justify the installation of ANPR CCTV systems (and that, in the development's absence, ANPR would not be required). If there is a need to provide ANPR coverage of this area because of existing crime figures, the cameras should, it is considered, be provided regardless. It is not considered clear why the addition of these dwellings to the town would suggest that such a system would be required when, in the absence of the development, it was not.

Mobile CCTV:

It is not accepted that the proposed development would justify the installation of mobile CCTV systems (and that, in the development's absence, mobile CCTV would not be required). If there is a need to provide mobile CCTV coverage of this area because of existing crime figures, the cameras should, it is considered, be provided regardless. It is not considered clear why the addition of these dwellings to the town would suggest that such a system would be required when, in the absence of the development, it was not.

Additional premises:

The contribution request from Leicestershire Police provides that, within North West Leicestershire, policing is delivered from Coalville LPU premises, and that occupation of premises is maintained at capacity. Contributions are sought for Coalville LPU, plus the Basic Command Unit (BCU) at Loughborough and the Force HQ at Enderby. Insofar as Coalville LPU is concerned, Leicestershire Police advises that occupation is maximised but constrained by its age and condition. Replacement to existing needs is, Leicestershire Police advises, being planned although it is suggested that the proposed development would create a need for additional floorspace. The District Council is also advised that a replacement facility at Loughborough has recently been completed and that this would need to be extended to accommodate staff to cover the proposed development; extension of the Force HQ would also, Leicestershire Police suggests, be required to serve the proposed development, and the request also suggests that the remainder of the premises contribution be directed towards other, unspecified, force-wide premises serving North West Leicestershire. Whilst Leicestershire Police maintains that additional floorspace is required at all of these locations to serve the proposed residential development, it would appear unlikely that a development of this scale would result in such a level of increased employment so as to necessitate extensions to accommodation at all three sites, notwithstanding that Leicestershire Police confirms that all facilities are maintained at capacity. It is not considered that the force has demonstrated that there is definitely no capacity to accommodate additional staff, nor that its various sites would actually be extended to meet any additional accommodation requirement directly attributable to

the development in hand.

Hub equipment:

No information has been submitted which indicates that the proposed development would require the opening of a new hub (nor is any information provided as to where such a facility would be located).

On this basis, therefore, officers are of the view that, subject to the Police being able to demonstrate in a robust manner that the assumed levels of increased policing activity are appropriate given the scale of the proposed development, contributions in respect of the start up equipment / training, vehicles and call handling have the potential to satisfy the relevant NPPF and CIL tests. It would also be necessary for Leicestershire Police to demonstrate that no issues in respect of pooling would arise (insofar as the limitations on pooled contributions as set out within the CIL Regulations are concerned).

The applicants have been requested to confirm whether or not they would be willing to make the contribution requested but, at the time of preparing this report, had not confirmed that they would be. As matters stand, therefore, it must be assumed that the making of this contribution does not form part of the applicants' proposals and, as such, approval of the scheme would not secure appropriate contributions towards mitigating the impacts of the development on policing services (insofar as those elements identified above as meeting the relevant NPPF and the CIL Regulations tests are concerned, and providing that appropriate evidence can be provided to support Leicestershire Police's assumptions on the likely levels of increased policing activity attributable to the proposed development).

#### *Other Contributions*

In addition to the contributions as set out above, the applicants' Planning Statement provides that they propose to pay a contribution of £50,000 towards improvements at the Agar Nook Community Centre. The Planning Statement states that the contribution *"is not required by planning policy and as such would not meet the proportionate tests of necessity and reasonableness of the CIL regulations. This is offered by Gladman following engagement with relevant parties and agreed a contribution would be to the benefit of the existing community and future residents generated by the proposed development"*.

The effect of the CIL Regulations is that it is unlawful for a planning obligation to be taken into account when determining a planning application for a development (or any part of a development) capable of being charged CIL if the obligation does not meet all three of the tests set out above.

It is agreed that there is no planning requirement for the proposed community centre obligation and, in particular, it is considered that it is neither necessary to make the proposed development acceptable in planning terms, nor directly related to the proposed development. As such, in officers' view, no weight should be attributed to this proposed contribution when determining the application.

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

## Conclusions

As set out in the main report above, the site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan, and constitutes greenfield land, the majority of which falls within the Best and Most Versatile agricultural classification. Whilst located adjacent to the existing settlement, and whilst it would appear to have a fair level of accessibility to local services, the District Council is currently able to demonstrate a five year plus buffer housing land supply. Whilst there is an ongoing need to demonstrate (and maintain) a five year housing land supply, when taking into account the site's location within an Area of Particularly Attractive Countryside (and the presumption contained within Local Plan Policy E22 against development which would diminish the present open character of such areas), the view is taken that the proposed development would not, overall, constitute sustainable development. Furthermore, the application as submitted does not make appropriate contributions to infrastructure required to accommodate its additional impacts, and the applicants have failed to demonstrate that an appropriate form of design would be secured.

## RECOMMENDATION- REFUSE, for the following reason(s):

- 1 Paragraph 14 of the National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development; Paragraph 7 defines sustainable development (and including its environmental dimension) and also provides that the planning system needs to perform an environmental role, including in respect of protecting and enhancing our natural environment and using natural resources prudently. Policy S3 of the adopted North West Leicestershire Local Plan sets out the circumstances in which development outside of Limits to Development would be acceptable. Paragraph 112 of the NPPF provides that, 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. The site is located outside of the Limits to Development as defined in the adopted Local Plan, and is, in the most part, Best and Most Versatile (BMV) in terms of its agricultural quality. Approval of the application would result in the unnecessary development of BMV land located outside Limits to Development, not constituting sustainable development, and contrary to the policies and intentions of the NPPF and Policy S3 of the North West Leicestershire Local Plan.
- 2 In addition to being located outside of the Limits to Development as defined in the adopted North West Leicestershire Local Plan, the site also falls within an Area of Particularly Attractive Countryside. Policy E22 of the adopted North West Leicestershire Local Plan presumes against development within Areas of Particularly Attractive Countryside which would, amongst others, adversely affect or diminish their present open character. By virtue of the site's development for housing, the present open character of that part of the Area of Particularly Attractive Countryside forming the application site would inevitably be diminished, to the detriment of this part of the Area of Particularly Attractive Countryside and the character of the Area as a whole, neither protecting nor enhancing the natural environment and not constituting sustainable development, contrary to the policies and intentions of the NPPF and Policy E22 of the North West Leicestershire Local Plan.
- 3 Paragraph 14 of the National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development; Paragraph 7 defines sustainable

development (and including its economic dimension) and also provides that the planning system needs to perform an economic role, including in respect of provision of infrastructure. The application as submitted does not include for appropriate contributions in respect of associated infrastructure (including mitigation for the impacts of the proposed development in terms of education, library facilities, civic amenity and policing), contrary to the policies and intentions of the NPPF.

- 4 Paragraph 14 of the National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development; Paragraph 7 defines sustainable development (and including its environmental dimension) and also provides that the planning system needs to perform an environmental role, including in contributing to protecting and enhancing our built environment. Policy H7 of the adopted North West Leicestershire Local Plan seeks good quality design in all new housing developments, and Policy E4 requires new development to respect the character of its surroundings. When assessed against Building for Life 12, the applicants have failed to demonstrate that the proposed development would provide for, amongst others, a suitable form of layout, appearance and relationship / connectivity to surrounding land. The application has therefore failed to demonstrate that the proposals would provide for an appropriate form of design which would contribute towards protecting and enhancing the built environment and, as such, the proposals would not constitute a sustainable form of development, contrary to the policies and intentions of the NPPF and Policies H7 and E4 of the North West Leicestershire Local Plan.

#### **Notes to applicant**

- 1 Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Local Planning Authority acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The Local Planning Authority has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.



---

**Demolition of existing commercial building and erection of 188 dwellings, B2 manufacturing unit and associated development including vehicular access, pedestrian and cycle links, public open space, car parking, landscaping and drainage**

**Report Item No  
A2**

**Slack And Parr Ltd Long Lane Kegworth Derby DE74 2FL**

**Application Reference  
14/01132/FULM**

**Applicant:  
Davidsons Developments Ltd And Slack And Parr  
(Investments)**

**Date Registered  
11 December 2014**

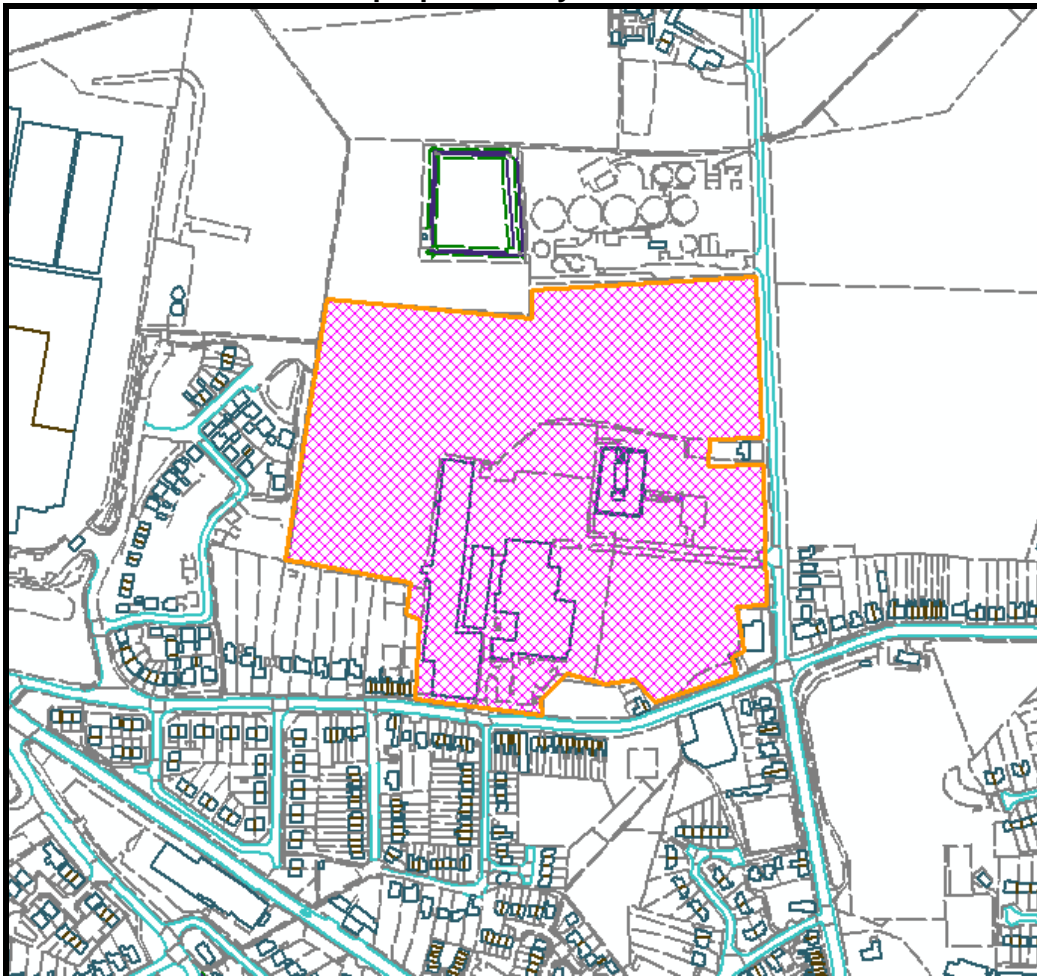
**Case Officer:  
Sarah Worrall**

**Target Decision Date  
12 March 2015**

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

---

**Site Location - Plan for indicative purposes only**



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

## **Executive Summary of Proposals and Conclusion**

### **Reason for Call In**

The application has not been called in but is reported to the Planning Committee as it is an application of public interest and raises matters which should be referred to the Planning Committee for consideration.

### **Proposal**

This application seeks full planning permission for the demolition of existing commercial building and erection of 188 dwellings, B2 manufacturing unit and associated development including vehicular access, pedestrian and cycle links, public open space, car parking, landscaping and drainage.

Access to the residential section of the site would be from Side Ley and Long Lane and the access to the proposed industrial unit would be from the existing access at Long Lane.

### **Consultations**

Members will see from the main report below that 4 letters of objection to the scheme have been received. Concerns have also been raised by Kegworth Parish Council and Sport England has objected to the scheme. There are no other objections raised from statutory consultees at the time of writing this report.

### **Planning Policy**

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

### **Conclusion**

The NPPF specifically states that decision takers should consider housing applications in the context of the presumption in favour of sustainable development. The proposal also involves the consolidation of the existing commercial business on the site through demolition and redevelopment to ensure that the business is fit for the 21st century. Based on the above, the proposed scheme is considered to comply with the core principles of the NPPF and is, therefore, acceptable in principle.

At a more detailed level, the proposed development would be acceptable in terms of density, layout and scale, residential amenities, highway safety, flood risk and drainage, archaeological, arboricultural and ecological impacts.

A viability report submitted by the applicant and agent has been assessed independently on behalf the District Council and concludes that a policy compliant scheme, for any contributions including affordable housing, is not viable. However, the agent has confirmed that appropriate contributions to infrastructure, and a 5 percent on site affordable housing element, would also be made so as to mitigate the impacts of the proposals on local facilities/services. There are no other relevant material planning considerations that indicate planning permission should not be granted.

It is therefore recommended that planning permission be granted, subject to conditions and the signing of the S106 Agreement.

**RECOMMENDATION: PERMIT, subject to the signing of the Section 106 Agreement and 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 recommendations, 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 demolition of existing commercial buildings and erection of 188 dwellings, a B2 manufacturing unit (gross internal floorspace 7156 sq m) and associated development including vehicular accesses on Side Ley and Long Lane, pedestrian and cycle links, public open space, car parking, landscaping and drainage.

The proposal indicates the developer's agreement to provide off site highways works to assist with traffic calming and improvements to public transport facilities and these would be dealt with through a legal agreement should the application be approved.

The site is some 8.92 hectares in size and is situated to the northern edge of Kegworth. The site comprises an existing factory complex which manufactures precision engineering equipment together with other land within its ownership to the north and west of the existing factory complex. That other land is essentially split into two parcels which are currently being used for agricultural purposes. The field to the west was formerly a private sports ground used in association with the factory's sports club. A smaller area of grassed land at the south east corner of the site was formerly used as allotments.

The application also comprises an Arboricultural Assessment, Archaeological Desk Based Assessment, an Air Quality Assessment, a Demolition Method Statement, An Ecological Assessment, Flood Risk and Drainage Design, a Geophysical Survey, a Ground Investigation report including percolation tests, a Landscape and Visual Appraisal, a Noise Assessment, and Odour Assessment, a Services and Utilities Report, a Transport Assessment, a Planning Statement, a Design and Access statement including a Building for Life 12 Assessment, and Draft Heads of Terms for a legal agreement. A viability report was submitted during the course of the application process and has been considered independently by the District Valuer Services.

### Planning History

Various applications for additions to the factory complex were made in the 1970's, 1980's and the mid 1990's.

Application 91/0999 granted outline permission for industrial development at the north east and south east areas of the current application site, and the subsequent application 92/0188 sought to vary two conditions of that outline permission.

The next development proposal at the site was 06/00091/OUT, an outline application for residential and business development at the site. The application progressed to Planning Committee stage in December 2007 when it was resolved to approve the application subject to conditions and a S106 legal agreement. The legal agreement has not been signed and the application remains undetermined at this time.

### 2. Publicity

71 no neighbours have been notified.(date of last notification 18 December 2014)

Press Notice published 7 January 2015

Site notice posted 7 January 2015

### 3. Consultations

Kegworth Parish Council consulted  
 Highways Agency- affecting trunk road consulted 18 December 2014  
 County Highway Authority consulted 20 March 2015  
 LCC Development Contributions consulted 20 March 2015  
 Environment Agency consulted 20 March 2015  
 NWLDC Tree Officer consulted 20 March 2015  
 Airport Safeguarding consulted 20 March 2015  
 NWLDC Urban Designer consulted 20 March 2015  
 NHS Leicester, Leicestershire And Rutland Facilities Management consulted 20 March 2015  
 Head Of Leisure And Culture consulted 20 March 2015  
 Police Architectural Liaison Officer consulted 20 March 2015  
 Head Of Street Management North West Leicestershire District consulted 20 March 2015  
 Head of Environmental Protection consulted 18 December 2014  
 Severn Trent Water Limited consulted 19 December 2014  
 Head of Environmental Protection consulted 19 December 2014  
 County Archaeologist consulted 19 December 2014  
 LCC ecology consulted 19 December 2014  
 County Planning Authority consulted 19 December 2014  
 Development Plans consulted 19 December 2014  
 Manager Of Housing North West Leicestershire District Council consulted 19 December 2014  
 Police Architectural Liaison Officer consulted 19 December 2014  
 LCC/Footpaths consulted 19 December 2014  
 NWLDC Footpaths Officer consulted 19 December 2014  
 Highways Agency- affecting trunk road consulted 19 December 2014  
 Sport England- loss of playing field consulted 19 December 2014

### 4. Summary of Representations Received

**Kegworth Parish Council** - Concerns have been raised in February, April and July 2015. Issues for concern relate to highway safety, contamination, whether there is a need for further housing in Kegworth, children's play area provision and other leisure infrastructure, parking from student housing, a pedestrian footway link to the adjacent Bellway site should be provided, no bungalows are proposed, close proximity of the surface water balancing area to houses, and planning obligations. The Parish Council expresses the view that *'the new factory should not be funded to the detriment of funding extra public facilities within the village of Kegworth... The Council (sic Parish) feels that the two developments should be judged on their own merits and the village not disadvantaged by one development funding the other with no benefit to the village.'* The Parish Council request that if the application is approved, a condition relating to hours of working on site is attached to any permission;

**Highways Agency (now Highways England)** - No objection;

**Severn Trent Water** - No objection subject to condition;

**Environment Agency** - Original objection, confirmed 29 May 2015 No objection subject to conditions;

**Sport England** - Holding objection in respect of the loss of playing field and no financial contribution proposed in lieu;

**Leicestershire and Rutland Sport** - A financial contribution of £180,349.00 is required to invest in sports facilities at the Castle Donington College site, Moira Dale playing fields or Spital Park;

**NHS England** - No comments received;

**Leicestershire Police** - A financial contribution of £67,239.00 is required in respect of the proposal;

**LCC Archaeology** - No objection subject to conditions;

**LCC Highways** - No objection subject to conditions;

**LCC Footpaths** - No objections subject to condition;

**LCC Education** - A financial contribution of £540,113.05 (Primary school - £195,036.04 and Upper school - £345,077.01) is required in respect of the proposal (6 January 2015) FOLLOWED BY revised figures on 10 April 2015 requesting a financial contribution of £716,388.90 (Primary school - £267,630.10, High School - £103,681.79 and Upper school - £345,077.01).

**LCC Landscape** - No comments to make;

**LCC Ecology** - No objection subject to conditions;

**LCC Civic Amenity** - A financial contribution of £8,029 is required in respect of the proposal;

**LCC Library Services** - No contribution sought;

**NWLDC Affordable Housing Enabler** - Sets out the requirements for a policy compliant scheme;

**NWLDC Environmental Protection - Noise** - No objection subject to condition;-

**NWLDC Environmental Protection - Contamination** - No objection subject to conditions;

**NWLDC Footpaths Officer** - No objection;

**NWLDC Waste Services** - No objection, informatives recommended;

**NWLDC Urban Design Officer** - No objection.

Four letters of objection have been received in respect of the proposal. Comments can be summarised as follows:

*Infrastructure*

- There is a lack of services - one doctors surgery, no dental practice, one primary school and no secondary school, no Police station and one small Post Office with restricted services;
- There will be an extra burden on the sewage system;

### *Highways*

- Highway safety concerns regarding the increase in vehicles to the area especially during rush hour when traffic moves to join J24 along Station Road, Packington Hill and the A6;
- Further vehicles on the single carriage roads will cause more bottlenecks and increase the risk of RTA's and pollution in the village;
- Side Ley, Station Road and Long Lane are narrow single roads with no parking restrictions and on street car parking issues already arise and impede pedestrian access, wheelchair and pushchair users;
- Highway safety concerns regarding the increase in vehicles to the area and potential conflict with pedestrians crossing Side Ley and Station Road to access village facilities and also the users of the Public Rights of Way off Long Lane;

### *Environmental*

- Since Citrus Grove has been built there has been a significant decrease in sightings of birds of prey;
- Since Citrus Grove has been built there has been a large decline in garden birds which visit my garden;
- There is wildlife including pheasants, rabbits, squirrels and foxes as well as other flora and fauna in the fields adjacent to Slack and Parr and the development will affect this;

### *Demand for housing*

- Are more houses necessary?
- There have been a lot of new developments in Kegworth over the past 10 years including Packington Hill, Citrus Grove, Hollands Way, Hayward Gardens and Mulberry Gardens along with plans for more houses on Ashby Road;
- Many houses in Kegworth are up for sale, rent and some are unoccupied;

### *Residential Amenity*

- The layout of the proposed development will mean that the back of the houses would overlook our property and garden (Howard Drive) so we would expect an evergreen barrier between us and the proposed site;
- The tree in the corner of our garden along with the shrubbery along our boundary must not be affected as we enjoy the various wildlife that uses it.

All responses from statutory consultees and third parties are available for Members to view on the planning file.

## **5. Relevant Planning Policy**

### **National Planning Policy Framework (NPPF) - March 2012**

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

Save where stated otherwise, the policies of the North West Leicestershire Local Plan as listed 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 (Presumption in favour of sustainable development)  
Paragraphs 18-20 (Building a strong, competitive economy)  
Paragraph 32 (Promoting sustainable transport)  
Paragraph 34 (Promoting sustainable transport)  
Paragraph 47 (Delivering a wide choice of high quality homes)  
Paragraph 49 (Delivering a wide choice of high quality homes)  
Paragraph 54 (Delivering a wide choice of high quality homes)  
Paragraph 57 (Requiring good design)  
Paragraph 59 (Requiring good design)  
Paragraph 61 (Requiring good design)  
Paragraph 64 (Requiring good design)  
Paragraph 74 (Promoting healthy communities)  
Paragraph 100 (Meeting the challenge of climate change, flooding and coastal change)  
Paragraph 101 (Meeting the challenge of climate change, flooding and coastal change)  
Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change)  
Paragraph 109 (Conserving and enhancing the natural environment)  
Paragraph 112 (Conserving and enhancing the natural environment)  
Paragraph 118 (Conserving and enhancing the natural environment)  
Paragraph 119 (Conserving and enhancing the natural environment)  
Paragraph 120 (Conserving and enhancing the natural environment)  
Paragraph 122 (Conserving and enhancing the natural environment)  
Paragraph 123 (Conserving and enhancing the natural environment)  
Paragraph 203 (Planning conditions and obligations)  
Paragraph 204 (Planning conditions and obligations)

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

The application site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy S1 sets out 13 criteria which form the strategy for the adopted Local Plan.  
Policy S2 - Limits to Development  
Policy E2 - Landscaped Amenity Open Space  
Policy E3 - Residential Amenities  
Policy E4 - Design  
Policy E7 - Landscaping  
Policy E8 - Crime Prevention  
Policy T3 - Highway Standards  
Policy T8 - Parking  
Policy H4/1 - Housing Land Release  
Policy H6 - Housing Density  
Policy H7 - Housing Design  
Policy H8 - Affordable Housing  
Policy L21 - Children's Play Areas



## **Other Guidance**

National Planning Practice Guidance - March 2014.

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

Key Principle AH2 provides that affordable housing will be sought on all sites of 5 or more dwellings in Kegworth. This has been superseded by national policy which sets the threshold at 10 dwellings or 1,000sqm floorspace.

Key Principle AH3 requires a minimum of 30% of residential units to be available as affordable housing within Kegworth.

### **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.

### **6Cs Design Guide (Leicestershire County Council)**

The 6Cs Design Guide sets out the County Highway Authority's requirements in respect of the design and layout of new development.

## **6. Assessment**

The main considerations with regards to this application are the principle of development, the density, layout and design of the proposal, any impact upon residential amenity, highway considerations, public footpaths and cycle routes, impact upon trees, protected species/ecology, archaeology, drainage and flood risk, developer contributions and other matters.

### **Principle of development**

The site is an existing factory complex and associated land within the same ownership and lies within the Limits to Development of Kegworth where development is, in principle, acceptable subject to material planning considerations under Policy S2 of the Adopted Local Plan. The material planning considerations relating to the site are set out in separate sections below.

Additionally, Policy H4/1 of the Local Plan relating to the release of land for housing states that a sequential approach should be adopted. Whilst a sequential approach is outdated in the context of the NPPF, the sustainability credentials of the housing element of the scheme would still need to be assessed against the NPPF.

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF. The settlement of Kegworth benefits from a range of local services, is accessible via public transport and, in general, is considered to be an appropriate settlement for new residential development and, as a settlement, would score well against the sustainability advice in the NPPF.

Parts of the site not occupied by the existing factory complex are undeveloped and are currently used for agricultural purposes. In terms of the site's greenfield status, it is accepted that parts of the site do not perform well in terms of any sequential approach to development. However, this issue needs to be considered in the context of the overall proposal which seeks to redevelop the north east section of the site with a new factory to ensure the existing business can operate

efficiently and in a way that meets the requirements of the 21st century as well as the need to demonstrate and maintain a five year housing land supply in the District, and the need for sites to be released to meet this need. Given the need to provide significant areas of housing land, it is considered inevitable that greenfield land will need to be released in order to maintain a five year supply of deliverable sites, as well as (as in this case) land not allocated for housing development in the adopted Local Plan.

Having regard to the three dimensions of sustainable development, it is accepted that the contribution to the economic consolidation and growth associated with the proposed development, together with contributions towards infrastructure would mean that the scheme would sit well in terms of the economic and social dimensions. Insofar as the environmental role is concerned, whilst the proposed development would result in the loss of some Greenfield land within the defined Limits to Development, as set out in more detail below, the proposed development would not result in any unacceptable impacts on the natural or built environment. In addition, by virtue of the site being surrounded by existing development within Kegworth, being close to village services, and having good access to public transport, the mixed use development would perform well in terms of need to travel and the movement towards a low carbon economy.

It is also a material consideration that there was a resolution to approve application 06/00091/OUT for residential and business development at the same site as the current application in 2007. The legal agreement relating to the proposal has not been signed which is why the permission has not been issued. The principle of development on this site was considered acceptable in 2007, taking into account the policies at that time, by the Planning Committee. However, there have been material changes in planning policy since 2007 which also have to be taken into account and it is considered that limited weight should be given to the earlier resolution to permit.

### **Design Considerations**

The residential element of the scheme has been the subject of pre-application discussions with the NWLDC Urban Designer and the application was submitted with a Design and Access Statement incorporating a Building for Life 12 summary. The Council's Urban Design Officer has confirmed that subject to the imposition of conditions, the scheme would perform positively against Building for Life and would therefore be consistent with the Council's aspirations for high quality design. It is noted that a public consultation exercise took place prior to an application being submitted and the feedback from this has been included within the Planning Statement submitted as part of the application.

The layout of the site is restricted to a certain extent by the need to incorporate a new industrial building for the existing business use to move in to within the site, and due to part of the site being located within Flood Zones 2 and 3. The north west corner of the site is being retained as a flood water storage area.

A strong grid form has been incorporated into the layout for the residential element to complement the grid pattern of Borrowell, Frederick Avenue and Wyvelle Crescent on the opposite side of Side Ley. The layout provides for a defined internal road network and offers opportunity for key views to specific properties, open space or landscape features proposed within the layout, including a focal courtyard area towards the centre of the site.

The range of terraced, semi-detached and detached properties of 2, 3 and 4 bedroom configuration and 2 storey proportions adds interest and provides strong attractive street

scenes, softened by the variation in architectural detailing, materials, surfacing, boundary treatments, trees and landscaping.

In addition, the proposal would involve the demolition of the existing factory complex to the southern central section of the site, and the erection of a new development at the north east corner of the site. The new unit would be rectangular in shape and have a footprint of some 94m x 52m. The roof would be a symmetric curve across the width of the building which would front Long Lane. The curved roof would be 9m high at eaves level, and a maximum of some 12m at the highest point of the curve. It would incorporate dark grey cladding and glazed exterior finish and would have ancillary car parking and landscaped areas.

As such the scheme would be in accordance with Policy E4 of the Adopted Local Plan and the overarching intentions of the NPPF.

### **Residential Amenity Considerations**

The proposed residential development would not cause any overlooking or overbearing issues within the site itself. In addition, the rear elevations of dwellings proposed on the western side of the site would be set at least 11m away from the site boundary, and some 17m away from the side of No.22 Howard Drive, and some 20m from the backs of other dwellings off Howard Drive and Wood Drive. As such, there would be no direct overlooking of existing properties or associated curtilage as a result of the proposed development, and there would be no overshadowing or overbearing impact.

The sides of proposed dwellings would be located some 5m minimum away from the boundary of gardens associated with property Nos.68 - 92 Side Ley. The existing gardens are substantial in length and would result in a distance separation of more than 70m between the existing dwellings on Side Ley and those proposed at the application site. There would be no adverse residential amenity impacts on those existing properties as a result of the proposal.

No.66 Side Ley adjoins the existing employment site and proposed dwellings would face the side of the dwelling and its curtilage with a distance separation of 10.5m minimum between the existing boundary and the proposed dwellings. As such, there would be no direct overlooking of existing properties or associated curtilage as a result of the proposed development, and there would be no overshadowing or overbearing impact.

In addition the existing allotment gardens fronting Side Ley do not form part of the application site and existing properties at Nos. 10 and 12 Side Ley would have the allotments to the west of No.12 and proposed open space to the east of No.10. A dwelling (plot 151) would be situated to the north of the two existing properties but would have a proposed side to existing back relationship which would ensure there would be no direct overlooking as a result of the proposed development. A minimum distance separation of 12m at the side to back relationship, and orientation of the proposed in relation to the existing, would also ensure there would be no overshadowing or overbearing impact on Nos. 10 and 12 Side Ley from the proposed development.

A demolition management plan would be required as part of any demolition scheme and measures would be put in place to ensure minimal impact on adjacent and nearby properties as a result of the demolition. Whilst the intention is to demolish the existing industrial development, the submitted information indicates a phased development approach. This would provide for the new industrial unit and site to be constructed and laid out in conjunction with a first phase of residential development, with a second phase to comprise demolition of the existing works and

making good the land, followed by subsequent phasing of the remaining residential development.

A further aspect to consider is the impact of the proposed general industrial unit on the proposed residential development. National planning guidance requires that existing operations should not be prejudiced as a result of proposed development. NWLDC Environmental Protection has confirmed that there have been no complaints about noise or odour from the existing use during the past couple of years, and also confirm there is no objection to the proposed mixed use development on the basis of the technical information submitted as part of the application.

A new unit for the same use would ensure that modern noise, dust and odour solutions would be incorporated into the design as appropriate. The site layout demonstrates that there would be a car parking and landscaped buffer between the proposed industrial unit and the proposed dwellings at Plots 62-75 inclusive. Plots 83 and 187 would be situated adjacent to the proposed Long Lane access to the site. As such, there would be no conflict of use between the proposed new industrial unit and the proposed dwellings within the overall site. An existing sewage works is located to the north of the site and the proposed industrial unit, and a flood compensation area is proposed to the west of the commercial unit.

As such the scheme meets the requirements of Policy E3 of the Adopted Local Plan and the provisions and intentions of National Planning Policy.

### **Highway Considerations**

Technical information in relation to the proposal, including a Road Safety Audit and Transport Assessment, has been submitted as part of the application and has been considered by CHA and Highways England.

New vehicular accesses are proposed at Side Ley and Long Lane for the residential element of the scheme, with the industrial unit being served by a separate access off Long Lane.

The residential element of the proposal would include a hierarchy of roads within the development in order to create focal points and to reduce speeds within the development. The internal layout submitted was considered by the County Highway Authority (CHA) which suggested some minor amendments to the residential part of the scheme and a revised layout plan was submitted on 8 May 2015. This included increased visibility on some corners within the residential development and direct access onto Side Ley from Plots 178-182 inclusive. Sufficient off-street parking would be provided for each of the units proposed, including garage units.

CHA confirmed it has no objection, subject to conditions including off site works. Indicative off site works have been submitted as part of the application to show traffic calming measures. CHA would agree the final details with the developer through a separate S278 highways application should this planning application be approved.

Highways England have confirmed there would be no adverse impact on the wider strategic road network as a result of the development.

In summary, the scheme would be in accordance with Policies T3 and T8 of the Adopted Local Plan and the provisions and intentions of National Planning Policy.

## Public Rights of Way

Public Footpath L59 extends along the northern boundary of the land where the commercial building is proposed to be located and joins Public Footpath L60 outside the western boundary of the application site. Footpath L59 then abuts part of the western boundary of the commercial building before continuing inside the northern and western boundaries of the proposed flood compensation area.

LCC Footpaths have requested that planning consent should be conditional upon provision for Footpath L59 along its route. In addition, having regard to the potential increase in use of the footpath likely to be generated by the proposed development, the sections of it within the boundaries of the application site should comprise a minimum surfaced width of 2.0 metres, together with grass borders of at least one metre along either side. This surface treatment is in accordance with the County Council's Guidance Notes for Developers, which are incorporated within Part 3, Section DG7 of the 6Cs Design Guide and could be dealt with by condition should the application be approved.

## Tree and Ecological considerations

There is a group Tree Preservation Order (TPO) to the Side Ley frontage and situated to the east of the existing commercial site Side Ley access, and there are also other mature trees at the site boundaries. An arboricultural survey including mitigation measures has been submitted as part of the application.

The group TPO comprises four trees and three of these would be retained, one (T8 on the submitted information) would be removed due to poor condition. The report also notes commemorative trees to the east of the site which would be translocated within the site due to local importance and connections to the history of the site. The proposed site layout has incorporated existing planting wherever possible through including in garden areas or areas of open space. There are also landscaping opportunities for further tree planting and habitat creation which could be addressed through condition should the application be approved. Conditions could also be attached to any permission to ensure tree protection for existing trees proposed to be retained.

The County Ecologist confirms that the submitted ecological report is satisfactory in relation to the proposal and no further survey work is required prior to determination. Should the application be approved, conditions relating to a badger survey, landscaping to include native species, submission of a biodiversity management plan, light spill, and provision of bat boxes should be attached to any permission.

The proposed development would, therefore, be in accordance with Policy E7 of the Adopted Local Plan and landscaping and ecological requirements of National Planning Policy.

## Archaeology

The application has been accompanied by an Archaeological Desk Based Assessment and the application has been considered by the County Archaeologist who advises that the site lies on an area of uncertain potential, lying outside the projected historic settlement core, on the gravel terrace at the edge of the Soar/Trent flood plain, a topographic location that has previously shown some potential for Neolithic and Early Bronze Age activity. There is also indication of Roman and later activity in the area.

In the former instance Long Lane (MLE4658) seems to be a strong candidate for a Roman road, heading toward the Red Hill (Notts.) settlement, with a possible farmstead situated some 600m north of the present site (MLE8049). The HER also notes the presence of a former windmill, marked on the OS 25" 1st edition, apparently within or on the edge of the development area (MLE4635). Other features noted in an appraisal of the historic mapping are the suggested presence of a pinfold on Side Ley, in the vicinity of the allotments and an apparent structure noted on the Ordnance Survey Drawings located at the junction of Side Ley and Long Lane.

The County Archaeologist concludes that development of the application area will inevitably result in damage to or destruction of surviving archaeological remains. However, this does not necessarily preclude development of a site and it is noted that the County Archaeologist has no objection to the proposal subject to condition.

NPPF paragraph 141, states that developers are required 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 of development. In that context The County Archaeologist recommends that conditions for a staged programme of archaeological mitigation, commencing with an initial phase of trial trenching, followed as necessary by targeted investigation and recording, be attached to any permission. As such, the proposal would meet the requirements of the NPPF.

### **Drainage and Flood Risk**

The application has been accompanied by a Flood Risk Assessment (FRA), which has been considered by The Environment Agency which raises no objections, subject to the imposition of planning conditions.

Part of the north east section of the application site, where the commercial unit is proposed, lies within Flood Zone 3 functional floodplain, and the overall northern section of the site and part of the western section of the site lies within Flood Zone 2.

Further information relating to the sequential test for development was requested from the applicant following various discussions and a meeting and this was submitted and sent to The Environment Agency for further consideration.

The additional information clarifies matters with regards to the floodplain issue and the proposal meets the sequential test for development proposals in the functional floodplain. In addition a flood compensation area would be incorporated as part of the scheme at the north west corner of the site.

The Environment Agency has confirmed it has no objection to the proposal based on the information submitted and subject to conditions which the agent has indicated the developer would be agreeable to. Severn Trent Water has also confirmed no objection subject to condition.

A sustainable surface water drainage scheme would be included as part of the proposal and it is recommended that, notwithstanding the submitted information, details of this scheme be required through condition should the application be approved.

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. On this basis the proposal would be in accordance with the provisions and

intentions of the NPPF in respect of flood risk and surface water drainage.

### **Air Quality, Noise, Odour and Contamination**

Technical reports have been submitted in respect of air quality, noise, odour and contamination and no concerns have been raised by statutory consultees in respect of the information submitted.

With regard to air quality, the site lies outside the Kegworth Air Quality Management Area but traffic emanating from the site could impact on that area. Surveys and projections in respect of pollution are included in the air quality report which concludes that the proposed development will have negligible impact on air quality and on the Kegworth Air Quality Management Area.

Noise has also been addressed in relation to the proposed commercial development and the existing and proposed residential development. The report concludes there would be no adverse impact on residential amenities as a result of the proposed scheme through noise from the business use. As stated previously in the 'Residential Amenity Considerations' section, NWLDC Environmental Protection confirms there have been no complaints of noise about the existing business use at the site from local residents in the last couple of years.

An odour report was submitted in respect of the impact of the existing sewage treatment works to the north of the site on the proposed residential development element of the scheme. The report concludes there would be no adverse impact on the proposed development as a result of the existing sewage treatment operation.

The contamination report reveals some contamination, including historical leaching, at the existing factory complex site which would need to be addressed prior to construction of any new development proposal. Since the existing factory complex site would be redeveloped with houses and associated garden areas, should the application be approved, certain standards of mitigation would need to be met. NWLDC Environmental Protection confirms it has no objections to the proposal subject to conditions relating to investigation, verification and mitigation of contamination.

### **Developer Contributions and Viability Considerations**

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 developer submitted a viability report as part of the application during its early stages. The District Valuer, as an independent body, has assessed the report and issued its conclusions to the District Council. The DVS conclusion is that the viability report and supporting information submitted by the developer demonstrates that a policy compliant mixed-use development scheme is unviable at the current time, and that there would be a financial deficit with any developer contributions. Notwithstanding this outcome, the developer has indicated it would be agreeable to various contributions in respect of the housing

*Affordable Housing*

Under the Council's Affordable Housing SPD, 30% affordable housing is required on the site which would equate to 56 dwellings for the current proposal. The scheme proposes 9 affordable units (5%) in total with tenure to be agreed with the Council's Strategic Housing Team in due course should the application be approved. The NWLDC Affordable Housing Enabler has taken into account the viability report and DVS conclusions and is satisfied with the proposed affordable housing provision in this instance.

*Open Space and Children's Play Area*

The Council's Play Area Supplementary Planning Guidance (SPG) states that the Council will not seek any additional provision where existing play areas, within 400 metres walking distance, satisfy the needs of the area, including the proposed development. In this instance, an existing play area on the opposite side of Side Ley would fall within 400 metres of the site. The potential route that users (children) would need to take along proposed and existing footpaths, to access the play space, from the centre of the site would be some 300m so would fall within the 400m walking distance. The developer has confirmed it would be agreeable to making a financial contribution towards the facilities at the existing play area at Side Ley rather than providing a play area onsite following discussions with Kegworth Parish Council. This contribution for the play area will be secured through the S106 agreement.

An obligation relating to management plans for any open space, landscaping and SUDS to ensure that the land is properly established, maintained and managed in the future would also be required.

Concerns have been raised by Sport England and the Parish Council in respect of the loss of the private playing field which was associated with the factory. It should be noted that Sport England states its response is a non-statutory response since the playing field is no longer on the site and the site is not considered to form part of, or constitute a playing field as defined in Schedule 4 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO 2015). This is because the playing field at the site has not been used for a period in excess of 5 years.

However, Sport England argues that part of the site 'constitutes a playing field, albeit not on a statutory basis' since it was a statutory consultee on the outline application 06/00091/OUT.

The District Council does not agree with this position on the basis that no part of the site constitutes a playing field as defined in the DMPO 2015. In addition, the agent has submitted correspondence from the Project Director of Slack and Parr Ltd to confirm that the former football pitch 'was for the sole use of factory employees and was officially closed down in 1999 with the removal of all goal posts and the club house. Since that date the land has been used to grow agricultural crops.' As such the current holding objection submitted by Sport England does not stand.

The fact that during the 2006 application the land was considered to be a playing field and a financial contribution in respect of off-site provision for a replacement was agreed at that time is relevant to the consideration current application, but does not hold any weight in the determination of the current scheme since there is no fallback position in respect of the 2006 application.



It could be submitted that the District Council did not need to consult with Sport England on that basis however, it was considered appropriate and good practice to consult with all bodies who had commented on the 2006 application.

Notwithstanding viability and playing field developer contribution issues, the key fact is that no part of the current application site constitutes a playing field as defined in the DMPO 2015. As such, no contribution is required in respect of an offset to the former playing field.

Leicestershire and Rutland Sport has requested a financial contribution of £180,349.00 to invest in sports facilities at the Castle Donington College site, Moira Dale playing fields or Spital Park.

*Leicestershire Police*

A financial contribution of £67,239.00 is required in respect of the proposal with a breakdown as follows:

Start up equipment	£7642
Vehicles	£4779
Additional radio call capacity	£ 479
PND additions	£ 244
Additional call handling	£ 438
ANPR	£2055
Mobile CCTV	£ 375
Additional premises	£50851
Hub Equipment	£ 376
<b>Total</b>	<b>£67239</b>

*Healthcare*

NHS England has been consulted on the application and has made no request for a developer contribution.

*Other Developer Contributions*

As a result of the LCC Developer Contributions consultation, the following contributions have been requested:

LCC Highways

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

- Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).
- 6 month bus passes (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £350 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 2 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.
- Information display cases at 2 nearest bus stops; to inform new residents of the nearest bus services in the area. At £120 per display.
- Bus shelters at 1 nearest bus stops; to provide high quality and attractive public transport facilities to encourage modal shift. At £4908 per shelter.
- Real Time Information (RTI) displays at nearest bus stops; as RTI is known to increase bus patronage where it is available. At £5840 per display. [source - [www.dft.gov.uk/itstoolkit/case-studies.htm](http://www.dft.gov.uk/itstoolkit/case-studies.htm)]
- A monitoring fee of £6000 to enable Leicestershire County Council to provide support to the developers Travel Plan Co-ordinator; audit annual Travel Plan performance reports to ensure Travel Plan outcomes are being achieved and for it to take responsibility for any necessitated planning enforcement.
- A £5000 contribution towards these measures to physically stop up Long Lane/Warren Lane to allow access for walkers, cyclists and horse riders only. This will involve a TRO as well as a physical barrier.
- A £5000 contribution to TROs at the new site access junctions to manage on street parking to ensure they are able to operate safely and effectively.

#### LCC Education

January 6 2015 - A financial contribution of £540,113.05 (Kegworth Primary school - £195,036.04 and Hind Leys Community College Upper school - £345,077.01) was requested in respect of the proposal

10 April 2015 - Revised figures requesting a financial contribution of £716,388.90 (Kegworth Primary school - £267,630.10, Castle Donington Community College High School - £103,681.79 and Hind Leys Community College Upper school - £345,077.01) was received in respect of the proposal.

#### LCC Civic Amenity

A financial contribution of £8,029 is required in respect of the proposal;

#### LCC Library Services

No contribution is sought.

### **Assessment of Financial Requests**

The Travel Plan which is required to achieve the defined outcomes in the Travel Plan to ensure that the proposed development is satisfactorily assimilated into the transport network. This approach is considered to be consistent with Government guidance in the National Planning

Policy Framework, the CIL Regulations 2011, and the County Council's Local Transport Plan 3.

In respect of the LCC Education request, based on the outcome of the viability report and its independent assessment, both of which conclude that a policy compliant scheme is not viable, the developer has confirmed it would be agreeable to a contribution in respect of the request for £540,113.05 made in January 2015. LCC has been advised of this and comments on their position in respect of this have been requested. No comments have been received at the time of writing this report.

With regard to Leisure facilities no detailed analysis has been provided demonstrating either the likely extent of the impact of the proposed development on the facilities for which the contribution is sought. This would need to have regard to factors such as proportion of residents likely to use the various leisure centre facilities, accessibility / distance of the site from the facilities, and the availability (or otherwise) of other publicly or privately provided services), or the ability (or otherwise) for existing facilities to accommodate some or all of the additional users anticipated. Once this had been provided, it would, officers consider, be necessary to demonstrate what the contribution sought would be proposed to be spent on, how those works would mitigate any identified shortfalls arising from the proposed residential development, and what they would be expected to cost. In the absence of this information, it is not considered that a contribution could be reasonably required. As such, the requested contribution is not considered to be CIL compliant.

Leicestershire Police have requested a financial contribution of £67,239.00 as set out above. Whilst it is considered that, in principle, contributions towards policing may be capable of being justified in terms of satisfying the relevant NPPF and CIL Regulations tests the policing contribution requests appear to be based upon an assumption that all residents of the proposed dwellings would be "new" / additional residents requiring policing by Leicestershire Police from outside of the area (or, at least, from outside of the District).

In the circumstances, officers are concerned the scale and kind of contributions sought may not be fairly and reasonably related to this development. Specifically, it is considered:

Start up equipment / training:

It is accepted that, in principle, such a contribution could be reasonable. However, as set out above, the Local Planning Authority would need to be satisfied that the rationale behind the extent of impact likely was robust.

Vehicles:

It is accepted that, in principle, such a contribution could be reasonable.

Additional radio call capacity:

The process of improving radio cover / capacity is, it seems, an ongoing process and would appear to occur regardless of the development going ahead.

Police National Database:

The process of improving capacity of the Police National Database is, it seems, an ongoing process and would appear to occur regardless of the development going ahead.

Additional call handling:

For the reasons already set out, it is not clear as to how the level of the additional calls anticipated has been calculated.

**ANPR:**

It is not accepted that the proposed development would justify the installation of ANPR CCTV systems (and that, in the development's absence, ANPR would not be required). If there is a need to provide ANPR coverage of this area because of existing crime figures, the cameras should, it is considered, be provided regardless. It is not considered clear why the addition of 188 dwellings to the village would suggest that such a system would be required when, in the absence of the development, it was not.

**Mobile CCTV:**

It is not accepted that the proposed development would justify the installation of mobile CCTV systems (and that, in the development's absence, mobile CCTV would not be required). If there is a need to provide mobile CCTV coverage of this area because of existing crime figures, the cameras should, it is considered, be provided regardless. It is not considered clear why the addition of 188 dwellings to the village would suggest that such a system would be required when, in the absence of the development, it was not.

**Additional premises:**

The contribution request from Leicestershire Police provides that, within North West Leicestershire, policing is delivered from Coalville LPU premises, and that occupation of premises is maintained at capacity. Contributions are sought for Coalville LPU, plus the Basic Command Unit (BCU) at Loughborough and the Force HQ at Enderby. Insofar as Coalville LPU is concerned, Leicestershire Police advises that occupation is maximised but constrained by its age and condition. Replacement to existing needs is, Leicestershire Police advises, likely although it is suggested that the proposed development would create a need for additional floorspace. The District Council is also advised that a replacement facility at Loughborough is "in build" and that this would need to be extended to accommodate staff to cover the proposed development; extension of the Force HQ would also, Leicestershire Police suggests, be required to serve the proposed development. Whilst Leicestershire Police maintains that additional floorspace is required at all three locations to serve the proposed residential development, for the reasons already set out, Local Planning Authority officers do not at this time accept the suggested level of additional demand on police services and, hence, the extent of additional employee cover required. It would also appear unlikely that a development of this scale would result in such a level of increased employment so as to necessitate extensions to accommodation at all three sites, notwithstanding that Leicestershire Police confirms that all facilities are maintained at capacity. It is not considered that the force has demonstrated that there is definitely no capacity to accommodate additional staff, nor that its various sites would actually be extended to meet any additional accommodation requirement directly attributable to the development in hand.

**Hub equipment:**

No information has been submitted which indicates that the existing hub and equipment would, as a result of the development, be over-capacity, and no information has been provided as to where such a facility would be located.

On this basis, therefore, officers are of the view that Leicestershire Police has failed to demonstrate that the relevant NPPF and CIL tests would be met by the contribution sought.

For their part, the developer has indicated that it would be agreeable to a contribution of £12,859 which would meet the individual requests for Start up equipment, vehicles and additional call handling.

In respect of the requests received in respect of this application, it is considered that the following meet the tests, and the applicant has confirmed that they would be willing to enter into an agreement to secure the following contributions:-

- Affordable Housing (9 units)
- Leicestershire Police (£12,859)
- Open Space (on-site)
- Children's Play Area (off-site contribution)
- Education (£540,113.05 as per January 2015 request)
- Civic Amenity Site (£8,029)
- Transport (Travel Packs, Bus Passes, Bus Stop Improvements, Information Display Cases) and separate S278 works

## Conclusions

The NPPF specifically states that decision takers should consider housing applications in the context of the presumption in favour of sustainable development. The proposal also involves the consolidation of the existing commercial business on the site through demolition and redevelopment to ensure that the business is fit for the 21st century. Based on the above, the proposed scheme is considered to comply with the core principles of the NPPF and is, therefore, acceptable in principle.

At a more detailed level, the proposed development would be acceptable in terms of density, layout and scale, residential amenities, highway safety, flood risk and drainage, archaeological, arboricultural and ecological impacts.

A viability report submitted by the applicant and agent has been assessed independently on behalf the District Council and concludes that a policy compliant scheme, for any contributions including affordable housing, is not viable. However, the agent has confirmed that appropriate contributions to infrastructure, and a 5 percent on site affordable housing element, would also be made so as to mitigate the impacts of the proposals on local facilities/services. There are no other relevant material planning considerations that indicate planning permission should not be granted.

Whilst a policy compliant scheme in terms of developer contributions is not viable at the site, the benefits of the proposal also have to be taken into consideration. The development proposal would provide a modern commercial building for Slack and Parr that would ensure the safeguarding of the business and future local employment; provide a range of housing contributing towards the District Council's housing supply, including an affordable housing element; provide on site open space and landscaping opportunities including biodiversity improvements; and provide developer contributions for education, highways, the nearest civic amenity site, an existing children's play area, and Leicestershire Police.

On balance, therefore, it is recommended that planning permission be granted, subject to conditions and the signing of the S106 Agreement.

**RECOMMENDATION, PERMIT, subject to the signing of the Section 106 Agreement and 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 Plans to be confirmed on the update sheet.

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

3 No development shall commence on site until a development masterplan for the whole site setting out the proposed phasing of development has been submitted to and agreed in writing by the Local Planning Authority. All development of the site shall thereafter be undertaken with the agreed phasing and timetable details (or any alternatives subsequently agreed in writing by the Local Planning Authority).

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

4 No building shall be erected on site above damp proof course level on any individual phase of the development until details/samples (as appropriate) of the:-

- a) doors and windows including porches and door surrounds, as well as doors to proposed garages)
- b) eaves and verges
- c) rain water goods
- d) windows and doors (including heads and cills)
- e) chimneys
- f) colour finish of utility boxes

have been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the works shall be implemented in accordance with the approved details.

*Reason - To ensure that the works are executed in an appropriate manner and that the development provides for a satisfactory form of design.*

5 Prior to first occupation of any dwelling on the overall site and/or the bringing into use of the industrial unit hereby permitted, whichever is first, a lighting scheme for all communal open space and parking areas shall be submitted and agreed to in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details, prior to the first occupation of any dwelling and/or the bringing into use of the industrial unit, whichever is first.

*Reason- To ensure that the development provides for a satisfactory form of design, in the interests of safeguarding against actual and fear of crime and anti-social behaviour, to protect residential amenities, and in the interests of biodiversity.*

6 Notwithstanding the submitted plans, no building shall be erected on site above damp proof course level on any individual development phase of the site until a detailed scheme for the boundary treatment of the overall site, or any individual phase, including the precise details of the treatment of the demarcation of all public realm facing boundaries have been submitted to and agreed in writing by the LPA. The development shall be carried out in accordance with the agreed details. The development hereby

permitted shall not be occupied 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, in the interests of highway safety, to ensure that there is a clear and robust demarcation between public and private spaces and to ensure an appropriate form of design.*

- 7 No building shall be erected on site above damp proof course level on any individual phase of the development until a detailed landscaping scheme, including the retention of existing trees and hedgerows and mitigation planting for the loss of trees, for that particular phase has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in the first planting and seeding season following the first occupation of the first dwelling hereby approved, or bringing into use of the industrial unit hereby approved, whichever is first, unless an alternative implementation programme is first agreed in writing with the Local Planning Authority. Any tree or shrub which may die, be removed or become seriously damaged shall be replaced in the first available planting season thereafter 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. All landscape planting in the informal/natural open space and adjacent to site boundaries shall be of native species only.

*Reason- To ensure satisfactory landscaping is provided within a reasonable period and a reasonable period for the replacement of any trees and shrubs.*

- 8 No development shall commence on site until such time the existing trees/hedgerows on and overhanging the site which are to be retained have been securely fenced off with protective fencing in accordance with BS: 5837: 2012 (Trees in Relation to Design, Demolition and Construction). Details of the extent and construction of the protective fencing shall have been submitted to and approved in writing by the Local Planning Authority. The protective fencing shall remain in place until all construction works are complete. No development shall commence on site until such time as a design and method statement for all works taking place within the areas bounded by the protective fencing, including details of changes to ground levels and arboricultural surface requirements, has been submitted to and agreed in writing by the Local Planning Authority. All works within these areas shall be carried out in accordance with the agreed design and method statement.

*Reason- To ensure the existing trees/hedgerows for retention are adequately protected during construction in the interests of the visual amenities of the area.*

- 9 Notwithstanding the submitted plans, nor Condition 2 above, no building shall be erected on site above damp proof course level until such time as a detailed scheme for all surfacing of the access, driveways, parking areas and footpaths has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be undertaken in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

*Reason- To preserve the amenities of the locality.*

- 10 No building shall be erected on site above damp proof course level until a scheme that makes provision for waste and recycling storage across the site shall first be submitted to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities for residents/collection crews, and adequate collection point space at the adopted highway boundary. The scheme shall be implemented in accordance with the approved details.

*Reason- To ensure that the development provides for a satisfactory form of design, in the interests of amenity.*

- 11 No development shall commence until 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.*

- 12 No development shall take place/commence until an appropriate programme of archaeological work, informed by the results of exploratory trial trenching, has been detailed within a Written Scheme of Investigation, submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

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

*Reason - To ensure satisfactory archaeological investigation and recording of the heritage asset.*

- 13 No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 12.

*Reason - To ensure satisfactory archaeological investigation and recording of the heritage asset.*

- 14 The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 12 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.



*Reason - To ensure satisfactory archaeological investigation and recording of the heritage asset.*

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

*Reason- In the interests of nature conservation.*

- 16 Operations that involve the destruction and removal of vegetation shall not be undertaken during the months of March to August inclusive, except when approved in writing by the Local Planning Authority, once they are satisfied that breeding birds will not be adversely affected.

*Reason - In the interests of breeding birds, it is imperative that any vegetation removal is undertaken outside the breeding bird season.*

- 17 No development shall commence on any individual phase of the development until such time as an updated badger survey has been submitted to and agreed in writing by the Local Planning Authority.

*Reason- In the interests of protected species.*

- 18 No development shall take place until details of the provisions to be made for artificial bat roosting sites/boxes have been submitted, and approved by the Local Planning Authority. The approved works shall be implemented in full, within each development phase, within three calendar months following occupation of the last dwelling within each phase of development, unless otherwise agreed in writing by the Local Planning Authority.

*Reason - In the interests of protected species.*

- 19 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) revision D and the following mitigation measures detailed within the FRA:

1. Confirmation of the opening up of any culverts across the site.
2. Finished floor levels are set no lower than 32.2 m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

*Reason - To reduce the risk of flooding from blockages to the existing culvert (s); to reduce the*

*risk of flooding to the proposed development and future occupants.*

- 20 The development hereby permitted shall not be commenced until such time as a detailed scheme to provide the necessary floodplain compensation, including flood flow routing, has been submitted to, and approved in writing by, the local planning authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

*Reason - To reduce the risk of flooding to third parties, and the proposed development and future users.*

- 21 No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

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

- 22 No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

all previous uses;  
potential contaminants associated with those uses;  
a conceptual model of the site indicating sources, pathways and receptors;  
potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

*Reason - To ensure the protection of controlled waters.*

- 23 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

*Reason - To ensure that the agreed remediation strategy is adhered to in order that controlled waters are protected.*

- 24 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

*Reason - To ensure that any residual contamination is not mobilised within the underlying aquifer or any other controlled water receptor.*

- 25 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

*Reason - To ensure that any residual contamination remaining on site is not mobilised within the aquifer. A piling risk assessment should be undertaken in order to assess the most suitable method of piling for this development, based on the environmental constraints of the site.*

- 26 The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

As part of the above, Severn Trent Water Limited should be consulted and required to demonstrate that there is sufficient capacity in the sewerage network and/or at the sewage treatment works to take the additional flows from the proposed development without causing pollution and/or a deterioration in final effluent quality.

*Reason - The Humber river basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Without this condition, the impact could cause deterioration of a quality element to a lower status class and/or prevent the recovery of and/or cause deterioration of the River Soar water*

*body because it would result in the release of priority hazardous substances, i.e. ammonia.*

- 27 The development hereby permitted 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.

*Reasons - To prevent or minimise the risk of pollution of the Kegworth Brook and the River Soar.*

- 28 No phase of development (except any demolition permitted by this permission) shall commence on site until a Further Risk Based Land Contamination Assessment, relevant to that phase of development, as recommended by GRM report reference P6168 dated December 2013 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:

- BS10175:2011+A1:2013 Investigation Of Potentially Contaminated Sites Code of Practice;
- BS 8576:2013 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOCs)
- BS8485:2007 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.*

- 29 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.*

- 30 Prior to occupation of the first dwelling Footpath L59 shall be provided within the site along its formal route and the sections of Footpath L59 t within the boundaries of the application site should comprise a minimum surfaced width of 2.0 metres, together with grass borders of at least one metre along either side.

*Reason - For the avoidance of doubt.*

- 31 Development shall not begin until details of design for off-site highway works being widening, traffic calming and changes to the speed limit on Long Lane in general accordance with Stephen Daykin Consulting plan no. E593/10 rev. B have been approved in writing by the local planning authority; and no dwelling shall be occupied or use of the commercial site permitted until that scheme has been constructed in accordance with the approved details.

Note: The existing construction of Long Lane is unlikely to be sufficient for the additional development traffic, so complete reconstruction and resurfacing of the road up to the commercial access is required.

*Reason - To ensure a safe and durable access to the site*

- 32 All details of the proposed development shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document. Such details must include parking and turning facilities, access widths, gradients, surfacing, signing and lining (including that for cycleways and shared use footway/cycleways) and visibility splays and be submitted for approval by the local Planning Authority in consultation with the Highway Authority before development commences.

Note: Your attention is drawn to the requirement contained in the Highway Authority's current design guide to provide Traffic Calming measures within the new development.

*Reason - To ensure a satisfactory form of development and in the interests of highway safety.*

- 33 Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.

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

- 34 The existing vehicular access to the site on Sideley that becomes redundant as a result of this proposal shall be reinstated as footway in accordance with a scheme that shall first have been submitted to and approved by the LPA in consultation with the Highway Authority within one month of the new access being brought into use.

*Reason- To protect footway users in the interests of pedestrian safety.*

- 35 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.*

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

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

- 37 The car parking and any turning facilities shown within the curtilage of each dwelling shall be provided, hard surfaced and made available for use before the dwelling is occupied and shall thereafter be permanently so maintained.

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

- 38 Before first use of the development hereby permitted the access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 10m metres behind the highway boundary and shall be so maintained at all times.

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

- 39 No part of the development as approved shall be brought into use until details of an updated Travel Plan has been submitted to and agreed in writing by the Local Planning Authority.

*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.*

- 40 Before first use of the development hereby permitted, visibility splays of 2.4 metres by 51 metres shall be provided at the junction of the access with Sideley and 2.4 metres by 43 metres with the junction of the access to Long Lane. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.

*Reason - To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.*

### Notes to applicant

- 1 Planning permission 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 2015.
- 2 Written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97.00 per request. Please contact the Local Planning Authority on (01530) 454665 for further details.
- 3 The developers attention is drawn to the existing hedgerows along the northern and western boundaries of the application site which should be maintained regularly, in order to prevent Footpath L59 from being encroached upon by overhanging vegetation and the width available to pedestrians consequently being reduced. For the same reasons, any new trees or shrubs which are proposed to be planted adjacent to either of the footpaths should be set back by a minimum of 1 metre from the edge of the route and be of species which do not spread.

The green fingerpost currently located where Footpath L59 leaves Long Lane, together with the yellow-topped waymark posts located along those sections of Footpath L59 within the application site should be retained. If any item of this furniture is removed or damaged during works associated with the proposed development, the Highway Authority will require it to be replaced at the applicant Company's expense.

Before any works associated with the surfacing of the footpath or the replacement of any of the above items of furniture are carried out, the applicant Company should notify the Rights of Way Inspector for the area, Mr. S. Daniels, who may be contacted either by e-mailing [highwayscustomerservices@leics.gov.uk](mailto:highwayscustomerservices@leics.gov.uk) or by telephoning 0116 305 0001. The Company will otherwise be responsible for ensuring that the legal line of Footpath L59 is not affected by any operations associated with the development, and that free access can be exercised safely by pedestrians at all times. Care should be taken to ensure that pedestrians are not exposed to any elements of danger associated with construction

works, and wherever appropriate they should be safeguarded from the site by a secure fence. In view of the close proximity of the proposed development to the footpath, particular attention should be given to ensuring that no materials are stored on the line of the right of way and that no Contractors' vehicles are parked either along or across it.

Any damage that may be caused to the surface of Footpath L59 which is directly attributable to works associated with the development, will be the responsibility of the applicant Company to repair at its own expense to the satisfaction of the Highway Authority.

The applicant Company should also be advised that no additional structures including stiles, gates and other barriers either of a temporary or a permanent nature, should be placed across the route of Footpath L59 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 Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

- 5 During the period of construction, oil and fuel storage will be subject to the Control of Pollution (Oil Storage) (England) Regulations 2001. The Regulations apply to the storage of oil or fuel of any kind in any kind of container which is being used and stored above ground, including drums and mobile bowsers, situated outside a building and with a storage capacity which exceeds 200 litres. A person with custody or control of any oil or fuel breaching the Regulations will be guilty of a criminal offence. The penalties are a maximum fine of £5000 in Magistrates' Court or an unlimited fine in Crown Court. Further details of the Regulations are available from the Environment Agency.

- 6 It is recommended that the installation of fittings that will minimise water usage such as low, or dual, flush WC's, spray taps and economical shower-heads in the bathroom are installed. Power showers are not recommended as they can consume more water than an average bath. Water efficient versions of appliances such as washing machines and dishwashers are also recommended. For outdoors consider installing a water butt, or even a rainwater harvesting system, to provide a natural supply of water for gardens. Simple treatment systems exist that allow rainwater to be used to supply WC's within the home. Following the above recommendations will significantly reduce water consumption and associated costs when compared to traditional installations. Rainwater harvesting utilises a free supply of fresh water and reduces the cost to the environment and the householder.

- 7 All works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Highways Manager- (telephone 0116 3050001).

The developer 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. 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.

Details of the future maintenance of the private road should be submitted for the approval of the LPA before any dwelling is occupied.

If it is the developer's intention to seek either; the adoption of roads which incorporate nonstandard features/materials, or the adoption of additional areas beyond that which would normally be considered necessary for the safe functioning of the highway, then commuted sums for future maintenance will be payable. The Applicant should refer to the 6C's Design Guide available at [www.leics.gov.uk/index/6csdg.htm](http://www.leics.gov.uk/index/6csdg.htm) for more information.

The Applicant shall be advised that a minimum of 6 months notice is required by Leicestershire County Council for the making of a Traffic Regulation Order. This is to allow all statutory processes to be completed. Further information can be found in the 6C's Design Guide available at: <http://www.leics.gov.uk/index/6csdg.htm> or by contacting the Network Management Team via 0116 305 0001.

This page is intentionally left blank

Removal of conditions 6 and 11 from planning permission  
14/00311/VCI in order to allow the existing sports hall to be  
able to play amplified music and to allow doors and windows  
to be opened whilst in use

Report Item No  
A3

Newbridge High School Forest Road Coalville Leicestershire  
LE67 3SJ

Application Reference  
15/00527/VCI

Applicant:  
Ms Maxine Adams

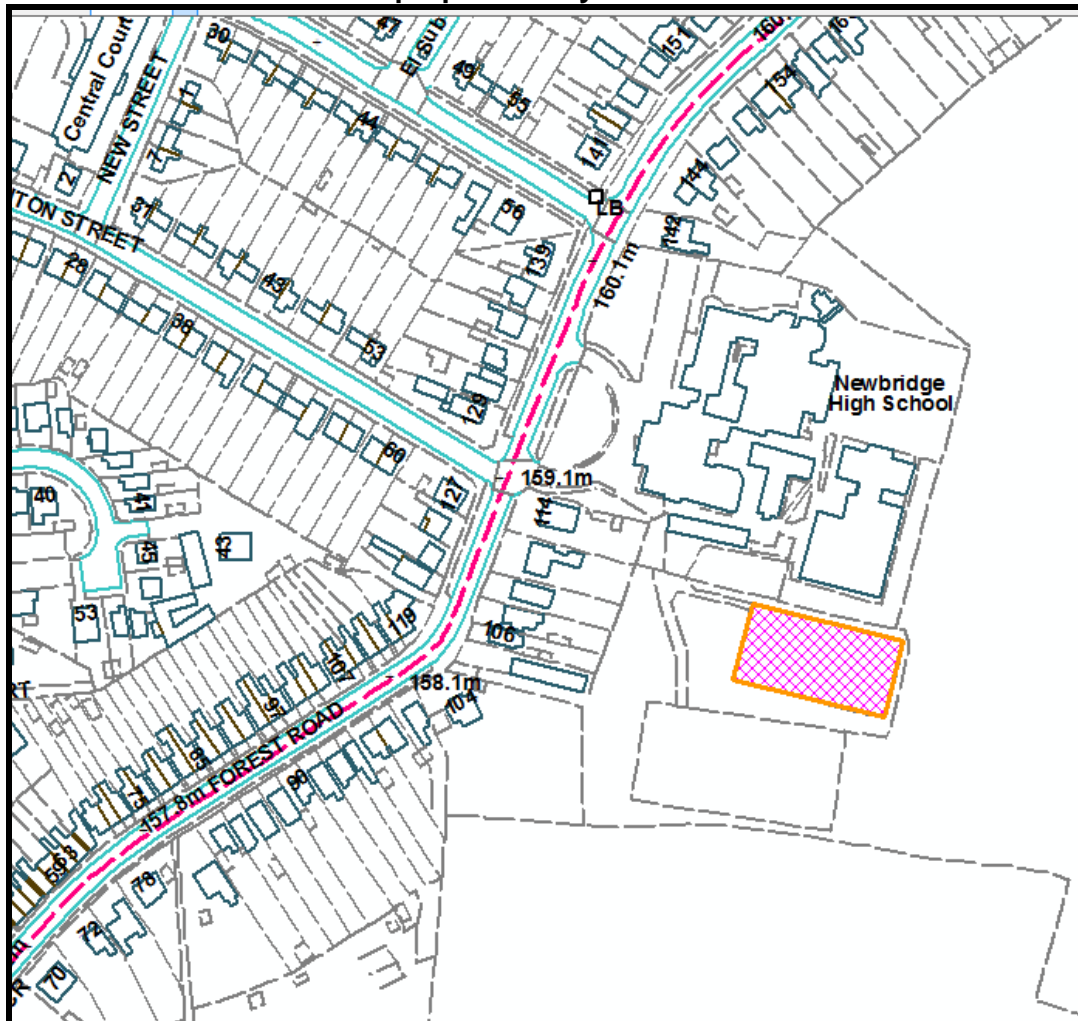
Date Registered  
1 June 2015

Case Officer:  
James Mattley

Target Decision Date  
27 July 2015

Recommendation:  
PERMIT

Site Location - Plan for indicative purposes only



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

## EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR APPROVAL

### Proposal

Planning permission is sought for the removal of conditions 6 and 11 from planning permission 14/00311/VCI in order to allow the existing sports hall at Newbridge High School to be able to play amplified music and to allow doors and windows to be opened whilst in use.

The application is to be determined by the Planning Committee as it has been called in by Councillor Johnson.

### Consultations

Members will see from the report below that a significant number of representations have been received in relation to the application. These include letters of support as well as letters of objection.

### Planning Policy

The main planning policy issue in respect of the application is Policy E3 of the North West Leicestershire Local Plan as well as paragraph 123 of the National Planning Policy Framework. These policies seek to ensure that development does not result in significant noise disturbance to surrounding residential amenities.

### Conclusion

The main issue in respect of the application is whether the removal of the conditions would result in significant noise disturbance to surrounding residential amenities. During the course of the application a noise assessment was submitted which assessed the impact of amplified music being played on nearby residential properties. The assessment concludes, subject to mitigation measures including the use of a noise limiter, that the proposed development would not have a significant adverse impact on health or quality of life. The Council's Environmental Health Department raises no objections to the proposed scheme on the basis of the findings in the report.

On this basis, it is considered that the removal of these conditions would accord with the development plan and all other material considerations. 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

In September 2009 Leicestershire County Council granted planning permission under ref: 2009/0624/07 for a new sports hall and fitness suite with ancillary changing and storage facilities at Newbridge High School. In July 2014 North West Leicestershire District Council granted planning permission under ref: 14/00311/VCI to amend the operating hours but all other conditions remained in force. That planning application fell to be determined by North West Leicestershire District Council and not Leicestershire County Council as Newbridge High School had gained academy status. This planning permission included the following conditions:

Condition 6 states:

There shall be no playing of any amplified music within the sports hall.

*Reason - To safeguard the amenities of nearby residents and reduce the impact on local amenity.*

Condition 11 states:

External doors and windows shall be kept closed during the following times (unless in the case of an emergency):

8.00pm to 9.00pm Monday to Friday  
8.00am to 9.00am and 6.00pm to 7.00pm Saturdays

*Reason - To safeguard the amenities of nearby residents and reduce the impact on local amenity.*

Planning permission is now sought for the removal of conditions 6 and 11 from planning permission 14/00311/VCI in order to allow the existing sports hall at Newbridge High School to be able to play amplified music and to allow doors and windows to be opened whilst in use. The school have indicated that the legal meaning of amplified music includes mobile phones and small radios and this is preventing them from delivering the school curriculum.

Relevant Planning History:

- 09/00624/COM - Proposed new sports hall and changing rooms (Leicestershire County Council Regulation 3 Application) - No Objection 17th July 2009;
- 10/00199/COM - Application for non-material amendment to planning application 2009/0624/07 which permitted a new sports hall and changing rooms (Leicestershire County Council Regulation 3 Application Identity Number 2010/L207/07) - No Objection 26th March 2010;
- 12/01059/FUL - The installation of a new artificial grass sports pitch with associated perimeter fencing and floodlights as well as the formation of car parking area and pedestrian access paths with associated lighting - Permitted 18 February 2013.
- 14/00311/VCI - Variation of condition 5 of planning permission 2009/0624/07 in order to allow for amended operating times - Permitted 15 July 2014;
- 14/00582/FUL - Erection of single storey infill extension - Permitted 20 August 2014.

### 2. Publicity

61 neighbours have been notified (date of last notification 2 June 2015).

Site Notice displayed 5 June 2015

### 3. Consultations

Hugglescote & Donington Le Heath consulted  
Head of Environmental Protection

### 4. Summary of Representations Received

**North West Leicestershire Environmental Protection Officer** has no objections to the proposal on the basis of the mitigation measures contained in the submitted noise assessment.

**Hugglescote and Donington Le Heath Parish Council** object to the application and considers that it should be reconsidered. If planning approval is granted then the removal of these conditions should be restricted to school hours and term time only.

A total of 20 representations have been received objecting to the application on the following grounds:

- would result in noise disturbance and would be detrimental to local amenities;
- music is already frequently played from within the school grounds;
- parking restrictions should be put in place;
- sports hall has functioned successfully for 5 years with these conditions in place so should not be removed;
- existing residents can hear foul and offensive language from the school grounds;
- the school has admitted to breaching the condition regarding amplified music;
- impact on health and quality of life of existing residents;
- sound from the building echoes;
- school already has a music room and a drama suite;
- sports hall should be sound-proofed;
- application is not about providing the school curriculum but about being able to be used by other groups/organisations;
- the objections of local neighbours should carry more weight than those who do not live in the local area.

The following representations have been received in support of the application:

- 5 emails from local clubs/organisations;
- petition containing 458 names received from Newbridge High School (including student signatures);
- 143 standard slips;
- 117 standard slips signed by students.

### 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 73 outlines 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 74 outlines that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location, or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss;

Paragraph 123 indicates that 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;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often cause some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and prized for their recreational and amenity value for this reason.

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

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

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

### **6. Assessment**

#### **Principle**

The principle of the development has already been established by the previous planning

permission 2009/0624/07 which was granted on 24.09.2009 and the subsequent planning permission 14/00311/VCI which allowed for amended operating times. It is considered that the main issue with regard to this planning application is whether the removal of these conditions would have an acceptable impact upon surrounding residential amenity.

### **Residential Amenity**

A number of objections have been received from surrounding neighbours relating to concerns of noise and disturbance from the sports hall should the conditions in respect of amplified music and the non-opening of doors and windows be removed.

The Council's Environmental Protection team has been consulted on the application given the letters of representation that have been received in respect of noise and requested that a noise assessment be carried out which considers the effects of amplified music on neighbouring properties. A noise assessment was carried out by White Young Green (WYG) which has assessed the impact of amplified music upon six nearby residential properties (104, 106, 108, 110, 112 and 114 Forest Road). The assessment from the sports hall has been carried out with windows and doors closed and with windows and doors open. The report concludes that there would be no impact on nearby residential property when windows and doors are closed. However, with windows and doors open the assessment provided indicates that noise breakout would be marginally above the relevant noise intrusion criteria at five of the residential receptors by up to 3 decibels.

In light of this, it would be necessary for mitigation measures to be put in place to ensure that any amplified music does not have a significant adverse impact upon nearby residential occupiers. The assessment provided recommends that a noise limiter be installed in the sports hall that imposes a noise limit and this could form a suitably worded planning condition. A noise limiter works by cutting off the power supply if the sound level exceeds a specified limit. It is also recommended that the positioning of speakers or other musical equipment be taken into account and should be located in the western section of the main hall facing towards the east. The internal layout of portable equipment could not be controlled by a planning condition but it could form a note to the applicant to advise them of good practice.

The Council's Environmental Protection team has reviewed the submitted noise assessment and have no objections to the application subject to the inclusion of the mitigation measures outlined in the assessment (as discussed above). Therefore, the scheme is considered to comply with Policy E3 of the Local Plan and paragraph 123 of the NPPF.

### **Other**

It is necessary to re-attach all the relevant planning conditions from the previous planning permission on the site.

Issues regarding parking restrictions at the school are not relevant to the determination of this application.

### **Conclusion**

The main issue in respect of the application is whether the removal of the conditions would result in significant noise disturbance to surrounding residential amenities. During the course of the application a noise assessment was submitted which assessed the impact of amplified music being played on nearby residential properties. The assessment concludes, subject to



mitigation measures including the use of a noise limiter, that the proposed development would not have a significant adverse impact on health or quality of life.

The Council's Environmental Health Department raises no objections to the proposed scheme on the basis of the findings in the report. On this basis, it is considered that the removal of these conditions would accord with the development plan and all other material considerations. It is therefore recommended that the application be permitted.

**RECOMMENDATION - PERMIT, subject to the following conditions;**

- 1 Unless otherwise required by the conditions attached to this permission, no development shall be carried out other than in strict accordance with the details set out in the submitted application, supporting statement and plans submitted under planning application reference 2009/0624/07 as amended by the details contained within planning application reference 14/00311/VCI and 15/00527/VCI.

*Reason - To ensure the permission is implemented in all respects in accordance with the submitted details and the use of the development remains compatible with existing development in the locality (Policy E4 of the North West Leicestershire Local Plan).*

- 2 Notwithstanding Condition 1 above, the building hereby approved shall be constructed strictly in accordance with the details set out on drawing no. GA1602 - 01 Revision D dated March 2009 and revised Design and Access Statement Revision A dated August 2009.

*Reason - To ensure the permission is implemented in all respects in accordance with the submitted details and the use of the development remains compatible with existing development in the locality (Policy E4 of the North West Leicestershire Local Plan).*

- 3 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order) the premises shall be used only for the purposes specified in this application and for no other purposes whatsoever.

*Reason - Other uses may be harmful to the amenities of the area.*

- 4 The use of the sports hall shall only take place during the following hours:

Sports Hall request:

8.00am to 9.00pm Monday to Friday

8.00am to 7.00pm Saturdays

9.00am to 4.00pm Sundays & Bank Holiday

The use of the changing rooms and office building area:

8.00am to 10.00pm

All lights within the sports hall shall be turned off no later than 30 minutes after the approved hours of use on any day, and at any other time that the sports hall is in use.

*Reason - To safeguard the amenities of nearby residents and reduce the impact on local amenity (Policy E3 of the North West Leicestershire Local Plan).*

- 5 Unless otherwise agreed in writing, all deliveries and movement of materials and machinery to and from the site in connection with the development hereby approved shall only take place between the hours of 09:00-15:00 and 16:00-17:30 Mondays to Fridays during term time and 08:00-13:00 Saturdays. No such activities shall take place on Sundays, Public or Bank Holidays.

*Reason - To safeguard the amenities of nearby residents and reduce the impact on local amenity (Policy E3 of the North West Leicestershire Local Plan).*

- 6 There shall be no playing of any amplified music within the sports hall unless a noise limiter is fitted with an internal limit of 82db.

*Reason - To safeguard the amenities of nearby residents and reduce the impact on local amenity (Policy E3 of the North West Leicestershire Local Plan).*

- 7 Details of the siting, design, luminance and direction of light distribution and the shielding of all means of external lighting shall be submitted to and approved in writing by the Local Planning Authority before any such provision is made on the site.

*Reason - To safeguard the amenities of nearby residents and reduce the impact on local amenity (Policy E3 of the North West Leicestershire Local Plan).*

- 8 Details of the siting and design of all means of CCTV equipment shall be submitted to and approved in writing by the Local Planning Authority before any such provision is made on the site.

*Reason - To safeguard the amenities of nearby residents and reduce the impact on local amenity (Policy E3 of the North West Leicestershire Local Plan)*

- 9 None of the existing trees on site shall be lopped, topped, felled or uprooted.

*Reason - To ensure proper steps are taken to safeguard existing vegetation.*

- 10 Notwithstanding Condition 5 above, the use of the sports hall may be used for alternative times in association with the schools presentation evening one day in the year during Monday to Friday in July but only when the alternative times have first been submitted to and agreed in writing by the Local Planning Authority.

*Reason - To safeguard the amenities of nearby residents and reduce the impact on local amenity (Policy E3 of the North West Leicestershire Local Plan).*

### **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 It is recommended that the positioning of speakers or other musical equipment be taken into account. Speakers should ideally be located in the western section of the main hall

facing towards the east.

This page is intentionally left blank

Erection of a detached dwelling along with associated garage

Report Item No  
A4

Oak Tree Stables School Lane Newbold Coalville  
Leicestershire LE67 8PF

Application Reference  
15/00451/FUL

Applicant:  
Mr R Boam

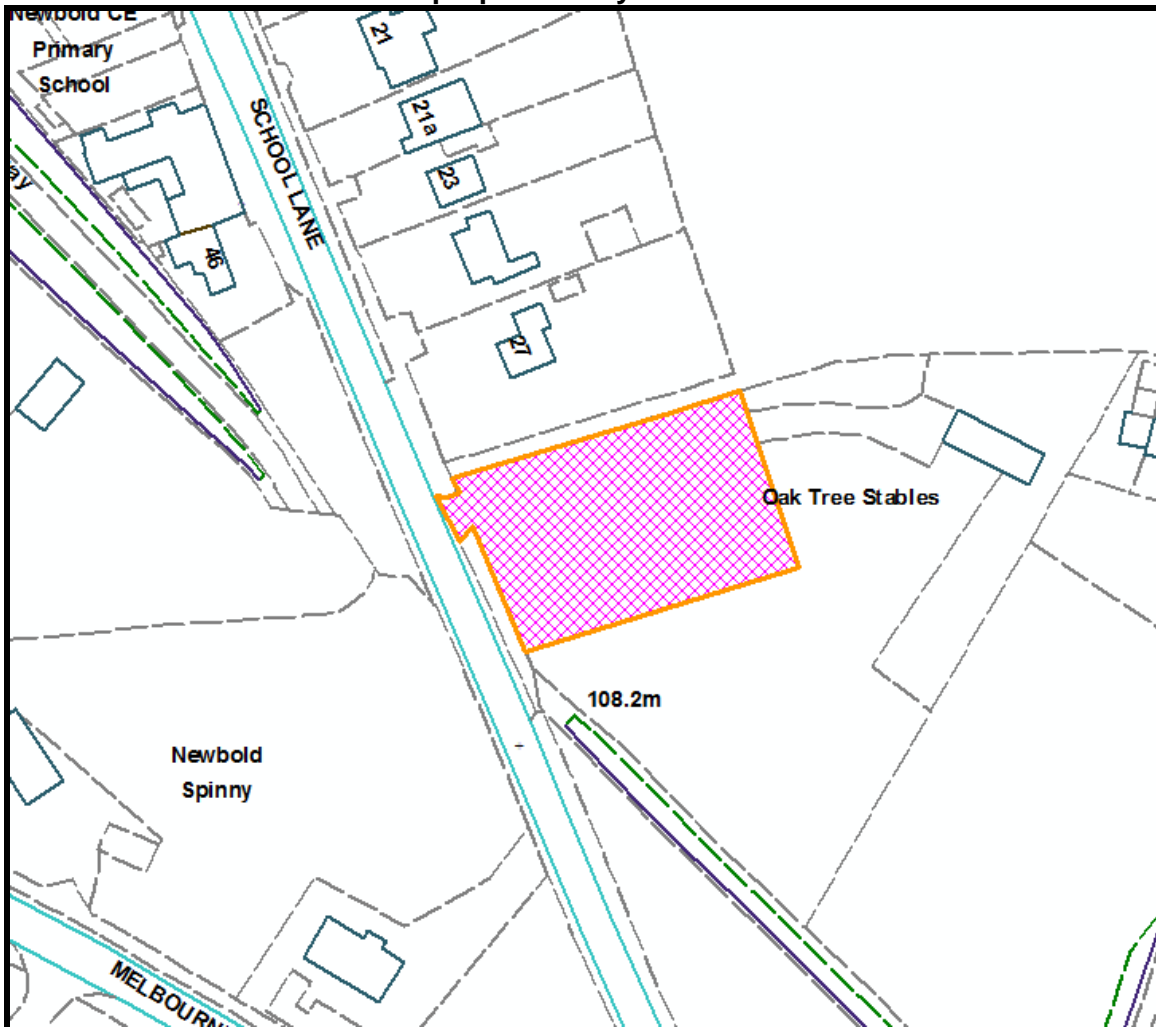
Date Registered  
14 May 2015

Case Officer:  
Adam Mellor

Target Decision Date  
9 July 2015

Recommendation:  
PERMIT

Site Location - Plan for indicative purposes only



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

## EXECUTIVE SUMMARY OF PROPOSALS

### Call In

The application is brought to the Planning Committee as the applicant (Councillor Boam) is a serving member.

### Proposal

Planning permission is sought for the erection of a detached dwelling along with associated garage at Oak Tree Stables, School Lane, Newbold. The site is situated outside the defined limits to development on the south-eastern side of School Lane with the proposed dwelling being a two-storey type (with habitable accommodation in the roof slope) with a ridge height of 8.0 metres.

### Consultations

No letters of representation have been received from third parties or from Worthington Parish Council. All other statutory consultees have raised no objections subject to the inclusion of conditions or notes to the applicant.

### Planning Policy

Whilst the development would conflict with the principles of Policy S3 of the Local Plan the degree of conflict with this Policy would be significantly outweighed by the compliance with all other Policies of the North West Leicestershire Local Plan as well as relevant Paragraphs of the National Planning Policy Framework (NPPF) and Circular 06/05.

### Conclusion

It is considered that the provision of the dwelling would comply with all the relevant strands of sustainability (environmental, economic and social) enshrined within the NPPF with any future resident of the dwelling assisting in sustaining the services within Newbold. It is also considered that the dwelling would not be isolated, given its association with built forms, and overall the principle of the proposal would be acceptable in accordance with the key principles of the NPPF as well as Paragraphs 28, 55 and 70.

It is considered that the scale of its dwelling and its distance from the boundaries with neighbours would ensure that there would be no adverse impacts on existing or future amenities with the relationship with mature trees also not causing a significant impact on future amenities given the general orientation of the site. Whilst dog breeding is undertaken on a neighbouring site it is considered that there would not be detriment to the future amenities of the occupants given the level of operation which is undertaken. On this basis the development would accord with Paragraph 123 of the NPPF and Policy E3 of the Local Plan.

The design of the dwelling responds well to the context in which it is set by including materials and finishing details which are locally inspired and reflect a National Forest identity with there being no visual detriment to the rural environment, as such the development would accord with Paragraphs 57, 60 and 61 of the NPPF and Policies E4, F1 and H7 of the Local Plan.

No objections to the development have been raised by the County Highways Authority and subject to the imposition of relevant conditions it is considered that the scheme would accord with Paragraphs 32 and 39 of the NPPF and Policies T3 and T8 of the Local Plan.

In respect of other matters it is considered that subject to the imposition of relevant conditions, or notes to the applicant, the site could be developed so as to not cause harm to ecological species, not pose a risk to the legacy of coal mining or contaminated land and which would

provide appropriate soft landscaping whilst not being adversely affected by mature trees located to the west and south-west. On this basis the development would accord with Paragraphs 118, 120 and 121 of the NPPF, Policies E7, F1, F2 and F3 of the Local Plan and Circular 06/05. It is therefore recommended that the application be permitted.

**RECOMMENDATION - APPROVE, subject to conditions;**

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

## MAIN REPORT

### 1. Proposals and Background

Planning permission is sought for the erection of a detached dwelling along with associated garage at Oak Tree Stables, School Lane, Newbold. Oak Tree Stables is a 0.14 hectare site situated on the south-eastern side of School Lane and is currently used as paddock land with an associated stable. An existing vehicular access into the site off School Lane exists with it being noted that the site is situated outside the defined limits to development. The boundary of the settlement of Newbold lies adjacent to public footpath M32 which itself lies adjacent to the north-western boundary of the site.

The proposed dwelling would be set 12.6 metres from School Lane and would be a two-storey type, with habitable accommodation in the roof slope, with principle dimensions of 19.2 metres in length (including front projections) by 14.2 metres in width with an overall height of 8.0 metres. The plans indicate that the dwelling would contain a double garage, study, living room, hallway, snug, open-plan dining/kitchen area, utility and pantry at ground floor level and four bedrooms, an en-suite and bathroom at first floor level for the occupants.

A design and access/planning statement, extended phase 1 survey and coal mining risk assessment have been submitted in support of the application.

The planning history of the site as is follows: -

- 97/0266/P - Erection of one dwelling (outline) - Refused 14th May 1997;
- 98/0129/P - Erection of one dwelling (outline - means of access) - Refused 11th March 1998;
- 98/0852/P - Use of land for keeping of horses, erection of stable block and formation of vehicular access - Refused 16th December 1998;
- 99/0598/P - Erection of stable block, formation of vehicular access and change of use of land to keeping of horses for recreational use - Approved 9th August 1999;
- 99/1136/P - Erection of a stable block - Approved, subject to a Section 106 Agreement, 26th July 2001;
- 01/01144/FUL - Importing soil and formation of a pond - Approved 21st December 2001;
- 02/00072/FUL - Retention of stableblock - Refused 19th August 2002;
- 03/01130/FUL - Erection of stable block and feedstore - Refused 9th December 2004;
- 05/01237/FUL - Erection of stable building - Approved 3rd October 2005.

### 2. Publicity

3 neighbours have been notified (Date of last notification 21 May 2015)

Press Notice published 27 May 2015

Site Notice posted 28 May 2015

### 3. Consultations

Clerk To Worthington Parish Council consulted  
 County Highway Authority  
 Severn Trent Water Limited  
 Natural England  
 LCC ecology  
 LCC/Footpaths  
 NWLDC Footpaths Officer



Coal Authority

#### 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.

**Coal Authority** has no objections subject to a condition to ensure that the site is made safe for development.

**Leicestershire County Council - Ecology** has no objections subject to the inclusion of conditions for the provision of an additional great crested newts survey should development not commence before March 2017, placement of materials on pallets and removal of any vegetation outside of the bird nesting season.

**Leicestershire County Council - Footpaths** has no objections subject to notes to the applicant.

**Leicestershire County Council - Highways** has no objections subject to their standing advice being considered in respect of car parking, visibility splays, access surfacing, set back of gates, whether a pedestrian footway is necessary and if a pedestrian footway is present relevant pedestrian visibility splays.

**Natural England** has no objections subject to their standing advice on protected species being considered.

**NWLDC - Environmental Protection** have verbally confirmed that there are no objections to the application.

**NWLDC - Environmental Protection Contaminated Land** no representation received but applications within the vicinity of the site have been considered acceptable subject to the inclusion of a contaminated land condition being imposed on any consent given the historic uses of the land.

**NWLDC - Footpaths** has no objections subject to the assurance that the right of way is retained during construction.

**Severn Trent Water** has no objections.

**Worthington Parish Council** no representation received.

#### Third Party Representations

No third party representations have been received.

#### 5. Relevant Planning Policy

##### National Policies

##### *National Planning Policy Framework*

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

Save where stated otherwise, the policies of the North West Leicestershire Local Plan as listed 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 10 (Achieving sustainable development);  
Paragraph 14 (Presumption in favour of sustainable development);  
Paragraph 17 (Achieving sustainable development);  
Paragraph 28 (Supporting a prosperous rural economy);  
Paragraph 32 (Promoting sustainable transport);  
Paragraph 39 (Promoting sustainable transport);  
Paragraph 49 (Delivering a wide choice of high quality homes);  
Paragraph 53 (Delivering a wide choice of high quality homes);  
Paragraph 55 (Delivering a wide choice of high quality homes);  
Paragraph 57 (Requiring good design);  
Paragraph 60 (Requiring good design);  
Paragraph 61 (Requiring good design);  
Paragraph 118 (Conserving and enhancing the natural environment);  
Paragraph 120 (Conserving and enhancing the natural environment);  
Paragraph 121 (Conserving and enhancing the natural environment);  
Paragraph 123 (Conserving and enhancing the natural environment);  
Paragraph 203 (Planning conditions and obligations);  
Paragraph 204 (Planning conditions and obligations);

### **Adopted North West Leicestershire Local Plan (2002)**

The application site is outside the Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy S3 - Countryside;  
Policy E3 - Residential Amenities;  
Policy E4 - Design;  
Policy E7 - Landscaping;  
Policy F1 - General Policy;  
Policy F2 - Tree Planting;  
Policy F3 - Landscaping and Planting;  
Policy T3 - Highway Standards;  
Policy T8 - Parking;  
Policy H4/1 - Housing Land Release;  
Policy H7 - Housing Design;

### **Other Policies**

#### **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.

#### **6Cs Design Guide (Leicestershire County Council)**

The 6Cs Design Guide sets out the County Highway Authority's requirements in respect of the design and layout of new development;

### **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.

## **6. Assessment**

### **Principle of Development**

The District Council is able to demonstrate a five year supply of housing land and as a result of this Policies S3 and H4/1 of the Local Plan are not considered to be 'out of date' in the context of Paragraph 49 of the NPPF. However, in terms of the weight which should be afforded to these policies consideration has to be given to 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).

In terms of Policy S3 the site is outside the limits to development with residential dwellings not being a form of development permitted by Policy S3. A scheme relating to the provision of one dwelling would also not make a significant contribution to the Council's five year housing land supply.

Despite this fact consideration should also be given to other Development Plan Policies and National policies including Policy H4/1 which identifies that in releasing appropriate land for housing consideration should be given to various factors. Whether or not a site is "*appropriate*" is a matter of judgement having regard to its location outside the limits to development.

It is also 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 given the presumption in favour of such as set out in the NPPF.

Whilst being located on a greenfield site it is noted that the siting of the dwelling would be only 8.0 metres from the defined limits to development, with three properties existing further south than the application site with planning permission recently being granted for an additional dwelling within the grounds of No. 35 School Lane (Ref: 15/00241/FUL) and at land at the junction of Melbourne Road and Gelsmoor Road (Refs: 14/00627/FUL and 15/00321/VCU). Newbold Spinney (No. 60) School Lane lies to the west and Railway Cottage on School Lane lies to the north-east and is a property which is detached from the surrounding dwellings. In this context it is considered that the provision of the dwelling would not have a significant impact on the 'openness' of the rural environment, given that it has been sited in close proximity to the highway, and would also not result in the provision of an 'isolated' dwelling in the countryside given that any views established from the public domain would see the dwelling associated with existing built forms.

The settlement of Newbold benefits from the following services: public houses (Gelsmoor Inn, Rempstone Road and Cross Keys Public House, Worthington Lane), a school (Newbold Church of England Primary School, School Lane), leisure and community facilities (off School Lane) and two bus services (nearest stop at the junction of School Lane/Ashby Road/Worthington Lane)

being the 155 between Coalville and Castle Donington, including East Midlands Airport (hourly service between 7am and 7pm Monday to Saturday) and the Cresswell Coaches Service 129 between Ashby and Loughborough (two hourly service between 7:30am and 5:30pm Monday to Saturday). Such services are within walking distance of the application site on maintained footpaths. Having regard to the location of the site it is considered that residents of the development would have access to the services and facilities within the village with other facilities and employment opportunities being accessible by using public transport. In this circumstance it is considered that a scheme for one dwelling would score well against the social sustainability advice contained within the NPPF with occupants of the property also assisting in sustaining these services for the future which is a key intention of Paragraphs 28 and 55 of the NPPF.

Overall the proposal would score well against the sustainability criteria of the NPPF and as such the principle of the development would be acceptable.

### **Residential Amenity**

The proposed dwelling would be set 23.0 metres from the boundary of No. 35 School Lane (which will become the boundary for a new dwelling should planning permission 15/00241/FUL be implemented) and 8.0 metres from the boundary with No. 27 School Lane although public footpath M32 and dense vegetation exist between the application site and No. 27.

Given the placement of the dwelling, relevant distances to neighbouring properties (which are set away from the boundaries) and presence of mature vegetation it is considered that the proposal would not result in any adverse overbearing or overshadowing impacts on the amenities of neighbours. The position of windows would also ensure that there would be no detrimental overlooking impacts.

In respect of the amenities of any future occupants it is noted that No. 27 School Lane is also a breeding kennels and as such some noise maybe associated with this site. The Council's Environmental Protection Team have been consulted and consider that the relationship of the site with the breeding kennels would be acceptable and if the hours of construction resulted in excess noise which caused distress to the dogs then Environmental Protection could address such a matter under their own legislation. The presence of stables on the site would also not result in detriment to the amenities of any future occupant in respect of smell or noise detriment.

It is noted that trees of a mature stature exist to the west of the site, which lie within the grounds of Newbold Spinney (No. 60) Melbourne Road and are protected by Tree Preservation Order T134, and as such this would result in an inevitable overshadowing impact in the latter parts of the day to the front amenity area. However, it is considered that the dwelling has been positioned so as this impact would be minimised and only the front amenity area would be significantly impacted on, given the distance from the trunks of the trees, and it would not be subjected to substantial impacts for the majority of the day due to the orientation. In this circumstance it is considered that the extent of shadowing would not be sufficiently detrimental to warrant a refusal of the application and, in any case, any future occupants would be aware of this relationship prior to their purchase or occupation.

Overall the proposal would accord with Paragraph 123 of the NPPF and Policy E3 of the Local Plan.

### **Impact on the Character and Appearance of the Surrounding Area and Streetscape**

The need for good design in new residential development is outlined not only in Local Plan Policies E4 and H7 but also Paragraphs 57, 60 and 61 of the NPPF with Paragraph 61 outlining

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

The land on which the dwelling would be situated slopes downwards by 3.01 metres from the south-western to north-eastern boundary and by 2.57 metres from the north-western to south-eastern boundary. It is proposed that the position of the dwelling would have a building line which would be consistent with those properties set to the north-west with the introduction of a two-storey (with habitable accommodation in the roofslope) dwelling being in keeping with the appearance of the streetscape as well as acting as a natural transition between two-storey dwellings to the north-west and single storey dwellings to the south-east. Given the presence of mature vegetation to the roadside boundary and north-western boundary (with public footpath M32) it is considered that the dwelling would not be substantially prominent and would be in keeping with the character and appearance of the streetscape.

With regards to the design of the dwelling itself it is considered that it would be acceptable and would include design features which the Local Authority considers desirable (chimney, eaves and headers, a timber canopy and timber joinery) with these features also being consistent and in keeping with the design of properties within the village which are considered to make a positive contribution to the area such as Birch Tree Barn, Worthington Lane and properties on Henry Dane Way, Newbold. The introduction of timber joinery and a timber canopy also provides the dwelling with a 'National Forest' identity. Overall the scale and design of the dwelling would respect the characteristics of the immediate environment.

The plans show that the dwelling would be constructed from bricks and stone with roof tiles to match those within the surrounding area and the use of these materials would be acceptable in preserving the character and appearance of the surrounding area and streetscape. As no precise details have been supplied it is considered reasonable to impose a condition on any permission granted for the materials to be agreed.

Overall the layout, design and scale of the dwelling is considered to be appropriate and would ensure that the development accords with Paragraphs 57, 60 and 61 of the NPPF and Policies E4, F1 and H7 of the Local Plan.

### **Highway Safety**

The County Highways Authority have raised no objections subject to consideration being given to the provision of visibility splays, surfacing of the access drive, car parking and position of any gates.

It is proposed that an existing vehicular access into the site would be utilised and the width of this access along with the level of visibility achieved would ensure that it could facilitate the vehicular movements associated with one dwelling. The existing gates to the access are set 10.0 metres from the highway which would allow a vehicle to pull clear of the highway whilst waiting to enter the property with sufficient space being provided for vehicular manoeuvres. At present the highway verge is grass and as such not used by pedestrians with the pedestrian footway on the opposite side of School Lane being easily accessed from the site access. In the circumstances that relevant conditions could be imposed on any consent granted to secure the requests of the County Highways Authority it is considered that the development would not be severely detrimental to highway safety and would therefore accord with Paragraph 32 of the NPPF and Policy T3 of the Local Plan.

The site could accommodate at least four off-street parking spaces, two of which would be within the garage, and this amount of parking is considered sufficient based on the amount of bedrooms proposed. Therefore the development complies with Paragraph 39 of the NPPF and Policy T8 of the Local Plan.

### **Ecology**

The County Council Ecologist has commented on the application and has identified that there would not be a need for a great crested newts survey to be provided upfront given the results provided from a survey conducted on a site in close proximity to the site. However, there is the possibility that great crested newts could relocate to the pond, located 50 metres from the site, within the immediate future and as such it is advised that a condition is imposed for a revised survey to be provided should the development not commence prior to March 2017 (the beginning of the GCN survey season). Conditions are also suggested for any building materials to be stored on pallets, for rubble and waste associated with the development to be immediately disposed of or stored in skips and for any removal of the hedge to be undertaken outside the bird nesting season or for an ecologist to survey the hedge prior to its removal.

It is considered that it would be unreasonable to impose a condition in respect of an ecologist being present when any vegetation is removed given that such works could be carried out at any time without consent. Therefore a relevant note to the applicant would be imposed to make them aware of the legal status of nesting birds.

Overall, the proposed would not cause conflict with the principles of Paragraph 118 of the NPPF or Circular 06/05.

### **Landscaping**

The position of the dwelling would ensure that there would not be significant implications to mature vegetation on the site, given that it is located to the site boundaries, with the imposition of a condition to secure a landscaping scheme to include works to existing vegetation (some existing hedges identified for trimming) as well as securing additional planting due to the site's location in the National Forest.

As identified in the Residential Amenity section of this report it is noted that it is inevitable that the front amenity area for the dwelling, and its front elevation, would be subjected to shading when the sun is positioned to the south-west and west due to the relationship with mature trees at Newbold Spinney (No. 60) Melbourne Road. However BS5837 (2012) outlines that "*NOTE The presence of large species trees is increasingly being seen as advantageous, since it contributes to climate change resilience, amongst other benefits;*" and "*NOTE 1 Shading can be desirable to reduce glare or excessive solar heating, or to provide for comfort during hot weather. The combination of shading, wind speed/turbulence reduction and evapo-transpiration effects of trees can be utilised in conjunction with the design of buildings and spaces to provide local microclimate benefits.*" Given that the property would only be subject to excessive shading in the latter parts of the day, and it would only impact on the front amenity area and front elevation, it is considered that this relationship would be acceptable. Given that the dwelling would be located over 22.0 metres from the trunks of the trees and the fact that the trees are protected, as well as being on land outside of the ownership of the applicants, it is considered that this would protect them from any unnecessary pressure for removal.

Given the above conclusions it is considered that an approval of the development would not result in significant conflict with the principles of Policies E7, F1, F2 or F3 of the Local Plan.

### **Other Matters**

The Council's Environmental Protection and the Coal Authority have raised no objections with regards to ground contamination or land instability subject to the imposition of conditions on any consent granted. In these circumstances it is considered that the proposal would not lead to land instability issues to neighbouring properties which would ensure compliance with Paragraphs 120 and 121 of the NPPF.

**Summary Reasons for Granting Planning Permission**

It is considered that the provision of the dwelling would comply with all the relevant strands of sustainability (environmental, economic and social) enshrined within the NPPF with any future resident of the dwelling assisting in sustaining the services within Newbold. It is also considered that the dwelling would not be isolated, given its association with built forms, and overall the principle of the proposal would be acceptable in accordance with the key principles of the NPPF as well as Paragraphs 28, 55 and 70.

It is considered that the scale of its dwelling and its distance from the boundaries with neighbours would ensure that there would be no adverse impacts on existing or future amenities with the relationship with mature trees also not causing a significant impact on future amenities given the general orientation of the site. Whilst dog breeding is undertaken on a neighbouring site it is considered that there would not be detriment to the future amenities of the occupants given the level of operation which is undertaken. On this basis the development would accord with Paragraph 123 of the NPPF and Policy E3 of the Local Plan.

The design of the dwelling responds well to the context in which it is set by including materials and finishing details which are locally inspired and reflect a National Forest identity with there being no visual detriment to the rural environment, as such the development would accord with Paragraphs 57, 60 and 61 of the NPPF and Policies E4, F1 and H7 of the Local Plan.

No objections to the development have been raised by the County Highways Authority and subject to the imposition of relevant conditions it is considered that the scheme would accord with Paragraphs 32 and 39 of the NPPF and Policies T3 and T8 of the Local Plan.

In respect of other matters it is considered that subject to the imposition of relevant conditions, or notes to the applicant, the site could be developed so as to not cause harm to ecological species, not pose a risk to the legacy of coal mining or contaminated land and which would provide appropriate soft landscaping whilst not being adversely affected by mature trees located to the west and south-west. On this basis the development would accord with Paragraphs 118, 120 and 121 of the NPPF, Policies E7, F1, F2 and F3 of the Local Plan and Circular 06/05. 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 drawing numbers S1312/01, 2014.127-001, 2014.127-002 and 2014.127-003, received by the Local Authority on the 14th May 2015, unless otherwise required by another condition of this permission.

*Reason - to determine the scope of the permission.*

- 3 Notwithstanding the details specified in the application, no building shall be erected on site above damp proof course level until details of all external materials to be utilised in the development (including details of colour/stain finishes to windows, doors and meter boxes) have first been submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

*Reason - to ensure a satisfactory standard of external appearance in the interests of preserving the visual amenities of the area and streetscape.*

- 4 Notwithstanding the details shown on the approved plans before first occupation/use of the dwellings, hereby permitted, a scheme of soft and hard landscaping (including for the retention of and works to any existing trees and hedgerows) shall be submitted to and agreed in writing by the Local Planning Authority. The approved soft landscaping scheme shall be implemented in the first planting and seeding season following the first occupation/use of the dwelling with the hard landscaping scheme being provided in full prior to the first occupation/use of any dwelling unless alternative implementation programmes are first agreed in writing with the Local Planning Authority.

*Reason - to ensure a satisfactory landscaping scheme is provided within a reasonable period and in the interests of visual amenity given the site's location within a Conservation Area.*

- 5 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.*

- 6 Notwithstanding the details shown on the approved plans before first occupation/use of the dwelling, hereby approved, a detailed scheme for the boundary treatment of the site (including all walls, fences, gates, railings and other means of enclosure) shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be provided in full prior to the first occupation of any dwelling hereby approved unless an alternative timescale is first agreed in writing by the Local Planning Authority.

*Reason - to preserve the amenities of the locality, in the interests of highway safety and because insufficient information has been submitted as part of the application.*

- 7 No development shall commence on site until the proposed site levels and finished floor level of the dwelling, which shall be related to a fixed datum point off the site, have first been submitted to and agreed in writing with the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

*Reason - to determine the scope of the permission and in the interests of residential amenity and the visual amenity of the streetscape.*



- 8 Prior to the first occupation of the dwelling, hereby approved, the associated detached garage and parking and turning areas shall be provided in accordance with those shown on the proposed block plan on drawing no. 2014.027-002, received by the Local Authority on the 14th May 2015, and once provided shall thereafter be maintained and kept available for use at all times.

*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.*

- 9 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as to not open outwards.

*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.*

- 10 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 the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:

- BS10175:2011 + A1:2013 Investigation Of Potentially Contaminated Sites Code of Practice;
- BS 8576:2013 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOCs);
- BS 8485:2007 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 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.*

- 11 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.*

- 12 No development shall commence on site until a scheme of intrusive site investigation works have been submitted to and agreed in writing by the Local Planning Authority, in consultation with the Coal Authority, in order to establish the exact situation regarding coal mining legacy on the site. The intrusive site investigations shall then be carried out in accordance with the approved details and a report shall then be subsequently submitted to outline the findings of the intrusive site investigations.

If the intrusive site investigations identify the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, details of these remedial works and a verification plan must be submitted to and agreed in writing by the Local Planning Authority. The agreed remedial works and verification must be carried out in full before any development commences in respect of any part of the development hereby approved.

*Reason - to ensure that the land is, or can be made, safe and stable for the proposed development due to the risk from its coal mining history.*

- 13 If no development has commenced on site, with regards to the construction of a detached dwelling and associated garage, prior to March 2017 then no development shall commence until an updated Great Crested Newts survey (which shall include any mitigation measures and licenses which would be obtained) has been submitted to and agreed in writing by the Local Planning Authority in consultation with the County Council Ecologist. Once agreed the development shall thereafter be carried out in accordance with the recommendations of the Great Crested Newts survey and any mitigation measures once provided shall thereafter be so retained.

*Reason - to ensure that protected species are adequately protected and their habitat enhanced.*

- 14 All construction materials to be utilised on the site shall be stored on pallets, to prevent Great Crested Newts taking refuge in the materials, with all rubble and arisings either being immediately removed from the site or placed in a skip for later removal. Any trenches dug in accordance with the development will be provided with sloping access ramps, to prevent animals being trapped, and subsequently checked prior to infilling to ensure that Great Crested Newts and other species are not present.

*Reason - to ensure that protected species are adequately protected and their habitat enhanced.*

- 15 The residential curtilage of the property shall be restricted to the area outlined in red on the attached plan number LPA/15/00451/FUL.

*Reason - for the avoidance of doubt and to prevent encroachment of the residential garden onto the adjacent paddock land.*

### 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 pre-application stage which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (Paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 2 As of the 22nd November 2012 written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97.00 per request. Please contact the Local Planning Authority on (01530) 454665 for further details.
- 3 All works within the limits of the highway with regard to access shall be carried out to the satisfaction of the Highways Manager (telephone 0116 3050001).
- 4 All scrub, hedge and shrub vegetation clearance should take place outside the bird nesting season (September to February) unless the vegetation is surveyed by a qualified ecologist to ensure that no bird's nests are present.
- 5 The applicant must ensure that people carrying out the works are made aware of the legal status of breeding birds, and that they proceed with care to ensure that if any breeding birds are present, they are not killed, injured or disturbed. If a breeding bird is discovered it should be left undisturbed and the relevant work should be halted immediately until the young birds have flown. Failure to comply with this may result in prosecution; anyone found guilty of an offence is liable to a fine of up to £5,000.00 or to imprisonment for a term not exceeding six months, or both, as it is an offence to disturb nesting/breeding birds.
- 6 Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from the Coal Authority's website at: <https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>.

This page is intentionally left blank

Likely to contain exempt information under paragraph(s) 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

Agenda Item 6.

Document is Restricted

This page is intentionally left blank