

Meeting	PLANNING COMMITTEE
Time/Day/Date	4.30 pm on Tuesday, 10 May 2016
Location	Council Chamber, Council Offices, Coalville
Officer to contact	Democratic Services (01530 454512)

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

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

AGENDA

Item	Pages
1. APOLOGIES FOR ABSENCE	
2. DECLARATION OF INTERESTS	
Under the Code of Conduct members are reminded that in declaring disclosable interests you should make clear the nature of that interest and whether it is pecuniary or non-pecuniary.	
3. MINUTES	
To confirm and sign the minutes of the meeting held on 6 April 2016	5 - 10
4. PLANNING APPLICATIONS AND OTHER MATTERS	
Report of the Head of Planning and Regeneration.	11 - 14



Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
A1	13/00802/FULM: Residential development of 78 dwellings with associated road and service infrastructure, drainage ponds and features, landscaping and open space Land To The North Wainwright Road Hugglescote	Permit subject to a Section 106 Agreement	15 - 46
A2	15/00641/FULM: Residential development of 197 dwellings with associated road and service infrastructure, drainage ponds and features, landscaping and open space, together with demolition of 104 Forest Road Land To The North Wainwright Road Hugglescote	Permit Subject to a Section 106 Agreement	47 - 78
A3	16/00198/OUT: Erection of three detached dwellings with garages (Outline - Part access for approval) Land Adjacent To 67 Loughborough Road Coleorton Coalville	Permit	79 - 100
A4	16/00311/OUT: Erection of two detached dwellings and garages (Outline - access and layout included) Land Adjacent To Wilford House Loughborough Road Coleorton	Refuse	101 - 114
A5	16/00183/FUL: Erection of detached dwelling with associated off-street parking Land Adjacent To 29 Main Street Osgathorpe Loughborough	Permit	115 - 134
A6	16/00199/FUL: Additional use for car servicing, repair and polishing and storage for 10 cars Petrol Filling Station Ashby Road Boundary	Permit	135 - 144
A7	16/00371/VCI: Variation of Condition 1 and removal of Condition 2 associated with planning permission reference 15/00648/VCI to allow for the removal of part of boundary wall (retrospective) and formation of a vehicular and pedestrian access off The Delph with associated brick piers and gates. Breedon Hall Main Street Breedon On The Hill	Permit	145 - 156

Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
A8	16/00370/LBC: Removal of part of boundary wall (retrospective) and formation of new gates and gate piers for access to and from The Delph (For vehicles and pedestrians) (Listed Building Consent) Breedon Hall Main Street Breedon On The Hill	Permit	157 - 164
A9	16/00322/FUL: Erection of a first floor extension, new chimney and a 6 metre flag pole within the front garden area 5 Main Street Ravenstone Coalville	Permit	165 - 170

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MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on WEDNESDAY, 6 APRIL 2016

Present: Councillor D J Stevenson (Chairman)

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

In Attendance: Councillors S McKendrick and T J Pendleton

Officers: Mr C Elston, Mrs A Lowe, Mr J Mattley, Mr A Mellor, Mr J Newton and Mrs R Wallace

113. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor J Bridges.

114. DECLARATION OF INTERESTS

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

Councillor R Boam declared that he had been lobbied without influence in respect of item A1, application number 16/00043/OUT.

115. MINUTES

Consideration was given to the minutes of the meeting held on 1 March 2016.

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

RESOLVED THAT:

The minutes of the meeting held on 1 March 2016 be approved and signed by the Chairman as a correct record.

116. 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.

117. A1

16/00043/OUT: ERECTION OF 9 DWELLINGS (OUTLINE APPLICATION WITH ACCESS, SCALE AND LAYOUT FOR APPROVAL) (RESUBMISSION)

Land At Main Street Osgathorpe Loughborough

Officer's Recommendation: Refuse

The Senior Planning Officer presented the report to Members.

Mr M Buczkiewicz, Parish Councillor, addressed the Committee. He advised Members that he had lived in Osgathorpe for 26 years and felt it was important for the Committee to listen to the local objections. He reported that including the recent developments that had been approved the village had had an 18 percent increase and this application was not necessary. He believed that the village was not sustainable and the only bus service to the area was under threat. He felt that the development would have an adverse effect to the rural nature and character of the village, as well as a negative visual impact. He urged Members to refuse the application.

Mr I Bourne, applicant, addressed the Committee. He advised the Committee that his family had lived at the farm for over 60 years. He explained that the proposal was for a mixture of smaller dwellings and would not have a negative impact. He felt that all villages needed small developments to help local people who are downsizing to remain in the area and he had already been approached by local people expressing an interest. He added that it would provide much needed housing during the current shortage and urged Members to permit the application.

The officer's recommendation to refuse was moved by Councillor J Legrys and seconded by Councillor R Johnson.

Councillor G Jones felt that there was little wrong with the application and although officers referred to the heavy reliance on motor vehicles, this was now normality everywhere.

Councillor J Legrys commented that he understood that all settlements needed to take some development due to the current demand on housing, plus the issue with the five year land supply was still ongoing. He also commented that the application was outside the limits to development and although applications such as this had been approved in the past, and that the applicant did have plans to assist with the sustainability of the village, he believed that the officer's recommendation was the correct one.

Councillor J Hoult raised his concerns regarding the future of the bus service but believed that bringing people into the village by approving developments such as the one proposed would help make the area more sustainable and save services such as the local bus.

Councillor M B Wyatt commented that he would vote against the officer's recommendation as it was important to build on empty pieces of land as proposed.

Councillor M Specht commented that the community hub as proposed by the local public house would be great for the village. Regarding the bus service, he commented that they were regularly under review in the more rural areas and if people did not use them, they would stop. Developments such as the one proposed would bring people into the village and help local people who needed to downsize stay in the area.

Councillor J G Coxon was in favour of permitting the application as it was a piece of infill land with houses all around. He felt that small developments in villages were necessary.

Councillor R Boam believed that there was a local need for this development and the affordable housing would help the younger residents of the village. He was confident that if people used the bus service it would remain. He concluded that he would be voting against the officer's recommendation.

Councillor D Everitt raised concerns regarding the reference to infilling land as he believed that it was important for a village to keep its character and that was what spaces between developments did. He believed the proposal would ruin the village.

The Chairman commented that in the past training for Members, a Planning Barrister had stated that without an up to date local plan and a five year land supply in place, the Council would not be successful in the case of any appeal; therefore he felt he needed to support the application at this stage.

The officer's recommendation to refuse the application was put to the vote.

A recorded vote having been requested by Councillor J Legrys, the voting was as follows:

For the motion:

Councillors R Adams, D Everitt, R Johnson and J Legrys (4).

Against the motion:

Councillors G A Allman, R Boam, R Canny, J Cotterill, J G Coxon, J Hoult, G Jones, V Richichi, N Smith, M Specht, D J Stevenson and M B Wyatt (12).

Abstentions:

(0).

The motion was LOST.

The substantive motion to permit the application was moved by Councillor M Specht, seconded by Councillor J Hoult and was put to the vote.

The voting was as follows:

For the motion:

Councillors G A Allman, R Boam, R Canny, J Cotterill, J Coxon, J Hoult, G Jones, V Richichi, N Smith, M Specht, D J Stevenson and M B Wyatt (12).

Against the motion:

Councillors R Adams, D Everitt, R Johnson and J Legrys (4).

Abstentions:

(0).

The motion was PASSED.

RESOLVED THAT:

The application be permitted.

118. A2

16/00075/FUL: PROPOSED ERECTION OF DETACHED DWELLING WITH ASSOCIATED OFF-STREET PARKING AND FORMATION OF NEW VEHICULAR ACCESS ONTO CLEMENTS GATE

17 Clements Gate Diseworth Derby

Officer's Recommendation: Refuse

The Senior Planning Officer presented the report to Members

Before the agent addressed the Committee, in response to a question from the Chairman, he confirmed that the proposal was for the applicant's elderly parents.

Mr D Crane, agent, addressed the Committee. He advised that the scale, massing and materials were good, and the dwelling had been carefully designed to fit in with the surrounding area. It would also have a positive effect on the street scene. He reported that the dwelling was not for financial gain but for the elderly parents of the applicant and included a lift. He believed that the officer's report was repetitive and contained many contradictions. Also, that the objections were taken in isolation and out of context. He reminded Members that the application had support from Councillor N J Rushton, neighbours and the Parish Council, and urged to permit.

The Chairman commented that there were no objections and that the dwelling had been purposely designed for the applicants elderly parents. He added that having been to the

site, he could see that the proposed dwelling did not even cover 25 percent of the plot and the village was already varied in building design. He could not see any issues with the proposals and therefore moved that the application be permitted. It was seconded by Councillor G Jones.

Councillor R Canny felt that the proposed size of the dwelling was too large and it would look like it had been shoe horned in to the site. She understood that it was already a varied street with regards to building design but felt it would not add anything to the open end of the street.

Councillor G Jones supported the comments of the Chairman.

Councillor R Johnson raised concerns regarding the steep incline of the proposed access and suggested using the existing access. He believed that officers did not have any concerns regarding the development of the site but it was the proposed size of the dwelling that caused the issue. The neighbouring house would lose the light from their bay window and he agreed with the officers that it was too large.

Councillor D Everitt concurred with other Members as he also believed the proposed dwelling was too large.

Councillor J Legrys found the decision difficult to make as there was a lot of building work currently in the area which indicated that applications had been permitted. He felt strongly that the Committee were being lectured by particular Members regarding following the professional advice of planning officers and now they were going against the officer's recommendations. He commented that it was a large plot which would make a good home and he could see the need for the proposal. He added that he would be voting in favour of the motion but in his opinion the proposal was a little on the large size and he asked the officers to discuss this with the applicant with the possibility of making a change under reserved matters.

RESOLVED THAT:

The application be permitted.

119. PROPOSED ALTERATIONS TO SECTION 106 OBLIGATIONS IN RESPECT OF AFFORDABLE HOUSING IN ASSOCIATION WITH RESIDENTIAL DEVELOPMENT AT ACRESFORD ROAD, DONISTHORPE (APPLICATION NO. 14/00802/OUTM)

Before discussion on the item commenced, the Chairman assured Members that in accordance with the Constitution, he would raise the issue of amendments to Section 106 Agreements in general with the Director of Services in regards to the best way of making the decisions.

The Principal Planning Officer presented the report.

Ms C Chave, agent, addressed the Committee. She commented that it had been over a year since approval was granted and during this time extensive marketing had taken place, the outcome of which was that there was little interest in the proposal given the requirement to provide 30 percent affordable housing on site. During the consultation the Parish Council also questioned if more affordable housing was actually needed in the area. In her opinion, the provision of an off-site commuted sum was a better option than to not develop the site at all and confirmed that the remaining Section 106 agreements would remain. She added that the decision would not set a precedent for other sites as each development was financially assessed individually.

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

Councillor D Everitt strongly expressed his disappointment with the situation. He commented that an agreement should be honoured and not changed. He could not help but be suspicious when the excuse of viability was constantly raised after permission had been granted.

Councillor J Legrys thanked the Chairman for his efforts to resolve the issue as a whole. He commented that there was no evidence of any effort of trying to sell the site; in future he felt that officers should demand this evidence. He was also disappointed that the committee were encouraged to support the application by local residents and now the most essential element was being denied. He concluded that he had no confidence that any decision made at the meeting would be adhered to and felt that it would return to Committee in the future because of the inability to sell the site.

The Chairman reminded Members that they did have the District Valuer's opinion on the application.

In response to a question from Councillor G Jones, the Chairman clarified that he did not want to discuss where the money was likely to be spent as he would be meeting with the Director of Services to discuss the matter fully.

RESOLVED THAT:

- a) The existing affordable housing obligation be substituted by the payment of an off-site commuted sum of £122,372.
- b) A Deed of Variation be secured to the original Section 106 Agreement.

Councillor R Canny arrived at 4.35pm.

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 5.25 pm

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APPENDIX B

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

10 May 2016

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.

Residential development of 78 dwellings with associated road and service infrastructure, drainage ponds and features, landscaping and open space

Report Item No
A1

Land To The North Wainwright Road Hugglescote
Leicestershire

Application Reference
13/00802/FULM

Applicant:
Davidsons Group And Mr C F And Mrs P Brown

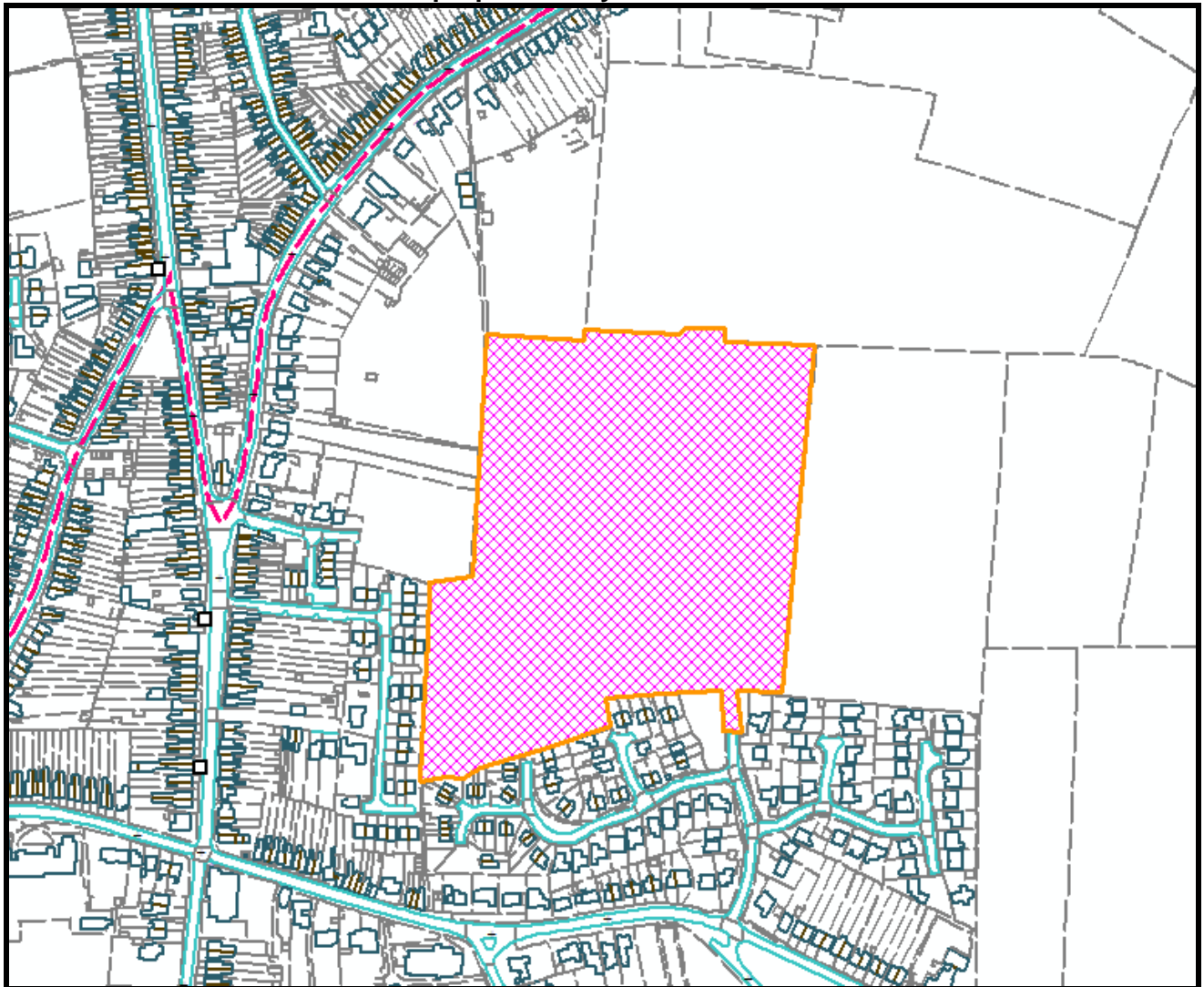
Date Registered
3 October 2013

Case Officer:
James Knightley

Target Decision Date
2 January 2014

Recommendation:
PERMIT Subject to a Section 106 Agreement

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Proposal

This application seeks full planning permission for residential development of 78 dwellings and associated works.

Consultations

Members will see from the main report below that objections have been received in respect of the proposals (including from Hugglescote and Donington le Heath Parish Council).

Planning Policy

The application site is part of a larger area of land north of Grange Road allocated for housing development under Policy H4 of the adopted Local Plan (Proposal H4g). 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 site is allocated for residential development, and that the principle of the development remains acceptable in land use terms. Also relevant is the need to demonstrate and maintain a five year supply of housing land within the District. The proposals would be considered to constitute sustainable development, and release of the site for residential development would be appropriate in principle. The proposed development would, it is considered, be able to be undertaken in a manner acceptable in terms of access issues; there are no other technical issues that would indicate that planning permission should not be granted, and appropriate contributions to infrastructure would also be made so as to mitigate the impacts of the proposals on local facilities, albeit with a reduced contribution to affordable housing required so as to ensure the development remains viable whilst making appropriate contributions to highways and transportation infrastructure.

RECOMMENDATION- PERMIT, subject to Section 106 Obligations, subject to no contrary representations being received by 11 May 2016, and 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

This is a full planning application for residential development of a site of 5.5 hectares in agricultural use for 78 dwellings (having been increased from 75 as originally submitted) on land to the north of Wainwright Road, Hugglescote. The site is adjacent to another site the subject of a further application from the same developers proposing 197 dwellings (ref. 15/00641/FULM), also reported on this agenda. These sites also form part of the wider South East Coalville proposals the subject of outline planning application ref. 13/00956/OUTM; that application was resolved to be permitted at the Planning Committee of 2 December 2014, and is pending completion of a section 106 agreement.

The proposed development would take the form of an extension to the existing Wainwright Road estate, and would provide for connections to the adjacent site to the north and east.

The proposals include for the following mix of house types, to be undertaken by two developers:
 19 no. 3 bed dwellings
 59 no. 4 bed dwellings

All 78 units would be market housing; affordable housing is proposed to be provided on the adjacent site (i.e. that subject to application ref. 15/00641/FULM).

In terms of site layout, the principal road accessing the site from Wainwright Road would run north and intersect in the central part of the site with a proposed east-west road which would then provide vehicular connections (via the site subject to application ref. 15/00641/FULM) to Forest Road and other land to the north of Grange Road also forming part of the wider South East Coalville proposals. The proposed scheme includes areas of open space including an equipped children's play area to the north eastern part of the site, and informal open space (including National Forest planting and storm water storage facilities) to the south west.

2. Publicity

97 Neighbours have been notified (Date of last notification 29 December 2015)

Site Notice posted 5 August 2015
 Press Notice published 29 July 2015

3. Consultations

Hugglescote & Donington Le Heath consulted
 Head of Environmental Protection consulted 22 October 2013
 County Highway Authority consulted 24 December 2015
 NHS Leicester, Leicestershire And Rutland Facilities Managme consulted 5 March 2014
 Police Architectural Liaison Officer consulted 5 March 2014
 LCC/Footpaths consulted 5 March 2014
 LCC Development Contributions consulted 5 March 2014
 NWLDC Urban Designer consulted 5 March 2014
 National Forest Company consulted 5 March 2014
 Hugglescote And Donington Le Heath Parish Council consulted 9 October 2013
 Environment Agency consulted 10 October 2013
 Severn Trent Water Limited consulted 10 October 2013
 NWLDC Tree Officer consulted 10 October 2013
 County Archaeologist consulted 10 October 2013

LCC ecology consulted 10 October 2013
 Development Plans consulted 10 October 2013
 Head Of Leisure And Culture consulted 10 October 2013
 Manager Of Housing North West Leicestershire District Council consulted 10 October 2013
 Highways Agency- Article 15 development consulted 10 October 2013
 National Forest Company consulted 10 October 2013
 DEFRA consulted 10 October 2013
 FRCA (MAFF)- loss of agricultural land consulted 10 October 2013
 LCC Fire and Rescue consulted 10 October 2013
 Network Rail consulted 10 October 2013
 Head Of Street Management North West Leicestershire District consulted 10 October 2013
 LCC Flood Management consulted 14 January 2016

4. Summary of Representations Received

Environment Agency has no comments and recommends seeking the advice of Leicestershire County Council as Lead Local Flood Authority

Highways England (formerly the Highways Agency) has no objections

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

- Insufficient application documents / information
- Development would be a major contributor to the unnecessary redevelopment of the Hugglescote Crossroads including the subsequent loss of the Community Centre - a contribution of £1,000 per dwelling is requested to contribute towards the purchase of land and the building of a new Parish owned community facility
- A sum of £1,400 per dwelling towards recreational space is requested
- Proposed children's play area unsuitable position (too far from proposed dwellings in the south / south west of the site)
- Insufficient water supply for fire fighting or future residential development
- Foul water flooding
- Unsafe access (almost 150 dwellings off a single point of access)
- Insufficient primary school capacity
- Insufficient affordable housing
- Affordable housing needs to be distributed throughout the site
- Separate pedestrian and cycle routes required
- More direct vehicular routes to adjacent land required
- Proposed garages not compliant with Leicestershire County Council's 6Cs guidance
- Cross sections required
- Inaccuracies in Design and Access Statement
- Applicants' facilities plan not representative of distances
- Insufficient National Forest planting
- No coherent house type design by the site's developers
- Standard house types used not reflecting local character
- Two and half storey units randomly distributed rather than used to define gateways
- 1 in 1,000 year flood maps requested
- Parish Council is requesting an independent traffic survey
- Design and Access Statement places great store on the Community Centre which would be demolished if the development was permitted and works to the Hugglescote Crossroads undertaken

Leicestershire County Council Archaeologist has no objections subject to conditions

Leicestershire County Council Ecologist has no objections subject to conditions

Leicestershire County Council Highway Transportation & Waste Management Authority requests a developer contribution of £5,100 in order to mitigate the impact on civic amenity waste facilities in the local area.

Leicestershire County Council Landscape Officer has no requirements in respect of developer contributions

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

Leicestershire County Council Library Services Development Manager requests a developer contribution of £2,350 in respect of Coalville Library

Leicestershire County Council Local Education Authority requests developer contributions of £317,531.55 in respect of additional provision in the primary and high school sectors

Leicestershire County Council Local Highway Authority final comments awaited

Leicestershire County Council Rights of Way Officer has no objections subject to conditions

Leicestershire Police objects unless a developer contribution of £29,348 in respect of policing is provided

National Forest Company has no objections in principle but considers that trees should be provided within the highway verge

Network Rail has no objections subject to the development making appropriate contributions to wider highways infrastructure as part of the wider South East Coalville development.

NHS England (Leicestershire and Lincolnshire Area) requests a healthcare contribution of £12,659.71

North West Leicestershire District Council Environmental Health has no objections

North West Leicestershire District Council Cultural Services Officer comments that there may not need to be a requirement to divert existing rights of way passing through the site

Severn Trent Water has no objections subject to conditions

Third Party Representations

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

- Overdevelopment / density too high
- Effect on the character of the neighbourhood
- Independent transport assessment should be required
- Increased traffic / congestion
- Adverse impact on highway safety
- Queries whether the proposed development is affected by the District Council's Green

- Infrastructure policy
- Area cursed with applications for new housing

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 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 56 (Requiring good design)
- Paragraph 57 (Requiring good design)
- Paragraph 59 (Requiring good design)
- Paragraph 61 (Requiring good design)
- Paragraph 64 (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 112 (Conserving and enhancing the natural environment)
- Paragraph 118 (Conserving and enhancing the natural environment)
- Paragraph 135 (Conserving and enhancing the historic environment)
- Paragraph 173 (Using a proportionate evidence base)
- Paragraph 203 (Planning conditions and obligations)
- Paragraph 204 (Planning conditions and obligations)

Adopted North West Leicestershire Local Plan (2002)

The application site is part of a larger area of land north of Grange Road allocated for housing development under Policy H4 of the adopted Local Plan (Proposal H4g). A more detailed analysis of Proposal H4g is set out in section 6 below.

The following adopted Local Plan policies are considered relevant:

- Policy S2 - Limits to Development
- Policy H4 - Housing Allocations
- Policy H4/1 - Housing Land Release
- Policy H6 - Housing Density

Policy H7 - Housing Design
Policy H8 - Affordable Housing
Policy E2 - Landscaped Amenity Open Space
Policy E3 - Residential Amenities
Policy E4 - Design
Policy E6 - Comprehensive Development
Policy E7 - Landscaping
Policy E8 - Crime Prevention
Policy F1 - National Forest General Policy
Policy F2 - National Forest Tree Planting
Policy F3 - National Forest Landscape and Planting
Policy T3 - Highway Standards
Policy T8 - Parking
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 (which, for the purposes of the SPD, includes the settlements of Coalville, Whitwick, Thringstone, Greenhill, Ellistown and Battleflat, Bardon and Hugglescote).

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.

South East Coalville Development Brief

A Development Brief for the South East Coalville Strategic Development Area has been prepared by consultants on behalf of the developers' consortium with interests in the land in conjunction with the Local Planning Authority, and including input from other professional consultants, stakeholders and members of the local community, in order to inform the process of planning and development of land at South East Coalville.

The draft Development Brief was considered by the District Council's Cabinet at its meeting of 23 July 2013 where it was resolved that the production of the Development Brief for South East Coalville be noted, that regard be had to the Development Brief when negotiating on and determining planning applications in the South East Coalville Broad Location, and that the Development Brief form part of the evidence base for the [then] submission Core Strategy.

Emerging North West Leicestershire Local Plan

On 15 September 2015 the District Council's Full Council considered a draft Local Plan and resolved to approve the draft Local Plan for consultation. The draft policies listed below are considered relevant to this application. However, in view of the very early stage to which the draft Local Plan has progressed, only very limited weight can be attributed to its policies at this stage.

The site is located within Limits to Development as defined in the draft Local Plan and is also identified as part of a wider Housing Provision Resolution under Policy H2 (H2g).

The following draft Local Plan policies are considered relevant:

Policy S1 - Presumption in favour of sustainable development

Policy S4 - Countryside

Policy S5 - Design of new development

Policy H2 - Housing provision: resolutions

Policy H4 - Affordable housing

Policy H6 - House types and mix

Policy IF1 - Development and infrastructure

Policy IF3 - Open space, sport and recreation facilities

Policy IF4 - Transport infrastructure and new development

Policy IF7 - Parking provision and new development

Policy En1 - Nature conservation

Policy En3 - The National Forest

Policy He1 - Conservation and enhancement of North West Leicestershire's historic environment

Policy Cc2 - Sustainable design and construction

Policy Cc3 - Flood risk

Policy Cc4 - Water: sustainable drainage systems

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)).

As set out under Relevant Planning Policy above, the site is allocated for residential development in the adopted North West Leicestershire Local Plan. Policy H4 provides that "The following sites, identified on the Proposals Map, are allocated for housing, subject to the specific requirements subsequently identified in respect of each site:

Transport Choice Corridor

(g) Grange Road, Hugglescote (89 ha; 450 units within the Plan period)..."

In detail, Proposal H4g provides that:

"Development of this site must be undertaken in a comprehensive and phased manner, which incorporates or secures the following requirements:

- (i) *The part of the A511 Bardon Roundabout to Coalville County Road Scheme between the Birch Tree Roundabout and the Bardon Road / Stephenson Way, Coalville Roundabout, as shown on the Proposals Map;*
- (ii) *Vehicular and pedestrian access to the site from that road;*
- (iii) *A railway station, together with all requisite facilities, car parking and bus access, on land adjoining the north western crossing of the Leicester to Burton railway by the road referred to in requirement (i) above;*
- (iv) *A site for a local shopping centre and local community facilities, on land adjoining or adjacent to the railway station referred to in requirement (iii) above;*
- (v) *A site for a new primary school;*
- (vi) *An appropriately located, block planted and landscaped buffer zone of sufficient depth and density to protect nearby dwellings from noise and disturbance emanating from the railway sidings to the east of the Leicester to Burton railway;*
- (vii) *A substantial landscaped belt along the Grange Road frontage of the site;*
- (viii) *Appropriate off-site foul and surface water drainage facilities; and*
- (ix) *Appropriate traffic calming measures on Dennis Street, Hugglescote.*

All requirements of this development, whether arising from the above or other policies of this Local Plan, should be provided at times and levels commensurate with the then number of dwellings constructed.

Within the Plan period, development of about 450 dwellings only will be permitted. All development, whether within or beyond the Plan period, should take place in locations which ensure that the development proceeds both in a comprehensive and phased manner, and outwards from the existing urban edge.

Otherwise than in respect of interim agricultural development, development for any purpose not directly related to the use of this site as a housing area will not be permitted."

Further information is contained within the explanatory paragraphs accompanying the policy. These include provision that the development of the allocated site ought not to be contemplated before the previously proposed Bardon Relief Road was constructed, in view of the then unsatisfactory highway and traffic conditions on the existing A511 Bardon Road between the Birch Tree Roundabout and Stephenson Way.

In terms of the proposals' performance vis-à-vis the requirements of Proposal H4g listed above, the following conclusions are reached:

Comprehensive and phased development

It is noted that this application is for only part of the wider allocation. Outline planning permission already exists for up to 800 dwellings and associated non-residential development on that part of the allocation to the east of the former railway line (ref. 12/00376/OUTM), and a further application on land immediately adjacent to this site is also included on this agenda (i.e. 15/00641/FULM).

Provision of the part of the A511 Bardon Roundabout to Coalville County Road Scheme between the Birch Tree Roundabout and the Bardon Road / Stephenson Way, Coalville Roundabout

This application does not include provision for the Bardon Relief Road; the issues in respect of the ongoing need for the Bardon Relief Road and the alternative approach to providing road linkages between the Birch Tree Roundabout and the Bardon Road / Stephenson Way, Coalville Roundabout were addressed under application 12/00376/OUTM, although it is also noted that the route of the relief road indicated on the Local Plan Proposals Map (Policy T2a(i)) does not affect the part of allocation H4g the subject of this application.

Provision of vehicular and pedestrian access to the site from the new road

Given the part of allocation H4g to which this application relates, and the conclusions reached in respect of application 12/00376/OUTM, this does not need to be considered further save to note that the layout as proposed would allow for connections to adjacent land within the allocation area. It is also noted that Proposal H4g does not specifically preclude access via routes other than the Bardon Relief Road.

Provision of a railway station, together with all requisite facilities, car parking and bus access, on land adjoining the north western crossing of the Leicester to Burton railway by the new road

Given the part of allocation H4g to which this application relates (which is not in the vicinity of the Leicester to Burton railway), this does not need to be considered further.

Provision of a site for a local shopping centre and local community facilities, on land adjoining or adjacent to the railway station

This was provided for in respect of application 12/00376/OUTM.

Provision of a site for a new primary school

This was provided for in respect of application 12/00376/OUTM.

Provision of an appropriately located, block planted and landscaped buffer zone of sufficient depth and density to protect nearby dwellings from noise and disturbance emanating from the railway sidings to the east of the Leicester to Burton railway

Given the part of allocation H4g to which this application relates (which is not in the vicinity of the Leicester to Burton railway), this does not need to be considered further.

Provision of a substantial landscaped belt along the Grange Road frontage of the site

Given the part of allocation H4g to which this application relates (which does not include frontage to Grange Road), this does not need to be considered further.

Provision of appropriate off-site foul and surface water drainage facilities

The scheme is considered to be acceptable in this regard, as set out in more detail below.

Provision of appropriate traffic calming measures on Dennis Street, Hugglescote

None is proposed as part of the application. The Transport Statement submitted with the wider South East Coalville application (13/00956/OUTM) suggested that, whilst there would be an increase in vehicles using Grange Road between the Wainwright Road junction and the Hugglescote Crossroads, and whilst a few vehicles may route along Dennis Street as a result of this, the majority would nevertheless continue to route through the crossroads, as per existing routing by the majority of the Wainwright Road estate's residents as observed during the traffic survey. Given that the current proposals would, in effect, simply form part of that wider development, there would appear to be no reason to now come to a different view on the matter.

Compliance with Other H4g Requirements

Insofar as the requirement that development of only 450 dwellings would be permitted within the Plan period is concerned, it is noted that the Local Plan period was to 2006.

In terms of the requirement that all development should take place in locations which ensure that the development proceeds both in a comprehensive and phased manner, it is noted that the application site forms part of the western portion of the H4g allocation and, as such, development of this site at an early stage would serve to comply with this requirement.

Notwithstanding the site's allocation for residential development within the adopted Local Plan, in determining the application, regard must be had to other material considerations, including other policies, such as other Development Plan policies and National policies.

Housing Land Supply

The NPPF requires that the Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery. The Inspector's decision concerning the Greenhill Road appeal sets out that the Local Planning Authority is currently unable to demonstrate a five year supply of housing land. This means that "saved" Local Plan policies that are concerned with housing supply, such as S3 and H4/1, must be considered to be out of date, and the weight afforded to them when determining planning applications should be reduced accordingly. The NPPF includes a clear presumption in favour of sustainable development, which taken together with the current inability to demonstrate a five year supply, indicates that planning permission for new homes should normally be granted.

Whilst, given the current inability to demonstrate a five year supply, Policy H4g as set out above would, in itself, also be out of date, given the overall intention of the NPPF to boost the supply of housing, the presumption in favour of residential development on the site would, it is considered, remain, and the policy's general compliance with the NPPF in other respects would, it is considered, indicate that significant weight could still be applied to it.

In addition, consideration must 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 this policy is considered to be out of date (by reason of the inability to demonstrate a five year supply of housing, and because a sequential approach to residential development is outdated in the context of the NPPF), the sustainability credentials of the scheme (in terms of accessibility to services) would still need to be assessed.

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, 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 Hugglescote and the range of services available therein, it performs relatively well in this regard. When considered in the context of the adjacent application, the two sites together would have access to both Grange Road and Forest Road, close to existing bus routes connecting Central Road and Station Road with the town centre and other settlements (including Leicester). Furthermore, as part of the wider South East Coalville scheme, provision of bus services through the site would be provided.

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 secure and maintain a five year supply of deliverable sites. It also accepted that, as already outlined, Policy H4/1 is not up-to-date in the context of the NPPF.

Other Matters

Having regard to the three dimensions of sustainable development, it is accepted that the contribution to the economic growth associated with the proposed development, coupled with the role played in contributing to housing land supply and the inclusion of appropriate contributions to local services as detailed below, would ensure that the scheme would sit well in terms of the economic and social dimensions (although attention is drawn to the issues in respect of affordable housing contributions as discussed in more detail under Developer Contributions below). Insofar as the environmental role is concerned, as set out in more detail below, the proposed development would not result in any unacceptable impacts on the natural, built or historic environment and, by virtue of its location, close to the existing built up area and associated services, would perform well in terms of need to travel and the movement towards a low carbon economy.

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

The scheme proposes vehicular access via an extension of the existing Wainwright Road cul-de-sac (with other non-vehicular connections available via existing rights of way); were the scheme developed in association with the development proposed under application 15/00641/FULM, connections would then be available through that development to Forest Road and to other land to the east within the wider South East Coalville scheme.

At the time of preparing this report, the final comments of the County Highway Authority on the latest amended layout were awaited. However, in view of the scheme's compliance with the development proposed generally under application 13/00956/OUTM (albeit further access information will be required to be agreed under condition attached to any permission issued in respect of that application), it is understood that the County Highway Authority is unlikely to raise any objections in principle to the development, and any comments received are likely to focus on matters relating to the detailed design of the proposed estate roads. Any comments received will be reported on the Update Sheet.

As per those agreed to be secured as part of the wider South East Coalville proposals, it is anticipated that the County Highway Authority would be likely to require a range of contributions etc to be secured under a Section 106 obligation or similar (and likely to include matters relating to construction traffic routeing, travel packs, bus passes, Travel Plan co-ordinators, Travel Plan / transportation monitoring and a contribution towards improvements to the wider transportation network in the Coalville area (i.e. in accordance with the District Council's contribution strategy). As part of the wider South East Coalville scheme (2,700 dwellings) proposed under application ref. 13/00956/OUTM an overall transportation contribution of £12,960,000 was agreed (likely to be delivered under an associated Section 278 agreement); it is considered appropriate that the current application makes a similar contribution commensurate to the number of dwellings proposed.

Public Rights of Way

The routes of public rights of way N85 and N86 pass through the western (N85) and south eastern (N86) parts of the site; on the basis of the submitted plans, it would appear that minor alterations to the route of N85 would be required. Whilst the County Council's Rights of Way Officer expresses some concerns regarding the relationship between an unchanged section of the route of N85 and the proposed development (and, in particular the siting of an access road adjacent to it), no objections are raised per se. Insofar as the amenity impacts of the proposed development (i.e. the impacts on the amenity value of the rights of way as leisure / recreational routes given that they would no longer pass through a section of undeveloped countryside) are concerned, it is accepted that some adverse impacts on their value in this regard would result. However, having regard to the limited extent of the section subject to this change, and given the proposed (and retained) routeing of much of the affected sections adjacent to landscaped areas, it is not considered that these impacts would be unacceptably harmful, nor sufficient to render the development unsustainable in NPPF terms. Subject to appropriate surfacing, right of way N85 would also help ensure the availability of good pedestrian accessibility to existing facilities within Hugglescote.

The application site in respect of the wider South East Coalville application (ref. 13/00956/OUTM) included a strip of land connecting the site the subject of this application with Forest Road, indicating its potential to form a pedestrian, cycle and bus route between Forest Road and the site. However, it is understood that the County Highway Authority accepts that, should the link also proposed to Forest Road (i.e. in the location of No. 104 Forest Road) be formed, a further link in this location may not be essential. Whilst that would need to be resolved in due course in respect of the wider South East Coalville scheme, however, it is nevertheless also accepted that, in the context of the current application for 78 dwellings, a link connecting Forest Road to serve this particular development in isolation would not be necessary given the scale of development (and, when considered in conjunction with application 15/00641/FULM, would in any event be accessible via the route in the location of No. 104 Forest Road). It is also accepted that the form of development proposed under this application would not prejudice the potential delivery of the link to the west.

Subject to the above, therefore (and including the applicants making an appropriate contribution towards transportation infrastructure), and subject to the scheme being considered appropriate by the County Highway Authority, the proposed development is considered acceptable in terms of Means of Access and Transportation issues.

Landscape and Visual Impact

The submitted Design and Access Statement assesses the site's landscape context, and the application is also accompanied by an Arboricultural Assessment. The Design and Access Statement provides that the site has a number of important landscape features that would influence the overall proposals, including a number of hedgerows that run along the boundary and through the centre of the site. The Design and Access Statement suggests that these existing features would help to protect the amenity of existing residents as well as help to mitigate the impact of development within the surrounding context of the site. In terms of the wider visual impact, it is noted that limited mitigation (landscaping) is proposed to the north, east and west (although there would be significant areas of open space and additional planting to the areas adjoining existing residential development to the south). However, this lack of screening to the north, east and west should be considered in the context of the site's status as part of a larger allocated housing site, and the proposed layout at these boundaries of the application site reflects its intended future connections to other similar development (and including that proposed under the adjacent application 15/00641/FULM). Whilst there can be no guarantee at this time that those adjacent parcels of land would come forward in the future, this in itself is not considered to represent a reason to refuse the current application as the limited screening proposed would not be significantly different from the current screening to the existing urban edge and, hence, the overall visual impact from distant views would be unlikely to be materially more harmful than currently.

In terms of retained / proposed planting, the site is in the National Forest, and the scheme's performance vis-à-vis the relevant National Forest standards is set out under the relevant section below. In terms of the extent of landscaping and other open space cover proposed in respect of the development, it is noted that the proposed scheme includes for retention of the majority of the existing trees and hedgerows which surround the existing fields forming the application site (i.e. where not possible to be retained due to access formation).

The Arboricultural Assessment categorises the trees on the site, and confirms that only one tree otherwise suitable for retention (a common ash of retention category B (moderate quality)) would be removed. The Assessment also sets out the proposed tree protection measures in

respect of retained trees. The development is considered to represent a reasonable balance between the need to retain the most important trees and hedgerows and the appropriate development of the site, and is considered acceptable in this regard.

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

Loss of Agricultural Land

The site is currently in active agricultural use (including arable crops and grazing) and, insofar as the proposed built development is concerned, this would result in an irreversible loss to non-agricultural use.

Paragraph 112 of the NPPF suggests that, where significant development of agricultural land is demonstrated to be necessary, poorer quality land should be used in preference to that of a higher quality. Having regard to the five year housing land supply issue as set out above, it would seem inevitable that agricultural land will need to be released. Best and Most Versatile (BMV) agricultural land is defined as that falling within in Grades 1, 2 and 3a of the Agricultural Land Classification. Whilst the applicants have not provided a detailed assessment of the agricultural quality of the site, they note that the information provided on the Government's "MAGIC" website indicates it would be Grade 3b (and not, therefore, BMV). This tallies with the MAFF agricultural land classification provided at the time of the North West Leicestershire Local Plan inquiry which identified the majority of the current application site as Grade 3b; the remainder (located to the far south west of the application site) was at that time identified as non-agricultural (although the Environmental Statement submitted in respect of the wider South East Coalville site (i.e. application ref. 13/00956/OUTM) identifies the whole of this site (which forms part of the site subject to application ref. 13/00956/OUTM) as Grade 3b). In either case, however, the site would not appear to include BMV land and, on this basis, the release of the site would appear to sit well with the preference for releasing poorer quality land in preference to Best and Most Versatile agricultural land.

Flood Risk and Drainage

A Flood Risk Assessment (FRA) has been submitted in support of the application. The Environment Agency flood zone maps indicate that the site lies within Flood Zone 1, and the site is therefore considered suitable for development in principle (and in flood risk sequential terms, would meet the requirements of the NPPF). Whilst the site includes field drains which accommodate surface water from a nearby existing residential area, the FRA indicates that these flows are minor and pose a low risk to the proposed development.

In terms of other sources of flood risk, the FRA identifies that, whilst there may be potential for flooding impacts from groundwater by virtue of groundwater "rebound", the FRA suggests that, having regard to the geology of the area, the risk of this occurring is low. Insofar as surface water flooding is concerned, the FRA indicates that, whilst some areas of the southern part of the site are susceptible to surface water flooding during a 1 in 30 year event, it is noted that these areas would be in the general location of the proposed balancing ponds, and hence there would be unlikely to be any impact on the proposed dwellings. The FRA also considers that the development would not increase flood risk to the wider catchment, given the proposed management of surface water. For its part, the Lead Local Flood Authority (LLFA) considers that, based on the surface water management principles set out within the application (and including use of SUDS measures and discharge into an existing watercourse crossing the site),

the proposed development would be acceptable.

Insofar as foul sewage is concerned, the supporting information indicates that the development would connect into an existing sewer on Wainwright Road; no objections are raised by Severn Trent Water.

Overall, in terms of issues of Flood Risk and Drainage, it is considered that the scheme is acceptable, and would provide for appropriate drainage solutions to accommodate the proposed development.

Design

The application is supported by a Design and Access Statement (and including a Building for Life assessment) setting out the applicants' proposals, and explaining the approach taken in terms of design. As set out above, the site forms part of the wider South East Coalville development the subject of outline application ref. 13/00956/OUTM. The conditions resolved to be attached to that planning permission require the agreement of a Design Code for the site which would then constitute a set of design "rules" applying to all subsequent reserved matters applications on the wider site, thus assisting in ensuring a consistent and comprehensive approach to development across the whole site even if (as would be expected given its scale) it is delivered by a range of different developers. The current applications are full rather than reserved matters applications and, whilst District and County Council officers have been working with the developers on a draft Design Code for some time now, there is, at present, no approved Design Code (and, therefore, it cannot be shown that the current proposals would comply with such a Code). However, the proposals have been the subject of extensive discussions between officers and the developers (and have been amended to seek to reflect the improvements to design sought). In order to try to assist the developers in securing early delivery of the housing, officers consider that, whilst there is no approved Design Code at this time, it would represent a reasonable approach if the Local Planning Authority was to seek to agree an appropriate scheme as part of the determination of the current applications, and to then use those schemes as a basis for the wider South East Coalville Design Code. The principles behind the current applications are those compatible with a landscape-led form of development which broadly complies with the approach currently favoured by the wider site consortium; the street typology / hierarchy for this part of the site has also been devised in such a manner so as to allow for a similar approach to be employed elsewhere in the wider site.

Amended plans have recently been submitted and, at the time of preparing this report, the detailed response of the District Council's Urban Designer was awaited, and any further comments made will be reported on the Update Sheet. However, it is understood that the majority of concerns raised have either been addressed by the updated plans, and the remainder can otherwise be dealt with by way of appropriately worded conditions. Subject to the final advice of the District Council's Urban Designer, therefore, the development is considered acceptable in this regard.

Residential Amenity

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

In terms of future residents' amenities, it is noted that the site is not located in close proximity to

any existing incompatible land uses and, in principle, there appears no reason why the development would not be appropriate in this regard, and no objections are raised by the District Council's Environmental Protection team.

Insofar as the impacts on neighbouring occupiers arising from the proposed development are concerned, by virtue of the proposed layout and disposition of public open space / National Forest planting, none of the proposed dwellings would be in close proximity to existing residential property, with the closest existing and proposed dwellings being more than 30 metres from one another. In view of this, and notwithstanding the likely relative ground and floor levels, it is not considered that any materially adverse impact on residential amenity would result in this regard.

It is noted that the proposed development would result in the accessing of the new dwellings via Wainwright Road, and this would therefore lead to a material increase in the use of this road such that residents of existing dwellings on this road would be subject to additional vehicular movements passing their dwellings. However, having regard to the nature of the existing road, the number of dwellings in question, and the nature of the types of vehicles likely to be using the road on a day-to-day basis, it is not considered that an undue loss of amenity to occupiers of existing Wainwright Road dwellings could be demonstrated.

Ecology

The application is supported by an Ecological Survey of the site. This provides that there are four statutorily designated sites within 2km of the site (being the Donington le Heath Country Park, Snibston Country Park, Snibston Grange Local Nature Reserve and Nature Alive Local Nature Reserve; no adverse impacts are anticipated in terms of these sites. Similarly, no non-statutory sites are expected to be adversely affected by the development.

Insofar as protected species are concerned, the Survey identifies the site as being suitable for potential habitat / foraging areas for bats, reptiles, badgers, great crested newts, nesting birds and water voles, and evidence of use of the site by bats and reptiles was found.

Leicestershire County Council's Ecologist has been consulted on the proposals, and raises no objections subject to conditions securing various mitigation measures.

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

Heritage Issues

The application site does not contain or affect the setting of any listed buildings, nor is it located within or close to a Conservation Area. As submitted, application 13/00802/FULM was supported by a Heritage Statement assessing the archaeological potential of the site. This concludes that the site does not contain any designated heritage assets for which there would be a presumption in favour of preservation in situ and against development and that the potential for archaeological remains to be present is low for the Roman and Anglo-Saxon periods, low to moderate for the Medieval and Post-medieval periods and moderate for the Prehistoric period. At the time that application 13/00802/FULM was originally submitted, Leicestershire County Council's Principal Planning Archaeologist advised that additional evaluation work be undertaken prior to determination of the application.

Subsequent to this advice, however, assessment of the sites the subject of applications

13/00802/FULM and 15/00641/FULM was undertaken as part of the archaeological investigation work carried out in association with the wider South East Coalville application (13/00956/OUTM), and in respect of which detailed discussions were held with the applicants' archaeologists and the County Council. Application 15/00641/FULM was submitted in the context of those subsequent discussions, and the supporting information with that application referred back to the dialogue associated with the scheme for the wider site.

In view of this position, it is considered appropriate to take a view consistent with that reached in respect of application 13/00956/OUTM. As and when the planning permission is issued in respect of that application, the archaeological mitigation relating to this part of the wider South East Coalville site would be secured by way of condition (Condition 7, which requires precise details of all mitigation measures set out in the Environmental Statement to be agreed and implemented). Applications 13/00802/FULM and 15/00641/FULM are not EIA development and, therefore, a similar condition could not be applied. However, it would be possible to attach a condition requiring details of any additional archaeological investigation and mitigation measures to be submitted and agreed which would, in effect, ensure a consistency of approach with the wider site.

In terms of other heritage issues, it is noted that there are no listed buildings or Conservation Areas within the immediate vicinity of the site, nor are there considered to be any non-designated heritage assets affected by the proposals.

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 Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010.

The relevant developer contributions (save for those already considered under Means of Access and Transportation) are listed below.

As noted above, the site is, in effect, part of the wider South East Coalville development the subject of planning application ref. 13/00956/OUTM. Having regard to that application's submission by a consortium of various developers, the section 106 agreement proposed to be entered into in respect of that planning permission is framed in a manner whereby financial obligations are (as far as practicable) payable on a plot by plot basis. As such, the applicants propose (where possible) to make contributions relating to the current application in a similar manner; this would allow contributions from the wider site to continue to be used in a more logical manner across the site (i.e. as opposed to separate, smaller, contributions being secured from discreet parts of the wider site, potentially not representing their most efficient use overall), and would also assist in ensuring that "double-counting" does not occur. Therefore, whilst the current position with regards to contribution requests is as set out below, it is recommended that officers be authorised to amend the actual contributions through the Section 106 agreement drafting process if necessary so as to ensure the most logical and efficient provision of

contributions.

There are a number of viability-related issues affecting the site insofar as it is part of the wider South East Coalville development resolved to be approved under planning application 13/00956/OUTM in respect of which viability information was submitted and reviewed independently on the Local Planning Authority's behalf. The various developer contributions set out in more detail below are, therefore, set out in the context of that viability work, and the resolved position of the Planning Committee regarding planning application 13/00956/OUTM in the light of that work.

Affordable Housing

Under the provisions of the District Council's adopted Affordable Housing SPD, an affordable housing contribution of minimum 20% is normally required. At the time that planning application 13/00956/OUTM was considered, in view of the findings of the viability assessment work, the Planning Committee resolved to agree an overall affordable housing contribution of 7.5% across the consortium site as a whole. Whilst the application site the subject of this particular application does not include any proposed affordable housing, a total of 21 affordable units are proposed to be provided on the site the subject of application 15/00641/FULM which, when considering applications 13/00802/FULM and 15/00641/FULM together, would equate to a contribution of 7.6% (i.e. 21 out of a total of 275 dwellings). As such, subject to the Section 106 agreement being framed in such a manner as to ensure that the proposed affordable housing the subject of application 15/00641/FULM is delivered in a timely manner in relation to the development of the market housing proposed under 13/00802/FULM, the scheme is considered acceptable in this regard, and would ensure a commensurate contribution to the wider South East Coalville development affordable housing requirements from this portion of the wider site. Subject to appropriate mechanisms being incorporated within the Section 106 agreement, the District Council's Strategic Housing Team has no objections.

Transportation and Accessibility Contributions

As set out under Means of Access, Highways and Transportation Issues above, the applicants propose to make a contribution to the wider highway network equivalent to that secured under the wider South East Coalville Section 106 agreement.

Education

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

Primary School Requirements:

The site falls within the catchment area of Hugglescote Community Primary School. The school has a net capacity of 420 and 1,015 pupils are projected on the roll should this development proceed, a deficit of 595 pupil places. A total of 526 pupil places are included in the forecast for this school from Section 106 agreements for other developments in this area and are therefore discounted. This, the Local Education Authority advises, reduces the total deficit for this school to 69 pupil places.

The County Council also refers to two other primary schools within a two mile walking distance of the development, namely Belvoirdale Community Primary School and Broom Leys School. Having regard capacity at these schools and other pupil places funded from Section 106 agreements for other developments in the area, the overall deficit within the two mile walking distance is further reduced to 15 pupil places. The 19 deficit places created by this development

can therefore be partly accommodated at nearby schools and a request for an education contribution in respect of 15 pupil places in the primary sector is made (£178,097.43).

The Local Education Authority further advises that, as the application site forms part of the wider South East Coalville site, the contribution from this development would be used to extend existing schools within the vicinity of the development or one of the new schools within the South East Coalville site. The County Council also comments that, in the event that these schools were not yet available for expansion at the time that pupils are coming from the development the subject of this application, a further contribution may be required to fund transitional measures at one of the existing schools (e.g. mobile accommodation or pupil transportation costs).

High School Requirements:

The site falls within the catchment area of Newbridge High School. The School has a net capacity of 590 and 781 pupils are projected on roll should this development proceed, a deficit of 191 pupil places. A total of 163 pupil places are included in the forecast for this school from Section 106 agreements for other developments in this area and are therefore discounted. This, the Local Education Authority advises, reduces the total deficit for this school to 28 pupil places. There are no other high schools within a three mile walking distance, and a request for an education contribution in respect of the high school sector is made (£139,434.13).

Upper School Requirements:

The site falls within the catchment area of King Edward VII College. The College has a net capacity of 1,193 and 1,309 pupils are projected on roll should this development proceed, a deficit of 116 pupil places. However, taking into account capacity at the other upper school within a three mile walking distance (Stephenson Studio School), there is an overall surplus of 43 places within the Upper School sector, and no contribution in respect of this sector is therefore requested.

Overall, and in order to ensure a logical and commensurate contribution as per that secured under the wider South East Coalville scheme, the applicants suggest making a contribution based on a sum of £2,903.76 per dwelling in respect of the primary school sector and £1,787.62 per dwelling in respect of the high school sector. There are other issues to be considered in respect of the primary sector in particular insofar as timing of provision of the new primary school(s) is concerned in association with other South East Coalville sites. However, subject to the agreement of the Local Education Authority in any subsequent negotiations entered into in respect of the Section 106 obligation and appropriate framing of the obligations, it is considered that this would be an appropriate approach in this case in principle.

Library Services

Leicestershire County Council advises that an additional 113 plus users of Coalville Library are anticipated to be generated by the proposed development, requiring an additional 271 items of lending stock (plus reference, audio visual and homework support material), and a contribution of £2,350 towards library services is therefore requested by the County Council. In order to ensure a logical and commensurate contribution as per that secured under the wider South East Coalville scheme, the applicants suggest making a contribution based on a sum of £54.34 per dwelling. It is considered that this would be an appropriate approach in this case.

Civic Amenity

Leicestershire County Council advises that an additional 21 tonnes of waste per annum are

anticipated to be generated and disposed of at Coalville Civic Amenity Site as a result of the proposed development, requiring improvements at the site so as to provide the increased capacity. A contribution of £5,100 towards civic amenity services is therefore requested by the County Council. In order to ensure a logical and commensurate contribution as per that secured under the wider South East Coalville scheme, the applicants suggest making a contribution based on a sum of £65.38 per dwelling. It is considered that this would be an appropriate approach in this case.

Children's Play, Public Open Space and National Forest planting

The wider South East Coalville scheme proposed under application 13/00956/OUTM indicated significant areas of open space / green infrastructure throughout that site, and including a number of children's play "hubs". In addition, contributions towards formal recreational open space (including in respect of facilities at Newbridge High School and South Street Recreation Ground in Ellistown) are proposed to be made.

The submitted layout shows a significant extent of the site given over to landscaping, retained and proposed tree / hedgerow planting and other open space, with the open space including an on-site equipped children's play area. The play area is located in a position similar to one indicated on the development framework plan accompanying the wider South East Coalville application (one of 11 such play areas). In terms of the extent of the equipped parts of the play area, on the basis of the submitted details, this would be in the order of 2,600 square metres. Under the Local Planning Authority's Play Area Design Guidance SPG, children's play areas should be provided at a rate of 20 square metres per dwelling. Therefore, for a development of 78 dwellings, an area for children's play of 1,560 square metres would normally be required. However, this play area would also be expected to serve a wider area and, when considered in the context of, for example, the sites the subject of both applications 13/00802/FULM and 15/00641/FULM, would not represent an over-provision vis-à-vis the standards. However, it is also noted that the *equipped* formal play area is part of a wider overall contribution towards green infrastructure across the two sites (i.e. 13/00802/FULM and 15/00641/FULM) of around 3.3 hectares (including woodland, SUDS features and other public green space), representing around 24%. On this basis, and having regard to the overall approach to children's play and public open space set out in respect of application 13/00956/OUTM, it is considered that the proposals would be appropriate in this regard, and would accord with the proposals submitted as part of the wider South East Coalville scheme. Furthermore, and as per the wider South East Coalville scheme, it is again proposed to make a contribution of £16,000 to Newbridge High School (intended to allow for works to improve drainage so as to allow existing playing fields to be brought back into beneficial use, and enabling their use by not only the school but also the wider community).

Insofar as National Forest planting is concerned, the National Forest Company accepted at the time the wider South East Coalville scheme was considered that an appropriate green infrastructure contribution overall (and exceeding its minimum 30% requirements) would be secured. In terms of the detailed schemes currently under consideration the National Forest Company accepts that, in terms of the quantum of National Forest planting required to comply with the relevant standards, the scheme would be appropriate. The National Forest Company expresses concern that the proposed street typologies (see Design above) would not include for tree planting within the highway verge to be adopted by Leicestershire County Council (as opposed to within land which would be either retained by home owners or under a management company arrangement). However, such an approach is becoming more frequently used by developers given the significant costs associated with having street trees adopted by the Local

Highway Authority. As such, whilst it is accepted that, ideally, trees would be included within the highway and thereafter maintained by the County Council, the practicalities of achieving this (and, in particular, on a site where viability is marginal) would, it is considered, indicate that a more flexible approach ought to be taken in order to maximise the design merits of the scheme whilst not increasing costs unreasonably. If deemed necessary, it is considered that appropriate measures could be secured within the Section 106 agreement in terms of the appropriate future management of such trees.

Healthcare

NHS England requests a developer contribution of £12,659.71 in respect of healthcare as set out in the consultation response above. This request has been supported by detailed information setting out the projected impacts on capacity arising from the proposed development (with the principal impacts being on other surgeries rather than the nearby Hugglescote surgery) together with commensurate costs of mitigation. It is considered that this request would meet the relevant CIL and NPPF tests. In order to ensure a logical and commensurate contribution as per that secured under the wider South East Coalville scheme, however, the applicants suggest making a contribution based on a sum of £102.57 per dwelling. It is considered that this would be an appropriate approach in this case.

Contributions sought by Leicestershire Police

Leicestershire Police requests a developer contribution of £29,348 in respect of policing as set out in the consultation response above. The contribution sought comprises:

Start up equipment / training	£3,175
Vehicles	£1,983
Additional radio call capacity	£199
Police National Database	£101
Additional call handling	£182
ANPR	£2,055
Mobile CCTV	£375
Additional premises	£21,122
Hub equipment	£156

With regard to the acceptability of police contributions, the issue is not one of principle. Furthermore, officers and representatives of Leicestershire Police have, in recent months, engaged in dialogue with a view to addressing ongoing officer concerns regarding CIL compliance of the requests. This has resulted in provision of additional / updated evidencing of contribution requests which, when considered in the context of the views taken by the majority of (but not all) Inspectors in recent appeal decisions within Leicestershire, leads officers to conclude that, on balance, the above requests would meet the tests in CIL Regulation 122 and NPPF paragraph 204.

At the time that application 13/00956/OUTM in respect of the wider South East Coalville development was considered, notwithstanding concerns expressed as to the justification for the requests made, the view was taken by the Planning Committee that, given the demonstrated viability limitations affecting the site's development (and the resulting need to prioritise such developer contributions that could be borne by the scheme), and having regard to the content of NPPF and the DCLG's Planning Practice Guidance, a policing contribution (amongst others) ought not to be required in that case. In coming to this view, the Authority had regard to the presumption in favour of sustainable development, and considered that the non-provision of the

policing contributions sought would not, in itself, render the development unsustainable. The view was also taken that any adverse impacts on the sustainability of the scheme would be more than off-set by those benefits to the social role of sustainable development arising from the affordable housing secured (albeit itself also a reduced contribution vis-à-vis the normal standards given viability constraints).

The Planning Committee report in respect of application 13/00956/OUTM also noted that, in principle, there was no reason why any subsequent reserved matters scheme could not provide for a well-designed scheme addressing successfully criteria 1 (Connections) and 11 (Public and Private Spaces) of Building for Life 12, and that it would be open to the Police to provide crime prevention / police architectural liaison advice at the reserved matters stage if it considered that the layout / design proposed at that time was not appropriate in terms of minimising the opportunities for crime. Whilst the current applications are full applications rather than applications for reserved matters, the same principle is considered to apply, and no concerns have been raised by the Police with respect to layout or other design issues.

It is therefore concluded that, as per the position taken by the Local Planning Authority in respect of the earlier outline application for the wider site, the policing contributions sought ought not to be required in this instance.

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

Conclusions

As set out in the main report above, whilst the site constitutes greenfield land, it is allocated for residential development in the adopted North West Leicestershire Local Plan, and, furthermore, simply forms a section of the wider South East Coalville site the subject of application 13/00956/OUTM. It is also considered to be well related to the existing settlement and the range of services available therein and its release for housing is considered suitable in principle. Whilst (as per the wider South East Coalville site of which this site forms part) the proposed development would, for viability reasons, be unable to support the full range of infrastructure requirements as sought by the relevant consultees, and proposes a reduced contribution to affordable housing across the two sites (i.e. applications 13/00802/FULM and 15/00641/FULM), having regard to the NPPF's advice in respect of taking a flexible and proportionate approach to viability, and to the limited adverse affects that would occur as a result of the shortfalls in infrastructure provision, the view is taken that the proposals would, notwithstanding these issues, remain sustainable in NPPF terms. Approval is therefore recommended subject to appropriate Section 106 obligations and conditions.

RECOMMENDATION- PERMIT, subject to Section 106 Obligations, subject to no contrary representations being received by 11 May 2016, and subject to the following conditions:

- 1 The development shall be begun before the expiration of two 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), and to accord with the requirements of the Local Planning Authority's policy relating to developer contributions.

- 2 The proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by a condition of this permission:
- Site location plan (EMS.2465_002 A) deposited with the Local Planning Authority on 3 October 2013
 - Site layout (13-67-10 Rev F) deposited with the Local Planning Authority on 22 April 2016
 - Indicative landscape masterplan (EMS.2465_03G) deposited with the Local Planning Authority on 27 April 2016
 - House types (elevations and floor plans) and garages as listed in the "Wainwright Road, Hugglescote Phase 1 - House Type Schedule" deposited with the Local Planning Authority on 22 April 2016 and attached to and forming part of this planning permission

Reason - To determine the scope of this permission.

- 3 No work shall commence in respect of the erection of any individual dwelling until such time as precise details of all materials to be used in the construction of the external surfaces of that dwelling (including samples where appropriate) have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the agreed details.

Reason - To enable the Local Planning Authority to retain control over the external appearance, in the interests of the amenities of the area, and to comply with Policies E4 and H7 of the North West Leicestershire Local Plan.

- 4 None of the dwellings hereby permitted shall be occupied until such time as a landscaping scheme to accord generally with the principles shown on drawing no. EMS.2465_03G 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 either the first occupation or the bringing into use of the development hereby approved unless an alternative implementation programme is first agreed in writing with the Local Planning Authority.

Reason - To ensure satisfactory landscaping is provided within a reasonable period, in the interests of nature conservation, to ensure the development provides for a satisfactory form of design, in the interest of amenity, and to comply with Policies E2, E4 E7 and H7 of the North West Leicestershire Local Plan.

- 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 ensure that the site landscaping is maintained for a suitable period, and to comply with Policies E2, E4 and E7 of the North West Leicestershire Local Plan.

- 6 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence in respect of the erection of any dwelling until such time as precise details of the treatment of all hard surfaces (including all access roads, footways, drives and parking /

manoeuvring areas) within the development have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure the development provides for a satisfactory form of design, in the interest of amenity, in the interests of highway safety, and to comply with Policies T3, E4 and H7 of the North West Leicestershire Local Plan.

- 7 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence on site until such time as precise details of the proposed ground and floor levels within the proposed development in relation to neighbouring land / buildings have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure the development takes the form envisaged by the Local Planning Authority, in the interests of amenity, to comply with Policies E3, E4 and H7 of the North West Leicestershire Local Plan, and to ensure that any proposals are agreed at an appropriate time having regard to the need for such measures to be secured prior to significant on-site works being undertaken.

- 8 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence in respect of the erection of any dwelling until such time as a scheme for the provision of vehicular, cycle and pedestrian links to and within the site (and including linkages to adjacent areas of land, a timetable for their provision and a strategy for the provision and ongoing maintenance of unfettered access for all persons at all times, where applicable), has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details timetable and thereafter be so maintained.

Reason - To ensure the development provides for a satisfactory form of design, in the interest of amenity, and , to comply with Policies E4 and H7 of the North West Leicestershire Local Plan.

- 9 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence in respect of the erection of any dwelling until such time as a detailed scheme for the boundary treatment of the site (and including the siting and detailed design of all means of enclosure) has been submitted to and agreed in writing by the Local Planning Authority. None of the dwellings hereby permitted shall be occupied until the relevant dwelling's boundary treatment as denoted on the agreed scheme has been implemented in full. 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, or as a replacement of such in the same location, constructed in the same materials, and at a height not exceeding that which it replaces) 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, to ensure an appropriate form of design, in the interests of reducing the opportunities for crime and to comply with Policies T3, E3, E4, E8 and H7 of the North West Leicestershire Local Plan.

- 10 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence on site until such time as a scheme for the drainage of foul and surface water from the site (and including for the implementation, maintenance and management of all surface water drainage measures) has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The scheme shall include:
- (i) A timetable for its implementation; and
 - (ii) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason - To ensure that satisfactory provision is made at the appropriate time for the disposal of foul and surface water, to prevent flooding, to minimise the risk of pollution, and to ensure that any mitigation works are implemented at an appropriate time having regard to the need for such measures to be secured prior to significant on-site works being undertaken.

- 11 No work shall commence on site until such time as precise details of proposed mitigation and / or management measures (and including a timetable for their implementation) as set out in sections 5.4.1 to 5.5 (inclusive) of the Ecological Surveys report (854765-(Rev01)) dated 11 September 2013 prepared by RSK have been submitted to and agreed in writing by the Local Planning Authority. Unless any alternative measures are first agreed in writing by the Local Planning Authority, no development shall be undertaken at any time other than in strict accordance with the agreed measures and timetable.

Reason - In the interests of nature conservation, and to ensure that any mitigation works are implemented at an appropriate time having regard to the potential for harm to features of ecological interest during all stages of the construction process.

- 12 No hedgerows, trees or shrubs shall be removed during the months of March to August inclusive unless first agreed in writing by the Local Planning Authority. Should nesting birds be found during construction work, all work within 5 metres of the nest shall cease immediately, and shall not resume until such time as the young have left the nest.

Reason - In the interests of nature conservation.

- 13 No external lighting shall be installed on site (and including during the construction phase) unless in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

Reason - In the interests of the amenities of the area, in the interests of nature conservation and to comply with Policy E4 of the North West Leicestershire Local Plan.

- 14 No development shall commence on the site until such time as a construction vehicle management plan, including wheel cleansing facilities and construction vehicle parking facilities, and a timetable for their provision, has been submitted to and agreed in writing by the Local Planning Authority. Unless any alternative management plan has first been submitted to and agreed in writing by the Local Planning Authority, no development shall be undertaken at any time other than in accordance with the approved details and

timetable.

Reason - To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, to ensure that construction traffic associated with the development does not lead to on-street parking problems in the area, to ensure that any mitigation works are implemented at an appropriate time having regard to the potential for harm to highway safety during all stages of the construction process and to comply with Policy T3 of the North West Leicestershire Local Plan.

- 15 None of the dwellings hereby permitted shall be occupied until such time as a scheme of works to the Bardon Hill level crossing has been implemented in accordance details first submitted to and agreed in writing by the Local Planning Authority.

Reason - In the interests of railway safety.

- 16 No site works of any description shall take place on the site at any time unless the existing trees and hedgerows shown as retained on drawing no. 13-67-10 Rev F are securely fenced off in accordance with measures for their protection as detailed within the submitted FPCR Arboricultural Assessment dated September 2013. Within the fenced off areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and back-filled by hand, unless any alteration is first agreed in writing by the Local Planning Authority.

Reason - To ensure that existing trees are adequately protected during construction in the interests of the visual amenities of the area and to comply with Policy E7 of the North West Leicestershire Local Plan.

- 17 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence in respect of the erection of any individual dwelling until such time as precise details of all doors to that dwelling (including porches and door surrounds, as well as doors to proposed garages) have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure an appropriate form of design, in the interests of the amenities of the area, and to comply with Policies E4 and H7 of the North West Leicestershire Local Plan.

- 18 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence in respect of the erection of any individual dwelling until such time as precise details of all windows to that dwelling (including window styles, headers and cills) have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure an appropriate form of design, in the interests of the amenities of the area, and to comply with Policies E4 and H7 of the North West Leicestershire Local Plan.

- 19 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence in respect of the erection of any individual dwelling until such time as precise details of the treatment of verges, eaves and rainwater goods to that dwelling have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure an appropriate form of design, in the interests of the amenities of the area, and to comply with Policies E4 and H7 of the North West Leicestershire Local Plan.

- 20 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence in respect of the erection of any individual dwelling until such time as precise details of the positioning and treatment of utility boxes to that dwelling have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure an appropriate form of design, in the interests of the amenities of the area, and to comply with Policies E4 and H7 of the North West Leicestershire Local Plan.

- 21 No street name plates shall be installed other than in accordance with precise details (including positioning) first submitted to and agreed in writing by the Local Planning Authority.

Reason - To ensure an appropriate form of design, in the interests of the amenities of the area, and to comply with Policies E4 and H7 of the North West Leicestershire Local Plan.

- 22 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence in respect of the erection of any individual dwelling until such time as precise details of all bin and recycling store enclosures and collection points serving that dwelling have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure an appropriate form of design, in the interests of the amenities of the area, in the interests of highway safety, and to comply with Policies T3, E4 and H7 of the North West Leicestershire Local Plan.

- 23 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence in respect of the erection of any dwelling until such time as precise details of the provision of chimneys within the development (and including updated elevational details where applicable) have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure an appropriate form of design, in the interests of the amenities of the area, and to comply with Policies E4 and H7 of the North West Leicestershire Local Plan.

- 24 No individual dwelling shall be occupied until such time as its associated car parking provision (including garage space(s) where applicable) has been provided in full in accordance with the details shown on the approved plans and, once provided, shall not be obstructed and shall thereafter be 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, and to comply with Policies T8 of the North West Leicestershire Local Plan.

- 25 Notwithstanding the submitted details, no work shall commence on site until such time as a full schedule of all archaeological investigation, recording and mitigation works carried out and proposed to be undertaken within the site (including a programme for their implementation, and any measures in respect of the recording, analysis, publication

and dissemination by a competent person / organisation) have been submitted to and agreed in writing by the Local Planning Authority. No development shall be carried out at any time other than in accordance with the agreed details.

Reason - To ensure satisfactory archaeological investigation and recording, and to ensure that any required investigation work is undertaken at an appropriate time within the development process.

- 26 None of the dwellings hereby permitted shall be occupied until such time as precise details of a scheme of public art to the proposed public open space adjacent to Plots 29-32 (and including a timetable for its implementation) have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and timetable.

Reason - To ensure the proposed public art is appropriate to its locality, and is provided at an appropriate time.

- 27 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence in respect of the erection of any dwelling to Plot nos. 1-2, 50-53 and 57-60 (inclusive) until such time as details of the shared drive serving the relevant plot have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure an appropriate form of design, in the interests of the amenities of the area, in the interests of highway safety, and to comply with Policies T3, E4 and H7 of the North West Leicestershire Local Plan.

- 28 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence in respect of the erection of any dwelling to Plot nos. 7-9 (inclusive) until such time as amended details of the proposed off-street car parking serving Plots 8 and 9 (and including any associated amendments to the siting of Plot 7) have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the agreed parking provisions thereafter remain available for such use in connection with the occupation of the relevant plot.

Reason - To ensure an appropriate form of design, in the interests of the amenities of the area, in the interests of highway safety, and to comply with Policies T8, E4 and H7 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 early engagement with the applicant both at the pre-application stage and during the application determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

2 The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

- Collapse of shallow coal mine workings.
- Collapse of, or risk of entry into, mine entries (shafts and adits).
- Gas emissions from coal mines including methane and carbon dioxide.
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

- 3 Your attention is drawn to the attached report of Severn Trent Water Limited.
- 4 Your attention is drawn to the attached report of Leicestershire County Council's Principal Ecologist.
- 5 Your attention is drawn to the attached report of Leicestershire County Council's Director of Environment and Transport in respect of highway matters.
- 6 Your attention is drawn to the attached report of Leicestershire County Council's Director of Environment and Transport in the County Council's capacity as Lead Local Flood Authority. The applicant is advised that the scheme of surface water drainage required to be agreed pursuant to Condition 10 above should be designed to accord with the surface water management principles deposited with the Local Planning Authority on 17 February 2016.
- 7 Your attention is drawn to the attached report of Leicestershire County Council's Rights of Way Officer.
- 8 Your attention is drawn to the attached report of the National Forest Company.
- 9 Your attention is drawn to the attached report of Network Rail.
- 10 This decision is in accordance with the resolution of the Planning Committee of 10 May 2016 and is subject to a Section 106 Obligation.
- 11 The applicant is advised that, for the purposes of complying with Condition 8 above, the scheme should include for, amongst others, appropriate linkages between pedestrian routes in the areas adjacent to Plot Nos. 50-53 and Plot Nos. 57 and 64-65.

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Residential development of 197 dwellings with associated road and service infrastructure, drainage ponds and features, landscaping and open space, together with demolition of 104 Forest Road

Report Item No
A2

Land To The North Wainwright Road Hugglescote
Leicestershire

Application Reference
15/00641/FULM

Applicant:

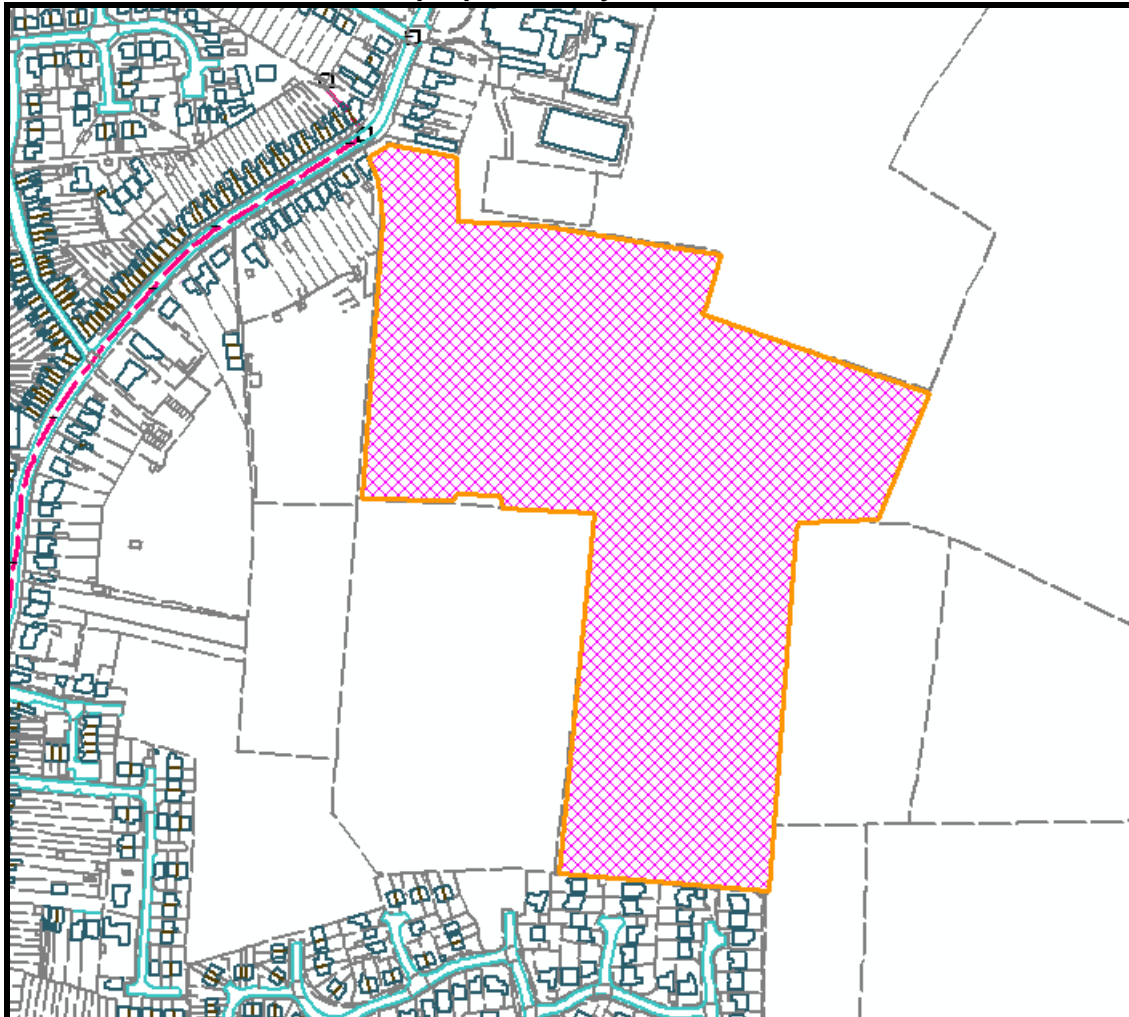
Date Registered
14 July 2015

Case Officer:
James Knightley

Target Decision Date
13 October 2015

Recommendation:
PERMIT Subject to a Section 106 Agreement

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Proposal

This application seeks full planning permission for residential development of 197 dwellings and associated works.

Consultations

Members will see from the main report below that objections have been received in respect of the proposals (including from Hugglescote and Donington le Heath Parish Council).

Planning Policy

The application site is part of a larger area of land north of Grange Road allocated for housing development under Policy H4 of the adopted Local Plan (Proposal H4g). 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 site is allocated for residential development, and that the principle of the development remains acceptable in land use terms. Also relevant is the need to demonstrate and maintain a five year supply of housing land within the District. The proposals would be considered to constitute sustainable development, and release of the site for residential development would be appropriate in principle. The proposed development would, it is considered, be able to be undertaken in a manner acceptable in terms of access issues; there are no other technical issues that would indicate that planning permission should not be granted, and appropriate contributions to infrastructure would also be made so as to mitigate the impacts of the proposals on local facilities, albeit with a reduced contribution to affordable housing required so as to ensure the development remains viable whilst making appropriate contributions to highways and transportation infrastructure.

RECOMMENDATION- PERMIT, subject to Section 106 Obligations, subject to no contrary representations being received by 11 May 2016, and 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

This is a full planning application for residential development of a site of 8.3 hectares in agricultural use for 197 dwellings (having been increased from 190 as originally submitted) on land to the north of Wainwright Road, Hugglescote. The site is adjacent to another site the subject of a further application from the same developers proposing 78 dwellings (ref. 13/00802/FULM), also reported on this agenda. These sites also form part of the wider South East Coalville proposals the subject of outline planning application ref. 13/00956/OUTM; that application was resolved to be permitted at the Planning Committee of 2 December 2014, and is pending completion of a section 106 agreement.

The proposed development would be accessed via a new road connecting to Forest Road (formed by the demolition of no. 104 Forest Road), and would provide for connections to the adjacent site to the south and west (itself accessed from Wainwright Road).

The proposals include for the following mix of house types, to be undertaken by two developers:

20 no. 2 bed dwellings
 91 no. 3 bed dwellings
 82 no. 4 bed dwellings
 4 no. 5 bed dwellings

21 dwellings within this site are proposed to be provided as affordable housing.

In terms of site layout, the principal road accessing the site from Forest Road would run south east, and provide for connections from the southern part of the site to land to both the east and west also forming part of the wider South East Coalville proposals (with the land to the west being that subject to application 13/00802/FULM). The proposed scheme includes areas of open space, including National Forest planting and storm water storage facilities.

2. Publicity

107 Neighbours have been notified (Date of last notification 27 April 2016)

Site Notice displayed 5 August 2015

Press Notice published 29 July 2015

3. Consultations

Hugglescote & Donington Le Heath consulted 21 July 2015

Head of Environmental Protection consulted 31 July 2015

County Highway Authority consulted 18 March 2016

LCC Development Contributions consulted 24 December 2015

Highways Agency- Article 15 development consulted 24 December 2015

National Forest Company consulted 24 December 2015

Manager Of Housing North West Leicestershire District Council consulted 24 December 2015

Head Of Street Management North West Leicestershire District consulted 24 December 2015

NHS Leicester, Leicestershire And Rutland Facilities Managme consulted 24 December 2015

Severn Trent Water Limited consulted 24 December 2015

Police Architectural Liaison Officer consulted 24 December 2015

NWLDC Footpaths Officer consulted 24 December 2015

NWLDC Urban Designer consulted 24 December 2015

NWLDC Tree Officer consulted 24 December 2015
County Archaeologist consulted 21 July 2015
LCC ecology consulted 21 July 2015
National Forest Company consulted 21 July 2015
LCC/Footpaths consulted 21 July 2015
Police Architectural Liaison Officer consulted 21 July 2015
Head Of Leisure And Culture consulted 21 July 2015
Development Plans consulted 21 July 2015
LCC Flood Management consulted 21 July 2015

4. Summary of Representations Received

Environment Agency has no comments and recommends seeking the advice of Leicestershire County Council as Lead Local Flood Authority

Highways England (formerly the Highways Agency) has no objections

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

- Insufficient children's play provision (and only proposed within the adjacent phase)
- Insufficient affordable housing
- Scheme should include single storey dwellings
- Bin collection points should be provided
- A mixed range of architectural styles could be appropriate
- Potential use as a rat run - road design should be made tortuous so as to deter through traffic
- Raised table at Forest Road junction should be provided together with other traffic calming in the vicinity of Newbridge High School

Leicestershire County Council Archaeologist has no objections subject to conditions

Leicestershire County Council Ecologist has no objections subject to conditions

Leicestershire County Council Highway Transportation & Waste Management Authority requests a developer contribution of £12,814 in order to mitigate the impact on civic amenity waste facilities in the local area.

Leicestershire County Council Landscape Officer has no requirements in respect of developer contributions

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

Leicestershire County Council Library Services Development Manager requests a developer contribution of £5,950 in respect of Coalville Library

Leicestershire County Council Local Education Authority requests developer contributions of £871,114.32 in respect of additional provision in the primary and high school sectors

Leicestershire County Council Local Highway Authority final comments awaited

Leicestershire County Council Rights of Way Officer has no objections subject to conditions

Leicestershire Police objects unless a developer contribution of £70,692 in respect of policing is provided

National Forest Company has no objections in principle but considers that trees should be provided within the highway verge

North West Leicestershire District Council Environmental Health has no objections

North West Leicestershire District Council Cultural Services Officer comments that there are existing rights of way crossing the site that may need diverting

Severn Trent Water has no objections subject to conditions

Third Party Representations

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

- Additional traffic onto Forest Road exacerbating existing issues in respect of its use as a rat run, its location on a school route, use by lorries delivering to local supermarkets, proximity to the fire station and "sagging" of the road
- Unsafe access point
- High number of accidents on Forest Road
- Traffic calming to Forest Road required
- Ecological impact (including on great crested newts)
- Impact on local infrastructure (including schools, healthcare and roads)
- Impact on Hugglescote's Green Wedge
- Hugglescote would no longer be a village
- Loss of local amenity / walking routes
- Construction noise
- Insufficient detail of proposed dwellings' designs
- Impact on Forest Road cycle path
- Adverse impact on neighbouring properties' security

In addition, comments have been received from **Newbridge High School** objecting to the application in the absence of an additional access being provided to the school from the proposed development.

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 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 56 (Requiring good design)
Paragraph 57 (Requiring good design)
Paragraph 59 (Requiring good design)
Paragraph 61 (Requiring good design)
Paragraph 64 (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 112 (Conserving and enhancing the natural environment)
Paragraph 118 (Conserving and enhancing the natural environment)
Paragraph 135 (Conserving and enhancing the historic environment)
Paragraph 173 (Using a proportionate evidence base)
Paragraph 203 (Planning conditions and obligations)
Paragraph 204 (Planning conditions and obligations)

Adopted North West Leicestershire Local Plan (2002)

The application site is part of a larger area of land north of Grange Road allocated for housing development under Policy H4 of the adopted Local Plan (Proposal H4g). A more detailed analysis of Proposal H4g is set out in section 6 below.

The following adopted Local Plan policies are considered relevant:

Policy S2 - Limits to Development
Policy H4 - Housing Allocations
Policy H4/1 - Housing Land Release
Policy H6 - Housing Density
Policy H7 - Housing Design
Policy H8 - Affordable Housing
Policy E2 - Landscaped Amenity Open Space
Policy E3 - Residential Amenities
Policy E4 - Design
Policy E6 - Comprehensive Development
Policy E7 - Landscaping
Policy E8 - Crime Prevention
Policy F1 - National Forest General Policy
Policy F2 - National Forest Tree Planting
Policy F3 - National Forest Landscape and Planting
Policy T3 - Highway Standards
Policy T8 - Parking
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 (which, for the purposes of the SPD, includes the settlements of Coalville, Whitwick, Thringstone, Greenhill, Ellistown and Battleflat, Bardon and Hugglescote).

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.

South East Coalville Development Brief

A Development Brief for the South East Coalville Strategic Development Area has been prepared by consultants on behalf of the developers' consortium with interests in the land in conjunction with the Local Planning Authority, and including input from other professional consultants, stakeholders and members of the local community, in order to inform the process of planning and development of land at South East Coalville.

The draft Development Brief was considered by the District Council's Cabinet at its meeting of 23 July 2013 where it was resolved that the production of the Development Brief for South East Coalville be noted, that regard be had to the Development Brief when negotiating on and determining planning applications in the South East Coalville Broad Location, and that the Development Brief form part of the evidence base for the [then] submission Core Strategy.

Emerging North West Leicestershire Local Plan

On 15 September 2015 the District Council's Full Council considered a draft Local Plan and resolved to approve the draft Local Plan for consultation. The draft policies listed below are considered relevant to this application. However, in view of the very early stage to which the draft Local Plan has progressed, only very limited weight can be attributed to its policies at this stage.

The site is located within Limits to Development as defined in the draft Local Plan and is also identified as part of a wider Housing Provision Resolution under Policy H2 (H2g).

The following draft Local Plan policies are considered relevant:

Policy S1 - Presumption in favour of sustainable development

Policy S4 - Countryside

Policy S5 - Design of new development

Policy H2 - Housing provision: resolutions

Policy H4 - Affordable housing

Policy H6 - House types and mix

Policy IF1 - Development and infrastructure

Policy IF3 - Open space, sport and recreation facilities

Policy IF4 - Transport infrastructure and new development

Policy IF7 - Parking provision and new development

Policy En1 - Nature conservation

Policy En3 - The National Forest

Policy He1 - Conservation and enhancement of North West Leicestershire's historic environment

Policy Cc2 - Sustainable design and construction

Policy Cc3 - Flood risk

Policy Cc4 - Water: sustainable drainage systems

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)).

As set out under Relevant Planning Policy above, the site is allocated for residential development in the adopted North West Leicestershire Local Plan. Policy H4 provides that "The following sites, identified on the Proposals Map, are allocated for housing, subject to the specific requirements subsequently identified in respect of each site:

Transport Choice Corridor

(g) Grange Road, Hugglescote (89 ha; 450 units within the Plan period)..."

In detail, Proposal H4g provides that:

"Development of this site must be undertaken in a comprehensive and phased manner, which incorporates or secures the following requirements:

- (i) The part of the A511 Bardon Roundabout to Coalville County Road Scheme between the Birch Tree Roundabout and the Bardon Road / Stephenson Way, Coalville Roundabout, as shown on the Proposals Map;*
- (ii) Vehicular and pedestrian access to the site from that road;*
- (iii) A railway station, together with all requisite facilities, car parking and bus access, on land adjoining the north western crossing of the Leicester to Burton railway by the road referred to in requirement (i) above;*
- (iv) A site for a local shopping centre and local community facilities, on land adjoining or adjacent to the railway station referred to in requirement (iii) above;*
- (v) A site for a new primary school;*
- (vi) An appropriately located, block planted and landscaped buffer zone of sufficient depth and density to protect nearby dwellings from noise and disturbance emanating from the railway sidings to the east of the Leicester to Burton railway;*
- (vii) A substantial landscaped belt along the Grange Road frontage of the site;*
- (viii) Appropriate off-site foul and surface water drainage facilities; and*
- (ix) Appropriate traffic calming measures on Dennis Street, Hugglescote.*

All requirements of this development, whether arising from the above or other policies of this Local Plan, should be provided at times and levels commensurate with the then number of dwellings constructed.

Within the Plan period, development of about 450 dwellings only will be permitted. All development, whether within or beyond the Plan period, should take place in locations which ensure that the development proceeds both in a comprehensive and phased manner, and outwards from the existing urban edge.

Otherwise than in respect of interim agricultural development, development for any purpose not directly related to the use of this site as a housing area will not be permitted."

Further information is contained within the explanatory paragraphs accompanying the policy. These include provision that the development of the allocated site ought not to be contemplated before the previously proposed Bardon Relief Road was constructed, in view of the then unsatisfactory highway and traffic conditions on the existing A511 Bardon Road between the Birch Tree Roundabout and Stephenson Way.

In terms of the proposals' performance vis-à-vis the requirements of Proposal H4g listed above,

the following conclusions are reached:

Comprehensive and phased development

It is noted that this application is for only part of the wider allocation. Outline planning permission already exists for up to 800 dwellings and associated non-residential development on that part of the allocation to the east of the former railway line (ref. 12/00376/OUTM), and a further application on land immediately adjacent to this site is also included on this agenda (i.e. 13/00802/FULM).

Provision of the part of the A511 Bardon Roundabout to Coalville County Road Scheme between the Birch Tree Roundabout and the Bardon Road / Stephenson Way, Coalville Roundabout

This application does not include provision for the Bardon Relief Road; the issues in respect of the ongoing need for the Bardon Relief Road and the alternative approach to providing road linkages between the Birch Tree Roundabout and the Bardon Road / Stephenson Way, Coalville Roundabout were addressed under application 12/00376/OUTM, although it is also noted that the route of the relief road indicated on the Local Plan Proposals Map (Policy T2a(i)) does not affect the part of allocation H4g the subject of this application.

Provision of vehicular and pedestrian access to the site from the new road

Given the part of allocation H4g to which this application relates, and the conclusions reached in respect of application 12/00376/OUTM, this does not need to be considered further save to note that the layout as proposed would allow for connections to adjacent land within the allocation area. It is also noted that Proposal H4g does not specifically preclude access via routes other than the Bardon Relief Road.

Provision of a railway station, together with all requisite facilities, car parking and bus access, on land adjoining the north western crossing of the Leicester to Burton railway by the new road

Given the part of allocation H4g to which this application relates (which is not in the vicinity of the Leicester to Burton railway), this does not need to be considered further.

Provision of a site for a local shopping centre and local community facilities, on land adjoining or adjacent to the railway station

This was provided for in respect of application 12/00376/OUTM.

Provision of a site for a new primary school

This was provided for in respect of application 12/00376/OUTM.

Provision of an appropriately located, block planted and landscaped buffer zone of sufficient depth and density to protect nearby dwellings from noise and disturbance emanating from the railway sidings to the east of the Leicester to Burton railway

Given the part of allocation H4g to which this application relates (which is not in the vicinity of the Leicester to Burton railway), this does not need to be considered further.

Provision of a substantial landscaped belt along the Grange Road frontage of the site

Given the part of allocation H4g to which this application relates (which does not include frontage to Grange Road), this does not need to be considered further.

Provision of appropriate off-site foul and surface water drainage facilities

The scheme is considered to be acceptable in this regard, as set out in more detail below.

Provision of appropriate traffic calming measures on Dennis Street, Hugglescote

None is proposed as part of the application. The Transport Statement submitted with the wider South East Coalville application (13/00956/OUTM) suggested that, whilst there would be an increase in vehicles using Grange Road between the Wainwright Road junction and the Hugglescote Crossroads, and whilst a few vehicles may route along Dennis Street as a result of this, the majority would nevertheless continue to route through the crossroads, as per existing routing by the majority of the Wainwright Road estate's residents as observed during the traffic survey. Given that the current proposals would, in effect, simply form part of that wider development, there would appear to be no reason to now come to a different view on the matter.

Compliance with Other H4g Requirements

Insofar as the requirement that development of only 450 dwellings would be permitted within the Plan period is concerned, it is noted that the Local Plan period was to 2006.

In terms of the requirement that all development should take place in locations which ensure that the development proceeds both in a comprehensive and phased manner, it is noted that the application site forms part of the western portion of the H4g allocation and, as such, development of this site at an early stage would serve to comply with this requirement.

Notwithstanding the site's allocation for residential development within the adopted Local Plan, in determining the application, regard must be had to other material considerations, including other policies, such as other Development Plan policies and National policies.

Housing Land Supply

The NPPF requires that the Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery. The Inspector's decision concerning the Greenhill Road appeal sets out that the Local Planning Authority is currently unable to demonstrate a five year supply of housing land. This means that "saved" Local Plan policies that are concerned with housing supply, such as S3 and H4/1, must be considered to be out of date, and the weight afforded to them when determining planning applications should be reduced accordingly. The NPPF includes a clear presumption in favour of sustainable development, which taken together with the current inability to demonstrate a five year supply, indicates that planning permission for new homes should normally be granted. Whilst, given the current inability to demonstrate a five year supply, Policy H4g as set out above would, in itself, also be out of date, given the overall intention of the NPPF to boost the supply of housing, the presumption in favour of residential development on the site would, it is considered, remain, and the policy's general compliance with the NPPF in other respects would, it is considered, indicate that significant weight could still be applied to it.

In addition, consideration must 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 this policy is considered to be out of date (by reason of the inability to demonstrate a five year supply of housing, and because a sequential approach to residential development is outdated in the context of the NPPF), the sustainability credentials of

the scheme (in terms of accessibility to services) would still need to be assessed.

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, 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 Hugglescote and the range of services available therein, it performs relatively well in this regard. When considered in the context of the adjacent application, the two sites together would have access to both Grange Road and Forest Road, close to existing bus routes connecting Central Road and Station Road with the town centre and other settlements (including Leicester). Furthermore, as part of the wider South East Coalville scheme, provision of bus services through the site would be provided.

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 secure and maintain a five year supply of deliverable sites. It also accepted that, as already outlined, Policy H4/1 is not up-to-date in the context of the NPPF.

Other Matters

Having regard to the three dimensions of sustainable development, it is accepted that the contribution to the economic growth associated with the proposed development, coupled with the role played in contributing to housing land supply and the inclusion of appropriate contributions to local services as detailed below, would ensure that the scheme would sit well in terms of the economic and social dimensions (although attention is drawn to the issues in respect of affordable housing contributions as discussed in more detail under Developer Contributions below). Insofar as the environmental role is concerned, as set out in more detail below, the proposed development would not result in any unacceptable impacts on the natural, built or historic environment and, by virtue of its location, close to the existing built up area and associated services, would perform well in terms of need to travel and the movement towards a low carbon economy.

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

The scheme proposes vehicular access via a new link from Forest Road (with other non-vehicular connections available via existing rights of way) as well as access for vehicular and non-vehicular traffic to other land to the east within the wider South East Coalville scheme. Were the scheme developed in association with the development proposed under application 13/00802/FULM, connections would then be available through that development to Grange Road (via the extended cul-de-sac to Wainwright Road).

At the time of preparing this report, the final comments of the County Highway Authority on the latest amended layout were awaited. However, in view of the scheme's compliance with the development proposed generally under application 13/00956/OUTM (albeit further access

information will be required to be agreed under condition attached to any permission issued in respect of that application), it is understood that the County Highway Authority is unlikely to raise any objections in principle to the development, and any comments received are likely to focus on matters relating to the detailed design of the proposed estate roads. Any comments received will be reported on the Update Sheet.

As per those agreed to be secured as part of the wider South East Coalville proposals, it is anticipated that the County Highway Authority would be likely to require a range of contributions etc to be secured under a Section 106 obligation or similar (and likely to include matters relating to construction traffic routeing, travel packs, bus passes, Travel Plan co-ordinators, Travel Plan / transportation monitoring and a contribution towards improvements to the wider transportation network in the Coalville area (i.e. in accordance with the District Council's contribution strategy). As part of the wider South East Coalville scheme (2,700 dwellings) proposed under application ref. 13/00956/OUTM an overall transportation contribution of £12,960,000 was agreed (likely to be delivered under an associated Section 278 agreement); it is considered appropriate that the current application makes a similar contribution commensurate to the number of dwellings proposed.

Public Rights of Way

The route of public right of way N86 passes through the eastern part of the site; on the basis of the submitted plans, alterations to its route would be required (essentially passing between the southerly-most proposed dwellings and the proposed balancing pond, and then following the eastern site boundary). Whilst the County Council's Rights of Way Officer expresses some concerns regarding the routeing of the proposed footpath in the vicinity of estate roads and the need to have a wider view of the diversions in the context of the South East Coalville scheme generally, no objections are raised per se. Insofar as the amenity impacts of the proposed development (i.e. the impacts on the amenity value of the rights of way as leisure / recreational routes given that they would no longer pass through a section of undeveloped countryside) are concerned, it is accepted that some adverse impacts on their value in this regard would result. However, having regard to the limited extent of the section subject to this change, and given the proposed (and retained) routeing of much of the affected sections adjacent to landscaped areas, it is not considered that these impacts would be unacceptably harmful, nor sufficient to render the development unsustainable in NPPF terms.

Subject to the above, therefore (and including the applicants making an appropriate contribution towards transportation infrastructure), and subject to the scheme being considered appropriate by the County Highway Authority, the proposed development is considered acceptable in terms of Means of Access and Transportation issues.

Landscape and Visual Impact

The submitted Design and Access Statement assesses the site's landscape context, and the application is also accompanied by an Arboricultural Assessment. The Design and Access Statement provides that the site has a number of important landscape features that would influence the overall proposals, including a number of hedgerows that run along the boundary and through the centre of the site. The Design and Access Statement suggests that these existing features would help to protect the amenity of existing residents as well as help to mitigate the impact of development within the surrounding context of the site. In terms of the wider visual impact, it is noted that limited mitigation (landscaping) is proposed to the east and south west. However, this lack of screening to the north, east and west / south west should be

considered in the context of the site's status as part of a larger allocated housing site, and the proposed layout at these boundaries of the application site reflects its intended future connections to other similar development (and including that proposed under the adjacent application 13/00802/FULM). Whilst there can be no guarantee at this time that those adjacent parcels of land would come forward in the future, this in itself is not considered to represent a reason to refuse the current application as the limited screening proposed would not be significantly different from the current screening to the existing urban edge and, hence, the overall visual impact from distant views would be unlikely to be materially more harmful than currently.

In terms of retained / proposed planting, the site is in the National Forest, and the scheme's performance vis-à-vis the relevant National Forest standards is set out under the relevant section below. In terms of the extent of landscaping and other open space cover proposed in respect of the development, it is noted that the proposed scheme includes for retention of the majority of the existing trees and hedgerows which surround the existing fields forming the application site (i.e. where not possible to be retained due to access formation).

The Arboricultural Assessment categorises the trees on the site, and confirms that a number of trees otherwise suitable for retention would be removed (principally in order to form the proposed access to Forest Road). However, the losses would be limited to those trees falling within Retention Category C (i.e. those of low quality) and, as such, unacceptable impacts of existing trees are not considered likely to result. The Assessment also sets out the proposed tree protection measures in respect of retained trees. The development is considered to represent a reasonable balance between the need to retain the most important trees and hedgerows and the appropriate development of the site, and is considered acceptable in this regard.

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

Loss of Agricultural Land

The site is currently in active agricultural use (including arable crops and grazing) and, insofar as the proposed built development is concerned, this would result in an irreversible loss to non-agricultural use.

Paragraph 112 of the NPPF suggests that, where significant development of agricultural land is demonstrated to be necessary, poorer quality land should be used in preference to that of a higher quality. Having regard to the five year housing land supply issue as set out above, it would seem inevitable that agricultural land will need to be released. Best and Most Versatile (BMV) agricultural land is defined as that falling within in Grades 1, 2 and 3a of the Agricultural Land Classification. Whilst the applicants have not provided a detailed assessment of the agricultural quality of the site, the MAFF agricultural land classification information provided on the Government's "MAGIC" website indicates it would be Grade 3b (and not, therefore, BMV); on this basis, the release of the site would appear to sit well with the preference for releasing poorer quality land in preference to Best and Most Versatile agricultural land.

Flood Risk and Drainage

A Flood Risk Assessment (FRA) has been submitted in support of the application. The Environment Agency flood zone maps indicate that the site lies within Flood Zone 1, and the site is therefore considered suitable for development in principle (and in flood risk sequential terms,

would meet the requirements of the NPPF). In terms of other sources of flood risk, the FRA identifies that, whilst there may be potential for flooding impacts from groundwater by virtue of groundwater "rebound", the FRA suggests that, having regard to the characteristics of the site, the risk of this occurring is low. Insofar as surface water flooding is concerned, the FRA indicates that the site falls generally within the low and very low susceptibility categories in this regard. Insofar as the impact the wider catchment is concerned, the FRA recommends use of flow attenuation devices and / or flood storage areas. The scheme includes a number of SUDS features, and the Lead Local Flood Authority (LLFA) raises no objections.

Insofar as foul sewage is concerned, the supporting information indicates that additional capacity would be required to accommodate the development, and that Severn Trent Water are modelling the impacts. Further additional information received from the applicant's consultants updates this position, and confirms that, having regard to a new sewer being installed to the south of Grange Road, previously identified capacity issues have now been addressed. For its part, Severn Trent Water raises no objections subject to the imposition of conditions. As such, and in accordance with the advice in ID 21a Paragraph 009 of the DCLG's Planning Practice Guidance, it would appear that a Grampian planning condition could be appropriately be attached to deal with this issue.

Overall, in terms of issues of Flood Risk and Drainage, it is considered that the scheme is acceptable, and would provide for appropriate drainage solutions to accommodate the proposed development.

Design

The application is supported by a Design and Access Statement (and including a Building for Life assessment) setting out the applicants' proposals, and explaining the approach taken in terms of design. As set out above, the site forms part of the wider South East Coalville development the subject of outline application ref. 13/00956/OUTM. The conditions resolved to be attached to that planning permission require the agreement of a Design Code for the site which would then constitute a set of design "rules" applying to all subsequent reserved matters applications on the wider site, thus assisting in ensuring a consistent and comprehensive approach to development across the whole site even if (as would be expected given its scale) it is delivered by a range of different developers. The current applications are full rather than reserved matters applications and, whilst District and County Council officers have been working with the developers on a draft Design Code for some time now, there is, at present, no approved Design Code (and, therefore, it cannot be shown that the current proposals would comply with such a Code). However, the proposals have been the subject of extensive discussions between officers and the developers (and have been amended to seek to reflect the improvements to design sought). In order to try to assist the developers in securing early delivery of the housing, officers consider that, whilst there is no approved Design Code at this time, it would represent a reasonable approach if the Local Planning Authority was to seek to agree an appropriate scheme as part of the determination of the current applications, and to then use those schemes as a basis for the wider South East Coalville Design Code. The principles behind the current applications are those compatible with a landscape-led form of development which broadly complies with the approach currently favoured by the wider site consortium; the street typology / hierarchy for this part of the site has also been devised in such a manner so as to allow for a similar approach to be employed elsewhere in the wider site.

Amended plans have recently been submitted and, at the time of preparing this report, the detailed response of the District Council's Urban Designer was awaited, and any further comments made will be reported on the Update Sheet. However, it is understood that the

majority of concerns raised have either been addressed by the updated plans, and the remainder can otherwise be dealt with by way of appropriately worded conditions. Subject to the final advice of the District Council's Urban Designer, therefore, the development is considered acceptable in this regard.

In addition, consideration also needs to be given to the impacts of the proposed development on the street scene of Forest Road (and, in particular, the implications of the demolition of No. 104 Forest Road required in order to form the proposed site access). Whilst the existing dwelling is of some merit, it is accepted that its loss would not have a significant impact on the overall quality of the street scene.

In terms of the layout of the site itself, it is also noted that Newbridge High School raises objections on the basis of the absence of a new access to the school from the proposed development. This issue is a matter which, it is understood, the applicants have considered at length. Whilst there is no objection per se to providing a secondary point of access to the school, they are concerned as to the resulting impacts of such an access (and, in particular, the traffic / congestion impacts arising from parents dropping off, waiting for and collecting children from the access). As a result of this, whilst the layout as proposed would allow for future connection if appropriate control measures could be identified, no access is proposed at this time. It is officers' view that, whilst an additional school access could be useful / desirable in ensuring a more convenient point of access to the school from the proposed residential development, it is nevertheless accepted that additional problems as identified by the applicants could result. Given the layout proposed, it is also accepted that future provision of an access could still take place if adequate mitigation / control measures could be identified / agreed.

It is noted that concerns have been raised by an existing adjacent occupier that the formation of the proposed Forest Road access would have the potential to expose the existing property's rear to an increased risk of unauthorised access (and opportunities for crime). It is accepted that, in principle, such an increased risk could result. However, it is considered that, with appropriate boundary treatment and / or landscaping, there is no reason why any increased risk could not be satisfactorily mitigated.

Residential Amenity

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

In terms of future residents' amenities, it is noted that the site is located adjacent to a school, and the applicants have assessed the noise and lighting impacts of that adjacent use (and, in particular, from an all weather sports pitch located to the north of the proposed housing site). Subject to the use of appropriate measures in respect of sound insulation and siting of dwellings, no unacceptable adverse impacts on future occupiers would be considered to arise; no objections are raised by the District Council's Environmental Protection team.

Insofar as the impacts on neighbouring occupiers arising from the proposed development are concerned, whilst dwellings in the north western portion of the site would be adjacent to rear gardens of some properties on Forest Road, an appropriate relationship between existing and proposed dwellings would be achievable. The designs of the proposed dwellings in this location would not include for upper floor windows facing the existing gardens and no direct overlooking would be likely to result; similarly, whilst two storey dwellings would be located in close proximity

to existing gardens, their height would not, it is considered, be excessive, nor lead to an overdominant relationship. In view of this, and even when having regard to site levels, it is not considered that any materially adverse impact on residential amenity would result in this regard.

It is noted that the proposed development would result in the formation of a new vehicular access from Forest Road, and some impacts would be likely in terms of passage of vehicles along the new road, and to the side / rear of those existing dwellings / gardens. However, having regard to the potential for the provision of suitable boundary treatment (and including that referred to under Design above), it is not considered that an undue loss of amenity to occupiers of existing dwellings could be demonstrated.

Ecology

The application is supported by an Ecological Survey of the site. This provides that there are five statutorily designated sites within 2km of the site (being the Donington le Heath Country Park, Snibston Country Park, Snibston Grange Local Nature Reserve, Nature Alive Local Nature Reserve and Bardon Hill Quarry; no adverse impacts are anticipated in terms of these sites. Similarly, no non-statutory sites are expected to be adversely affected by the development.

Insofar as protected species are concerned, the Survey identifies the site as being suitable for potential habitat / foraging / commuting areas for bats, reptiles, badgers, great crested newts, nesting birds and water voles, and evidence of use of the site by bats was found (and including within the roof space of No. 104 Forest Road which would be demolished to accommodate the proposed new vehicular access).

Leicestershire County Council's Ecologist has been consulted on the proposals, and raises no objections subject to conditions securing various mitigation measures.

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

Heritage Issues

The application site does not contain or affect the setting of any listed buildings, nor is it located within or close to a Conservation Area. As submitted, application 13/00802/FULM was supported by a Heritage Statement assessing the archaeological potential of the site. This concludes that the site does not contain any designated heritage assets for which there would be a presumption in favour of preservation in situ and against development and that the potential for archaeological remains to be present is low for the Roman and Anglo-Saxon periods, low to moderate for the Medieval and Post-medieval periods and moderate for the Prehistoric period. At the time that application 13/00802/FULM was originally submitted, Leicestershire County Council's Principal Planning Archaeologist advised that additional evaluation work be undertaken prior to determination of the application.

Subsequent to this advice, however, assessment of the sites the subject of applications 13/00802/FULM and 15/00641/FULM was undertaken as part of the archaeological investigation work carried out in association with the wider South East Coalville application (13/00956/OUTM), and in respect of which detailed discussions were held with the applicants' archaeologists and the County Council. Application 15/00641/FULM was submitted in the context of those subsequent discussions, and the supporting information with that application referred back to the dialogue associated with the scheme for the wider site.

In view of this position, it is considered appropriate to take a view consistent with that reached in respect of application 13/00956/OUTM. As and when the planning permission is issued in respect of that application, the archaeological mitigation relating to this part of the wider South East Coalville site would be secured by way of condition (Condition 7, which requires precise details of all mitigation measures set out in the Environmental Statement to be agreed and implemented). Applications 13/00802/FULM and 15/00641/FULM are not EIA development and, therefore, a similar condition could not be applied. However, it would be possible to attach a condition requiring details of any additional archaeological investigation and mitigation measures to be submitted and agreed which would, in effect, ensure a consistency of approach with the wider site.

In terms of other heritage issues, it is noted that there are no listed buildings or Conservation Areas within the immediate vicinity of the site, nor are there considered to be any non-designated heritage assets affected by the proposals.

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 Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010.

The relevant developer contributions (save for those already considered under Means of Access and Transportation) are listed below.

As noted above, the site is, in effect, part of the wider South East Coalville development the subject of planning application ref. 13/00956/OUTM. Having regard to that application's submission by a consortium of various developers, the section 106 agreement proposed to be entered into in respect of that planning permission is framed in a manner whereby financial obligations are (as far as practicable) payable on a plot by plot basis. As such, the applicants propose (where possible) to make contributions relating to the current application in a similar manner; this would allow contributions from the wider site to continue to be used in a more logical manner across the site (i.e. as opposed to separate, smaller, contributions being secured from discreet parts of the wider site, potentially not representing their most efficient use overall), and would also assist in ensuring that "double-counting" does not occur. Therefore, whilst the current position with regards to contribution requests is as set out below, it is recommended that officers be authorised to amend the actual contributions through the Section 106 agreement drafting process if necessary so as to ensure the most logical and efficient provision of contributions.

There are a number of viability-related issues affecting the site insofar as it is part of the wider South East Coalville development resolved to be approved under planning application 13/00956/OUTM in respect of which viability information was submitted and reviewed independently on the Local Planning Authority's behalf. The various developer contributions set

out in more detail below are, therefore, set out in the context of that viability work, and the resolved position of the Planning Committee regarding planning application 13/00956/OUTM in the light of that work.

Affordable Housing

Under the provisions of the District Council's adopted Affordable Housing SPD, an affordable housing contribution of minimum 20% is normally required. At the time that planning application 13/00956/OUTM was considered, in view of the findings of the viability assessment work, the Planning Committee resolved to agree an overall affordable housing contribution of 7.5% across the consortium site as a whole. The application site the subject of this particular application proposes a total of 21 affordable units which would represent 10.6% of this development but, when considering applications 13/00802/FULM and 15/00641/FULM together, would equate to a contribution of 7.6% (i.e. 21 out of a total of 275 dwellings). As such, subject to the Section 106 agreement being framed in such a manner as to ensure that the proposed affordable housing the subject of application 15/00641/FULM is delivered in a timely manner in relation to the development of the market housing proposed under 13/00802/FULM, the scheme is considered acceptable in this regard, and would ensure a commensurate contribution to the wider South East Coalville development affordable housing requirements from this portion of the wider site. Subject to appropriate mechanisms being incorporated within the Section 106 agreement, the District Council's Strategic Housing Team has no objections.

Transportation and Accessibility Contributions

As set out under Means of Access, Highways and Transportation Issues above, the applicants propose to make a contribution to the wider highway network equivalent to that secured under the wider South East Coalville Section 106 agreement.

Education

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

Primary School Requirements:

The site falls within the catchment area of Hugglescote Community Primary School. The school has a net capacity of 420 and 1,044 pupils are projected on the roll should this development proceed, a deficit of 624 pupil places. A total of 526 pupil places are included in the forecast for this school from Section 106 agreements for other developments in this area and are therefore discounted. This, the Local Education Authority advises, reduces the total deficit for this school to 98 pupil places.

The County Council also refers to two other primary schools within a two mile walking distance of the development, namely Belvoirdale Community Primary School and Broom Leys School. Having regard capacity at these schools and other pupil places funded from Section 106 agreements for other developments in the area, the overall deficit within the two mile walking distance is further reduced to 44 pupil places, and a request for an education contribution £520,741.39 is made in respect of the primary sector.

The Local Education Authority further advises that, as the application site forms part of the wider South East Coalville site, the contribution from this development would be used to extend existing schools within the vicinity of the development or one of the new schools within the South East Coalville site. The County Council also comments that, in the event that these schools were not yet available for expansion at the time that pupils are coming from the

development the subject of this application, a further contribution may be required to fund transitional measures at one of the existing schools (e.g. mobile accommodation or pupil transportation costs).

High School Requirements:

The site falls within the catchment area of Newbridge High School. The School has a net capacity of 590 and 793 pupils are projected on roll should this development proceed, a deficit of 203 pupil places. A total of 163 pupil places are included in the forecast for this school from Section 106 agreements for other developments in this area and are therefore discounted. This, the Local Education Authority advises, reduces the total deficit for this school to 40 pupil places. There are no other high schools within a three mile walking distance, and a request for an education contribution in respect of the high school sector is made (£350,372.93).

Upper School Requirements:

The site falls within the catchment area of King Edward VII College. The College has a net capacity of 1,193 and 1,319 pupils are projected on roll should this development proceed, a deficit of 126 pupil places. However, taking into account capacity at the other upper school within a three mile walking distance (Stephenson Studio School), there is an overall surplus of 133 places within the Upper School sector, and no contribution in respect of this sector is therefore requested.

Overall, and in order to ensure a logical and commensurate contribution as per that secured under the wider South East Coalville scheme, the applicants suggest making a contribution based on a sum of £2,903.76 per dwelling in respect of the primary school sector and £1,787.62 per dwelling in respect of the high school sector. There are other issues to be considered in respect of the primary sector in particular insofar as timing of provision of the new primary school(s) is concerned in association with other South East Coalville sites. However, subject to the agreement of the Local Education Authority in any subsequent negotiations entered into in respect of the Section 106 obligation and appropriate framing of the obligations, it is considered that this would be an appropriate approach in this case in principle.

Library Services

Leicestershire County Council advises that an additional 284 plus users of Coalville Library are anticipated to be generated by the proposed development, requiring an additional 684 items of lending stock (plus reference, audio visual and homework support material), and a contribution of £5,950 towards library services is therefore requested by the County Council. In order to ensure a logical and commensurate contribution as per that secured under the wider South East Coalville scheme, the applicants suggest making a contribution based on a sum of £54.34 per dwelling. It is considered that this would be an appropriate approach in this case.

Civic Amenity

Leicestershire County Council advises that an additional 54 tonnes of waste per annum are anticipated to be generated and disposed of at Coalville Civic Amenity Site as a result of the proposed development, requiring improvements at the site so as to provide the increased capacity. A contribution of £12,814 towards civic amenity services is therefore requested by the County Council. In order to ensure a logical and commensurate contribution as per that secured under the wider South East Coalville scheme, the applicants suggest making a contribution based on a sum of £65.38 per dwelling. It is considered that this would be an appropriate

approach in this case.

Children's Play, Public Open Space and National Forest planting

The wider South East Coalville scheme proposed under application 13/00956/OUTM indicated significant areas of open space / green infrastructure throughout that site, and including a number of children's play "hubs". In addition, contributions towards formal recreational open space (including in respect of facilities at Newbridge High School and South Street Recreation Ground in Ellistown) are proposed to be made.

The submitted layout shows a significant extent of the site given over to landscaping, retained and proposed tree / hedgerow planting and other open space, with the open space. No on-site equipped children's play area is proposed within the application site the subject of this particular application, but is included within that the subject of application 13/00802/FULM. That play area is located in a position similar to one indicated on the development framework plan accompanying the wider South East Coalville application (one of 11 such play areas). Having regard to the overall approach to children's play and public open space set out in respect of application 13/00956/OUTM, and whilst the play area on the site the subject of application 13/00802/FULM would, in itself, be smaller than would otherwise be expected for a development of the total scale of the two schemes combined, it is considered that the proposals would be appropriate in this regard, when considered as part of their context in the wider South East Coalville scheme. Furthermore, and as per the wider South East Coalville scheme, it is again proposed to make a contribution of £16,000 to Newbridge High School (intended to allow for works to improve drainage so as to allow existing playing fields to be brought back into beneficial use, and enabling their use by not only the school but also the wider community).

Insofar as National Forest planting is concerned, the National Forest Company accepted at the time the wider South East Coalville scheme was considered that an appropriate green infrastructure contribution overall (and exceeding its minimum 30% requirements) would be secured. In terms of the detailed schemes currently under consideration the National Forest Company accepts that, in terms of the quantum of National Forest planting required to comply with the relevant standards, the scheme would be appropriate. The National Forest Company expresses concern that the proposed street typologies (see Design above) would not include for tree planting within the highway verge to be adopted by Leicestershire County Council (as opposed to within land which would be either retained by home owners or under a management company arrangement). However, such an approach is becoming more frequently used by developers given the significant costs associated with having street trees adopted by the Local Highway Authority. As such, whilst it is accepted that, ideally, trees would be included within the highway and thereafter maintained by the County Council, the practicalities of achieving this (and, in particular, on a site where viability is marginal) would, it is considered, indicate that a more flexible approach ought to be taken in order to maximise the design merits of the scheme whilst not increasing costs unreasonably. If deemed necessary, it is considered that appropriate measures could be secured within the Section 106 agreement in terms of the appropriate future management of such trees.

Healthcare

Unlike application 13/00802/FULM, NHS England has not submitted a developer contribution request in respect of this particular scheme. However, having regard to the approach taken in respect of the wider South East Coalville scheme of which this forms part, it is considered that it would remain appropriate to secure a suitable contribution. In order to ensure a logical and

commensurate contribution as per that secured under the wider South East Coalville scheme, the applicants suggest making a contribution based on a sum of £102.57 per dwelling. It is considered that this would be an appropriate approach in this case.

Contributions sought by Leicestershire Police

Leicestershire Police requests a developer contribution of £70,692 in respect of policing as set out in the consultation response above. The contribution sought comprises:

Start up equipment / training	£8,054
Vehicles	£5,008
Additional radio call capacity	£502
Police National Database	£256
Additional call handling	£459
ANPR	£2,055
Mobile CCTV	£375
Additional premises	£53,589
Hub equipment	£394

With regard to the acceptability of police contributions, the issue is not one of principle. Furthermore, officers and representatives of Leicestershire Police have, in recent months, engaged in dialogue with a view to addressing ongoing officer concerns regarding CIL compliance of the requests. This has resulted in provision of additional / updated evidencing of contribution requests which, when considered in the context of the views taken by the majority of (but not all) Inspectors in recent appeal decisions within Leicestershire, leads officers to conclude that, on balance, the above requests would meet the tests in CIL Regulation 122 and NPPF paragraph 204.

At the time that application 13/00956/OUTM in respect of the wider South East Coalville development was considered, notwithstanding concerns expressed as to the justification for the requests made, the view was taken by the Planning Committee that, given the demonstrated viability limitations affecting the site's development (and the resulting need to prioritise such developer contributions that could be borne by the scheme), and having regard to the content of NPPF and the DCLG's Planning Practice Guidance, a policing contribution (amongst others) ought not to be required in that case. In coming to this view, the Authority had regard to the presumption in favour of sustainable development, and considered that the non-provision of the policing contributions sought would not, in itself, render the development unsustainable. The view was also taken that any adverse impacts on the sustainability of the scheme would be more than off-set by those benefits to the social role of sustainable development arising from the affordable housing secured (albeit itself also a reduced contribution vis-à-vis the normal standards given viability constraints).

The Planning Committee report in respect of application 13/00956/OUTM also noted that, in principle, there was no reason why any subsequent reserved matters scheme could not provide for a well-designed scheme addressing successfully criteria 1 (Connections) and 11 (Public and Private Spaces) of Building for Life 12, and that it would be open to the Police to provide crime prevention / police architectural liaison advice at the reserved matters stage if it considered that the layout / design proposed at that time was not appropriate in terms of minimising the opportunities for crime. Whilst the current applications are full applications rather than applications for reserved matters, the same principle is considered to apply, and no concerns have been raised by the Police with respect to layout or other design issues.

It is therefore concluded that, as per the position taken by the Local Planning Authority in respect of the earlier outline application for the wider site, the policing contributions sought ought not to be required in this instance.

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

Conclusions

As set out in the main report above, whilst the site constitutes greenfield land, it is allocated for residential development in the adopted North West Leicestershire Local Plan, and, furthermore, simply forms a section of the wider South East Coalville site the subject of application 13/00956/OUTM. It is also considered to be well related to the existing settlement and the range of services available therein and its release for housing is considered suitable in principle. Whilst (as per the wider South East Coalville site of which this site forms part) the proposed development would, for viability reasons, be unable to support the full range of infrastructure requirements as sought by the relevant consultees, and proposes a reduced contribution to affordable housing across the two sites (i.e. applications 13/00802/FULM and 15/00641/FULM), having regard to the NPPF's advice in respect of taking a flexible and proportionate approach to viability, and to the limited adverse affects that would occur as a result of the shortfalls in infrastructure provision, the view is taken that the proposals would, notwithstanding these issues, remain sustainable in NPPF terms. Approval is therefore recommended subject to appropriate Section 106 obligations and conditions.

RECOMMENDATION- PERMIT, subject to Section 106 Obligations, subject to no contrary representations being received by 11 May 2016, and subject to the following conditions:

- 1 The development shall be begun before the expiration of two 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), and to accord with the requirements of the Local Planning Authority's policy relating to developer contributions.

- 2 The proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by a condition of this permission:
 - Site location plan (EMS.2558_01 A) deposited with the Local Planning Authority on 14 July 2015
 - Site layout (13-67-11 Rev H) deposited with the Local Planning Authority on 22 April 2016
 - Indicative landscape masterplan (EMS.2558_02D) deposited with the Local Planning Authority on 27 April 2016
 - House types (elevations and floor plans) and garages as listed in the "Wainwright Road, Hugglescote Phase 2 - House Type Schedule" deposited with the Local Planning Authority on 22 April 2016 and attached to and forming part of this planning permission

Reason - To determine the scope of this permission.

- 3 No work shall commence in respect of the erection of any individual dwelling until such time as precise details of all materials to be used in the construction of the external surfaces of that dwelling (including samples where appropriate) have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the agreed details.

Reason - To enable the Local Planning Authority to retain control over the external appearance, in the interests of the amenities of the area, and to comply with Policies E4 and H7 of the North West Leicestershire Local Plan.

- 4 None of the dwellings hereby permitted shall be occupied until such time as a landscaping scheme to accord generally with the principles shown on drawing no. EMS.2558_02D 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 either the first occupation or the bringing into use of the development hereby approved unless an alternative implementation programme is first agreed in writing with the Local Planning Authority.

Reason - To ensure satisfactory landscaping is provided within a reasonable period, in the interests of nature conservation, to ensure the development provides for a satisfactory form of design, in the interest of amenity, and to comply with Policies E2, E4 E7 and H7 of the North West Leicestershire Local Plan.

- 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 ensure that the site landscaping is maintained for a suitable period, and to comply with Policies E2, E4 and E7 of the North West Leicestershire Local Plan.

- 6 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence in respect of the erection of any dwelling until such time as precise details of the treatment of all hard surfaces (including all access roads, footways, drives and parking / manoeuvring areas) within the development have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure the development provides for a satisfactory form of design, in the interest of amenity, in the interests of highway safety, and to comply with Policies T3, E4 and H7 of the North West Leicestershire Local Plan.

- 7 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence on site until such time as precise details of the proposed ground and floor levels within the proposed development in relation to neighbouring land / buildings have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure the development takes the form envisaged by the Local Planning Authority,

in the interests of amenity, to comply with Policies E3, E4 and H7 of the North West Leicestershire Local Plan, and to ensure that any proposals are agreed at an appropriate time having regard to the need for such measures to be secured prior to significant on-site works being undertaken.

- 8 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence in respect of the erection of any dwelling until such time as a scheme for the provision of vehicular, cycle and pedestrian links to and within the site (and including linkages to adjacent areas of land, a timetable for their provision and a strategy for the provision and ongoing maintenance of unfettered access for all persons at all times, where applicable), has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details timetable and thereafter be so maintained.

Reason - To ensure the development provides for a satisfactory form of design, in the interest of amenity, and , to comply with Policies E4 and H7 of the North West Leicestershire Local Plan.

- 9 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence in respect of the erection of any dwelling until such time as a detailed scheme for the boundary treatment of the site (and including the siting and detailed design of all means of enclosure) has been submitted to and agreed in writing by the Local Planning Authority. None of the dwellings hereby permitted shall be occupied until the relevant dwelling's boundary treatment as denoted on the agreed scheme has been implemented in full. 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, or as a replacement of such in the same location, constructed in the same materials, and at a height not exceeding that which it replaces) 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, to ensure an appropriate form of design, in the interests of reducing the opportunities for crime and to comply with Policies T3, E3, E4, E8 and H7 of the North West Leicestershire Local Plan.

- 10 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence on site until such time as a scheme for the drainage of foul and surface water from the site (and including for the implementation, maintenance and management of all surface water drainage measures) has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The scheme shall include:

- (i) A timetable for its implementation; and
- (ii) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason - To ensure that satisfactory provision is made at the appropriate time for the disposal

of foul and surface water, to prevent flooding, to minimise the risk of pollution, and to ensure that any mitigation works are implemented at an appropriate time having regard to the need for such measures to be secured prior to significant on-site works being undertaken.

- 11 No work shall commence on site until such time as precise details of proposed mitigation and / or management measures (and including a timetable for their implementation) as set out in sections 5.3.1 to 5.5 (inclusive) of the Ecological Surveys report (855460 (Rev2)) dated 2 September 2015 prepared by RSK have been submitted to and agreed in writing by the Local Planning Authority. Unless any alternative measures are first agreed in writing by the Local Planning Authority, no development shall be undertaken at any time other than in strict accordance with the agreed measures and timetable.

Reason - In the interests of nature conservation, and to ensure that any mitigation works are implemented at an appropriate time having regard to the potential for harm to features of ecological interest during all stages of the construction process.

- 12 No hedgerows, trees or shrubs shall be removed during the months of March to August inclusive unless first agreed in writing by the Local Planning Authority. Should nesting birds be found during construction work, all work within 5 metres of the nest shall cease immediately, and shall not resume until such time as the young have left the nest.

Reason - In the interests of nature conservation.

- 13 No external lighting shall be installed on site (and including during the construction phase) unless in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

Reason - In the interests of the amenities of the area, in the interests of nature conservation and to comply with Policy E4 of the North West Leicestershire Local Plan.

- 14 No development shall commence on the site until such time as a construction vehicle management plan, including wheel cleansing facilities and construction vehicle parking facilities, and a timetable for their provision, has been submitted to and agreed in writing by the Local Planning Authority. Unless any alternative management plan has first been submitted to and agreed in writing by the Local Planning Authority, no development shall be undertaken at any time other than in accordance with the approved details and timetable.

Reason - To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, to ensure that construction traffic associated with the development does not lead to on-street parking problems in the area, to ensure that any mitigation works are implemented at an appropriate time having regard to the potential for harm to highway safety during all stages of the construction process and to comply with Policy T3 of the North West Leicestershire Local Plan.

- 15 None of the dwellings hereby permitted shall be occupied until such time as a scheme of works to the Bardon Hill level crossing has been implemented in accordance details first submitted to and agreed in writing by the Local Planning Authority.

Reason - In the interests of railway safety.

- 16 No site works of any description shall take place on the site at any time unless the existing trees and hedgerows shown as retained on drawing no. 13-67-11 Rev H are securely fenced off in accordance with measures for their protection as detailed within the submitted FPCR Arboricultural Assessment dated June 2015. Within the fenced off areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and back-filled by hand, unless any alteration is first agreed in writing by the Local Planning Authority.

Reason - To ensure that existing trees are adequately protected during construction in the interests of the visual amenities of the area and to comply with Policy E7 of the North West Leicestershire Local Plan.

- 17 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence in respect of the erection of any individual dwelling until such time as precise details of all doors to that dwelling (including porches and door surrounds, as well as doors to proposed garages) have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure an appropriate form of design, in the interests of the amenities of the area, and to comply with Policies E4 and H7 of the North West Leicestershire Local Plan.

- 18 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence in respect of the erection of any individual dwelling until such time as precise details of all windows to that dwelling (including window styles, headers and cills) have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure an appropriate form of design, in the interests of the amenities of the area, and to comply with Policies E4 and H7 of the North West Leicestershire Local Plan.

- 19 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence in respect of the erection of any individual dwelling until such time as precise details of the treatment of verges, eaves and rainwater goods to that dwelling have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure an appropriate form of design, in the interests of the amenities of the area, and to comply with Policies E4 and H7 of the North West Leicestershire Local Plan.

- 20 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence in respect of the erection of any individual dwelling until such time as precise details of the positioning and treatment of utility boxes to that dwelling have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure an appropriate form of design, in the interests of the amenities of the area, and to comply with Policies E4 and H7 of the North West Leicestershire Local Plan.

- 21 No street name plates shall be installed other than in accordance with precise details (including positioning) first submitted to and agreed in writing by the Local Planning Authority.

Reason - To ensure an appropriate form of design, in the interests of the amenities of the area, and to comply with Policies E4 and H7 of the North West Leicestershire Local Plan.

- 22 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence in respect of the erection of any individual dwelling until such time as precise details of all bin and recycling store enclosures and collection points serving that dwelling have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure an appropriate form of design, in the interests of the amenities of the area, in the interests of highway safety, and to comply with Policies T3, E4 and H7 of the North West Leicestershire Local Plan.

- 23 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence in respect of the erection of any dwelling until such time as precise details of the provision of chimneys within the development (and including updated elevational details where applicable) have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure an appropriate form of design, in the interests of the amenities of the area, and to comply with Policies E4 and H7 of the North West Leicestershire Local Plan.

- 24 No individual dwelling shall be occupied until such time as its associated car parking provision (including garage space(s) where applicable) has been provided in full in accordance with the details shown on the approved plans and, once provided, shall not be obstructed and shall thereafter be 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, and to comply with Policies T8 of the North West Leicestershire Local Plan.

- 25 Notwithstanding the submitted details, no work shall commence on site until such time as a full schedule of all archaeological investigation, recording and mitigation works carried out and proposed to be undertaken within the site (including a programme for their implementation, and any measures in respect of the recording, analysis, publication and dissemination by a competent person / organisation) have been submitted to and agreed in writing by the Local Planning Authority. No development shall be carried out at any time other than in accordance with the agreed details.

Reason - To ensure satisfactory archaeological investigation and recording, and to ensure that any required investigation work is undertaken at an appropriate time within the development process.

- 26 None of the dwellings hereby permitted shall be occupied until such time as precise details of a scheme of public art to the proposed public open space adjacent to Plots 219-222 (and including a timetable for its implementation) have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and timetable.

Reason - To ensure the proposed public art is appropriate to its locality, and is provided at an appropriate time.

- 27 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence in respect of the construction of any estate roads nor in respect of the erection of any dwelling to Plots 219-222 (inclusive) until such time as precise details of the layout of those plots and the proposed adjacent public open space (and including any associated alterations to the site access roads) have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure an appropriate form of design, in the interests of the amenities of the area, and to comply with Policies E4 and H7 of the North West Leicestershire Local Plan.

- 28 Notwithstanding Condition 11 above, no demolition in respect of the existing dwelling at 104 Forest Road shall take place at any time other than in accordance with the recommendations set out in Section 5 of the submitted Bat Emergence Survey dated 28 July 2014 prepared by C B E Consulting.

Reason - In the interests of nature conservation.

- 29 Notwithstanding the submitted details nor Condition 2 above, no work shall commence in respect of the erection of any dwelling until such time as precise details of all measures set out generally in Sections 6.1.5 and 6.1.6 of the submitted Noise Assessment Report dated July 2015 prepared by Wardell Armstrong have been submitted to and agreed in writing by the Local Planning Authority. No individual dwelling shall be occupied until such time as the agreed measures relevant to that dwelling have been implemented in full.

Reason - To ensure the development provides for satisfactory living conditions for occupiers of the proposed dwellings, in the interests of residential amenity, and to comply with Policy E3 of the North West Leicestershire Local Plan.

- 30 Notwithstanding the submitted plans, nor Condition 2 above, no substations shall be installed other than in accordance with precise details first submitted to and agreed in writing by the Local Planning Authority.

Reason - To ensure an appropriate form of design, in the interests of the amenities of the area, and to comply with Policies E4 and H7 of the North West Leicestershire Local Plan.

- 31 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence in respect of the erection of any dwelling to Plot nos. 98-115, 239-240 or 259-268 until such time as precise details of the elevations of the relevant dwelling have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - For the avoidance of doubt as to what is permitted, to ensure an appropriate form of design, in the interests of the amenities of the area, and to comply with Policies E4 and H7 of the North West Leicestershire Local Plan.

- 32 Notwithstanding the submitted plans, nor Conditions 2 and 4 above, none of the dwellings hereby permitted shall be occupied until such time as a scheme of additional landscaping in respect of the area between Plot 239 and the proposed access road's junction with Forest Road, together with a timetable for its implementation, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall

be implemented in accordance with the agreed details and timetable. 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 ensure satisfactory landscaping is provided within a reasonable period, in the interests of crime prevention, to ensure the development provides for a satisfactory form of design, in the interest of amenity, and to comply with Policies E2, E4 E7 and H7 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 early engagement with the applicant both at the pre-application stage and during the application determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 2 The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:
 - Collapse of shallow coal mine workings.
 - Collapse of, or risk of entry into, mine entries (shafts and adits).
 - Gas emissions from coal mines including methane and carbon dioxide.
 - Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
 - Transmission of gases into adjacent properties from underground sources through ground fractures.
 - Coal mining subsidence.
 - Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or

gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

- 3 Your attention is drawn to the attached report of Severn Trent Water Limited.
- 4 Your attention is drawn to the attached report of Leicestershire County Council's Principal Ecologist.
- 5 Your attention is drawn to the attached report of Leicestershire County Council's Director of Environment and Transport in respect of highway matters.
- 6 Your attention is drawn to the attached report of Leicestershire County Council's Director of Environment and Transport in the County Council's capacity as Lead Local Flood Authority.
- 7 Your attention is drawn to the attached report of Leicestershire County Council's Rights of Way Officer.
- 8 Your attention is drawn to the attached report of the National Forest Company.
- 9 This decision is in accordance with the resolution of the Planning Committee of 10 May 2016 and is subject to a Section 106 Obligation.
- 10 The applicant is advised that, for the purposes of complying with Condition 8 above, the scheme should include for, amongst others, appropriate linkages between pedestrian routes in the area adjacent to Plot 94.
- 11 The applicant is advised that, for the purposes of complying with Condition 32 above, the scheme should have regard to the need to discourage unauthorised access to existing adjacent property.

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Erection of three detached dwellings with garages (Outline -
Part access for approval)

Report Item No
A3

Land Adjacent To 67 Loughborough Road Coleorton Coalville
Leicestershire LE67 8HJ

Application Reference
16/00198/OUT

Applicant:
Mr M Specht

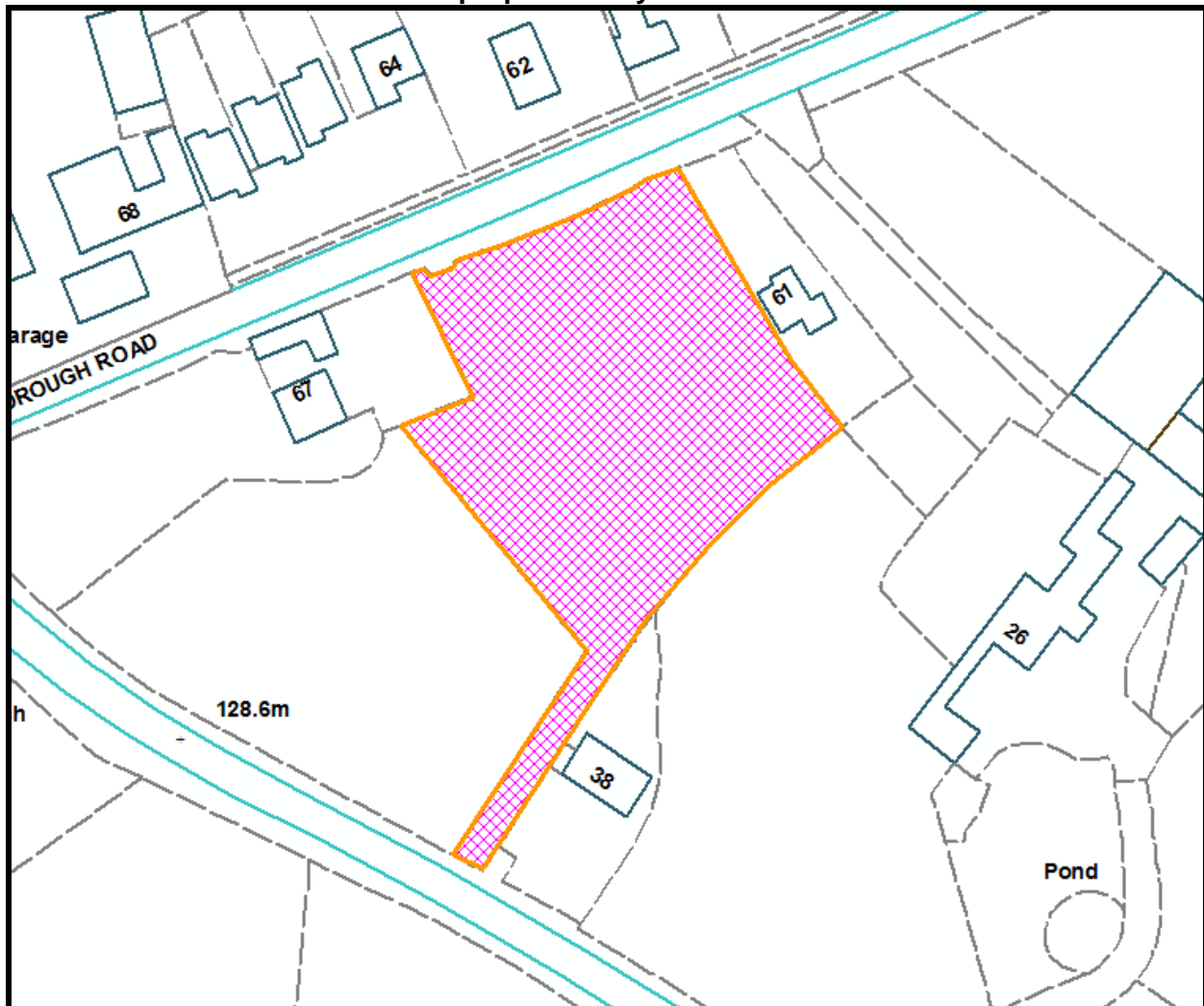
Date Registered
16 February 2016

Case Officer:
Adam Mellor

Target Decision Date
12 April 2016

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

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

Proposal

The application is in outline form and seeks approval for the erection of three detached dwellings on a rectangular piece of land on the south-eastern side of Loughborough Road between nos. 61 and 67 Loughborough Road. The 0.38 hectare site is on land outside the defined Limits to Development as well as upon land designated as Green Wedge under Policy E20 of the adopted North West Leicestershire Local Plan. At this stage the access point into the site off Loughborough Road is for approval with the supporting information also highlighting that the dwellings would be self build properties.

Consultations

A total of 15 no. individual representations have been received with five of those representations opposed to the development and ten in support of the development. Swannington Parish Council have also objected to the development. All other statutory consultees have raised no objections subject to the imposition of conditions on any consent granted.

Planning Policy

Whilst the principle of the development would conflict with the aims of Policy E20 of the adopted North West Leicestershire Local Plan, and in part the environmental strand of sustainability, the degree of conflict would not be significant and would be outweighed by other factors as well as the limited weight afforded to Policy E20 in the decision making process. Notwithstanding such conflict the development would remain compliant with all other relevant Paragraphs of the National Planning Policy Framework (NPPF) as well as the other policies of the current, and draft consultation, North West Leicestershire Local Plan and other guidance.

Conclusion

Although the application site is a greenfield site and part of the Green Wedge it is considered that the conflict with the environmental strand of sustainability, as well as Policy E20, would not be substantial due to the position of the dwellings on the edges of this designated area and the fact the dwellings would not be 'isolated'. The provision of renewable energy technologies into the scheme would also assist in providing some environmental benefits and when taking these factors into account with the positive social and economic benefits it is considered that these as a whole would outweigh the general concern over the location of the development particularly in the circumstances that the District Council does not have a five year housing land supply and the limited weight afforded to Policy E20. Overall the development would be compliant with the key principles of the NPPF as well as Paragraphs 28 and 55.

It is considered that a development of three dwellings could occur on the site without resulting in any adverse impacts on the amenities of existing residents, in terms of overbearing and overshadowing implications, with the most sensitive relationship being between plot 3 and no. 61 Loughborough Road. The amenities of any future occupants would also not be adversely affected. On this basis the development is considered compliant with Paragraph 123 of the

NPPF and Policy E3 of the adopted Local Plan.

Whilst only part access is for consideration at this stage the indicative layout drawing highlights that the site is capable of accommodating three dwellings which would respond to the characteristics of the area by fronting onto Loughborough Road and being consistent with the building line of nos. 61 and 67 Loughborough Road. Subject to the position of the detached garage serving plot 1 being agreed on the layout progressed under a reserved matters application, to ensure it is not to the site frontage, it is considered that the scheme would accord with Paragraphs 57, 60 and 61 of the NPPF and Policy E4 of the adopted Local Plan.

Subject to the imposition of conditions, and notes to the applicant, on any consent granted it is considered that the development proposal would not result in severe detriment to pedestrian or highway safety with additional facilities being provided to ease the movements of pedestrians across Loughborough Road. A sufficient level of off-street parking could also be secured at the reserved matters stage. In these circumstances the development would be compliant with Paragraphs 32 and 39 of the NPPF as well as Policies T3 and T8 of the adopted Local Plan.

In respect of all 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 existing ecological species, as well as promoting biodiversity, would not result in adverse implications to archaeology and which would provide additional landscaping whilst maintaining existing landscaping. On this basis the development would be compliant with Paragraphs 118 and 141 of the NPPF, Policies E2, E7, E26, F1, F2 and F3 of the adopted Local Plan and Circular 06/05.

As the site lies within Flood Zone 1, and is also not in a critical surface water drainage area, it is considered that any surface water drainage solution would not exacerbate any localised flooding impact with the indicative plans highlighting that the individual dwellings would seek ways of recycling rainwater and grey water. As the surface water drainage solution would be subject to a separate legislative procedure, which would have to ensure flood risk is not increased elsewhere, it is considered the development would accord with Paragraph 103 of the NPPF. Foul drainage would be directed to the mains sewer with such a connection being agreed with Severn Trent Water under separate legislation. Such a proposal would be acceptable in the context of Paragraph 120 of the NPPF.

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

MAIN REPORT

1. Proposals and Background

Outline planning permission is sought for the erection of three detached dwellings with garages with all matters except part access reserved for subsequent approval at land adjacent to 67 Loughborough Road, Coleorton. The 0.38 hectare site lies on the south-eastern side of Loughborough Road between nos. 61 and 67 Loughborough Road and is mainly rectangular in shape although a strip of land extends from the south-western corner of the site to Church Hill. The site is located outside the defined Limits to Development and is also within a designated Green Wedge area. Members are advised that whilst the site has a postal address of Coleorton and is within the Parish of Swannington, it does not fall within the boundaries of these settlements and is more closely related to the settlement of Peggs Green.

The indicative site plan submitted in support of the application highlights that the three dwellings would be served by one vehicular access point which would be formed off Loughborough Road. Within the submitted design and access statement it is also specified that the three dwellings would be self build properties which would be sold with services (water, electricity, gas and drainage) and a base slab level, the individual purchaser would then be responsible for the design of the dwelling constructed.

A design and access statement, highways assessment, extended phase 1 (including protected species) survey, badger survey, great crested newts habitat survey and arboricultural survey have been submitted in support of the application.

In respect of the recent planning history of the site, this would be as follows: -

- 12/00153/OUT - Erection of five dwellings (outline - all matters reserved) - Withdrawn 3rd April 2012;
- 12/00347/OUT - Erection of five dwellings (outline - all matters reserved) - Refused 30th May 2012; Dismissed at Appeal 5th March 2013.

2. Publicity

12 no neighbours have been notified (date of last notification 19 February 2016)

Site Notice displayed 19 February 2016

Press Notice published 2 March 2016

3. Consultations

Swannington Parish Council consulted 19 February 2016
 County Highway Authority
 Severn Trent Water Limited
 Head of Environmental Protection
 NWLDC Tree Officer
 County Archaeologist
 LCC ecology

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.

Leicestershire County Council - Archaeology has no objections and that no archaeological work is required.

Leicestershire County Council - Ecology has no objections subject to the imposition of conditions on any consent granted.

Leicestershire County Council - Highways Authority has no objections subject to the imposition of conditions on any consent granted.

NWLDC - Environmental Protection has no objections.

Severn Trent Water no representation received.

Swannington Parish Council object to the application on the following grounds: -

- The site is outside the Limits to Development;
- Nothing has changed on the site since the previous application refused in 2012 and dismissed in appeal apart from the number of dwellings proposed;
- The site is part of Swannington Parish and not Coleorton nor Peggs Green so the fact that Peggs Green would only remain sustainable should the development be approved is wrong;
- Development is not in accordance with Policy S3.

Third Party Representations

Five no. of individual representation objecting to the application have been received and the concerns raised are summarised as follows: -

- The application site is within the Coalville Green Wedge, and as such is Green Belt, where development should be prohibited;
- There will be inadequate drainage which will cause flooding, adequate rain and grey water provisions should therefore be provided;
- Services and goods supplied by the location garages would not make the site sustainable;
- Future occupants would need to cross the A512 to access such services, as well as the bus stops, which would not be in the interests of highway safety;
- Proposed pedestrian island crossing is not wide enough and would likely be impacted on by the movement of heavy goods vehicles on the A512;
- Whilst the Inspector allowed an appeal at 85 Loughborough Road for residential development this land was within the Limits to Development and had convenient access to the bus stop so does not set a precedent;
- The land is outside the defined Limits to Development;
- Development of the site will result in ribbon development which will harm the character and appearance of the area and the Green Wedge given that the land in question slopes down to the farm to the rear;
- There have been no change in circumstances since the last application, and subsequent appeal were considered, and therefore this proposal should also be refused;
- The proposed vehicular access into the site would lead to highway safety implications given the limited visibility afforded when exiting the site;
- Vehicles often travel in excess of the speed limit thereby increasing the possibility of an accident occurring;
- Insufficient off-street parking would be provided for the dwellings;
- Development will impact on views established and neighbouring property values;
- The design of the dwellings is not in keeping with those in the area;

10 no. of representations offering support to the development have also been received and the comments raised are summarised as follows: -

- Community will benefit from the occupants using local schools, bus services, other small businesses and local amenities;
- Properties will visually enhance the area and has good credentials given use of solar panels and air source heat pumps;
- In order for villages to be kept alive small schemes such as this should be welcomed;
- Government is trying to promote self build plots and this site would provide an opportunity for such a development to come forward;
- Site is currently under used and it is highly likely that this development would be 'built out' given the limited number of dwellings proposed;
- Incorporation of renewable technologies into the scheme should be supported.

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);
 Paragraphs 18-20 (Building a strong, competitive economy);
 Paragraph 32 (Promoting sustainable transport);
 Paragraph 39 (Promoting sustainable transport);
 Paragraph 47 (Delivering a wide choice of high quality homes);
 Paragraph 49 (Delivering a wide choice of high quality homes);
 Paragraph 50 (Delivering a wide choice of high quality homes);
 Paragraph 54 (Delivering a wide choice of high quality homes);
 Paragraph 55 (Delivering a wide choice of high quality homes);
 Paragraph 56 (Requiring good design);
 Paragraph 57 (Requiring good design);
 Paragraph 59 (Requiring good design);
 Paragraph 60 (Requiring good design);
 Paragraph 61 (Requiring good design);
 Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change);
 Paragraph 109 (Conserving and enhancing the natural environment);
 Paragraph 118 (Conserving and enhancing the natural environment);
 Paragraph 120 (Conserving and enhancing the natural environment);
 Paragraph 123 (Conserving and enhancing the natural environment);

Paragraph 141 (Conserving and enhancing the historic environment);
Paragraph 203 (Planning conditions and obligations);
Paragraph 204 (Planning conditions and obligations);
Paragraph 206 (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 S1 sets out 13 criteria which form the strategy for the adopted Local Plan;
Policy S3 - Countryside;
Policy E3 - Residential Amenities;
Policy E4 - Design;
Policy E7 - Landscaping;
Policy E20 - Green Wedge;
Policy E26 - Sites of County or District Ecological or Geological Interest;
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 H6 - Housing Density;
Policy H7 - Housing Design;

Draft Consultation North West Leicestershire Local Plan

On 15 September 2015 the District Council's Full Council considered a draft Local Plan and resolved to approve the draft Local Plan for consultation. The draft policies listed below are considered relevant to this application. However, in view of the very early stage to which the draft Local Plan has progressed, only very limited weight can be attributed to its policies at this stage.

Policy S1 - Presumption in Favour of Sustainable Development;
Policy S2 - Future Housing and Economic Development Needs;
Policy S3 - Settlement Hierarchy;
Policy S4 - Countryside;
Policy S5 - Design of New Development;
Policy H6 - House Types and Mix;
Policy IF1 - Development and Infrastructure;
Policy IF4 - Transport Infrastructure and New Development;
Policy IF7 - Parking Provision and New Development;
Policy En1 - Nature Conservation;
Policy En3 - The National Forest;
Policy En6 - Land and Air Quality;
Policy Cc2 - Sustainable Design and Construction;
Policy Cc3 - Water - Flood Risk;
Policy Cc4 - Water - Sustainable Drainage Systems;

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 the 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)).

With regards to the application site it is noted that it lies outside the defined Limits to Development with residential dwellings not being a form of development permitted by Policy S3 of the adopted Local Plan. The site is also within an area identified as Green Wedge with Policy E20 of the adopted Local Plan setting out that development which would adversely affect or diminish the present open and undeveloped character of the Green Wedge will not be permitted, and any built development should be limited to minor structures and facilities that are ancillary to identified purposes which, again, does not include housing.

The Inspector's decision concerning the recent Greenhill Road appeal (ref: APP/G2435/W/15/3005052) sets out that the Authority is currently unable to demonstrate a five year supply of housing land. This means that "saved" adopted Local Plan policies that are concerned with housing supply, such as S3 and H4/1, must be considered to be out of date, and accordingly 'weight' should not be afforded to them when determining planning applications. The NPPF includes a clear presumption in favour of sustainable development, which taken together with the current inability to demonstrate a five year supply, indicate that planning permission for new homes should normally be granted in sustainable locations.

It is also important to bear in mind 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). It is therefore considered inevitable that greenfield land will need to be released 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. In this respect it is acknowledged that the Limits to Development are located on the north-western side of Loughborough Road opposite the site.

In assessing and determining the application it also needs to be 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.

With regards to the previous appeal decision on the site (ref: APP/G2435/A/12/2182880) the Inspector was of the view that the site was not in a sustainable location given the lack of accessibility to basic services (a bus stop, public house and recreation ground being identified as the only available services) with the convenience facilities available within the nearby garages not being sufficient to serve the 'day to day' needs of future residents. However, a more recent appeal decision relating to a site at 85 Loughborough Road (ref: APP/G2435/W/15/3133687) concluded the following: -

"The site lies over a kilometre away from the Post Office and convenience store in Coleorton and the nearby primary schools in Coleorton and Griffydam. As pointed out by the Council, these facilities are in a location beyond the distance of 800m which the Institute of Highways and Transportation (IHT) document 'Providing for Journeys on Foot' considers to be the preferred maximum walking distance to a town centre. However, convenience goods can be brought in the shop attached to one of the two garages which are within walking distance of the site and can be reached by lit pavements. Similarly a recreation ground, village hall and public houses and restaurant are also within walking distance. Furthermore, there is a dedicated bus service to the local secondary school which stops right outside the house. This bus stop also provides an hourly bus service to the neighbouring towns of Coalville and Ashby De La Zouch where there are a wide range of shops, employment opportunities, local facilities and services.

Whilst I accept that it is likely that future occupiers of the proposed dwellings would need the use of a private motor vehicles to access some services, I believe that there are safe and suitable routes to access a number of local services on foot or by bicycle, and there is a convenient and regular bus service available to access a greater range of services located in neighbouring towns. The future occupants of the proposed development would not therefore need to be heavily reliant on the use of a motor vehicle. Furthermore, future occupiers could support some local businesses, services and facilities as well as public transport which add weight in support of the appellant's case."

The application site would be located 97.9 metres from the convenience goods at Redhall Garage, 176.57 metres from a church (St Georges Church, Church Hill), 508.49 metres from a public house (The New Inn, Zion Hill), 562.96 metres from a recreation ground (off Zion Hill), 693.40 metres from the convenience goods at Circle Garage and 744.81 metres from a social centre (Beaumont Social Centre, Nottingham Road). The same bus services referred to in the appeal decision at 85 Loughborough Road would also be only 423.35 metres from the site. In respect of the closest school this would be Swannington Church of England School on Main Street which would be 1,741.01 metres away, whilst this is the case the Inspector in the 85 Loughborough Road appeal acknowledged that a distance of over 1000.0 metres to the local schools was not unacceptable. It is also considered that the simple fact that the application site is outside the defined Limits to Development, and that future residents would have to cross the A512 to access such services, would also not be a reason to suggest that the site would not be socially sustainable given that future occupants of the 85 Loughborough Road site would be required to cross the same highway as well as the fact that such services are accessible on maintained footways which are well lit.

In conclusion on the social sustainability credentials of the development it is considered that

residents of the development would have access to services which would meet their day to day needs (i.e. a convenience store) with other facilities and employment opportunities being accessible by utilising the public transport options. In this circumstance it is considered that a scheme for three dwellings 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.

From an environmentally sustainable point of view the site is outside the defined Limits to Development, and therefore assessed in the context of Policy S3 of the adopted Local Plan, with site also being on land designated as Green Wedge and assessed against Policy E20 of the adopted Local Plan. The application slopes downwards from north-west to south-east by around 3.0 metres, as well as from south-west to north-east by around 3.0 metres, and forms an open break between two existing residential dwellings (nos. 61 and 67 Loughborough Road).

Policy E20 of the adopted Local Plan provides that: -

"Development will not be permitted which would adversely affect or diminish the present open and undeveloped character of the Coalville-Whitwick-Swannington Green Wedge identified on the Proposals Map.

Appropriate uses in the Green Wedge are agriculture, forestry, minerals extraction and open sports and recreation uses.

Any built development permitted within the Green Wedge will be limited to minor structures and facilities which are strictly ancillary to the use of the land for these purposes."

In many respects this policy would be supported by the principles of Paragraph 17 of the NPPF and the ministerial letter from Brandon Lewis of the 27th March 2015 urging Inspectors to protect the intrinsic beauty of the countryside.

A residential development of the site would involve the formation of a new vehicular access and the erection of three residential units with the indicative site layout plan demonstrating how this may be achieved. In considering the appeal on the site the Inspector highlighted that:

"although in the vicinity of the site there is a frontage of ribbon development along the northern side of Loughborough Road, the southern side is characterised by sporadic buildings punctuating the rural landscape. The appeal site has a rural appearance and provides a wide gap between the only 2 houses on the southern side of the road, and slopes away from Loughborough Road towards a farm to the rear of the site. The illustrative plan shows a row of houses facing Loughborough Road, which would fill the gap between the 2 houses resulting in a block of development facing the ribbon development opposite. Due to the topography of the land the houses would be elevated and dominant in views from the south. Although the plans are illustrative only it is difficult to see how residential development consisting of a number of houses could be accommodated or designed which would not cause significant harm to the open nature of the appeal site which is an important element of the scattered nature of development on this side of the A512."

Since the determination of this appeal, however, it is noted that the weight afforded to Policy E20 may need to be reduced, given the conclusions made in the recent Court of Appeal Judgement (Richborough Estates v Cheshire East Borough Council & Secretary of State). This concluded that those environmental policies which seek to resist the delivery of housing should not be considered up-to-date if the Council cannot demonstrate a five-year supply of housing

sites (which on the basis of the Greenhill Road appeal decision the Council cannot at this present time) as they would be inconsistent with the aims of Paragraph 49 of the NPPF, it is however acknowledged that this decision is currently subject of a challenge to the Supreme Court. It should also be recognised that this part of the Green Wedge is removed under the current Draft Consultation North West Leicestershire Local Plan and designated as countryside which would be assessed against Policy S4.

With regards to the site in question it is located on the edge of the designated area and situated between two detached two-storey dwellings. It is considered that the indicative layout highlights that a development could be progressed which would respect the building line of existing properties with there also being a farmstead located to the south and a further detached residential property to the south west of the main part of the site. Should the development be approved it would lead to a small cluster of dwellings being established on the southern side of Loughborough Road which would impact on the existing sporadic nature of development. Whilst this is the case it is considered that the degree of harm to the environment would not be of such detriment as to warrant a refusal of the application given that less dwellings are proposed, which leads to greater spacing between plots, and when viewed in the wider context the southern side of Loughborough Road does include a small cluster of dwellings (nos. 85, 87, 89 Loughborough Road and no. 202 Moor Lane). The assessment of the Inspector in specifying that the elevated nature of the site would result in the development being dominant in views from the south would also appear unfounded given that subject to the scale and finished floor levels being carefully considered the dwellings would be no more dominant than nos. 61 and 67 Loughborough Road whose roof slopes are visible from the south-west, when viewed from the access to Mount Pleasant Farm on Church View. On this basis, therefore, it is considered that the close proximity of the site to the northern edge of the designated Green Wedge, as well as the Limits to Development on the northern side of Loughborough Road, and the pattern of development in the area as a whole would not have a significant impact on the open character of the landscape or Green Wedge as set out in Policy E20. The containment of the site between existing built forms would also likely preclude further development to the north-east or south-west of nos. 61 and 67 Loughborough Road.

Paragraph 4.81 of the Local Plan also states that in addition to the provisions of Policy E20 (Green Wedge), the planning authority will seek to secure the positive management of the Green Wedge in order to maintain or enhance both its wildlife and attractive landscape. Whilst the application is being considered for outline permission at this stage, it should be noted the indicative layout plan indicates that the south-eastern section of the site, to the rear of the dwellings, would be formed into a wetland area and the strip of land projecting to the south-west would be planted to encourage biodiversity which could be conditioned on any consent granted.

On the basis of the above it can also be determined that the development would not result in the provision of 'isolated' dwellings in the countryside, given that any views established from the public domain would see the dwellings in association with existing built forms, and to assist in reducing the overall environmental impacts of the proposal, the indicative layout plan identifies that renewable technologies (such as solar photovoltaics, solar hot water heating, air source heat pumps and rainwater/grey water harvesting) could also be incorporated into the design of the dwellings which could be subject to a condition on any consent granted.

In conclusion whilst there would be conflict with the environmental strand of sustainability, given that the dwellings would be provided on a greenfield site identified as Green Wedge, such conflict would not be substantial due to the position of the dwellings in close proximity to the defined Limits to Development (on the opposite side of Loughborough Road) as well as the fact that the development is located to the edge of the Green Wedge. The scheme would also result

in environmental benefits associated with the provision of biodiversity enhancements and the installation of renewable energy technologies and taking these factors into account with the positive social and economic benefits it is considered that these as a whole would outweigh the general concern that the proposal would be on a greenfield site particularly in the circumstances that the District Council does not have a five year housing land supply and the limited weight afforded to Policy E20. As such the principle of the development would be acceptable.

Density and Housing Mix

With a site area of 0.38 hectares the proposed development would have a density of 7.89 dwellings per hectare which would fall below the 40 dwellings per hectare advised by Policy H6 of the adopted Local Plan in locations well served by public transport and accessibility to services.

Whilst this density is below that advised in Policy H6 this policy also advises that it is important to factor into any assessment the principles of good design as well as green space and landscaping requirements. When considering the size of the site and the character of the surrounding area, as well as the retention and enhancement of vegetation due to the National Forest setting of the site and the provision of ecological enhancements, the proposed scheme for three dwellings would represent an efficient use of the land in this instance. On this basis the degree of conflict with Policy H6 of the adopted Local Plan would not justify a refusal of the application.

In respect of the housing mix it is proposed that all the dwellings would accommodate four or more bedrooms which given the scale of the development, being three dwellings, would be acceptable on the basis the affordable housing threshold in this part of the District would only apply on schemes of five or more dwellings. Overall the proposal would comply with Paragraph 50 of the NPPF.

Accessibility

The County Council Highways Authority have no objections to the development subject to the imposition of conditions on any consent granted. Whilst the new vehicular access would be formed onto a Class I highway (A512) the speed limit in force is 40 mph and as such this does not conflict with Section IN5 of the 6Cs Design Guide.

It is proposed that the vehicular access to serve the development would be provided via Loughborough Road with the access point slightly offset from the centre of the north-eastern (roadside) boundary. On the indicative layout plan it is highlighted that the visibility splays of 2.4 metres by 91.0 metres could be provided in both directions along with pedestrian visibility splays of 1.0 metre by 1.0 metre. Whilst the access would be formed onto a Class I highway (A512), and objections have been received in respect of additional movement of vehicles within the highway, the County Council Highways Authority considers that the visibility splays to be supplied would be sufficient for the speed of traffic on the carriageway. To aid pedestrian movements from the site to the maintained footway on the opposite side of Loughborough Road a 2.0 metre wide footway would be provided adjacent to the north-western (roadside) boundary with a pedestrian refuge within Loughborough Road itself. In respect of the pedestrian refuge the County Highways Authority have advised that such a proposal should be subject to a detailed planning condition to ensure an appropriate scheme is supplied. At the reserved matters stage it could also be ensured that appropriate manoeuvring facilities would be provided within the site to enable vehicles to do so in a forward direction. In conclusion it is considered that as Paragraph 32 advises that applications should only be refused on highway safety

grounds where the cumulative impacts are 'severe' the development would not conflict with the intentions of this policy nor Policy T3 of the adopted Local Plan.

Appropriate levels of off-street parking for the dwellings would be provided once the layout was finalised under any reserved matters submission and at that stage it would be ensured that the development accorded with the requirements of Paragraph 39 of the NPPF and Policy T8 of the adopted Local Plan. It is, however, acknowledged that the indicative layout highlights that each dwelling would have a minimum of three off-street parking spaces which would be sufficient for a four bed property.

With regards to the objection raised in respect of vehicles travelling in excess of the speed limit this would be a matter which should be addressed by the police.

Neighbours and Future Occupants' Amenities

The illustrative layout submitted in support of the development shows three dwellings between the south-western (side) elevation of no. 61 Loughborough Road and to the south-east of the detached triple garage serving no. 67 Loughborough Road.

Matters of scale, layout, appearance and landscaping are reserved for subsequent approval with it being noted that a first floor window exists in the south-western (side) elevation of no. 61 Loughborough Road. On the basis of the site area it is considered that it is of a sufficient size to provide three dwellings and that the indicative layout demonstrates these dwellings could be accommodated without adverse impacts arising to the amenities of neighbours. This is considered to be the case given the setting of no. 67 away from the shared boundary and the fact that the scale and position of a dwelling on plot 3 could take into account the first floor window on the south-western (side) elevation of no. 61 which would appear to serve a habitable room.

The Council's Environmental Protection team have raised no objections to the application and on this basis it is considered that the movement of vehicles associated with future tenants would not adversely impact on neighbouring amenities with regards to noise and smell implications. In these circumstances the development would be compliant with Paragraph 123 of the NPPF.

With regards to future amenities it is considered that an acceptable relationship with the adjacent neighbouring properties (nos. 61 and 67), as well as between the dwellings themselves, could be established on any layout progressed under a reserved matters application with the most critical assessment being potential overlooking from a first floor habitable room window in the south-eastern (side) elevation of no. 61. A suitable relationship with the TPO trees on the north-western boundary could also be provided and these trees would not be subject to any undue pressure for removal given their orientation to the plots.

Overall the proposal would be compliant with Policy E3 of the adopted Local Plan.

Impact on the Character and Appearance of the Wider Area and Streetscape

The need for good design in new residential development is outlined not only in adopted Local Plan Policies E4 and H7 but also Paragraphs 57 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 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."*

It is noted that scale, appearance, landscaping and layout are all included as matters to be considered at a later stage. Properties on the south-eastern side of the A512 are two-storey detached types with those on the north-western side also being predominately two-storey detached types, the proximity of these dwellings to the highway varies.

The indicative layout plan submitted in support of the application shows a low density detached dwelling approach with the design and access statement setting out that two-storey dwellings would be accommodated on the site. It is also considered that the indicative layout would complement the building line of the properties on the adjacent plots, nos. 61 and 67 Loughborough Road, and would be considerate of the well established hedgerow and trees to the north-western roadside boundary with a setback of at least 25.0 metres from the highway boundary. This layout does, however, indicate that a garage would be positioned forward of the building line which is something which would be discouraged given that it offers little to the streetscene, a note to the applicant could advise that such a design approach should be revised.

During the site visit it was observed that the surrounding residential properties comprise a mix of periods, styles and forms, with two particularly distinctive properties opposite the site at nos. 60 and 62 Loughborough Road. The illustrative street scene does not demonstrate that the proposed dwellings would reflect a particular style or character exhibited in neighbouring dwellings (in particular nos. 60 and 62).

Under the terms of the Self-build and Custom Housebuilding (Register) Regulations 2016 the Local Planning Authority has a duty to provide a self build register with such a register being in place from the 1st April 2016, to date nineteen people have registered their interest in self build projects within the District. The application proposes that the three dwellings would be sold as 'self build' plots which may therefore lead to individual design options being submitted. If individual design options are pursued by future occupants it would be important to promote local distinctiveness but Paragraph 60 of the NPPF makes it clear that *"planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles."* Although, at this stage, it is not considered necessary for the scheme to be secured as a 'self-build' project a condition could be imposed on any consent granted requiring the submission of a design code should such an approach be taken to developing the site. This would ensure that there would be some consistency between the dwellings designs which would promote local distinctiveness.

At this stage, therefore, whilst concerns have been raised in relation to the design and layout of the proposed development by third parties, given that the application is for outline consent with only part access for approval at this stage it is considered that such concerns could be addressed through the reserved matters stage of the application should outline planning permission be granted.

Overall the development is considered to be compliant with Paragraphs 57, 60 and 61 of the NPPF as well as Policy E4 of the adopted Local Plan. The specific requirements of Policies F1 and H7 of the adopted Local Plan would be met under any subsequent reserved matters application.

Landscaping

An arboricultural assessment has been submitted in support of the application which has

identified that there are a number of well established trees and hedgerows, especially towards the north-western (roadside) boundary including an Ash tree covered by a Tree Preservation Order (ref: T193).

On the basis of the indicative site layout plan it would appear that the proposal includes the removal of four trees (1 no. Hawthorn, 2 no. English Oak and 1 no. Wych Elm) two trees of which form part of the north-western (roadside) boundary. The loss of these trees is not considered to impact adversely on the visual amenities of the area given that their expected lifespan is under 10 years and more appropriate landscaping could be secured under any reserved matters submission. The other two trees to be removed are relatively small specimens contained within the site and therefore they do not contribute significantly to the visual amenities of the wider area to a degree whereby they should be retained. The removal of part of the hedgerow to facilitate the vehicular access would also not be of significant detriment to the visual amenities of the streetscape given that a replacement hedgerow would be provided to the south-west of the access, behind the vehicular visibility splays, to close off an existing field access.

Whilst the layout submitted is indicative only it is anticipated that the remaining vegetation on the site, other than that identified above, could be integrated into the development, given that it is generally confined to the site boundaries, and it would therefore be ensured at the reserved matters stage that any layout progressed seeks to retain this landscaping. Additional landscaping would also be secured on any layout progressed at the reserved matters stage given that it lies within the National Forest.

Subject to such matters being satisfactorily addressed at the reserved matters stage it is considered that the development would accord with Policies E2, E7, F1, F2 and F3 of the adopted Local Plan.

Ecology

The initial submission was accompanied by an extended phase 1 (including protected species survey) ecological report with later submissions of a badger survey and great crested newts habitat survey also being received.

As part of the consideration of the application these reports have been assessed by the County Council Ecologist who has raised no objections subject to the imposition of conditions on any consent granted. These conditions relate to precautionary mitigation for badgers and newts, the provision of wetland and native tree/shrub planting as well as that vegetation should only be removed outside the bird nesting season (August to February inclusive). The indicative layout as submitted would also be acceptable to the County Council Ecologist albeit this element of the scheme is not for approval at this stage. Subject to the imposition of the conditions as requested by the County Council Ecologist, or relevant informative, the scheme would be compliant with Paragraph 118 of the NPPF and Circular 06/05.

Whilst the site is also covered by Policy E26 of the adopted Local Plan the County Council Ecologist confirmed under the previous application on the site (ref: 12/00347/OUT) that the site was no longer deemed to be of ecological importance and that the creation of new habitats (including wetlands) would ensure compliance with this particular policy.

Drainage and Flood Risk

The site lies within flood zone 1 and is not identified as a site with a critical drainage issue on

the Environment Agency's Surface Water Flooding Maps. Details of drainage would be dealt with under separate legislation (Building Regulations and Severn Trent Water), with it being noted that no representation has been received from Severn Trent Water objecting to the application, and as such any issues relating to how surface water run-off would be managed would be addressed at that time. The application forms indicate that surface water run-off would be addressed by a sustainable drainage system with the indicative layout plan highlighting that each dwelling would be provided with a rainwater/grey water harvesting system. In the circumstances that the site is not within a Flood Zone, nor a critical drainage area, it is anticipated that the surface water run-off solution identified would not further exacerbate any localised flooding issue. On this basis the proposal would not conflict with Paragraph 103 of the NPPF.

Insofar as foul drainage is concerned it is indicated on the application forms that this would be discharged to the main sewer with such discharge being agreed with Severn Trent Water under separate legislation. Severn Trent Water have not raised an objection to the application and therefore this means of foul drainage is considered appropriate and would ensure compliance with Paragraph 120 of the NPPF.

Archaeology

The County Council Archaeologist has raised no objections and considers that no archaeological mitigation will be required in connection with the development. In the circumstances that archaeology would not act as a constraint on the development it would accord with the aims of Paragraph 141 of the NPPF.

Other Matters

In respect of the representations raised which have not been addressed above it is considered that the right to a view, as well as the loss of equity of neighbouring properties, would not constitute material planning considerations which could be taken into account in an assessment of the application.

Summary Reasons for Granting Outline Planning Permission

Although the application site is a greenfield site and part of the Green Wedge it is considered that the conflict with the environmental strand of sustainability, as well as Policy E20, would not be substantial due to the position of the dwellings on the edges of this designated area and the fact the dwellings would not be 'isolated'. The provision of renewable energy technologies into the scheme would also assist in providing some environmental benefits and when taking these factors into account with the positive social and economic benefits it is considered that these as a whole would outweigh the general concern over the location of the development particularly in the circumstances that the District Council does not have a five year housing land supply and the limited weight afforded to Policy E20. Overall the development would be compliant with the key principles of the NPPF as well as Paragraphs 28 and 55.

It is considered that a development of three dwellings could occur on the site without resulting in any adverse impacts on the amenities of existing residents, in terms of overbearing and overshadowing implications, with the most sensitive relationship being between plot 3 and no. 61 Loughborough Road. The amenities of any future occupants would also not be adversely affected. On this basis the development is considered compliant with Paragraph 123 of the NPPF and Policy E3 of the adopted Local Plan.

Whilst only part access is for consideration at this stage the indicative layout drawing highlights that the site is capable of accommodating three dwellings which would respond to the characteristics of the area by fronting onto Loughborough Road and being consistent with the building line of nos. 61 and 67 Loughborough Road. Subject to the position of the detached garage serving plot 1 being agreed on the layout progressed under a reserved matters application, to ensure it is not to the site frontage, it is considered that the scheme would accord with Paragraphs 57, 60 and 61 of the NPPF and Policy E4 of the adopted Local Plan.

Subject to the imposition of conditions, and notes to the applicant, on any consent granted it is considered that the development proposal would not result in severe detriment to pedestrian or highway safety with additional facilities being provided to ease the movements of pedestrians across Loughborough Road. A sufficient level of off-street parking could also be secured at the reserved matters stage. In these circumstances the development would be compliant with Paragraphs 32 and 39 of the NPPF as well as Policies T3 and T8 of the adopted Local Plan.

In respect of all 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 existing ecological species, as well as promoting biodiversity, would not result in adverse implications to archaeology and which would provide additional landscaping whilst maintaining existing landscaping. On this basis the development would be compliant with Paragraphs 118 and 141 of the NPPF, Policies E2, E7, E26, F1, F2 and F3 of the adopted Local Plan and Circular 06/05.

As the site lies within Flood Zone 1, and is also not in a critical surface water drainage area, it is considered that any surface water drainage solution would not exacerbate any localised flooding impact with the indicative plans highlighting that the individual dwellings would seek ways of recycling rainwater and grey water. As the surface water drainage solution would be subject to a separate legislative procedure, which would have to ensure flood risk is not increased elsewhere, it is considered the development would accord with Paragraph 103 of the NPPF. Foul drainage would be directed to the mains sewer with such a connection being agreed with Severn Trent Water under separate legislation. Such a proposal would be acceptable in the context of Paragraph 120 of the NPPF.

It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to the following conditions;

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

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

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

Reason - this permission is in outline only and to comply with the requirements of Section 91 of

the Town and Country Planning Act 1990 (as amended).

- 3 The development shall be implemented in accordance with the access arrangements shown on drawing number WED.SBR.001 Revision D, received by the Local Authority on the 22nd April 2016, and the site location plan (1:1250 - DGADL Job Ref: 11.2694), received by the Local Authority on the 16th February 2016, unless otherwise required by another condition of this permission.

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

- 4 Prior to the submission of the first reserved matters application, a Design Brief shall be submitted to and agreed in writing by the Local Planning Authority. The brief shall include details of materials and parameters of scale and form as well as the precise details and means of achieving the environmentally sustainable benefits of the development highlighted on the illustrative site layout plan ref: WEB.SBR.001 Revision D, received by the Local Authority on the 22nd April 2016.

Reason - to secure the environmental sustainability benefits of the development and to influence the design approach for the individual plots.

- 5 The reserved matters application shall include details of existing and finished ground levels and the proposed floor levels of the dwellings which shall relate to an existing fixed datum point off the site.

Reason - to enable the Local Planning Authority to fully assess the development in light of the topography of the site.

- 6 Notwithstanding the details shown on the approved plans before occupation/use of the dwellings, hereby permitted, 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/use of the dwelling hereby approved unless an alternative timescale is first agreed in writing by the Local Planning Authority.

Notwithstanding the provisions of Class A, of Part 2, Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gate, wall or fence shall be erected on land forward of any wall of the dwelling(s) which front onto a highway (which shall include any private highway) other than any that are agreed under this Condition or other then in accordance with a comprehensive and unified scheme of enclosure which has first been submitted to and agreed in writing by the Local Planning Authority.

Reason - to preserve the visual amenities of the locality and in the interests of highway safety.

- 7 No development shall commence until the details of design for off-site highway works being the provision of a suitable crossing facility on Loughborough Road at the frontage of the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the County Council Highways Authority. None of the dwellings shall be occupied until such time as the off-site highway works have been constructed in accordance with the approved details.

Reason - to enable pedestrians to safely access an existing footway on the north-western side of Loughborough Road.

- 8 No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and off-street vehicle parking facilities, and a timetable for their provision, has been submitted to and agreed in writing by the Local Planning Authority in consultation with the County Council Highways 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.

- 9 Before first occupation/use of the dwellings, hereby permitted, the following shall be provided: -

- Visibility splays of 2.4 metres by 91.0 metres at the junction of the access with Loughborough Road. These shall be in accordance with the standards contained in the current County Council design guide and nothing shall be placed or allowed to grow above a height of 0.6 metres above ground level within the visibility splays;
- Pedestrian visibility splays of 1.0 metre by 1.0 metre on the highway boundary on both sides of the access. These shall be in accordance with the standards contained in the current County Council design guide and nothing shall be placed or allowed to grow above a height of 0.6 metres above the level of the adjacent footway/verge/highway within these splays;
- Drainage shall be provided within the site such that surface water does not drain into the Public Highway, which includes private drives;
- Any shared private drive serving no more than a total of 5 dwellings shall be a minimum of 4.25 metres wide for at least the first 5.0 metres behind the highway boundary and have a drop crossing of a minimum size as shown in Figure DG20 of the 6CsDG at its junction with the adopted carriageway.

NOTE: If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides.

Once provided the above shall thereafter be so permanently maintained.

Reasons - 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; in the interests of pedestrian safety; to reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users; to ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway.

- 10 Before first occupation/use of the dwellings, hereby permitted, the redundant existing vehicular access shall be closed permanently, and the redundant existing vehicular crossings reinstated, in accordance with a scheme that shall first have been submitted to and agreed in writing by the Local Planning Authority in consultation with the County Council Highways Authority. The approved scheme shall then be provided before first occupation/use of the dwellings.

Reason - to protect footway users in the interests of pedestrian safety, and to reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points.

- 11 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5.0 metres behind the highway boundary and shall be hung so as not to 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.

- 12 The gradient of the access drive shall not exceed 1:12 for the first 5.0 metres behind the highway boundary.

Reason - to enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety.

- 13 If no development has commenced on site prior to February 2018 then no development shall commence until an updated Great Crested Newts Habitat Suitability Survey, and any mitigation measures arising from this survey (including a timescale for their implementation), has first been submitted to and agreed in writing by the Local Planning Authority in consultation with the County Council Ecologist. The mitigation measures shall be undertaken in accordance with the agreed details and timescale.

Reason - to prevent an adverse impact on Great Crested Newts which are a protected species.

- 14 No development shall commence on site until a landscape/ecological management plan for the wetland areas to promote biodiversity and reinforced native planting to encourage biodiversity, as shown on drawing number WEB.SBR.001 Revision D received by the Local Authority on the 22nd April 2016, has been submitted to and approved in writing by the Local Planning Authority in consultation with the County Council Ecologist. The supplied scheme shall include measures to accord with the recommendations highlighted in Paragraph 4.2 (Recommendations) of Section 4.0 (Conclusions and Recommendations) of the Great Crested Newts Habitat Suitability Index Survey by Rothen Ecology of February 2016 and Paragraph 3.2 (Recommendations) of Section 3.0 (Discussion and Recommendations) of the Badger Survey by Rothen Ecology of February 2016, received by the Local Authority on the 3rd March 2016. The supplied scheme shall also include a timetable for implementation, management responsibilities and maintenance schedules. Once approved the landscape/ecological management plan shall be implemented in accordance with the approved details and timetable, or in accordance with any subsequent variations first submitted to and agreed in writing by the Local Planning Authority in consultation with the County Council Ecologist.

Reason - to secure opportunities for the enhancement of nature conservation in the area and to ensure the protection of wildlife.

- 15 No development shall commence on site (or, in the case of phased development, on the relevant phase of the development) until such time as a site specific tree protection plan has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall then be carried out in accordance with the approved details. Within the

fenced off areas there shall be no alteration to the ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and back-filled by hand.

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

- 16 Operations that involve the destruction and removal of vegetation shall not be undertaken during the months of March to September inclusive unless otherwise agreed in writing by the Local Planning Authority in consultation with the County Council Ecologist.

Reason - to reduce the impact of the proposal on nesting birds, which are a protected species.

Notes to applicant

- 1 Outline planning permission has been granted for this proposal. The Local 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 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 It is advised, from a design perspective that no detached garages should be provided to the frontage of any of the proposed plots given that such an approach would not satisfactorily address the streetscape.
- 4 This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from the Infrastructure Planning team. For further information, including contact details, you are advised to visit the County Council website - see Part 6 of the '6Cs Design Guide' at www.leics.gov.uk/6csdg.
- 5 The highway boundary is the wall/hedge/fence etc. fronting the premises and not the edge of the carriageway/road.
- 6 You will be required to enter into a suitable legal agreement with the County Highway Authority for the off-site highway works before development commences and detailed plans shall be submitted to and approved in writing by the County Highways Authority. The agreement must be signed and all fees paid and surety set in place before the highway works are commenced.

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Erection of two detached dwellings and garages (Outline -
access and layout included)

Report Item No
A4

Land Adjacent To Wilford House Loughborough Road
Coleorton Coalville Leicestershire LE67 8HH

Application Reference
16/00311/OUT

Applicant:
Lychgate Homes Ltd

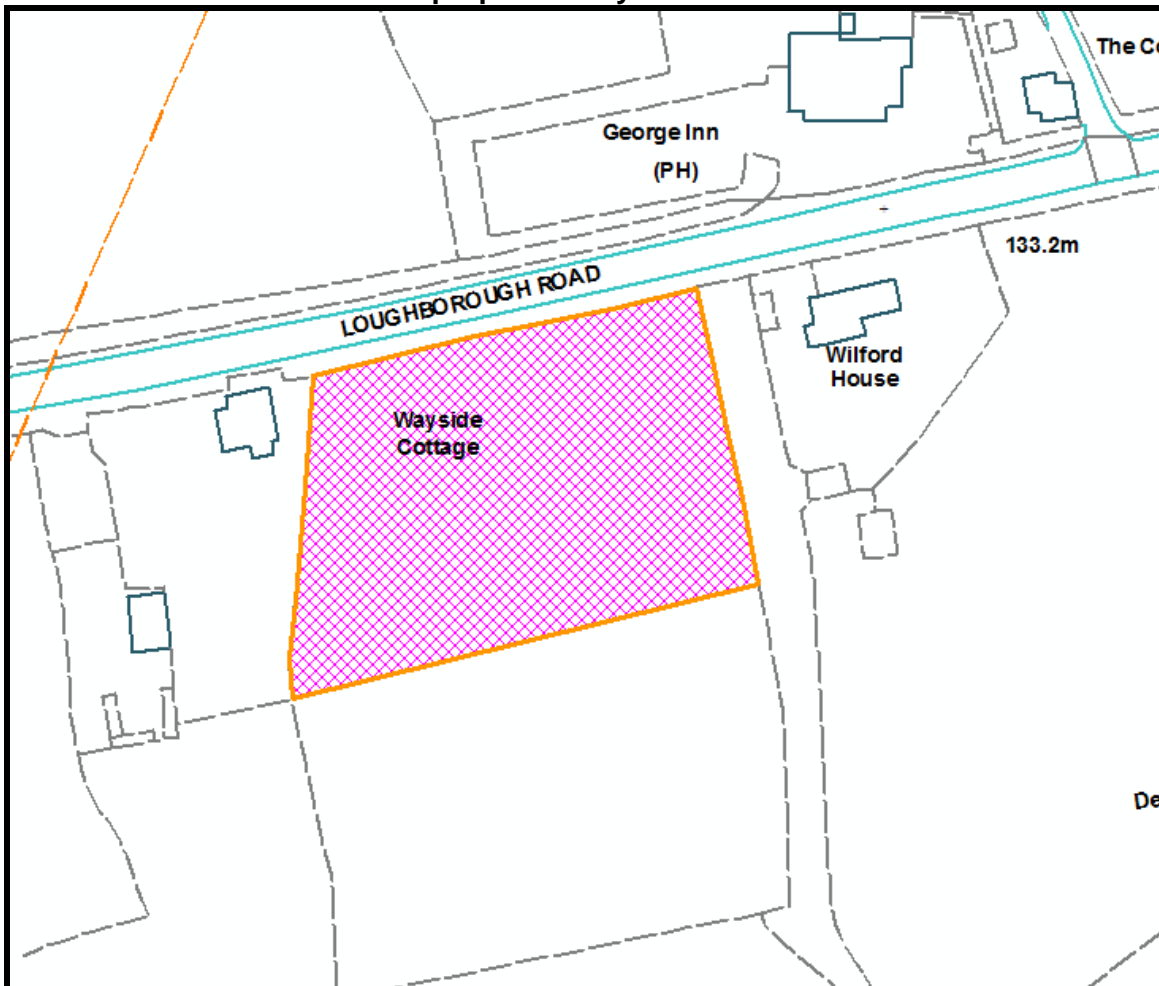
Date Registered
16 March 2016

Case Officer:
Adam Mellor

Target Decision Date
11 May 2016

Recommendation:
REFUSE

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application is brought to the Planning Committee at the request of Councillor Boam in order for the Committee to review the layout, vehicular access and sustainability of the proposal.

Proposal

The application is in outline form and seeks approval for the erection of two detached dwellings on a greenfield site located on the south-eastern side of Loughborough Road between Wilford House and Wayside. The 0.35 hectare site is on land outside the defined Limits to Development and at this stage the access point into the site off Loughborough Road as well as the proposed layout is for approval. The supporting information indicates that the proposed dwellings are to be single storey.

Consultations

A total of eight individual representations have been received with two of those representations opposed to the development and six in support of the development. Coleorton Parish Council have also raised concerns about the proposal. The County Highways Authority have objected to the application with all other statutory consultees raising no objections subject to the imposition of conditions on any consent granted.

Planning Policy

It is considered that the development would conflict with the aims of Paragraph 32 of the National Planning Policy Framework (NPPF) and Policy T3 of the adopted North West Leicestershire Local Plan.

Conclusion

The introduction of the dwellings onto the Class I Loughborough Road (A512) has been assessed by the County Highways Authority who have concluded that the introduction of the dwellings would result in a significant increase in the amount of vehicular movements, when taken cumulatively with existing movements, onto and off this highway by other users where such turning manoeuvres would be an additional source of danger to road users and not in the interests of highway safety. In these circumstances to permit the development would be contrary to the aims of Paragraph 32 of the NPPF and Policy T3 of the adopted Local Plan.

It is therefore recommended that the application be refused.

RECOMMENDATION - REFUSE;

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

MAIN REPORT

1. Proposals and Background

Outline planning permission is sought for the erection of two detached dwellings and garages with access and layout included for approval at this stage at land adjacent to Wilford House, Loughborough Road, Coleorton. The 0.35 hectare site is located on the south-eastern side of Loughborough Road and is outside the defined Limits to Development, as identified on the Proposals Map to the North West Leicestershire Local Plan. The surrounding area is predominately open countryside with a sporadic scattering of residential properties being located in close proximity to Loughborough Road, the George Inn Public House is also located to immediate north of the site.

This application is a resubmission of application reference 15/00822/OUT (erection of 4 no. dwellings (outline only - matters of access and layout included) which was refused on the 30th October 2015 on environmental sustainability, density, design and highway safety grounds.

The land in question is currently paddock land and horses were evidenced grazing on the land during the site visit. This revised application now proposes only two dwellings with the submitted layout identifying that these dwellings would be positioned parallel to Loughborough Road (A512) with distances of 19.2 metres to plot 1 and 16.8 metres to plot 2 from this highway. The design and access statement, and illustrative street scene, indicates that the dwellings would be single storey detached types. Vehicular access into the site would be achieved from a newly created access off Loughborough Road centralised within the north-western boundary of the site.

A Planning Statement, incorporating a Design and Access Statement, Highways Technical Note, Speed Survey and Coal Mining Risk Assessment have been submitted in support of the application.

No additional planning history was found.

2. Publicity

6 no neighbours have been notified (date of last notification 31 March 2016)

Press Notice published 30 March 2016

Site notice posted 31 March 2016

3. Consultations

Coleorton Parish Council consulted 21 March 2016

County Highway Authority

Severn Trent Water Limited

Head of Environmental Protection

NWLDC Tree Officer

County Archaeologist

LCC ecology

NWLDC Urban Designer

National Forest Company

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 the inclusion of a condition on any consent granted.

Coleorton Parish Council highlights that concerns have been raised that 'luxury' housing would be created rather than affordable units and that the access would be on to fast and busy road.

Leicestershire County Council - Archaeology has no objections and advises that no archaeological mitigation will be required.

Leicestershire County Council - Ecology has no objections.

Leicestershire County Council - Footpaths has no objections as the application should not affect the public's use of the right of way.

Leicestershire County Council - Highways initially objected to the application on the basis that the site is not within a sustainable location and the development would result in an increase in turning traffic whose turning manoeuvres would be an additional source of danger to road users given the speed of vehicles on the highway. Following the receipt of a Highway Statement the objection still stands for the reasons identified above.

NWLDC - Environmental Protection has no objections.

NWLDC - Footpaths Officer has no objections as the footpath will not require diverting.

Severn Trent Water has no objection.

Third Party Representations

Two no. representation has been received objecting to the application with the comments raised being summarised as follows: -

- Land is not allocated in the Local Plan and as such should be protected to maintain the rural character of the area;
- New access point into the site would add further danger to the main road whilst offering no benefit to the development;
- The proposal would represent undesirable ribbon development and extra traffic would only add to highway safety issues;
- An approval of this development would set an undesirable precedent for similar forms of unsustainable development which would be to the further detriment of the area;
- Development would ruin the perceived separation and open undeveloped character between the two settlements;
- Development would be isolated on a major link road with poor connections to either village;
- Loughborough Road is noisy and as such residents would be affected by noisy and CO2 pollution issues;
- Proposal would destroy the appearance of the open countryside;

Six no. representations have been received supporting the application with the comments raised being summarised as follows: -

- There is a need within the district as a whole for single storey development;
- Single storey nature of development will reduce any impact from a visual perspective;
- The residential accommodation is needed within the area;
- There are economic benefits associated with future residents sustaining the services in the settlement as well as businesses in the nearby towns;

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 (Core planning principles);
- 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 75 (Promoting healthy communities);
- Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change);
- 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 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 H6 - Housing Density;
 Policy H7 - Housing Design;

Draft Consultation North West Leicestershire Local Plan

On 15 September 2015 the District Council's Full Council considered a draft Local Plan and resolved to approve the draft Local Plan for consultation. The draft policies listed below are considered relevant to this application. However, in view of the very early stage to which the draft Local Plan has progressed, only very limited weight can be attributed to its policies at this stage.

Policy S1 - Presumption in Favour of Sustainable Development;
 Policy S2 - Future Housing and Economic Development Needs;
 Policy S3 - Settlement Hierarchy;
 Policy S4 - Countryside;
 Policy S5 - Design of New Development;
 Policy H6 - House Types and Mix;
 Policy IF4 - Transport Infrastructure and New Development;
 Policy IF7 - Parking Provision and New Development;
 Policy En1 - Nature Conservation;
 Policy En6 - Land and Air Quality;
 Policy Cc2 - Sustainable Design and Construction;
 Policy Cc4 - Water - Sustainable Drainage Systems;

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 the 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)).

With regards to the application site it is noted that it lies outside the defined Limits to Development with residential dwellings not being a form of development permitted by Policy S3 of the adopted Local Plan.

The Inspector's decision concerning the recent Greenhill Road appeal (ref: APP/G2435/W/15/3005052) sets out that the Authority is currently unable to demonstrate a five year supply of housing land. This means that "saved" adopted Local Plan policies that are concerned with housing supply, such as S3 and H4/1, must be considered to be out of date, and accordingly 'weight' should not be afforded to them when determining planning applications. The NPPF includes a clear presumption in favour of sustainable development, which taken together with the current inability to demonstrate a five year supply, indicate that planning permission for new homes should normally be granted in sustainable locations.

It is also important to bear in mind 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). It is therefore considered inevitable that greenfield land will need to be released 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. In this regard it is acknowledged that the site would be situated 170.0 metres from the nearest Limits to Development being the northern part of Coleorton (Lower Moor Road).

In assessing and determining the application it also needs to be 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.

With regards to the sustainability credentials of the site, it is noted that in previous assessments in applications reference has been given to the Department of Transport (DoT) statistics which outlined that the average trip length undertaken by foot would be 1000.0 metres. However, in a recent appeal decision relating to a residential development on Willesley Road in Ashby De La Zouch (ref: APP/G2435/W/15/3027396) the Inspector concluded that such a statistic does not take into account those people who would walk but are put off by such distances and choose to travel by alternative means. In the aforementioned appeal, reference was made to the Institute of Highways and Transportation document '*Providing for Journeys on Foot*' and in respect of a rural environment the acceptable walking distance to services would be 800 metres and 1000 metres for a school. On the basis of these distances a shop/post office (Lower Moor Road - 800.0 metres), public house (George Inn, Loughborough Road - 89.0 metres) and bus stops for two services (Robert Coaches Air Link Service 155 1 hourly between Coalville and East Midlands Airport Monday to Saturday - 600.0 metres on The Moor and Arriva Service 9 1 hourly between Burton on Trent to Loughborough via Ashby De La Zouch Monday to Sunday (limited service on a Sunday) - 64.0 metres on Loughborough Road) would be within an acceptable walking distance. In respect of the nearest school (Viscount Beaumont Church of England Primary School, Ashby Road) this would be just in excess of the threshold of 1000 metres from the site (1167.0 metres) with it also being noted that a recreation ground on Zion Hill would be

1091.0 metres from the site. Walking to such services could be carried out on maintained footpaths which are well lit.

Having regard to the location of the site it is considered that residents of the development would have access to services which would meet their day to day needs (i.e. a shop) with other facilities and employment opportunities being accessible by utilising the public transport options. In this circumstance it is considered that a scheme for two dwellings would score well against the social sustainability advice contained within the NPPF with occupants of the properties also assisting in sustaining these services for the future which is a key intention of Paragraphs 28 and 55 of the NPPF.

From an environmentally sustainable point of view the site is outside the defined Limits to Development and therefore assessed in the context of Policy S3 of the adopted Local Plan with it being accepted that the site is significantly detached from the nearest Limits to Development. In terms of the sites topography it slopes gently downwards from the highway towards the south-eastern (rear) boundary.

As identified above no weight can be afforded to Policy S3 in the determination of the application, given the absence of a five year housing land supply, and therefore a determination would need to be made as to whether the proposed development would be 'isolated' or impact adversely on the 'openness' of the rural environment in the context of Paragraph 55 of the NPPF. The site is situated between two existing residential properties (Wayside and Wilford House) with the George Inn located on the opposite side of Loughborough Road. In this context it would be difficult to determine that the dwellings would be 'isolated'. Whilst having some impact on the openness of the rural environment, due to a greenfield site being built upon, it is proposed that the dwellings would be constructed in close proximity to the highway and when viewed from the public domain, in both close and far views, they would be viewed in connection with existing built forms. It is also noted that development within this part of Loughborough Road becomes slightly more concentrated (given the proximity of Wayside, Wilford House, the George Inn and Colewood Lodge to each other) with the provision of single storey dwellings also reducing the visual implications of the development. On this basis, the implications to the 'openness' of the rural environment would not be so adverse as to suggest the development should be resisted.

In conclusion whilst there would be some conflict with the environmental strand of sustainability, given the setting of the dwellings, this conflict would not be substantial due to the positioning of the dwellings in close proximity to the highway and their association with built forms with it also being of relevance that the Council does not have a five year housing land supply. This conflict would also be outweighed by the positive economic and social benefits associated with the development and as such the principle of the development would be acceptable.

Density

The application site area is 0.35 hectares and the provision of two dwellings on the site would result in a density of 5.71 dwellings per hectare which would be well below the minimum threshold of 30 dwellings per hectare advised by Policy H6 of the adopted Local Plan in other locations (other than the main settlements and those well served by public transport and accessibility to services and facilities).

When assessing the density, however, it would also be important to factor into the assessment the proximity and accessibility to centres, the provision of a mix of housing types to establish socially mixed communities, good principle of design and layout which make the most

economical use of land and respect the local context as well as green space and landscaping requirements.

In the circumstances that the previous application on the site (ref: 15/00822/OUT) was refused on the basis of the density being too high (11.43 dwellings per hectare) it is considered the density now proposed would be the most efficient use of the land in achieving a development which complied with the characteristics of the area which is defined by sporadic forms of individual dwellings situated on large plots. On this basis the low density proposed would not result in significant conflict with the aims of Policy H6 of the adopted Local Plan as to justify a refusal of the application.

Neighbours and Future Occupants Amenities

It is noted that details of the layout have been submitted for approval at this stage with the nearest residential properties being Wayside, a two-storey (with habitable accommodation in the roof slope) detached dwelling, situated to the south-west and Wilford House, a two-storey detached dwelling, situated to north-east.

In respect of Wilford House it is considered that the south-western (side) elevation of this dwelling would be set 26.0 metres from the north-eastern corner of plot 1. Given this distance it is considered that the proposed position of plot 1 would not result in any significantly adverse impacts on the occupants amenities.

Wayside is located to the north-west and it is proposed that the south-eastern corner of this dwelling would be set 15.5 metres from plot 2. A ground and first floor window (serving a bedroom) exist on the north-eastern (side) elevation of Wayside with two ground floor windows (serving a kitchen and lounge) and a first floor window (serving a bedroom) being located in the south-eastern (rear) elevation. Wayside is angled so that its front elevation is further from the shared boundary than its rear elevation with 12.0 metres of the proposed dwelling to plot 1 extending beyond the south-eastern (rear) elevation. Given the proposed position of plot 2, as well as its orientation to Wayside, it is considered that it would not have a significantly adverse impact on the occupants' amenities.

The scale and appearance of the dwellings would be subsequently agreed under any reserved matters submission and at that stage it could be ensured that the overall height, and position of windows, would not result in a development form which would result in detriment to the amenities of Wilford House and Wayside. It is highlighted in the supporting information that the dwellings are proposed to be single storey types and if such a development was progressed this would lessen the implications to existing residential amenities.

With regards to the amenities of any future occupants it is considered that views from the windows on the south-eastern (rear) elevation of Wayside would be at an oblique angle towards the rear amenity area of plot 2 with views from the windows on the north-eastern (side) elevation being towards the front amenity/parking area for plot 1. On this basis it is considered that the future amenities of the occupants of plot 2 would be adequately protected from overlooking impacts particularly given the overall size of the plot this dwelling would be situated on. The relationship between the two plots would also be acceptable on the layout submitted subject to the position of windows being carefully considered at the reserved matters stage.

As part of the consideration of the application the Council's Environmental Protection team have been consulted and raised no objections to the application on the basis of noise from the movements of vehicles associated with the development, or from the A512 itself, causing

adverse impacts on existing and future amenities.

Overall, therefore, the development is considered to accord with Paragraph 123 of the NPPF and Policy E3 of the adopted Local Plan.

Impact on the Character and Appearance of the 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 design goes beyond aesthetic considerations. Therefore planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."*

It is noted that scale, appearance and landscaping are all included as matters to be considered at a later stage although the layout is for approval at this stage. Properties on the south-eastern (side) of Loughborough Road (A512) vary in relation to their proximity to the highway with the immediate dwellings adjacent to the site (Wayside and Wilford House) being in close proximity to the highway and other properties (Colewood Lodge and Haymeads (No. 115 Loughborough Road)) being detached from the highway by around 21.0 metres. It is proposed that the dwellings would be located 16.8 metres (plot 2) and 19.2 metres (plot 1) from the highway and this is considered to be acceptable in maintaining the character of the immediate area.

The previous application on the site (ref: 15/00822/OUT) was refused in the circumstances that the development of four dwellings on the site would not respect the sporadic manner of detached dwellings in large plots which is a characteristic of the area. As part of this proposal the total number of units has been reduced to two which therefore allows the dwellings to be located in plots of land which would be commensurate with those of neighbouring properties (in particular Wilford House and Wayside) thereby making it acceptable. Whilst the 'sporadic' character of development on the southern side of Loughborough Road (A512) would be affected it is noted that development becomes more concentrated in this area (taking into account Wayside, Wilford House, The George Inn and Colewood Lodge) and as a consequence the proposed layout would not significantly detract from this characteristic as to warrant a refusal of the application. This view is taken due to the separation distances which would be provided between the plots themselves as well as their proximity to neighbouring dwellings. It is also considered that the proposed floorspace of the dwellings would be acceptable and not out of keeping with the ground area covered by built forms in the immediate area particularly in the circumstances that the dwellings are proposed to be single storey.

In respect of other design matters the plans show that a large copse of trees would be planted to the north-western (front) boundary to act as a natural screen and it is considered that such planting is consistent with that found at Colewood Lodge and Haymeads, which are dwellings set back from the highway, and as such is considered to be in keeping with the characteristics of the area. Appropriate planting to be incorporated into such a landscaping scheme would be agreed at the reserved matters stage.

Public footpath N18 runs past the south-eastern boundary of the site, which is substantially planted with mature trees, and it is considered that the proposed development would not impact significantly on any view enjoyed from this footpath given that views are obscured by the vegetation to the boundaries of the site as well as the fact that built forms are already present in any views established.

The appearance of the dwellings would be agreed at the reserved matters stage and it is considered that at this point an appropriate design could be achieved which would accord with the Council's current design agenda by responding to the positive characteristics of dwellings within the area as well as having a National Forest identity. The indicative streetscape drawing submitted shows dwellings with design characteristics which the Local Authority would be supportive of.

Overall the development is considered to be compliant with Paragraphs 57, 60 and 61 of the NPPF as well as Policy E4 of the adopted Local Plan. The specific requirements of Policies F1 and H7 of the adopted Local Plan would be met under any subsequent reserved matters application.

Accessibility

The County Highways Authority have objected to the application on sustainability grounds, which has been assessed in the Principle of Development section of this report, as well as the fact that the proposal would lead to a significant increase in turning traffic using an access onto a restricted (50 mph) Class I (Loughborough Road - A512) road where the turning manoeuvres would be an additional source of danger to road users. This view is considered to be consistent with Section IN5 of the 6Cs Design Guide given the speed limit on this part of Loughborough Road is in excess of 50 mph.

It is noted that Section IN5 of the 6Cs Design Guide highlights that objections would be raised to additional traffic movements on a Class I highway where speed limits exceed 40 mph.

As part of the previous application (ref: 15/00822/OUT) a highway statement was submitted, however this report did not satisfy the concerns of the County Highways Authority and consequently the application was refused on highway safety grounds.

A further technical highway note has been submitted, given that less dwellings are proposed and a new vehicular access would be formed, however this has failed to overcome the fundamental objection that the significant increase in turning traffic onto and off Loughborough Road at the access (being 16 trips per day) would be detrimental to highway safety particularly when assessed cumulatively with existing movements on the highway by other users. On the basis that such turning manoeuvres would be severely detrimental to the free and safe movement of vehicles on Loughborough Road, as well as causing additional dangers to road users, it is considered that to permit the development would not be in the best interests of highway safety and as such the proposal is contrary to the aims of Paragraph 32 of the NPPF and Policy T3 of the adopted Local Plan.

It is considered that sufficient off-street parking could be accommodated within the site to serve the proposed number of dwellings which would ensure that the development would not result in any on-street parking issues within the vicinity of the site and as such the development would not conflict with the aims of Paragraph 39 of the NPPF and Policy T8 of the adopted Local Plan.

Public footpath N18 would not be affected, or be requested to be diverted, as part of any development and on this basis the County and District Council Footpaths Officers have no objections. In these circumstances there would be no conflict with the intentions of Paragraph 75 of the NPPF.

Ecology

The County Council Ecologist has raised no objections to the development and as such it is considered that protected species would not be a constraint on the proposal which would ensure its compliance with Paragraph 118 of the NPPF and Circular 06/05.

Landscaping

As the application site is situated within the National Forest a strong landscaping scheme would be a necessity for the development with Policies E7 and F2 of the adopted Local Plan seeking to ensure that existing vegetation is retained and enhanced. The vast majority of the existing vegetation is located to the boundaries of the site, in the form of hedgerows and trees, and it is considered that the proposed layout submitted demonstrates that the dwellings would be situated a sufficient distance from this vegetation so as to ensure its longevity is not compromised. Whilst the formation of a new vehicular access will require the partial removal of the roadside hedgerow this would not compromise the visual amenities of the streetscape, as a whole, given that the gap would be limited to 5.6 metres.

It is also highlighted on the plans that a large copse of trees would be planted to the north-western boundary of the site, with vegetation also being accommodated to the south-eastern and south-western boundaries, and the species of trees to be provided as part of such a landscaping scheme would be secured under any subsequent reserved matters application.

Overall the development would accord with the aims of Policies E7, F1, F2 and F3 of the adopted Local Plan.

Archaeology

The County Council Archaeologist has raised no objections to the application and considers that no archaeological mitigation works will be required in connection with the proposal. In these circumstances the development would be compliant with Paragraph 141 of the NPPF.

Other Matters

The Coal Authority has raised no objections to the application in respect of land instability issues subject to the imposition of conditions on any consent granted. In these circumstances it is considered that the proposal would not result in stability issues to neighbouring properties which would ensure compliance with Paragraphs 120 and 121 of the NPPF.

Conclusion

The introduction of the dwellings onto the Class I Loughborough Road (A512) has been assessed by the County Highways Authority who have concluded that the introduction of the dwellings would result in a significant increase in the amount of vehicular movements, when taken cumulatively with existing movements, onto and off this highway by other users where such turning manoeuvres would be an additional source of danger to road users and not in the interests of highway safety. In these circumstances to permit the development would be contrary to the aims of Paragraph 32 of the NPPF and Policy T3 of the adopted Local Plan.

It is therefore recommended that the application be refused.

RECOMMENDATION - REFUSE, for the following reason;

- 1 Paragraph 32 of the National Planning Policy Framework (NPPF) outlines, amongst other things, that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy T3 of the adopted North West Leicestershire Local Plan (Local Plan) identifies that development will be permitted only where its highway design and layout make adequate provision for vehicular access and circulation, and servicing arrangements. It is concluded that the proposal would lead to a significant increase, when viewed cumulatively with existing movements by other users, in turning manoeuvres onto and off the Class I Loughborough Road (A512) where such movements would not be in the interests of highway safety and would be an additional source of danger to road users. In these circumstances the development would be contrary to the aims of Paragraph 32 of the NPPF and Policy T3 of the adopted Local Plan.

Notes to applicant

- 1 Outline planning permission has been refused for this proposal for the clear reasons set out in this decision notice. In the Local Planning Authority's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. The Local Planning Authority has therefore complied with the requirements of the National Planning Policy Framework (Paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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Erection of detached dwelling with associated off-street parking

Report Item No
A5

Land Adjacent To 29 Main Street Osgathorpe Loughborough
Leicestershire LE12 9TA

Application Reference
16/00183/FUL

Applicant:
Mr & Mrs J & C Bramley

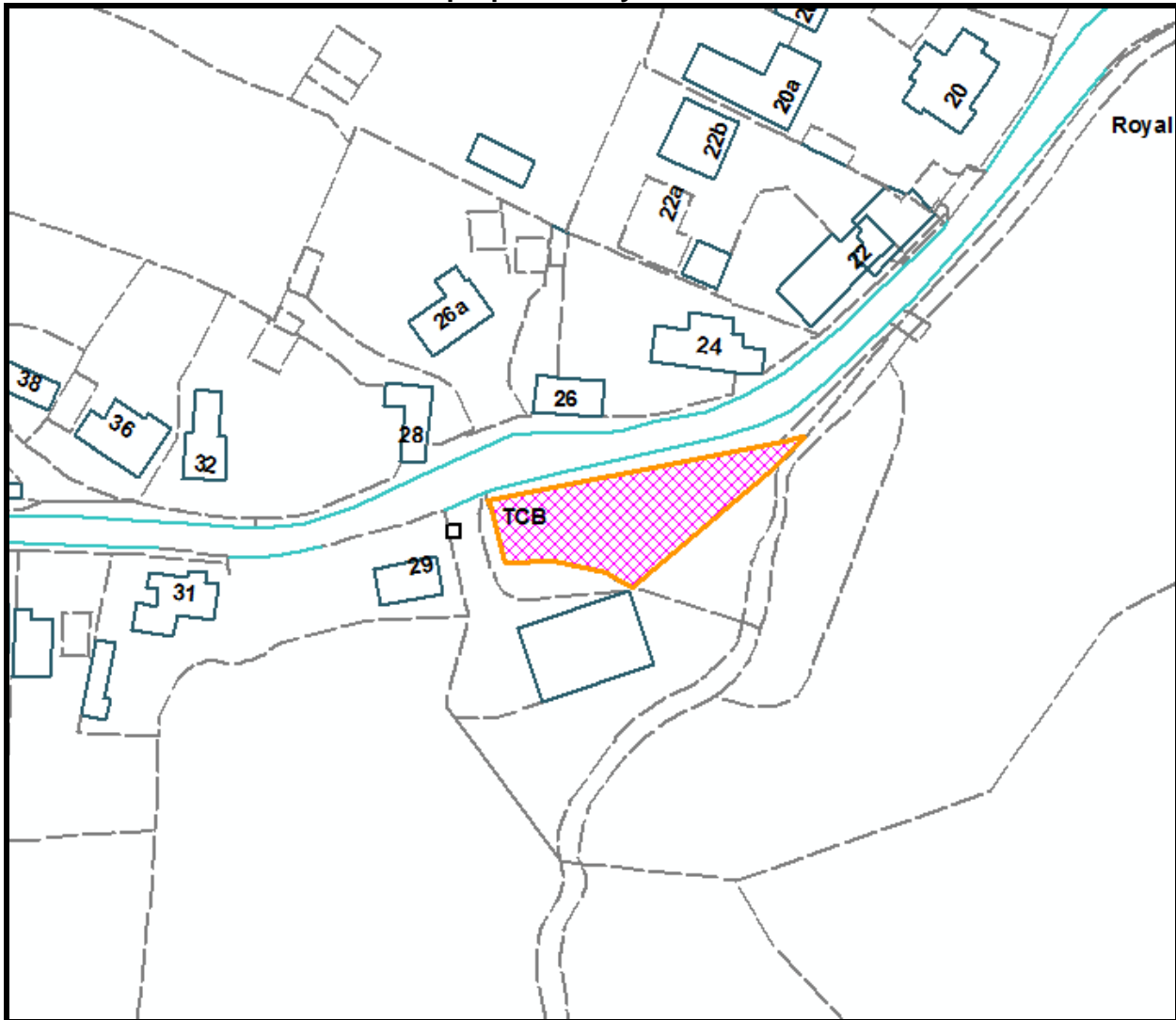
Date Registered
12 February 2016

Case Officer:
Adam Mellor

Target Decision Date
8 April 2016

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

The application is brought to the Planning Committee as the planning agent is related to a serving councillor (Councillor Blunt) and contrary representations to the recommendation have been received.

Proposal

The application seeks permission for the erection of a two-storey detached dwelling with associated off-street parking at land adjacent to no. 29 Main Street, Osgathorpe. The application site is situated on the southern side of Main Street and is outside the defined Limits to Development as well as being within an Area of Particularly Attractive Countryside. It is recognised that land to the immediate south-east of the application site falls within Flood Zones 2 and 3. A new vehicular access into the site would be formed from Main Street.

Consultations

A total of 17 individual representations have been received with 13 of those representations opposed to the development and four in support of the development. Osgathorpe Parish Council have also raised concerns about the proposal. All other statutory consultees have raised no objections subject to the imposition of conditions on any consent granted.

Planning Policy

It is considered that the development would remain compliant with all relevant Paragraphs of the National Planning Policy Framework (NPPF) as well as the relevant Policies of the current, and draft consultation, North West Leicestershire Local Plan and other guidance.

Conclusion

The settlement of Osgathorpe does not contain a wide range of services and facilities. However, the proposal is for one dwelling which would include for renewable energy technologies which would assist in off-setting the carbon emissions caused by a heavy reliance on the private car. It is also noted that planning permission has recently been granted for other residential developments within Osgathorpe. Taking this point into account with the economic benefits and limited implications to the environment, due to the integration of the development with existing built forms, it is considered that the development would be sustainable and therefore the principle would be accepted.

The scale and position of the proposed dwelling would be acceptable in relation to its relationship with existing residential properties with the level of vehicular activity also not resulting in noise detriment to the amenities of neighbours. In these circumstances the proposal would accord with Paragraph 123 of the NPPF and Policy E3 of the adopted Local Plan.

The design and position of the dwelling would ensure that it would not impact adversely on the character and appearance of the streetscape or surrounding area, given its association with existing built forms and the layout of neighbouring development, with the design of the dwelling also responding positively to the environment. On this basis the proposal would accord with Paragraphs 57, 60, 61 and 75 of the NPPF as well as Policies E4 and H7 of the adopted Local Plan.

As part of the consideration of the application the County Highways Authority have raised no

objections and it is considered that the formation of the vehicular access into the site would be sufficient to ensure that vehicular movements undertaken would not impact adversely on the safe usage of Main Street by pedestrians or vehicles. Sufficient off-street parking and turning facilities would also be accommodated within the site. On this basis the proposed development would accord with Paragraphs 32 and 39 of the NPPF and Policies T3 and T8 of the adopted Local Plan.

There are no ecological constraints associated with the development, subject to the retention of the Oak tree and imposition of conditions on any consent granted, with appropriate landscaping also being subject to a condition on any planning permission. In these circumstances the proposed development would accord with Paragraph 118 of the NPPF, Policy E7 of the adopted Local Plan and Circular 06/05.

It is considered that there would be no surface or foul drainage discharge concerns associated with the development subject to the imposition of conditions, as well as the fact that the details would also need to be agreed under separate legislation, and that the application site is within Flood Zone 1. As such the development accords with Paragraphs 103 and 120 of the NPPF.

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 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 with associated off-street parking at land adjacent to 29 Main Street, Osgathorpe. The application site is situated on the southern side of Main Street and covers an area of 0.04 hectares with it being identified that the land is agricultural scrub. The surrounding area consists of residential development to the north and west, agricultural land to the south and open grassland to the east with land to the immediate south-east of the application site falling within Flood Zones 2 and 3. The land in question is situated outside the defined Limits to Development and is also within an Area of Particularly Attractive Countryside as outlined on the Proposals Map to the adopted North West Leicestershire Local Plan.

The proposed dwelling would be a three bed two-storey detached type which would cover a ground area of 68.4 square metres and would utilise a pitched gable ended roof with a ridge height of 8.6 metres. As part of the associated works a new vehicular access would be formed onto Main Street with manoeuvring facilities and two off-street parking spaces also being supplied. In order to improve the environmental sustainability credentials of the development the plans also highlight that solar photovoltaic panels, solar hot water panels, an air source heat pump and a grey water harvesting system would be installed.

A design and access statement and tree inspection report have been submitted in support of the application.

No recent planning history was found.

2. Publicity

5 No neighbours have been notified. (date of last notification 18 February 2016)

Site Notice displayed 23 February 2016

Press Notice published 24 February 2016

3. Consultations

Osgathorpe Parish Council consulted 18 February 2016

County Highway Authority

Severn Trent Water Limited

Head of Environmental Protection

NWLDC Tree Officer

County Archaeologist

LCC ecology

NWLDC Footpaths Officer

Environment Agency

4. Summary of Representations Received

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

Environment Agency has no objections.

Leicestershire County Council - Archaeology has no objections subject to the imposition of conditions on any consent granted.

Leicestershire County Council - Ecology has no objections to the application subject to a ecological buffer strip of 5.0 metres in width being provided alongside the watercourse and the retention of an Oak tree.

Leicestershire County Council - Highways has no objections subject to their standing advice being considered.

Leicestershire County Council - Lead Local Flood Authority has outlined that their standing advice in respect of surface water flooding impacts should be taken into account.

NWLDC - Environmental Protection has no objections.

Osgathorpe Parish Council objects to the application on the following grounds: -

- Pond nearby may support great crested newts;
- Tawny owls and bats have been spotted on the site and may possibly be roosting in the coppice;
- Development will increase the probability of flooding due to its proximity to Westmeadow Brook and the recent flooding of this watercourse;
- Raising land levels on the site will increase the likelihood of flooding downstream;
- Application site is within Flood Zones 2 and 3;
- Loss of vegetation on the site, which soaked up water, increases surface water flows into the watercourse;
- There are inaccuracies on the application form;

Severn Trent Water no representation received.

Third Party Representations

13 no. representations objecting to the application have been received with the comments raised summarised as follows: -

- There are numerous inaccuracies on the application forms in respect of flooding and off-street parking as well as the applicant's details;
- The site has recently been subjected to flooding and the provision of the dwelling will reduce the area available for flood storage which will increase the probability of flooding elsewhere;
- The raising of the ground levels will lead to the property dominating the adjacent dwellings;
- An unattractive side elevation is presented to Main Street;
- Property should be constructed in render and not red brick to be in keeping with the characteristics of Osgathorpe;
- There would be highway safety implications given the lack of off-street parking provision;
- On-street car parking will make use of the access hazardous;
- Owner will build up the banks of the watercourse and re-direct flood waters elsewhere;
- Pedestrians will be put at risk due to the lack of pedestrian footway;
- Trees have been removed without permission;
- Solar panels will adversely impact on the visual amenity of the streetscape;
- Views across the land will be impacted on;
- Development not in accordance with the Osgathorpe Village Plan;

Four no. representations in support of the application have been received with the comments raised being summarised as follows: -

- The brook runs close to the site but the dwelling and parking are above the flood line;
- In my experience the brook rises fairly quickly to the edge of its banks, which are deep in many places, giving it a fairly high capacity to take storm water runoff from land and field drains. It then recedes equally quickly;
- There has been no maintenance carried out on the brook and if this was to be carried out its capacity would be improved;
- The setting of the house on the highest point of the site will blend with the village street scene and add to the village amenity;
- The District Council is desperate for new housing and this infill site is suitable;
- Adequate off-street parking will be provided;
- The land is unsightly scrub land so development will be of benefit to the streetscape.

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 (Core planning principles);
- 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 64 (Requiring good design);
- Paragraph 75 (Promoting healthy communities);
- Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change);
- Paragraph 109 (Meeting the challenge of climate change, flooding and coastal change);
- 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 141 (Conserving and enhancing the historic environment);

Paragraph 203 (Planning conditions and obligations);
Paragraph 204 (Planning conditions and obligations);
Paragraph 206 (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 E22 - Areas of Particularly Attractive Countryside;
Policy E7 - Landscaping;
Policy T3 - Highway Standards;
Policy T8 - Parking;
Policy H4/1 - Housing Land Release;
Policy H6 - Housing Density;
Policy H7 - Housing Design;

Draft Consultation North West Leicestershire Local Plan

On 15 September 2015 the District Council's Full Council considered a draft Local Plan and resolved to approve the draft Local Plan for consultation. The draft policies listed below are considered relevant to this application. However, in view of the very early stage to which the draft Local Plan has progressed, only very limited weight can be attributed to its policies at this stage.

Policy S1 - Presumption in Favour of Sustainable Development;
Policy S2 - Future Housing and Economic Development Needs;
Policy S3 - Settlement Hierarchy;
Policy S4 - Countryside;
Policy S5 - Design of New Development;
Policy H6 - House Types and Mix;
Policy IF4 - Transport Infrastructure and New Development;
Policy IF7 - Parking Provision and New Development;
Policy En1 - Nature Conservation;
Policy En6 - Land and Air Quality;
Policy Cc2 - Sustainable Design and Construction;
Policy Cc3 - Flood Risk;
Policy Cc4 - Water - Sustainable Drainage Systems;
Policy IM1 - Implementation and Monitoring of the Local Plan;

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**

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)).

With regards to the application site it is noted that it lies outside the defined Limits to Development with residential dwellings not being a form of development permitted by Policy S3 of the adopted Local Plan. The site is also within an Area of Particularly Attractive Countryside, as highlighted under Policy E22 of the adopted Local Plan, which is considered to represent the most significant and important rural landscape locally.

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 Inspector's decision concerning the Greenhill Road appeal sets out that the Local Planning Authority is currently unable to demonstrate a five year supply of housing land. This means that "saved" Local Plan policies that are concerned with housing supply, such as S3 and H4/1, must be considered to be out of date, and the weight afforded to them when determining planning applications should be reduced accordingly. The NPPF includes a clear presumption in favour of sustainable development, which taken together with the current inability to demonstrate a five year supply, indicates that planning permission for new homes should normally be granted in sustainable locations.

It is also important to bear in mind 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). It is therefore considered inevitable that greenfield land will need to be released 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. In this respect it is acknowledged that the site borders the Limits to Development on its western and northern boundaries.

In assessing and determining the application it also needs to be 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.

Osgathorpe has a limited range of facilities and services with only a public house (Storey Arms), church and two-hourly bus service (closest stop on Main Street) being available for any future residents. Osgathorpe does also have premises for a village hall, although it is understood that its availability is restricted. As a consequence, in terms of the social role as defined by the NPPF, accessibility to a range of local services for residents of the proposed dwelling would be severely limited and they would be heavily reliant on the private car. Whilst a view is taken that

Osgathorpe is not a socially sustainable settlement due regard is given to the fact that planning permission has previously been granted for 16 dwellings at Dawsons Road (14/00574/OUTM) and 9 dwellings at Main Street (16/00043/OUT). In the context that this application relates to the provision of one dwelling it is concluded that any future resident(s) would be no worse off than residents of the permitted residential scheme elsewhere in the settlement in terms of the accessibility to services and facilities. The implementation of 14/00574/OUTM may also help to improve the sustainability credentials of the village as it includes a contribution towards the purchase of the Storey Arms Public House which would be adapted to provide other services.

It is also acknowledged that to assist in mitigating the heavy reliance on the private car to access basic services, thereby increasing carbon emissions, it is proposed that renewable energy technologies would be incorporated into the dwelling which would help off-set the vehicular manoeuvres.

From an environmental sustainability point of view it is noted that the site is located within an Area of Particularly Attractive Countryside (APAC) which the adopted Local Plan confirms is considered to represent the most significant and important rural landscape area locally. This designation is subject to saved Policy E22 which states the following:-

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

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

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

In addition the District Council will seek to:

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

In many respects this policy would be supported by the principles of Paragraph 17 of the NPPF and the ministerial letter from Brandon Lewis of the 27th March 2015 urging Inspectors to protect the intrinsic beauty of the countryside.

The land slopes upwards from east to west as well as south to north with the dwelling being positioned towards the north-western corner. It is considered that the a dwelling in this position would be well related to the existing built infrastructure on the northern and southern sides of Main Street, with it also being noted that an agricultural building exists to the immediate south of the site, and on this basis it would not adversely affect or diminish the present open character and attractive rural landscape to a point whereby it would conflict with the overall aims of Policy

E22 of the adopted Local Plan. In any event Policy E22 would be considered 'out of date' due to the findings of the Greenhill Road appeal decision as well as a more recent Court of Appeal Judgement (*Richborough Estates v Cheshire East Borough Council & Secretary of State*). Whilst the Court of Appeal Judgement is the subject of a challenge to the Supreme Court it is also acknowledged that the current Draft Consultation North West Leicestershire Local Plan will designate the land as countryside which would be assessed against Policy S4.

Paragraph 17 of the NPPF highlights that planning decisions should seek to "*recognise the intrinsic character and beauty of the countryside.*" The environmental role should also contribute to protecting and enhancing our natural, built and historic environment; and, as part of this, help to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy.

In terms of the built development being proposed the layout shows that the dwelling would be located in close proximity to Main Street and would be positioned in the north-western corner to ensure it is as close to the existing built infrastructure as possible.

Whilst the development would result in a limited physical intrusion into the rural environment, it is acknowledged that the site is bounded by built forms to the north and west and the dwelling would not extend as far out in a southern direction as other residential properties along this side of Main Street. In this context the development would not have a significantly adverse impact on the 'openness' of the rural environment nor would the dwelling be 'isolated' due to its integration with existing built forms. Any limited environmental impacts would also be off-set by the provision of the renewable energy technologies.

In conclusion it is considered that taking into account Planning Committee decisions on other residential applications within the settlement of Osgathorpe the lack of services and facilities available to the settlement would not render the development socially unsustainable with the provision of renewable energy technologies as part of the proposal assisting in off-setting the carbon emissions caused by a heavy reliance on the private car. Taking this into account with the limited economic benefits and limited implications to the environment, due to the integration of the development with existing built forms, it is considered that the development would be sustainable and therefore the principle would be accepted.

Residential Amenity

The application site is located on the southern side of Main Street with the proposed property being orientated so that its principle (front) elevation faces in an eastern direction and the rear elevation faces west. The closest residential property to the site is no. 26 Main Street (the Old Post Office) which is set 11.6 metres from the northern (side) elevation of the proposed dwelling. It is noted that the land levels slope downwards from north to south, as well as from west to east, and in the circumstances that no. 26 is at a higher land level it is considered that no adverse overbearing or overshadowing impacts would occur. With regards to overlooking impacts it is considered that the two windows to be installed in the northern (side) elevation are secondary windows to those in the principle (front) elevation and as a result would not lead to any adverse overlooking impacts on no. 26 particularly as Main Street itself dissects the sites.

With regards to future amenities it is considered that the dwelling has been positioned so as to ensure that it has an acceptable relationship with existing residential properties, in respect of overbearing and overshadowing impacts, and has a private amenity space which would not be impacted on by the shading cast by a mature tree on the southern boundary. Although views could be established from first floor habitable room windows in the southern (front) elevation of

no. 26 Main Street towards the private amenity area associated with the new dwelling these would not be considered sufficiently detrimental as to warrant a refusal of the application due to the separation of the sites by the presence of Main Street. Any future occupant would also be aware of this relationship prior to their purchase.

As the Council's Environmental Protection team have raised no objections to the application it is considered that the development would not lead to any adverse noise or smell impacts to neighbouring amenities.

Overall the development would be considered compliant with Paragraph 123 of the NPPF and Policy E3 of the adopted Local Plan.

Impact on the Character and Appearance of the Rural Environment 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, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."*

From a topographical point of view the land on which the dwelling would be positioned is lower than that of Main Street with land levels decreasing from north to south and from west to east. Most properties within the immediate area are two-storey detached types which all predominately have principal elevations fronting towards the carriageway although there are exceptions to this including no. 28 Main Street (Frog Cottage) and no. 14 Main Street. The proximity of dwellings to the highway also varies with there being examples of backland development in the immediate area.

Whilst orientated to present a side elevation to Main Street it is considered that as no. 28 Main Street, to the immediate north-west of the site, addresses the highway in the same manner such a design approach would not be out of keeping with the character of the streetscape with the overall scale of the dwelling also being consistent with the scale of neighbouring properties. The visibility of the front and rear elevations of the dwelling from the public domain also provides interest to the appearance of the streetscape, given that these elevations contain the main external design features, and overcomes the weaknesses of the relatively blank northern (side) elevation. Although located on the southern side of Main Street, where less properties are situated, the dwelling would be closely related to no. 29 Main Street and would therefore appear as a natural progression of the streetscape.

With regards to the character and appearance of the wider area it is considered that the dwelling would be viewed in the context of its relationship with existing built forms, including residential properties and the agricultural building to the south, and as a consequence would not impact significantly on the visual amenities of the wider rural environment or adversely affect its character.

In terms of the design of the property itself it is considered that it would exhibit features which the Local Authority considers desirable (including a chimney, eaves and verge detailing and timber joinery) and would therefore respond positively to the appearance of the environment in which it would be set. The overall footprint of the dwelling would also be consistent with those in the immediate vicinity which maintains the character of the area. Whilst solar panels would form part of the development their impact on the streetscape would not be of such significance to

suggest permission should be refused given that other properties in the area could install such panels as a form of permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015.

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 and H7 of the adopted Local Plan.

Highway Safety

The County Highways Authority has been consulted on the application and have raised no objections subject to consideration being given to their standing advice in respect of visibility splays, off-street car parking, access surfacing, access gradient and drainage.

In respect of the vehicular access it is considered that this has been located in a position whereby adequate visibility splays can be provided in both directions which would be sufficient for the speed of traffic on the carriageway. A suitable gradient on the access drive could be supplied, given that the drop from Main Street into the site is less than 1.0 metres, and as such vehicles could enter and exit the carriageway at a controlled speed. The surfacing of the access could be conditioned on any consent granted and water run-off from the access drive will be directed back into the site, given the topography, thereby ensuring that it would not discharge into the carriageway. Manoeuvring facilities to ensure vehicles can exit the site in a forward direction would also be supplied and which would be conditioned on any consent granted. In the circumstances that the County Highways Authority has raised no objections, and the level of vehicular movements associated with the development would not be significant, it is considered that the proposal would not impact severely on highway safety and as such would be compliant with Paragraph 32 of the NPPF and Policy T3 of the adopted Local Plan.

It is indicated on the plans that two off-street parking spaces would be supplied which would be of adequate dimensions and which would be sufficient to serve the proposed three bed dwelling. Subject to a condition being imposed to secure these off-street parking spaces it is considered that the development would be compliant with Paragraph 39 of the NPPF and Policy T8 of the adopted Local Plan.

Ecology

The County Council Ecologist has raised no objections to the development given the position of the dwelling would not impact on the watercourse and a five metre buffer strip to the watercourse would be maintained. It is, however, advised that no construction activity or development should occur within the buffer zone in order to protect the stream and its environment. The Ecologist also advises that a mature Oak tree should be retained and that the recommendations of the arboriculturalist should be conditioned on any consent granted.

A condition restricting the extent of the curtilage for the dwelling would ensure no development would occur within the buffer zone and an additional condition to highlight a construction exclusion zone would also be required. Subject to such conditions being imposed on any consent granted, as well as the recommendations of the arboriculturalist, it is considered that the scheme would accord with Paragraph 118 of the NPPF and Circular 06/05.

Landscaping

Mature vegetation in the form of a hedgerow is present to the roadside boundary of the site with mature trees being located towards the southern boundary but outside of the application site.

It is considered that the dwelling has been positioned outside the root protection areas of the Oak tree and boundary hedgerows and therefore their future integrity would not be affected. Further to this a condition could be imposed on any consent granted for retained vegetation to be adequately protected during the construction phase by the provision of fencing which coincides with the extent of the canopy of the tree. A condition could also be imposed for additional soft landscaping to be provided to mitigate against the vegetation removed prior to the submission of the application.

Subject to the imposition of such conditions it is considered that the development would accord with Policy E7 of the adopted Local Plan.

Whilst representations have been received in respect of trees being removed it is noted that the trees on the site are not protected by any Tree Preservation Order and as such permission would not have been required for their removal.

Development and Flood Risk

The application site, demarked by the red line on the submitted plan, falls within Flood Zone 1 as defined by the Environment Agency as having a low probability of flooding. Whilst this is the case it is acknowledged that land immediately to the east of the application site, which is also within the ownership of the applicant, falls within Flood Zones 2 and 3. As the application site area does not exceed 1 hectare in size, and is within Flood Zone 1, there is no formal requirement to provide a Flood Risk Assessment (FRA) or formally consult with the Environment Agency. Whilst that is generally the case given the representations which have been received the Local Authority have formally consulted with the EA, as well as the Lead Local Flood Authority (LLFA), who have raised no objections to the development.

Severn Trent Water have also been consulted on the application but no formal representation has been received from them outlining an objection to the development proposals. Members will be informed of the views of Severn Trent Water on the Committee Update Sheet should any representation be received.

Several of the objections received from third parties, as well as the Parish Council, have highlighted that the land is inappropriate for development due to it being subject to surface water flooding (images have been supplied to show such flooding) and that any built infrastructure on the site would exacerbate the surface water run-off to the Westmeadow Brook thereby increasing the probability of flooding either on the site or elsewhere in Osgathorpe.

Whilst accepting that parts of the site within the ownership of the applicants are within Flood Zones 2 and 3, the dwelling itself, its residential garden, vehicular access and off-street parking facilities are within Flood Zone 1 which is appropriate for development in the context of Paragraph 103 of the NPPF. Given the land levels at the point where the dwelling would be positioned, which are around 0.37 metres to 0.69 metres higher than the land levels within Flood Zone 2, it is considered that it would not be highly susceptible to flooding with it being the case that if water levels were to reach such levels they would transgress onto Main Street itself. The proposed dwelling would also not take up flood storage space given that the application site is within Flood Zone 1 and as such not designated to flood. In order to prevent any development within Flood Zones 2 and 3 the curtilage of the dwelling could be defined to a particular area thereby excluding this land from being considered 'garden' to the dwelling.

The applicant has also confirmed their acceptance to a condition being imposed on any consent granted for a maintenance scheme for clearing of Westmeadow Brook to be provided, which would need to be agreed in consultation with the LLFA, so that its capacity can be increased to assist in alleviating the flooding which has recently occurred on the eastern parts of the site.

Details of drainage would also be dealt with under separate legislation (Building Regulations and Severn Trent Water) and as such issues relating to how surface water run-off would be managed would be addressed at a time when specific information is submitted to these authorities for approval. In terms of surface water disposal, the plans

clearly highlight that a grey water harvesting scheme would be incorporated into the development with the imposition of a sustainable urban drainage scheme (SuDs) also being considered appropriate in this area. Whilst ordinarily it would not be entirely necessary to impose a surface water drainage condition on any consent granted, given that it has not been requested by any consultee, it is considered that in this particular instance, based on the evidence supplied demonstrating a localised flooding impact, such a condition would be reasonable. This would allow an appropriate review of the drainage information to be undertaken by Severn Trent Water and the LLFA (who whilst not a consultee on the application could assist in agreeing the details of a SuDs scheme) in order for them to ensure that the development would not further exacerbate a localised flooding impact.

In these circumstances the implications of the development to a localised flooding impact would not be sufficiently detrimental as to warrant a refusal of the application. The scheme would therefore accord with Paragraph 103 of the NPPF.

Insofar as foul drainage is concerned it is indicated on the application forms that this would be discharged to the mains sewer with such discharge being agreed with Severn Trent Water under separate legislation. In the circumstances that Severn Trent Water has raised no representation in respect of this approach it is considered that any additional demands for foul drainage discharge could be met by the existing sewerage system in place. Overall, therefore, the development would accord with Paragraph 120 of the NPPF.

Archaeology

The County Council Archaeologist has indicated that an appraisal of the Leicestershire and Rutland Historic Environment Record (HER) notes that the site lies in an area of archaeological interest, on the frontage of Main Street, within the medieval and post-medieval settlement core of Osgathorpe village. Consequently, there is a likelihood that buried archaeological remains will be affected by the development.

Given the opportunities which exist for archaeological remains to be present on the site the County Council Archaeologist considers it necessary for conditions to be imposed on any consent for a programme of archaeological work, which shall include a written scheme of investigation, and programme of archaeological mitigation to be provided, in advance of the development commencing, in order to record and advance the understanding of the significance of any heritage assets. Such conditions are considered reasonable given the possibility of archaeological remains being present on the site and their inclusion therefore ensures the development complies with Paragraph 141 of the NPPF.

Other Matters

The Osgathorpe Village Design Statement is not an adopted document by the District Council which would need to be taken into account as part of the assessment of the application.

Summary Reasons for Granting Planning Permission

The settlement of Osgathorpe does not contain a wide range of services and facilities. However, the proposal is for one dwelling which would include for renewable energy technologies which would assist in off-setting the carbon emissions caused by a heavy reliance on the private car. It is also noted that planning permission has recently been granted for other residential developments within Osgathorpe. Taking this point into account with the economic benefits and limited implications to the environment, due to the integration of the development with existing built forms, it is considered that the development would be sustainable and therefore the principle would be accepted.

The scale and position of the proposed dwelling would be acceptable in relation to its relationship with existing residential properties with the level of vehicular activity also not resulting in noise detriment to the amenities of neighbours. In these circumstances the proposal would accord with Paragraph 123 of the NPPF and Policy E3 of the adopted Local Plan.

The design and position of the dwelling would ensure that it would not impact adversely on the character and appearance of the streetscape or surrounding area, given its association with existing built forms and the layout of neighbouring development, with the design of the dwelling also responding positively to the environment. On this basis the proposal would accord with Paragraphs 57, 60, 61 and 75 of the NPPF as well as Policies E4 and H7 of the adopted Local Plan.

As part of the consideration of the application the County Highways Authority have raised no objections and it is considered that the formation of the vehicular access into the site would be sufficient to ensure that vehicular movements undertaken would not impact adversely on the safe usage of Main Street by pedestrians or vehicles. Sufficient off-street parking and turning facilities would also be accommodated within the site. On this basis the proposed development would accord with Paragraphs 32 and 39 of the NPPF and Policies T3 and T8 of the adopted Local Plan.

There are no ecological constraints associated with the development, subject to the retention of the Oak tree and imposition of conditions on any consent granted, with appropriate landscaping also being subject to a condition on any planning permission. In these circumstances the proposed development would accord with Paragraph 118 of the NPPF, Policy E7 of the adopted Local Plan and Circular 06/05.

It is considered that there would be no surface or foul drainage discharge concerns associated with the development subject to the imposition of conditions, as well as the fact that the details would also need to be agreed under separate legislation, and that the application site is within Flood Zone 1. As such the development accords with Paragraphs 103 and 120 of the NPPF.

It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to the following conditions;

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

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

- 2 The proposed development shall be carried out strictly in accordance with the Topographical Survey (1:200) and drawing numbers MSO.PRE.004 (Proposed Elevations) and MSO.PHP.003 (Proposed House Plan), received by the Local Authority on the 12th February 2016, and drawing number MSO.PRP.002 Revision A (Proposed Site - Block - Roof Plan), received by the Local Authority on the 19th April 2016, unless otherwise required by another condition of this permission.

Reason - to determine the scope of the permission.

- 3 Notwithstanding the details shown on the approved plans, the dwelling shall not be built above damp proof course level until the following have been submitted to and agreed in writing by the Local Planning Authority: -

- Details of the materials to be utilised in all external surfaces (including the construction material of windows and doors);
- The proposed colour/stain finish for all joinery;
- Details of the brick bond (which shall not be a stretcher bond);
- Details of the rainwater goods;
- Position and finish of the meter boxes (if external);
- Construction material of the cills and lintels;
- Precise details of the dentilation, corbelling and verge finish to the dwelling;

The development shall then be carried out in accordance with the approved details unless alternative materials are first submitted to and agreed in writing by the Local Planning Authority.

Reason - to enable the Local Planning Authority to retain control over the external appearance in the interests of the amenities of the area.

- 4 The dwelling, hereby permitted, shall not be built above damp proof course level until the precise details and appearance of the solar photovoltaic panels, solar hot water panels, air source heat pump and grey water harvesting system has first been submitted to and agreed in writing by the Local Planning Authority. The dwelling shall then be constructed in accordance with the approved details which shall thereafter be retained.

Reason - to ensure the environmental integrity of the scheme is secured.

- 5 Notwithstanding the details shown on the approved plans before first occupation/use of the dwelling, hereby permitted, a scheme of soft and hard landscaping (including for retention and any works to 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 unless an alternative implementation programme is first agreed in writing with the Local Planning Authority. The approved hard landscaping scheme shall be provided in full prior to the occupation of any of the dwellings unless

otherwise agreed in writing by the Local Planning Authority and shall thereafter be so retained.

Reason - to ensure a satisfactory landscaping scheme provided within a reasonable period and in the interests of visual amenity.

- 6 Any tree or shrub which may die 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 vegetation.

- 7 Notwithstanding the provisions of Part 1 (Classes A - E) of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order) the dwelling hereby permitted shall not be enlarged, improved or altered unless planning permission has first been granted by the Local Planning Authority.

Reason - to enable the Local Planning Authority to retain control over future development in view of maintaining the overall appearance of the scheme and in the interests of preserving the amenities of neighbours.

- 8 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.

- 9 The development shall be carried out in strict accordance with Paragraphs 20, 21, 22 and 23 of the Conclusions and Recommendations section of the Tree Inspection Report by Peter Kenyon, received by the Local Authority on the 12th February 2016.

Reason - to ensure the protection and preservation of the Oak tree on the site.

- 10 No development shall commence until all hedgerows to be retained are protected by a 1.2 metre high protective barrier which shall be erected at least 1.0 metre from the hedgerow, where possible. Within the fenced off area there shall be no alterations to the ground levels, no compaction of the soil, no stacking or storing of materials and any service trenches shall be dug and back-filled by hand.

Reason - to ensure that existing hedgerows are adequately protected during construction in the interests of the visual amenities of the area.

- 11 Before first occupation of the dwelling hereby permitted the following shall be provided: -

- The access drive and turning shall be surfaced in accordance with the details agreed under Condition 4 of this consent;
- The off-street parking and turning facilities as shown on drawing number MSO.PRP.002 Revision A (Proposed Site - Block - Roof Plan), received by the Local Authority on the 19th April 2016;
- Drainage shall be provided within the site such that surface water does not drain into the public highway;
- Vehicular visibility splays in accordance with those shown on drawing number MSO.PRP.002 Revision A, received by the Local Authority on the 19th April 2016;

Once provided the above shall thereafter be so maintained with nothing being positioned, or allowed to grow, above a height of 0.6 metres above the level of the adjacent footway within the visibility splays.

Reasons - to reduce the possibility of deleterious material being deposited in the highway (loose stones etc.); to ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area and to enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users; to reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users; in the interests of highway safety.

- 12 The gradient of the access drive shall not exceed 1:12 for the first 5.0 metres behind the highway boundary.

Reason - to enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety.

- 13 No development shall commence on site until such time as details of the proposed finished floor level of the dwelling and finished ground levels of the development, which shall be related to a fixed datum point off the site, have first been submitted to and agreed in writing by the Local Planning Authority.

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

- 14 No development shall commence until a programme of archaeological work including a Written Scheme of Investigation has first been submitted to and agreed in writing by the Local Planning Authority in consultation with the County Council Archaeologist.

Reason - to ensure satisfactory archaeological investigation and recording.

- 15 No development shall take place other than in accordance with the Written Scheme of Investigation agreed under Condition 14.

Reason - to ensure satisfactory archaeological investigation and recording.

- 16 No development shall commence on site until a method statement for the construction of the development has been submitted to and agreed in writing by the Local Planning Authority in consultation with the County Council Ecologist. The method statement shall have particular regard to the pollution control measures which will reduce the risk of pollution events within Westmeadow Brook, i.e. increased sediment load in surface water run-off. Once agreed the development shall thereafter be carried out in strict

accordance with the method statement.

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

- 17 No development or construction activity shall occur within the 5.0 metre construction exclusion zone highlighted with black hatching on drawing number LPA/16/00183/FUL.

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

- 18 The curtilage relating to the development shall be confined to the area outlined in red on the attached plan number LPA/16/00183/FUL.

Reason - to enable the Local Planning Authority to retain control over future development in view of the form of development proposed and its location in close proximity to flood zones.

- 19 No development shall commence on the site until such time as a scheme for the disposal of foul and surface water drainage has first been submitted to and agreed in writing by the Local Planning Authority. A sustainable urban drainage scheme (SuDS) shall be utilised for surface water drainage which shall ensure that the peak runoff rate from the development to any drain, sewer or surface water body for the 1 in 1 year rainfall event and in the 1 in 100 year rainfall event does not exceed the peak greenfield runoff rate for the same event and that the runoff volume from the development in the 1 in 100 year, 6 hour rainfall event does not exceed the greenfield runoff volume for the same event.

Reason - to ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem within the local area and to minimise the risk of pollution.

- 20 No development shall commence until such time as a scheme of maintenance to the Westmeadow brook, including timetable for implementation, adjoining the application site (outside the red line of the application site defined on drawing number MSO.PRP.002 Revision A, received by the Local Authority on the 19th April 2016) and contiguous land has first been submitted to and agreed in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The development shall then be carried out in accordance with the approved details and timetable.

Reason - to reduce the risk of creating or exacerbating a flooding problem within the local area.

Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant 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 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 The highway boundary is the wall/hedge/fence etc. fronting the premises and not the edge of the carriageway/road.
- 4 This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from the Infrastructure Planning team. For further information, including contact details, you are advised to visit the County Council website - see Part 6 of the '6Cs Design Guide' at www.leics.gov.uk/6csdg.
- 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 any 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 If there are works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under s.23 Land Drainage Act 1991. This legislation is separate from the planning process. Guidance on this process and a sample application form can be found via the following website: www.leics.gov.uk/watercourse. No development should take place within 5 metres of any watercourse or ditch without first contacting the County Council for advice.
- 7 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.

Additional use for car servicing, repair and polishing and storage for 10 cars

Report Item No
A6

Petrol Filling Station Ashby Road Boundary Swadlincote Leicestershire DE11 7BA

Application Reference
16/00199/FUL

Applicant:
Mr Mohammed Shabir

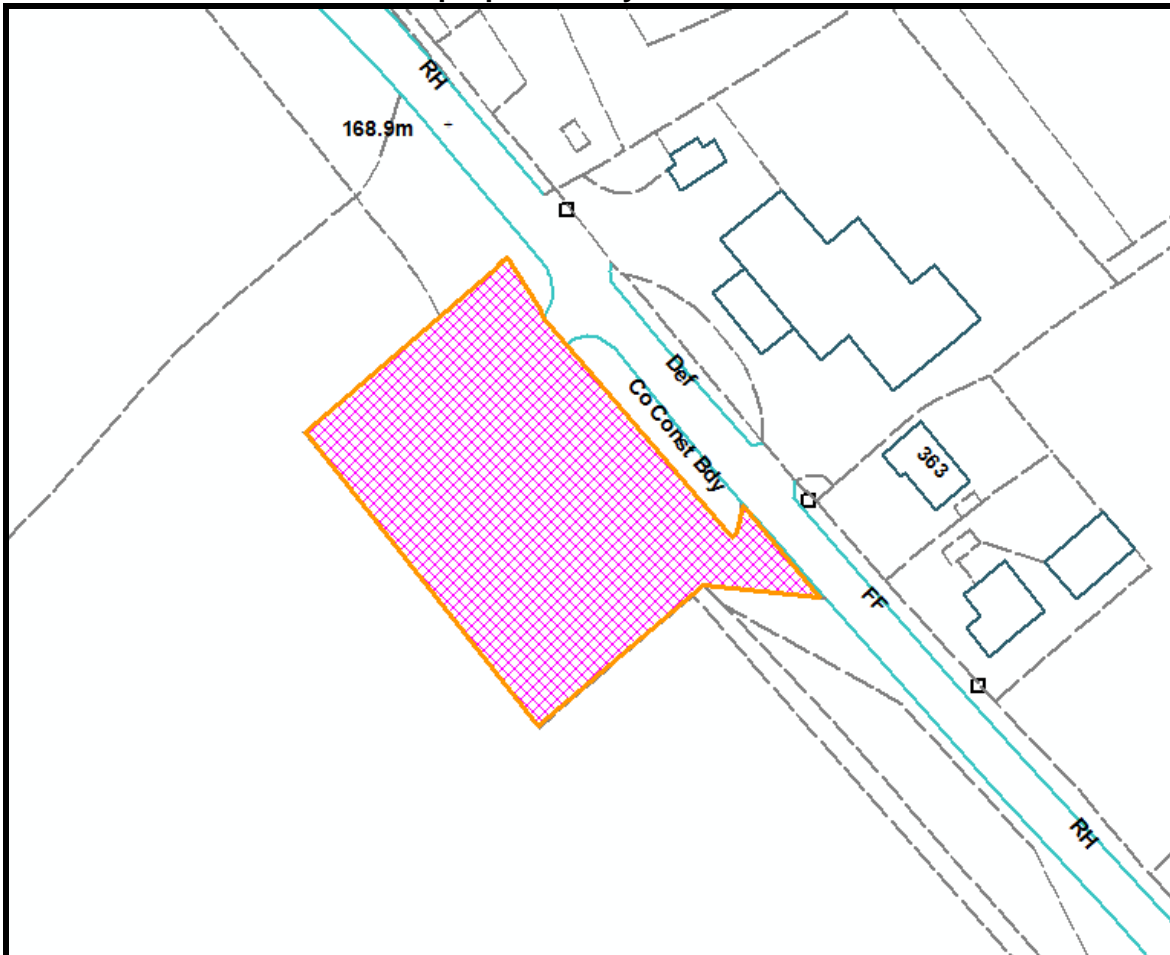
Date Registered
18 February 2016

Case Officer:
Ebony Mattley

Target Decision Date
14 April 2016

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Reasons for Approval

Reason for Call In

The application is reported to the Planning Committee, at the request of Councillor McKendrick on the grounds of impacts from dust, noise and pollution.

Proposal

This application seeks full planning permission for the use of the rear of the site for car servicing, repair and polishing and storage for 10 cars at the 'Gold Hand Car Wash' (Former Petrol Filling Station) Ashby Road, Boundary.

Planning permission ref: 15/00272/FUL was granted in 2015 for the change of use to a car wash with valeting.

Consultations

Members will see from the main report below that there are objections from 1 address to the scheme. There are no other objections raised from statutory consultees.

Planning Policy

The application site is located outside the Limits to Development as defined in the adopted North West Leicestershire Local Plan.

Conclusion

The site is brownfield in nature and the NPPF encourages this use of land, in principle. The scheme does not give rise to any significant material impacts upon the occupiers of neighbouring dwellings, or highway safety and subject to the imposition of conditions, would not be likely to have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI. There are no other material impacts identified, that would indicate that the proposal is not in compliance with the NPPF or local development plan policies. Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

RECOMMENDATION - PERMIT, SUBJECT TO THE IMPOSITION OF CONDITIONS

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

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the additional use for car servicing, repair and polishing and storage for 10 cars at the 'Gold Hand Car Wash' (Former Petrol Filling Station) Ashby Road, Boundary.

Planning permission ref: 15/00272/FUL was granted in 2015 for the change of use to a car wash with valeting.

During the course of the application, following concerns raised by officers an amended plan has been received, showing the area of hardstanding and storage of cars, the area to be used for car servicing and amending the size of the metal storage container - to that of the approved container under application ref: 15/00272/FUL.

The site is a former petrol filling station located outside Limits to Development, as defined by the North West Leicestershire Local Plan Proposals Map 2002.

Planning History:-

15/00295/COU - Enforcement Enquiry - Material Change of Use - Pending Investigation

15/00272/FUL - Change of use to car wash with valeting - Approved - 28.05.2015.

2. Publicity

3 no neighbours have been notified (date of last notification 22 February 2016)

Site Notice displayed 4 March 2016

3. Consultations

NWLDC Planning Enforcement
 Natural England
 South Derbyshire District Council
 Ashby de la Zouch Town Council
 County Highway Authority
 Environment Agency
 Severn Trent Water Limited
 Head of Environmental Protection

4. Summary of Representations Received

The following summary of representations is provided.

Ashby Town Council raise no objection.

Leicestershire County Council - Highways has no comment to make.

Environment Agency raises no objection, subject to condition.

Natural England raise no objections.

NWLDC Environmental Protection has no environmental observations.

Third Party Representations

A series of letters have been received from the occupiers of No. 365 Ashby Road, Boundary raising the following objections:-

- a) Site used as a scrap yard with damaged and written off cars stored at the back of the site;
- b) Lorries have been loaded up with scrap and taken away;
- c) There has been a metal building framework erected and portakabin placed at the front without permission;
- d) Burning plastic'
- e) Issues with electric supply since the car was opened;
- f) Signage has been erected, after the planning permission was given;
- g) There is no building for the tools and machinery for car repair business;
- h) The car wash has been used as a front for other activities on site - cover for a scrap yard business;
- i) The amount of scrap has increased;
- j) Noise from the car wash - loud vacuuming cleaning; and
- k) No further planning permission should be granted until the owner removes all scrap and tidies up the site, as directed by the Council's enforcement team

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

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 57 (Requiring good design)
- Paragraph 64 (Requiring good design)
- Paragraph 111 (Conserving and enhancing the natural environment)
- Paragraph 123 (Conserving and enhancing the natural environment)

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 E3 - Residential Amenities
 Policy T3 - Highway Standards
 Policy T8 - Parking

Consultation Draft Local Plan

On 15 September 2015 the District Council's Full Council considered a draft Local Plan and resolved to approve the draft Local Plan for consultation. The draft policies listed below are considered relevant to this application. However, in view of the very early stage to which the draft Local Plan has progressed, only very limited weight can be attributed to its policies at this stage.

S4 - Countryside
 IF7 - Parking provision and new development
 En2 -River Mease Special Area of Conservation

Other Guidance

National Planning Practice Guidance - March 2014.
 The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations').
 Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System).
 River Mease Water Quality Management Plan - August 2011.
 River Mease Development Contributions Scheme - November 2012.

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 issues for consideration in the determination of this application relate to the principle of development, scale and design, impact upon residential amenity, highway considerations and impact upon the River Mease Special Area of Conservation/SSSI.

Principle of Development

The site lies outside Limits to Development and would fall to be considered against Policy S3 of the Local Plan. The overarching principle of the NPPF is to protect the countryside but to allow sustainable development where "appropriate" and encourage the effective use of land by re-using land that has been previously developed (brownfield land).

The principle of the car wash use has already been established by the granting of the previous planning permission (ref: 15/00272/FUL). It was previously acknowledged that whilst the former use as a petrol filling station had ceased, it was not considered to be uncommon to find a car

wash use, associated with a petrol station.

The car wash element is set to be retained to the frontage of the site, with the proposed car repair, servicing and polishing proposed to the rear part of the site. It is considered that car repair and servicing would be a compatible use with the existing car washing and valeting services which already operate on site.

It is acknowledged that the application site is currently in a poor visual state and appears to be being used for the storage and dumping of car parts, however this is currently the subject of enforcement investigation and this application is being assessed based upon the description of development for the additional use for car servicing, repair and polishing and storage for 10 cars.

Overall whilst the site lies outside Limits to Development, it has consent for a car wash and valet, it is brownfield in nature, is not of a high environmental value and is not considered to compromise the aims of Policy S3 of the adopted Local Plan. Therefore, it is considered that the principle of this development on this site is considered acceptable, subject to all other matters being adequately addressed.

Siting and Design

The existing site would remain the same in terms of the visual appearance as there are no external changes proposed.

There is already an arc shaped area of hardstanding to the rear of the site. The scheme does not propose any additional hardstanding as a result of this application.

Impact upon Residential Amenity

The level of comings and goings to the site and various associated activities including vehicle manoeuvring, and opening and closing of car doors was already considered within the previous application. It was considered at that time, that when comparing the use (car wash) to that of the previous use as a petrol station, it would not be over and above that of the previous use. This, together with the distance to the nearest residential property, background noise from the existing road, and no objections being raised by the Council's Environmental Protection Team, led to no objections being raised on this basis.

It is not considered that the intensification of the site, by virtue of consenting car repairs to the rear of the site would result in any significant adverse impact upon the occupiers of neighbouring dwellings, for the same reasons as before - sufficient distance to neighbouring properties and the background noise from the existing road and also the existing car wash.

This application has similarly been considered by the Council's Environmental Protection Team who raise no objections.

Highway Considerations

The existing entrance and exit on Ashby Road, Boundary are to remain. The County Highway Authority raises no comments.

Impact on the River Mease Special Area of Conservation/SSSI

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal would have a significant effect on the SAC is required. The River Mease Developer Contribution Scheme (DCS) has been produced to meet one of the actions of the River Mease Water Quality Management Plan (WQMP).

The DCS advises that all new development which contributes additional wastewater to the foul water catchment areas of the treatment works within the SAC catchment area will be subject to a developer contribution. There is also a requirement to assess non-mains drainage schemes against the DCS as the discharge of foul waste into the ground can potentially adversely affect the SAC. The DCS has been assessed against and is considered to meet the three tests of the 2010 Community Infrastructure Levy Regulations, which are also set out at paragraph 204 of the NPPF.

Disposal of foul effluent

The applicant has indicated that there would be 2 additional employees as a result of the development.

The foul drainage arrangements are a cess pit/sewage tank, as per the previous application ref: 15/00272/FUL

The cesspit/sewage tank is a sealed, watertight tank that captures the sewage, and is not discharged into the ground or watercourse. The tank is then collected and the waste disposed of.

The Environment Agency have stated that there should be no discharge from the cess pit/sewage tank to groundwater or a watercourse and stated that the cess pit should be sealed and fitted with a high level alarm to ensure that sufficient warning is given for when the tank required emptying. The Environment Agency have also stated that all effluent from the car wash/valeting operations should be removed from site and taken to licensed facilities and that a condition be imposed with regards to the storage of oils, fuels, chemicals etc.

Natural England have confirmed that their observations remains as per application ref: 15/00272/FUL. Natural England state that it is important that the tank is properly maintained and emptied on a regular basis, and would need to know whether the foul water is to be disposed of within or outside of the catchment.

The Authority would normally therefore require the applicant to enter into a legal agreement to ensure that the waste would not be emptied into the River Mease SAC catchment (which would also avoid the need for a River Mease Contribution).

However, as per the previous application ref: 15/00272/FUL it was considered that within a former application ref: 13/00651/FUL Severn Trent Water confirmed that waste from such tanks does not go to any of the Severn Trent Water Waste Treatment Works within the River Mease SAC catchment area and that this arrangement will continue in perpetuity.

As there is no discharge in the ground/water course, then the Environment Agency are not the competent authority, and this falls to be this Authority. In respect of maintenance, should these systems be within 100 metres of watercourse then this is deemed to be close enough to result in waste being discharged into the ground and then ending up in the watercourse, but

beyond 100 metres is considered to be far enough away to not have a negative effect by the time it reaches the watercourse. Accordingly as the site is beyond 100 metres away from any watercourse there is no requirement for the Authority, as the competent Authority to secure maintenance.

Therefore based on the above it can be ascertained that the proposal site would not, either alone or in combination with other plans or projects, have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

Letters of Representation

In response to the letters of objection from a neighbouring dwelling that have been received during the course of the application:-

- A case has already been opened by the Council's enforcement team (ref: 15/00295/COU);
- The concerns raised regarding noise from the car wash is a separate consideration to this application seeking consent for car repairs and servicing and is being considered by the Council's Enforcement Team in liaison with the Council's Environmental Health Team;
- For the avoidance of doubt any advertisement would be subject to a separate advertisement consent and does not form part of this application;
- The issues with the neighbours electric supply is not a material planning consideration.

Conclusion

The site is brownfield in nature and the NPPF encourages this use of land, in principle. The scheme does not give rise to any significant material impacts upon the occupiers of neighbouring dwellings, or highway safety and subject to the imposition of conditions, would not be likely to have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI. There are no other material impacts identified, that would indicate that the proposal is not in compliance with the NPPF or local development plan policies. Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

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

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

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

- 2 The proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by a condition of this permission: Ordnance Survey (Scale 1:1250) received by the Local Planning Authority on 18 February 2016 and 'Plan 2 Proposed' received by the Local Planning Authority on 5 April 2016.

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

- 3 The servicing, repair, polishing and storage of cars will be restricted to the area hatched and labelled as 'Car Repair Area' on 'Plan 2 Proposed' received by the Local Planning Authority on 5 April 2016.

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

- 4 The storage of cars will be restricted to the areas shown in blue and labelled as such on 'Plan 2 Proposed' received by the Local Planning Authority on 5 April 2016. There shall be no more than 10 cars stored on these areas at any one time.

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

- 5 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipe work, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason - To prevent pollution of the water environment.

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 2015.
- 2 Contaminated waters / sludge resulting from site operations to be removed from site must be removed by a licensed waste contractor and taken to a licensed site for disposal. There should be no discharge of any contaminated water from the site to watercourse or groundwater.

The cess pit should be sealed and fitted with a high level alarm set to ensure that sufficient warning is given for when the tank requires emptying. There should be no discharge from the cess pit to groundwater or watercourse.

Clean surface water drainage should be directed to a soakaway where possible.

All wastes arising from activities on this site should be removed from site and taken to licensed facilities outside of the River Mease catchment.

The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable for any off-site movements of wastes. The developer/ operator as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate permitted facility and all relevant documentation is completed and kept in line with regulations.

Information regarding guidance on good practice for vehicle washing and cleaning can be found within the following Pollution prevention guidance (PPG13): <http://publications.environment-agency.gov.uk/pdf/PMHO0307BMDX-e-e.pdf>

During construction and operation the developer should ensure that on site activities do not cause pollution. There should be no polluting emissions to air, land or water resulting from actions by the developer or by its sub-contractors. Pollution prevention guidance is available on our website. <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>.

Variation of Condition 1 and removal of Condition 2 associated with planning permission reference 15/00648/VCI to allow for the removal of part of boundary wall (retrospective) and formation of a vehicular and pedestrian access off The Delph with associated brick piers and gates.

Report Item No
A7

Breedon Hall Main Street Breedon On The Hill Derby DE73 8AN

Application Reference
16/00371/VCI

Applicant:
Mr And Mrs C Meynell

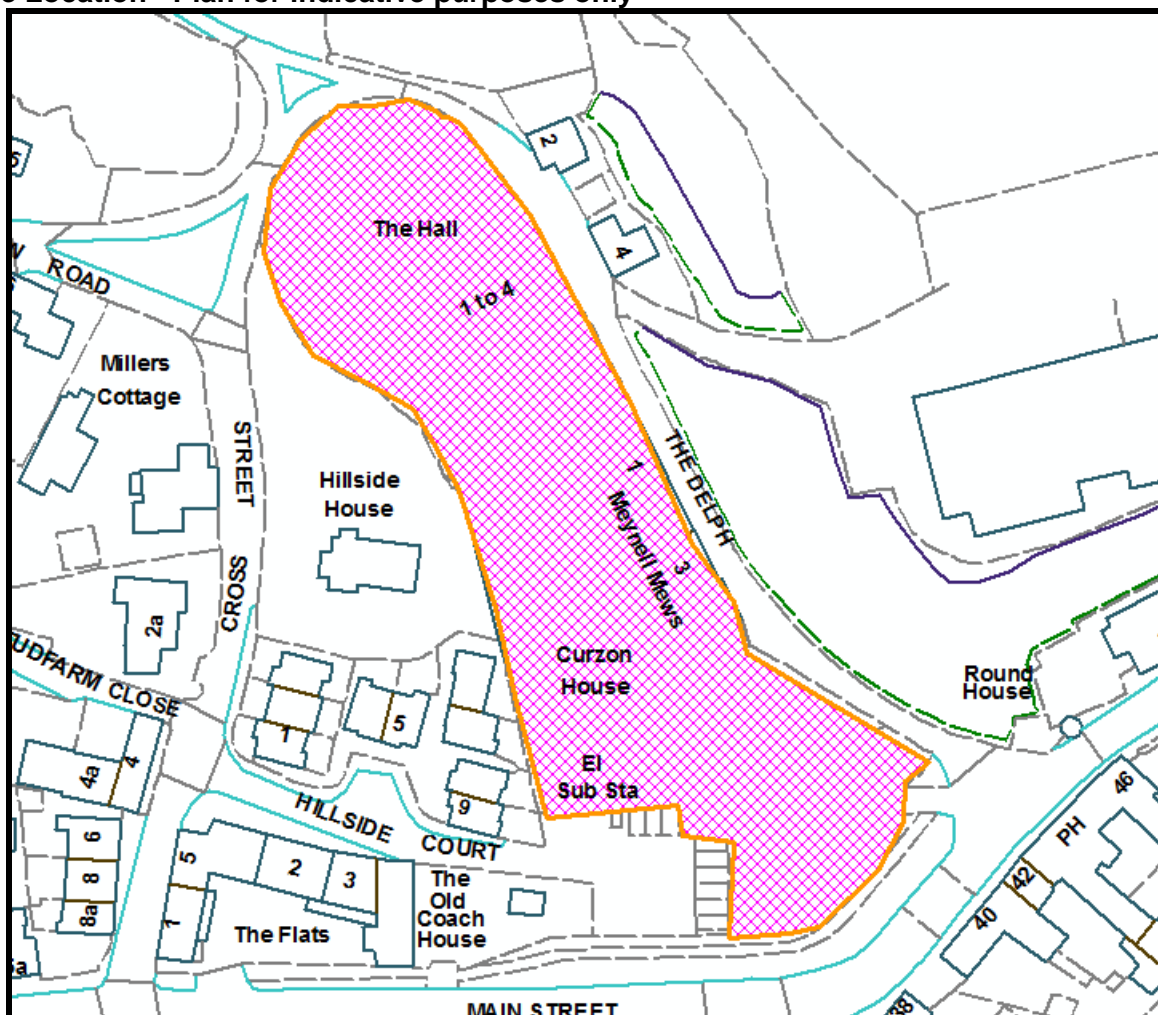
Date Registered
21 March 2016

Case Officer:
Adam Mellor

Target Decision Date
16 May 2016

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application is brought to the Planning Committee as the applicant is related to a serving councillor (Councillor Blunt) and contrary representations to the recommendation have been received.

Proposal

Permission is sought for the variation of Condition 1 and removal of Condition 2 associated with planning permission reference 15/00648/VCI to allow for the removal of part of boundary wall (retrospective) and formation of a vehicular and pedestrian access off The Delph with associated brick piers and gates at Breedon Hall, Main Street, Breedon on the Hill.

Consultations

Two representations have been received objecting to the application. Breedon on the Hill Parish Council and all other statutory consultees have no objections subject to the imposition of conditions on any consent granted.

Planning Policy

It is considered that the development would comply with all relevant Paragraphs of the National Planning Policy Framework (NPPF) as well as the relevant Policies of the adopted North West Leicestershire Local Plan and Sections 66 and 72 of the Planning (Listed Buildings and Conservation) Act 1990.

Conclusion

The scheme as submitted has been agreed with the Council's Conservation Officer who has raised no objections to the application in the circumstances that the wall which has been removed contained no historic fabric and the installation of the gates would still maintain a strong form of boundary enclosure on The Delph. On this basis the proposed development would result in no harm to the significance of heritage assets and would also result in no adverse impacts on the character and appearance of the streetscape or wider area. No archaeological work would be required in connection with the development. On this basis the proposed development would accord with Paragraphs 131, 132, 137 and 141 of the NPPF, Policy E4 of the adopted Local Plan and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

It is also the view of the County Highways Authority that the introduction of additional vehicular movements onto The Delph would not result in adverse impacts on the safe usage of this highway by both vehicles and pedestrians given the level of visibility which would be achieved towards Main Street, the direction vehicles would be travelling, and the overall level of vehicular movements undertaken on this highway being relatively low. On this basis the proposed development would accord with Paragraph 32 of the NPPF and Policy T3 of the adopted Local Plan.

It is therefore recommended that the application be permitted with Condition 1 of the consent being amended to include the revised plan, Condition 2 being omitted given that it is no longer relevant to the scheme, Condition 3 (now 2) being amended to include the materials used for

the gate construction and two additional Conditions (nos. 8 and 9) being added as requested by the County Highways Authority on the previous application. All other conditions remain the same as 15/00648/VCI.

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

This is an application under Section 73 of the Town and Country Planning Act 1990 to "vary" condition 1 and remove condition 2 of planning permission 15/00648/VCI relating to the change of use of former stable block into 3 residential units including external alterations and works along with the erection of a single storey side extension at Breedon Hall, Main Street, Breedon on the Hill, which was approved on the 9th September 2015. Section 73 relates to development of land without complying with conditions subject to which a previous planning permission was granted. The Council, in considering this application, is only entitled to consider the question of the conditions subject to which planning permission should be granted. Condition 1 of planning permission reference 15/00648/VCI which the applicant wishes to vary is as follows: -

Condition 1

"The development shall be carried out in strict accordance with drawing number 2070 - 03 (Site Location Plan), received by the Local Authority on the 9th September 2013, as agreed under application reference 13/00695/NMA, and the following drawing numbers, with the exception of the proposed vehicular access off The Delph which is not approved: -

- *Drawing Number 2070 - 01 A (Survey as Existing);*
- *Drawing Number 2070 - 02 E (Proposed Plans & Elevations);*
- *Drawing Number 2070 - 04 A (Block Plan);*

received by the Local Authority on the 14th July 2015, unless otherwise required by another condition.

Reason - to determine the scope of the permission."

Condition 2 which is to be removed states the following: -

Condition 2

"This planning permission does not authorise the provision of a vehicular access off The Delph as shown on the approved plans specified under Condition 1 of this permission.

Reason - for the avoidance of doubt."

The formation of an access was originally proposed under the previous application (15/00648/VCI) but was removed following concerns raised by the Council's Conservation Officer who required further information on the historic significance of the part of the wall which was removed. Following further discussions a revised scheme has now been submitted which would see a vehicular and pedestrian access be provided in the same position as previously considered with brick piers and gates also being supplied to access. Should permission be granted condition 2 would no longer be required and hence it is proposed that this condition be removed. Consent is also sought, retrospectively, for the removal of part of the boundary wall.

An application for listed building consent for the removal of part of the boundary wall, which is retrospective, and the formation of new gates and gate piers for access to and from The Delph for both vehicles and pedestrians, referenced 16/00370/LBC, is also under consideration with the Local Planning Authority and forms the basis of a separate report.

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

application.

The recent planning history of the site is as follows: -

- 11/01025/LBC - Change of use to C3 (dwellinghouse) and internal alterations - Approved 14th February 2012;
- 11/01026/FUL - Change of use to C3 (dwellinghouse) - Approved 14th February 2012;
- 12/01006/FUL - Change of use of former stable block into 3 residential units including external alterations and works along with the erection of a single storey extension - Approved 13th February 2013;
- 12/01007/LBC - Change of use of former stable block into 3 residential units including external alterations and works along with the erection of a single storey side extension (listed building consent) - Approved 13th February 2013;
- 13/00695/NMA - Non material amendment to planning permission 12/01006/FUL to allow reduction in number of roof windows proposed and removal of existing (non original) chimney previously proposed for retention - Approved 14th November 2013;
- 13/00677/LBC - Change of use of former stable block into 3 residential units including external alterations and works along with the erection of a single storey side extension (Amended Scheme to LBC 12/01007/LBC to now include removal of non-original chimney and formation of three roof-lights on north east roof plane) - Approved 14th November 2013;
- 15/00637/LBC - Retrospective application for conversion of unlisted former stable block within curtilage of listed building into 3 residential units including external works and off-street parking - Approved 9th September 2015.

2. Publicity

7 no neighbours have been notified (date of last notification 27 April 2016)

Press Notice published 6 April 2016

Site notice posted 7 April 2016

3. Consultations

Breedon On The Hill PC consulted 31 March 2016

County Highway Authority

County Archaeologist

Historic England- Ancient Monument

NWLDC Conservation Officer

4. Summary of Representations Received

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

Breedon on the Hill Parish Council has no objections.

Historic England advises that the application should be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.

Leicestershire County Council - Archaeology has no objections and confirms that no archaeological work will be required in connection with the proposal.

Leicestershire County Council - Highways has no objections subject to the imposition of conditions on any consent granted.

NWLDC - Conservation Officer has no objections and recommends approval of the application.

Third Party Representations

Two representations have been received from the occupants of nos. 3 and 4 The Lime Kilns who object to the application and whose comments are summarised as follows: -

- Proposed access is unnecessary and not required;
- Entrance to the Hall would create a dangerous 'blind spot' on The Delph which would result in highway safety implications;
- The safety of regular walkers and ramblers accessing the heritage site would be compromised;
- Users of the Hall will be unfamiliar with the highway also being utilised by pedestrians.

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 111 (Conserving and enhancing the natural environment);
 Paragraph 118 (Conserving and enhancing the natural environment);
 Paragraph 123 (Conserving and enhancing the natural environment);
 Paragraph 128 (Conserving and enhancing the historic environment);
 Paragraph 129 (Conserving and enhancing the historic environment);
 Paragraph 131 (Conserving and enhancing the historic environment);
 Paragraph 132 (Conserving and enhancing the historic environment);
 Paragraph 134 (Conserving and enhancing the historic environment);
 Paragraph 137 (Conserving and enhancing the historic environment);

Paragraph 141 (Conserving and enhancing the historic environment);
Paragraph 203 (Planning conditions and obligations);
Paragraph 204 (Planning conditions and obligations);

Adopted North West Leicestershire Local Plan (2002)

The application site is within 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 T3 - Highway Standards;
Policy T8 - Parking;
Policy H4/1 - Housing Land Release;
Policy H6 - Housing Density;
Policy H7 - Housing Design;

Draft Consultation North West Leicestershire Local Plan

On 15 September 2015 the District Council's Full Council considered a draft Local Plan and resolved to approve the draft Local Plan for consultation. The draft policies listed below are considered relevant to this application. However, in view of the very early stage to which the draft Local Plan has progressed, only very limited weight can be attributed to its policies at this stage.

Policy S1 - Presumption in Favour of Sustainable Development;
Policy S2 - Future Housing and Economic Development Needs;
Policy S3 - Settlement Hierarchy;
Policy S5 - Design of New Development;
Policy H6 - House Types and Mix;
Policy IF4 - Transport Infrastructure and New Development;
Policy IF7 - Parking Provision and New Development;
Policy En1 - Nature Conservation;
Policy En6 - Land and Air Quality;
Policy He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment;
Policy Cc2 - Sustainable Design and Construction;
Policy Cc3 - Water - Flood Risk;
Policy Cc4 - Water - Sustainable Drainage Systems;

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;

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act) requires that special regard shall be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

6. Assessment

The principle of the works associated with the conversion of the building into residential units has been established as being acceptable by virtue of the approval of application references 12/01006/FUL, 13/00695/NMA and 15/00648/VCI. In these circumstances the only matter for consideration relates to whether the formation of the vehicular access off The Delph, and the provision of the gates, would impact on the historic integrity of the heritage assets as well as its suitability from a highway safety perspective.

Impact on the Historic Environment and Streetscape

Breedon Hall is a Grade II Listed Building with the walls around the northern sides of the grounds associated with the Hall being separately listed as Grade II. Whilst the wall removed as part of this application is not 'Listed' under the separate wall designation, Listed Building Consent is required as the wall would be curtilage listed. The site as a whole is within the Breedon on the Hill Conservation Area.

The supporting heritage statement identifies that the wall into which the access would be formed is a section of non-original, non-historic wall which has no stone coping and is simply capped in brickwork. This area of wall included a timber pedestrian gate and is believed to date from the twentieth century. A 4.9 metre section of this wall would be removed to provide the vehicular access with brick piers and hardwood timber gates (height 1.65 metres) being installed in order to maintain a strong form of boundary enclosure along The Delph.

In commenting on the application the Council's Conservation Officer has identified that *"I would not object to the installation of access gates on The Delph in the manner proposed. The section of wall removed contained no historic fabric; the proposed design would be without undue embellishment and would - when closed - maintain the strong form of boundary enclosure on The Delph." It is also stated that "The proposed gates would be hardwood, left to weather naturally. They would incorporate a wicket gate. I would recommend approval of this application."*

Given the above views it is considered that the proposal would result in no harm to the significance of the heritage assets given that the strong form of boundary enclosure would be

maintained on The Delph and no historic fabric would be adversely impacted on. It is also considered that the proposed development would result in no adverse impacts on the character and appearance of the streetscape or wider area.

The County Council Archaeologist has confirmed that there would be no requirement for archaeological work to be carried out in connection with the proposal.

In these circumstances the proposed development would accord with Paragraphs 131, 132, 137 and 141 of the NPPF, Policy E4 of the adopted Local Plan and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Highway Safety

The County Highways Authority have raised no objections subject to the imposition of conditions on any consent granted.

Within the supporting information it is highlighted that the additional access is necessary for use by the residents of the converted outbuildings in order to avoid conflict with the movement of vehicles associated with the Hall itself.

Whilst representations have been received raising concerns about the safety of pedestrians on The Delph and the suitability of the access position, such views are not shared by the County Highways Authority. The overall level of vehicular activity on The Delph would be fairly low, given the amount of dwellings served by this carriageway, and most vehicles would be turning right out of the site towards Main Street. The level of visibility provided towards Main Street from the site access would be in accordance with the County Council's guidance and would ensure that movements out of the site could be carried out in a safe manner. Any lack of visibility from the access further up The Delph would not be of such detriment as to warrant a refusal of the application given the level of vehicular activity from that direction. The carriageway from the site access to Main Street would also be of a sufficient width to ensure that the movement of vehicles would not substantially conflict with that of pedestrians.

Paragraph 32 of the NPPF advises that applications should only be refused on highway grounds where the cumulative impacts are severe and given the above conclusions it is considered that the proposal would not conflict with the principles of this Paragraph or the aims of Policy T3 of the adopted Local Plan.

Summary Reasons for Granting Planning Permission

The scheme as submitted has been agreed with the Council's Conservation Officer who has raised no objections to the application in the circumstances that the wall which has been removed contained no historic fabric and the installation of the gates would still maintain a strong form of boundary enclosure on The Delph. On this basis the proposed development would result in no harm to the significance of heritage assets and would also result in no adverse impacts on the character and appearance of the streetscape or wider area. No archaeological work would be required in connection with the development. On this basis the proposed development would accord with Paragraphs 131, 132, 137 and 141 of the NPPF, Policy E4 of the adopted Local Plan and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

It is also the view of the County Highways Authority that the introduction of additional vehicular movements onto The Delph would not result in adverse impacts on the safe usage of this

highway by both vehicles and pedestrians given the level of visibility which would be achieved towards Main Street, the direction vehicles would be travelling, and the overall level of vehicular movements undertaken on this highway being relatively low. On this basis the proposed development would accord with Paragraph 32 of the NPPF and Policy T3 of the adopted Local Plan.

It is therefore recommended that the application be permitted with Condition 1 of the consent being amended to include the revised plan, Condition 2 being omitted given that it is no longer relevant to the scheme, Condition 3 (now 2) being amended to include the materials used for the gate construction and two additional Conditions (nos. 8 and 9) being added at the request of the County Highways Authority. All other conditions remain the same as 15/00648/VCI.

RECOMMENDATION - PERMIT, subject to the following conditions;

- 1 The development shall be carried out in strict accordance with drawing number 2070 - 03 (Site Location Plan), received by the Local Authority on the 9th September 2013, as agreed under application reference 13/00695/NMA, drawing numbers 2070 - 01 A (Survey as Existing) and 2070 - 04A (Block Plan), received by the Local Authority on the 14th July 2015, as agreed under application reference 15/00648/VCI, and the following drawing number: -
- Drawing Number 2070 - 02 G (Proposed Plans & Elevations); received by the Local Authority on the 22nd April 2016, unless otherwise required by another condition of this permission.

Reason - to determine the scope of the permission.

- 2 The development shall be constructed in accordance with the following materials: -
- Bricks - Salvaged bricks;
 - Lintels - As shown on drawing numbers 2070 - 05 (Proposed Joinery Details for Doors) and 2070 - 06 (Proposed Joinery Details for Windows), received by the Local Authority on the 5th September 2013;
 - Roofing Materials - To match existing roof tiles if any are necessary;
 - Rain Water Goods - Black Powder Coated Aluminium Rainwater Goods and Proposed Outlet Pipes and Mechanical Extraction Systems as specified in the letter from David Richards of Montague Architects to James Mattley of the 4th September 2013 (Ref: DRR MAJ 2070), received by the Local Authority on the 5th September 2013, in the positions shown on drawing number 2070 - 02 C (Proposed Plans & Elevations), received by the Local Authority on the 5th September 2013;
 - Windows and Doors - As shown on drawing numbers 2070 - 05 (Proposed Joinery Details for Doors) and 2070 - 06 (Proposed Joinery Details for Windows) with the materials as specified on drawing number 2070 - 02 C (Proposed Plans & Elevations), received by the Local Authority on the 5th September 2013;
 - Rooflights - in accordance with the details supplied by the Rooflight Company on the drawing referenced CR_WRCS_LS_B, received by the Local Authority on the 5th September 2013;
- As discharged in the correspondence from James Mattley to Andrew Shannon of Montague Architects of the 3rd October 2013 under application reference 12/01007/LBC, as well as the following materials relating to the gate and brick piers: -
- Gates - Hardwood timber gates left to weather naturally with no paint or stain finish being applied;
 - Brick Piers - In accordance with the details specified on drawing number 2070 - 02 G

(Proposed Plans & Elevations) received by the Local Authority on the 22nd April 2016.

Reason - to ensure that the works are executed in an appropriate manner given the sites location in within the curtilage of a Listed Building.

- 3 The development shall be carried out in accordance with the recommendations of the bat survey report prepared by Peter Harris of Train4ecology of September 2013 attached to an email from Andrew Shannon of Montague Architects to James Mattley of the 27th September 2013, received by the Local Authority on the 27th September 2013, and as discharged in the correspondence from James Mattley to Andrew Shannon of Montague Architects of the 3rd October 2013 under application reference 12/01006/FUL.

Reason - to ensure that bats are not inhabiting the roofspace at the time that the development commences.

- 4 No external lighting or floodlighting shall be installed unless precise details have first been submitted to and agreed in writing with the Local Planning Authority.

Reason - in the interests of the visual amenities of the locality, the heritage assets and to avoid against impacts upon protected species.

- 5 The car parking spaces shown on drawing number 2070 - 02 E (Proposed Plans & Elevations) and 2070 - 04 A (Block Plan), received by the Local Authority on the 14th July 2015, shall be provided with dimensions of 5.5 metres in length by 2.4 metres in width, with an additional 0.5 metres being added to the width of the car parking space abutting the communal laundry room, within one month of the date of the approval date of this application and shall thereafter be available for the parking of vehicles at all times.

Reason - to ensure that an adequate level of off-site car parking is required and to avoid against off-street car parking associated with the development.

- 6 The development shall be carried out in strict accordance with the Historic Buildings Survey of Former Stable Building at Breedon Hall, Breedon on the Hill, Leicestershire by Pre-Construct Architecture (Ref No. 11491), attached to an email from David Richards of Montague Architects to James Mattley of the 13th September 2013, received by the Local Authority on the 13th September 2013, and as discharged in the correspondence from James Mattley to Andrew Shannon of Montague Architects of the 3rd October 2013 under application reference 12/01006/FUL.

Reason - to ensure satisfactory archaeological investigation and recording.

- 7 The foul and surface water drainage for the development shall be provided in strict accordance with that shown on drawing numbers 2070 - 01 B (Survey as Existing) and 2070 - 02 C (Proposed Plans & Elevations), received by the Local Authority on the 5th September 2013, and as discharged in the correspondence from James Mattley to Andrew Shannon on Montague Architects of the 3rd October 2013 under application reference 12/01006/FUL.

Reason - to ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

- 8 Before first use of the access off The Delph, hereby permitted, the following shall be provided: -
- Turning facilities shall be provided hard surfaced and made available for use within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall thereafter be permanently so maintained;
 - The access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5.0 metres behind the highway boundary;
 - Drainage shall be provided within the site such that surface water does not drain into the public highway.

Once provided the above shall thereafter be so permanently maintained.

Reasons - to reduce the possibility of deleterious material being deposited in the highway (loose stones etc.); to reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.

- 9 The vehicular access gates, as well as the pedestrian wicket gate, shall be hung so as to not open outwards.

Reason - to protect the free and safe passage of traffic, including pedestrians, in the public highway.

Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 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 You are reminded to comply with the conditions attached to 16/00370/LBC.
- 4 Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.
- 5 This planning permission does NOT allow you to carry out access alterations in the highway. Before such works can begin, separate permits or agreements will be required under the Highways Act 1980 from either the Infrastructure Planning Team (for 'major' accesses serving more than one dwelling) or the Highways Manager (for 'minor' accesses serving one dwelling only). For further information, including contact details, you are advised to visit the County Council website as follows: -
For 'major' accesses - see Part 6 of the '6Cs Design Guide' at www.leics.gov.uk/6csdg
For 'minor' accesses serving one dwelling contact the Customer Service Centre team
Tel: 0116 3050001.

Removal of part of boundary wall (retrospective) and formation of new gates and gate piers for access to and from The Delph (For vehicles and pedestrians) (Listed Building Consent)

Report Item No
A8

Breedon Hall Main Street Breedon On The Hill Derby DE73 8AN

Application Reference
16/00370/LBC

Applicant:
Mr And Mrs Charles Meynell

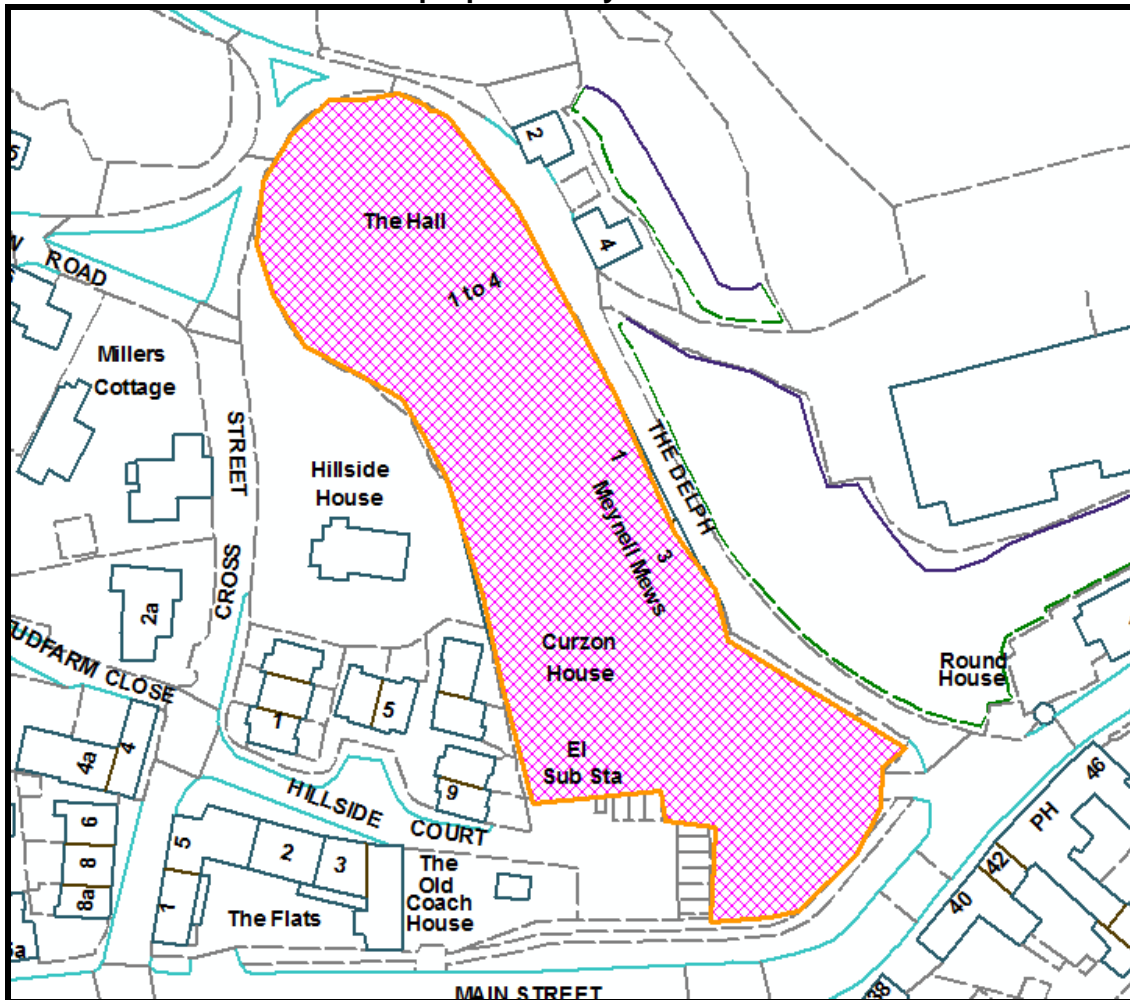
Date Registered
21 March 2016

Case Officer:
Adam Mellor

Target Decision Date
16 May 2016

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application is brought to the Planning Committee as the applicant is related to a serving councillor (Councillor Blunt) and contrary representations to the recommendation have been received.

Proposal

Listed building consent is sought for the removal of part of the boundary wall, which is retrospective, and the formation of new gates and gate piers for access to and from The Delph for both vehicles and pedestrians at Breedon Hall, Main Street, Breedon on the Hill. Breedon Hall is a Grade II Listed Building which is also within the Breedon on the Hill Conservation Area.

Consultations

One representation objecting to the application has been received. Breedon on the Hill Parish Council and all other statutory consultees have no objections subject to the imposition of conditions on any consent granted.

Planning Policy

It is considered that the development would comply with all relevant Paragraphs of the National Planning Policy Framework (NPPF) as well as the relevant Policies of the adopted North West Leicestershire Local Plan and Sections 66 and 72 of the Planning (Listed Buildings and Conservation) Act 1990.

Conclusion

The scheme as submitted has been agreed with the Council's Conservation Officer who has raised no objections to the application in the circumstances that the wall which has been removed contained no historic fabric and the installation of the gates would still maintain a strong form of boundary enclosure on The Delph. On this basis the proposed development would result in no harm to the significance of heritage assets and would also result in no adverse impacts on the character and appearance of the streetscape or wider area. No archaeological work would be required in connection with the development. On this basis the proposed development would accord with Paragraphs 131, 132, 137 and 141 of the NPPF, Policy E4 of the adopted Local Plan and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

It is therefore recommended that listed building consent be granted.

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

Listed building consent is sought for the formation of new gates and gate piers for access to and from The Delph for both vehicles and pedestrians at Breedon Hall, Main Street, Breedon on the Hill. Breedon Hall is a Grade II Listed Building located on the northern side of Main Street and to the west of The Delph in Breedon on the Hill. To the south of Breedon Hall the central approach is flanked by two detached brick outbuildings that are two-storeys in height. The application site is also within the Breedon on the Hill Conservation Area.

A scheme for the formation of a vehicular access off The Delph was originally proposed under application reference 15/00637/LBC but this element was removed following concerns raised by the Council's Conservation Officer who required further information on the historic significance of the part of the wall which was removed. Subsequent discussions have occurred and as such a revised application has now been received to form an access off The Delph, in the same position as previously considered, with brick piers and hardwood gate also being installed. The provision of a wicket entrance in the gates will ensure it can be used by both vehicles and pedestrians.

An application for the variation of Condition 1 and removal of Condition 2 associated with planning permission reference 15/00648/VCI to allow for the removal of part of boundary wall (retrospective) and formation of a vehicular and pedestrian access off The Delph with associated brick piers and gates is also under consideration with the Local Planning Authority and forms the basis of a separate report.

A heritage statement has been submitted in support of the application.

The recent planning history of the site is as follows: -

- 11/01025/LBC - Change of use to C3 (dwellinghouse) and internal alterations - Approved 14th February 2012;
- 11/01026/FUL - Change of use to C3 (dwellinghouse) - Approved 14th February 2012;
- 12/01006/FUL - Change of use of former stable block into 3 residential units including external alterations and works along with the erection of a single storey extension - Approved 13th February 2013;
- 12/01007/LBC - Change of use of former stable block into 3 residential units including external alterations and works along with the erection of a single storey side extension (listed building consent) - Approved 13th February 2013;
- 13/00695/NMA - Non material amendment to planning permission 12/01006/FUL to allow reduction in number of roof windows proposed and removal of existing (non original) chimney previously proposed for retention - Approved 14th November 2013;
- 13/00677/LBC - Change of use of former stable block into 3 residential units including external alterations and works along with the erection of a single storey side extension (Amended Scheme to LBC 12/01007/LBC to now include removal of non-original chimney and formation of three roof-lights on north east roof plane) - Approved 14th November 2013;
- 15/00648/VCI - Variation of conditions 2 and 6 of planning permission 12/01006/FUL, subsequently amended by application reference 13/00695/NMA, to retain "as built" changes - Approved 9th September 2015.

2. Publicity

15 no neighbours have been notified (Date of last notification 27 April 2016)

Site Notice displayed 7 April 2016

Press Notice published 6 April 2016

3. Consultations

Breedon On The Hill PC consulted 31 March 2016

County Archaeologist

NWLDC Conservation Officer

Historic England- Ancient Monument

4. Summary of Representations Received

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

Breedon on the Hill Parish Council has no objections.

Historic England advises that the application should be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice.

Leicestershire County Council - Archaeology has no objections and advises that no archaeological mitigation will be required.

NWLDC - Conservation Officer has no objections and recommends approval.

Third Party Representations

One representation has been received from the occupant of no. 3 The Lime Kilns who objects to the application and whose comments are summarised as follows: -

- The heritage statement is incorrect in advising that the wall removed is not a listed building in the conservation area;
- The wall would be automatically listed as it is within the curtilage of a Grade II listed building;
- Applicant has carried out the works and then applied rather than applying for the works in the first instance;
- The increase in business on the site is of no relevance to the application;
- There is a perfectly adequate main entrance and therefore no requirement for an additional entrance;
- The field of vision from the new entrance would be worse than the main entrance and no highways report has been submitted.

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 17 (Core planning principles);
Paragraph 131 (Conserving and enhancing the historic environment);
Paragraph 132 (Conserving and enhancing the historic environment);
Paragraph 134 (Conserving and enhancing the historic environment);
Paragraph 137 (Conserving and enhancing the historic environment);
Paragraph 141 (Conserving and enhancing the historic environment);
Paragraph 203 (Planning conditions and obligations);
Paragraph 204 (Planning conditions and obligations);

Adopted North West Leicestershire Local Plan (2002)

The application site is within 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 E4 - Design;

Draft Consultation North West Leicestershire Local Plan

On 15 September 2015 the District Council's Full Council considered a draft Local Plan and resolved to approve the draft Local Plan for consultation. The draft policies listed below are considered relevant to this application. However, in view of the very early stage to which the draft Local Plan has progressed, only very limited weight can be attributed to its policies at this stage.

Policy S5 - Design of New Development;
Policy He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment;

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.

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act) requires that special regard shall be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

6. Assessment

It is considered that matters associated with the principle of the development and its potential implications to highway safety are matters to be assessed as part of the Section 73 application, reference 16/00371/VCI, which forms the basis of a separate report. In this circumstance the only matter for consideration relates to whether the formation of the vehicular access and provision of brick piers and gate would impact on the historic integrity of the heritage assets.

Breedon Hall is a Grade II Listed Building with the walls around the northern sides of the grounds associated with the Hall being separately listed as Grade II. Whilst the wall removed as part of this application is not 'Listed' under the separate wall designation, Listed Building Consent is required as the wall would be curtilage listed. The site as a whole is within the Breedon on the Hill Conservation Area.

The supporting heritage statement identifies that the wall into which the access would be formed is a section of non-original, non-historic wall which has no stone coping and is simply capped in brickwork. This area of wall included a timber pedestrian gate and is believed to date from the twentieth century. A 4.9 metre section of this wall would be removed to provide the vehicular access with brick piers and hardwood timber gates (height 1.65 metres) being installed in order to maintain a strong form of boundary enclosure along The Delph.

In commenting on the application the Council's Conservation Officer has identified that *"I would not object to the installation of access gates on The Delph in the manner proposed. The section of wall removed contained no historic fabric; the proposed design would be without undue embellishment and would - when closed - maintain the strong form of boundary enclosure on The Delph."* It is also stated that *"The proposed gates would be hardwood, left to weather naturally. They would incorporate a wicket gate. I would recommend approval of this application."*

Given the above views it is considered that the proposal would result in no harm to the significance of the heritage assets given that the strong form of boundary enclosure would be maintained on The Delph and no historic fabric would be adversely impacted on. It is also considered that the proposed development would result in no adverse impacts on the character and appearance of the streetscape or wider area.

The County Council Archaeologist has confirmed that there would be no requirement for archaeological work to be carried out in connection with the proposal.

In these circumstances the proposed development would accord with Paragraphs 131, 132, 137 and 141 of the NPPF, Policy E4 of the adopted Local Plan and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Summary Reasons for Granting Listed Building Consent

The scheme as submitted has been agreed with the Council's Conservation Officer who has raised no objections to the application in the circumstances that the wall which has been removed contained no historic fabric and the installation of the gates would still maintain a strong form of boundary enclosure on The Delph. On this basis the proposed development would result in no harm to the significance of heritage assets and would also result in no adverse impacts on the character and appearance of the streetscape or wider area. No archaeological work would be required in connection with the development. On this basis the proposed development would accord with Paragraphs 131, 132, 137 and 141 of the NPPF,

Policy E4 of the adopted Local Plan and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to the following conditions;

- 1 The proposed development shall be carried out strictly in accordance with the following drawing numbers: -
- Drawing Number 2070 - 02 F (Proposed Plans & Elevations), received by the Local Authority on the 21st March 2016;
- Unless otherwise required by another condition.

Reason - to determine the scope of the permission.

- 2 The development shall be constructed in accordance with the following materials: -
- Bricks - Salvaged bricks;
 - Lintels - As shown on drawing numbers 2070 - 05 (Proposed Joinery Details for Doors) and 2070 - 06 (Proposed Joinery Details for Windows), received by the Local Authority on the 5th September 2013;
 - Roofing Materials - To match existing roof tiles if any are necessary;
 - Rain Water Goods - Black Powder Coated Aluminium Rainwater Goods and Proposed Outlet Pipes and Mechanical Extraction Systems as specified in the letter from David Richards of Montague Architects to James Mattley of the 4th September 2013 (Ref: DRR MAJ 2070), received by the Local Authority on the 5th September 2013, in the positions shown on drawing number 2070 - 02 C (Proposed Plans & Elevations), received by the Local Authority on the 5th September 2013;
 - Windows and Doors - As shown on drawing numbers 2070 - 05 (Proposed Joinery Details for Doors) and 2070 - 06 (Proposed Joinery Details for Windows) with the materials as specified on drawing number 2070 - 02 C (Proposed Plans & Elevations), received by the Local Authority on the 5th September 2013;
 - Rooflights - in accordance with the details supplied by the Rooflight Company on the drawing referenced CR_WRCS_LS_B, received by the Local Authority on the 5th September 2013;
- As discharged in the correspondence from James Mattley to Andrew Shannon of Montague Architects of the 3rd October 2013 under application reference 12/01007/LBC, as well as the following materials relating to the gate and brick piers: -
- Gates - Hardwood timber gates left to weather naturally with no paint or stain finish being applied;
 - Brick Piers - In accordance with the details specified on drawing number 2070 - 02 G (Proposed Plans & Elevations) received by the Local Authority on the 22nd April 2016.

Reason - to ensure that the works are executed in an appropriate manner given the sites location in within the curtilage of a Listed Building.

- 3 The external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority.

Reason - to ensure that any lighting does not impact on the special architectural or historic interest of the Listed Building.

- 4 The development shall be carried out in strict accordance with the Historic Buildings Survey of Former Stable Building at Breedon Hall, Breedon on the Hill, Leicestershire by Pre-Construct Architecture (Ref No. 11491), attached to an email from David Richards of Montague Architects to James Mattley of the 13th September 2013, received by the Local Authority on the 13th September 2013, and as discharged in the correspondence from James Mattley to Andrew Shannon of Montague Architects of the 3rd October 2013 under application reference 12/01007/LBC.

Reason - to ensure satisfactory archaeological investigation and recording.

Notes to applicant

- 1 Listed building consent has been granted for this proposal. The Local Planning Authority acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 2 You are reminded to comply with conditions attached to 16/00371VCI.

Erection of a first floor extension, new chimney and a 6 metre
flag pole within the front garden area

Report Item No
A9

5 Main Street Ravenstone Coalville Leicestershire LE67 2AS

Application Reference
16/00322/FUL

Applicant:
Mr Nigel Smith

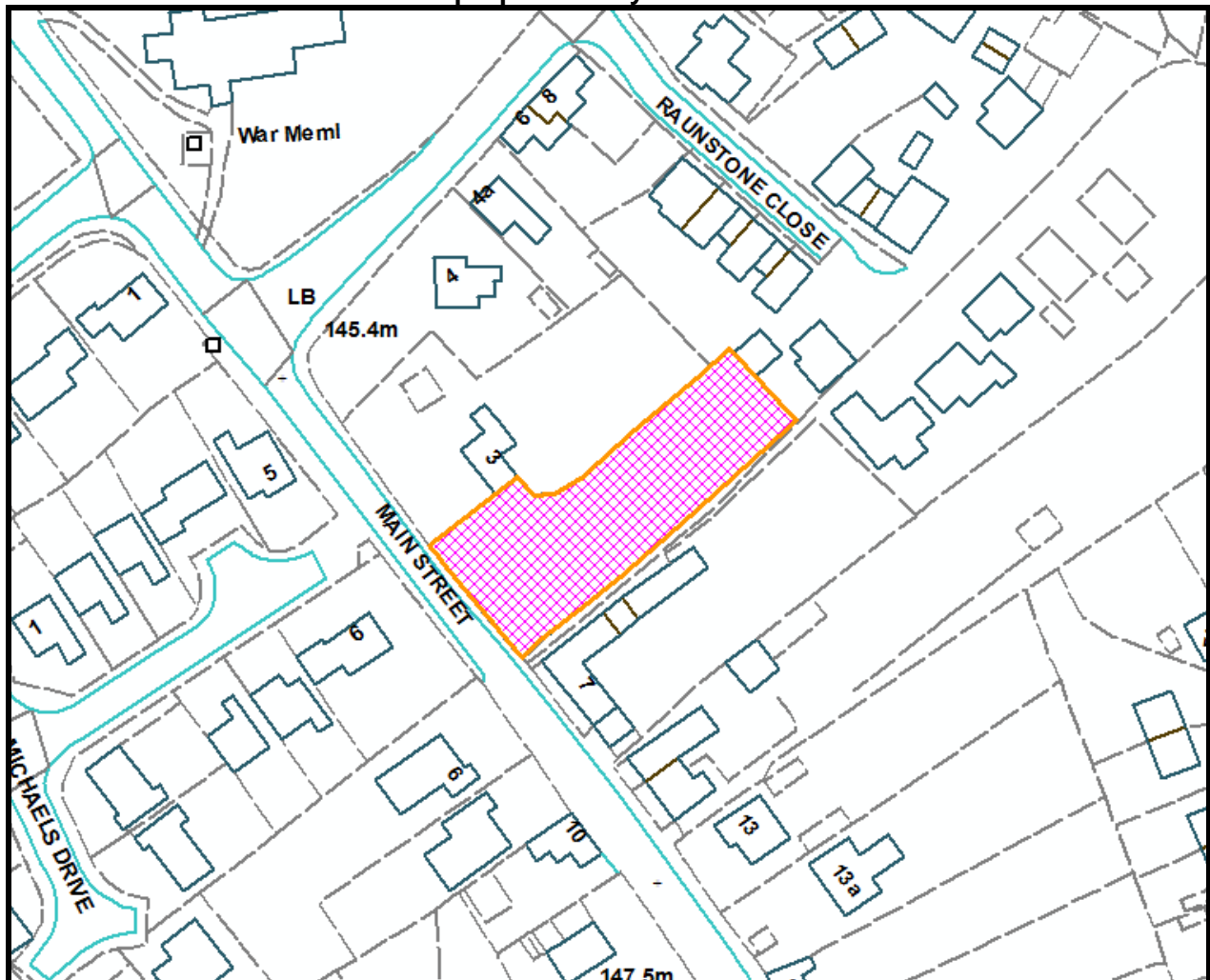
Date Registered
14 March 2016

Case Officer:
Robert McKillop

Target Decision Date
9 May 2016

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR APPROVAL

Call In

The application is brought to the Planning Committee as the applicant is Councillor Nigel Smith and the local planning authority has received an objection to the scheme from the Parish Council.

Proposal

Planning permission is sought for the erection of a first floor extension, new chimney and a 6 metre flag pole within the front garden area. The site is within the limits to development as designated on the Proposals Map to the Local Plan and also lies within the Ravenstone Conservation Area.

Consultations

Members will see from the report below that no letters of objection have been received from members of the public. Ravenstone with Snibston Parish Council has stated objection to the application on the basis that the proposed works would impact on the street scene.

Planning Policy

The application is considered acceptable in principle given the position of the site within the limits to development and the application would accord with all other Policies within the North West Leicestershire Local Plan as well as relevant Paragraphs of the National Planning Policy Framework (NPPF).

Conclusion

The application is acceptable in principle and would not affect the residential amenity of neighbours. The development would have an acceptable visual impact and would not affect the character or appearance of the Ravenstone Conservation Area, or the setting of the adjacent Listed Building. The application is therefore considered to accord with the relevant policies in the Local Plan, in this case S2, E3, E4 and would not conflict significantly with guidance within the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to conditions.

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

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the erection of a first floor extension, new chimney and a 6 metre flag pole within the front garden area at No.5 Main Street, Ravenstone. The subject property is a two storey detached dwelling within the Ravenstone Conservation Area. The site is adjacent to No7 Main Street which is a Listed Building.

The proposed first floor extension would be to the rear of the property, with the proposed chimney on the north facing side elevation. Amended plans have been received during the course of the application to clarify the design of the proposed extension and show amendments to the proposed chimney.

Relevant Planning History:

01/01143/FUL - Extensions and alterations to dwelling and new railings and gate to existing front wall. Permitted.

14/00619/FUL - Single storey rear extension to dwelling and garage along with the erection of a single storey detached studio. Permitted.

15/01086/TCA - Removal of a rowan tree (Unprotected tree located within the Conservation Area). Permitted.

2. Publicity

4 no neighbours have been notified (Date of last notification 16 March 2016)

Site Notice displayed 16 March 2016

Press Notice published 23 March 2016

3. Consultations

Parish Clerk - Ravenstone With Snibston Parish Council consulted 16 March 2016
NWLDC Conservation Officer

4. Summary of Representations Received

No public letters of representation have been received during the course of this application.

Ravenstone with Snibston Parish Council objects to the application for the following reasons:

- The chimney is not in keeping with the design and appearance of the property and will impact on the street scene;
- The flag pole will impact on the street scene.

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 131 (Conserving and enhancing the historic environment)

Paragraph 132 (Conserving and enhancing the historic environment)

Paragraph 134 (Conserving and enhancing the historic environment)

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 S2 - Limits to Development

Policy E3 - Residential Amenities

Policy E4 - Design

Other Policies

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act) requires that special regard shall be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

6. Assessment

Principle

The site is located within the Limits to Development as set out on the Proposals Map to the Local Plan where the principle of this type of development would be acceptable subject to impacts upon design, heritage, amenity and any other material considerations.

Design and Impact on Heritage Assets

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act) requires that special regard shall be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Section 66(1) states that when considering whether to grant planning permission for development which affects a listed building or its setting, the authority shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. Paragraph 131 requires amongst other things new development to make a positive contribution to local character and distinctiveness. Paragraph 132 of the Framework stipulates that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 134 requires harm to be weighed against the public benefits of the proposal. Policy E4 of the Local Plan requires new development to respect the character of its surrounding.

It is noted that Ravenstone with Snibston Parish Council object to the proposed development on the basis that the proposed chimney and flag pole would impact on the street scene. Consideration has been given to the design of the proposed development and whether it would have an acceptable impact on the setting of the adjacent Listed Buildings and the character of the Ravenstone Conservation Area. The Council's Conservation Officer has advised that there would be no objection to the first floor extension on the basis that it would generally reflect the character of the principal building and would be subservient to the scale of that building. Furthermore, the Conservation Officer does not object to the proposed flag pole on the basis that it would be viewed among lamp posts and telegraph poles currently within the street scene.

In relation to the proposed chimney, the Council's Conservation Officer originally advised that chimney design would appear contrived and that projecting chimney stacks are not characteristic of traditional building in this area. These concerns were discussed with the applicant and amended plans have subsequently been received to address the concerns showing a reduced projection and straight stack with the overall height reduced. The Conservation Officer has acknowledged that this would result in a more simple design and although the projecting chimney stack would remain uncharacteristic of traditional buildings in the area, the proposed amendments would result in a less obtrusive appearance. It is also noted that the position on the side elevation and significant boundary screening in the form of trees and shrubs and the boundary wall itself would ensure it is not a prominent feature within the street scene. On this basis it is deemed that the proposed development would not have any significant detrimental impact on the character or appearance of the Ravenstone Conservation Area.

In terms of the impact on the setting of the Listed Building to south east, No.7 Main Street, the proposed chimney would be on the opposite side elevation and, in combination with the proposed flag pole, would represent a minor form of development. The proposed rear extension would be subservient in scale to the existing dwelling and screened from views to the front along Main Street. Overall, the proposed development is considered not to affect the setting of the Listed Building or have an adverse impact on the character and appearance of the Ravenstone Conservation Area. The application is deemed to accord with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Paragraphs 131, 132 and 134 of the NPPF and Policy E4 of the Local Plan.

Residential Amenity

No letters have been received from neighbours. The only likely affected neighbours would be No.7 Main Street to the south east of the site and No.3 Main Street to the north west. Given the relatively minor scale of the flag pole and chimney it is deemed that they would not have any impact on residential amenity. The proposed first floor extension would be set at least 11 metres away from the boundary with No.3 Main Street and would not lead to any overshadowing or overbearing impacts. There is a public footpath between the subject property and No.7 Main Street, and this neighbouring property projects in a similar linear fashion along the side boundary to the rear. The proposed extension would project 3.5 metres behind the existing two storey element and given the lower ridge height proposed it is unlikely to significantly increase any overshadowing or overbearing impact on No.7. The proposed new window in the rear elevation would have an outlook towards the rear curtilage of the site, and although the proposed window in the side elevation would have an outlook towards, No.3, it would be over 11 metres from the boundary which is marked by a wall of approximately 2 metres in height plus mature boundary shrubs offering screening. Given the proposed window would have a similar outlook to that of the existing first floor window in the site elevation, it is deemed that the application would not create any new outlook and would not allow for any significant new overlooking impacts towards No.3 Main Street.

Overall, the development would not have any significant detrimental impact upon neighbouring residential amenities and would accord with Policy E3 of the Local Plan.

Conclusion

The application is acceptable in principle and would not affect the residential amenity of neighbours. The development would have an acceptable visual impact and would not affect the character or appearance of the Ravenstone Conservation Area, or the setting of the adjacent Listed Building. The application is therefore considered to accord with the relevant policies in the Local Plan, in this case S2, E3, E4 and would not conflict significantly with guidance within the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to the following conditions;

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

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

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

- Location (Site) Plan, received by the local planning authority on 14th March 2016;
- Existing Plans, received by the local planning authority on 4th April 2016;
- Proposed Plans, received by the local planning authority on 4th April 2016;

Reason- to ensure complete and proper development of the site.

- 3 The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing with the Local Planning Authority.

Reason- to ensure a satisfactory standard of external appearance.

Notes to applicant

- 1 Planning permission has been granted for this proposal. 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 2015.