

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

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

PART A

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	5 - 16
4. PLANNING APPLICATIONS AND OTHER MATTERS	
Report of the Head of Regeneration and Planning.	17 - 20

Index of Applications to be Considered

Item	Application Number	Application Details and Address	Recommendation	Page
A1	13/00603/FULM	<p>Residential development for 27 dwellings including demolition/conversion of former school</p> <p>Land Off Church Lane Ravenstone Coalville</p>	PERMIT Subject to a Section 106 Agreement	21 - 56
A2	13/00780/OUTM	<p>Residential development of up to 50 dwellings, with new vehicular access, landscaping, public open space, balancing pond, national forest planting and creation of new allotments. (Outline - all matters other than part access reserved)</p> <p>Land Off Heather Lane, Ravenstone</p>	PERMIT Subject to a Section 106 Agreement	57 - 82
A3	13/00626/OUTM	<p>Residential development of up to 65 dwellings along with a new access, amenity space and associated works (Outline - All matters other than part access reserved)</p> <p>Land At Ibstock Road, Ravenstone, Coalville, Leicestershire</p>	PERMIT Subject to a Section 106 Agreement	83 - 114

Item	Application Number	Application Details and Address	Recommendation	Page
A4	13/00694/OUTM	<p>Residential of up to 70 dwellings (Class C3). Green infrastructure to include retained vegetation, habitat creation (including new woodland planting), open space, amenity space & play areas, sustainable drainage systems/features, & new walking/cycling/recreational routes. Infrastructure to include highway & utilities & associated engineering works (including ground modelling) & vehicular access via the construction of a new junction off the existing Lower Packington Road (outline - all matters reserved other than access)</p> <p>Site At Lower Packington Road, Ashby De La Zouch, Leicestershire LE65 1TS</p>	PERMIT Subject to a Section 106 Agreement	115 - 148
A5	13/00060/FUL	<p>Erection of 8 no. detached dwellings with associated access road</p> <p>Land Adjoining Whitwick Filling Station, Talbot Street, Whitwick, Coalville</p>	PERMIT	149 - 172
A6	13/00740/FUL	<p>Erection of 6 no. dwellings with associated access off Kings Gate</p> <p>Post Office Farm, 7 Main Street, Lockington, Derby</p>	PERMIT Subject to a Section 106 Agreement	173 - 188

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MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 3 DECEMBER 2013

Present: Councillor D J Stevenson (Chairman)

Councillors R Adams, G A Allman, J Bridges, J G Coxon, D Everitt, T Gillard, J Hoult, D Howe, R Johnson, G Jones, J Legrys, T Neilson, N Smith, M Specht, R Woodward and M B Wyatt

In Attendance: Councillors R D Bayliss, R Blunt, N Clarke, S Sheahan, L Spence and T J Pendleton.

Officers: Mr C Elston, Mr D Gill (for items A1, A2 and A3), Mr D Hughes, Mr J Knightley, Mr J Mattley, Mr S Stanion and Mrs R Wallace.

27. APOLOGIES FOR ABSENCE

There were no apologies for absence.

28. DECLARATION OF INTERESTS

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

Councillors N Smith and M B Wyatt declared that they had been lobbied without influence in respect of item A1 application number 13/00335/OUTM and item A3 application number 13/00818/OUTM.

Councillors R Adams, T Neilson, J Legrys, D Everitt and T Gillard declared that they had been lobbied without influence in respect of item A1 application number 13/00335/OUTM, item A2 application number 12/00922/OUTM and item A3 application number 13/00818/OUTM.

Councillors G A Allman, J Coxon and J Hoult declared a non pecuniary interest in item A1 application number 13/00335/OUTM as members of Ashby Town Council and that they had been lobbied without influence in respect of item A1 application number 13/00335/OUTM, item A2 application number 12/00922/OUTM and item A3 application number 13/00818/OUTM.

Councillor M Specht declared a non pecuniary interest in item A3 application number 13/00818/OUTM as he was addressing the Committee in objection as a Ward Member, he would therefore leave the meeting for the discussion and voting thereon. He also declared that he had been lobbied without influence in respect of item A1 application number 13/00335/OUTM and item A4 application number 13/00266/FUL.

Councillor R Johnson declared a non pecuniary interest in item A2 application number 12/00922/OUTM as a Member of Hugglescote Parish Council and that he had been lobbied without influence in respect of item A1 application number 13/00335/OUTM, item A3 application number 13/00818/OUTM and item A4 application number 13/00266/FUL.

Councillors D Howe and R Woodward declared that they had been lobbied without influence in respect of item A1 application number 13/00335/OUTM.

Councillor J Bridges declared a non pecuniary interest in item A5 application number 13/00803/REM due to a business matter and that he had been lobbied without influence in

respect of item A1 application number 13/00335/OUTM and item A2 application number 12/00922/OUTM.

Councillor G Jones declared a non pecuniary interest in item A1 application number 13/00335/OUTM as a member of Ashby Town Council and that he had been lobbied without influence in respect of item A1 application number 13/00335/OUTM.

Councillor D J Stevenson declared that he had been lobbied without influence in respect of item A1 application number 13/00335/OUTM, item A2 application number 12/00922/OUTM, item A3 application number 13/00818/OUTM and item A4 application 13/00803/REM.

29. MINUTES

Consideration was given to the minutes of the meeting held on 12 November 2013 and the following amendments were proposed:

- Councillor J Geary be added as in attendance.
- Under item A2, the last sentence of Mrs E Marjoram's objections to read as follows:
'As there was currently no five year housing supply, Mrs Marjoram urged Members to refuse the application as this would create a precedent for back garden development.'
- Under item A2, the response from the Senior Planning Officer regarding the condition of the ground to read as follows:
'The Senior Planning Officer reported that photographic evidence had been supplied showing the hole in the ground to a particular depth which indicated that no granite was found but it was not guaranteed that the site was completely granite free.'

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

RESOLVED THAT:

Subject to the above amendments, the minutes of the meeting held on 12 November 2013 be approved and signed as a correct record.

30. PLANNING APPLICATIONS AND OTHER MATTERS

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

A1

13/00335/OUTM

Development of 605 residential dwellings including a 60 unit extra care centre (C2), a new primary school (D1), a new health centre (D1), a new nursery school (D1), a new community hall (D1), new neighbourhood retail use (A1), new public open space and vehicular access from the A511 and Woodcock Way (outline - all matters other than part access reserved)

Money Hill Site North Of Wood Street, Ashby de la Zouch, Leicestershire

The Principal Planning Officer presented the report to Members.

Councillor R D Bayliss, Ward Member, addressed the Committee. He explained that his

main concerns were the highway implications of the proposal, especially the unresolved matters which needed to be resolved before the application could be approved. He expressed concerns regarding the access onto the A511 roundabout and the impact the increase in traffic would have on Tamworth Road. He concluded that if Members were considering approval they needed to take more time to get the development right and if they could not get it right then Members should not approve the application.

Mr M Ball, objector, addressed the Committee. He explained that he had lived in Ashby for 24 years so could understand why developers wanted to build in the area but the proposed 30 percent increase in the size of the town would be detrimental to the highways. He felt that the highway proposals were unsafe and would only worsen the current issues that residents face when using the access to Woodcock Way. When considering the transport plan, Mr Ball claimed that there was nothing included that addressed the inadequacies within it and that the A511 and A42 would not be able to cope with the influx of traffic. He concluded that the Highways Agency had directed that Planning should not be granted and he urged the Committee to follow this advice and refuse the application.

Mr R Sutcliffe-Smith, agent, addressed the Committee. He reported that the highway proposals had been thoroughly assessed and that there had been no objections from Leicestershire County Highways or the Highways Agency. He explained that changes had been made to take pressure off Nottingham Road, as well as multiple access points proposed to allow the scheme to be future proof to allow for a larger scheme in time. He added that the development would provide employment opportunities for local people. Mr Sutcliffe-Smith concluded that refusing the application would put pressure on other Wards in the District and as this site was the preferred option for development for the Council, he urged Members to approve the application.

Councillor J G Coxon stated that in his opinion the proposal was both poor and inadequate, and it was disappointing that the Committee had asked for changes and nothing had been forthcoming. Therefore he moved that the application be refused on the grounds of poor design and access. It was seconded by Councillor J Hoult.

Councillor J Legrys asked the Officers for confirmation that the proposed reasons for refusal were appropriate and asked what the consequences of an appeal would be if the application was refused. The Head of Regeneration and Planning explained that the reasons proposed were appropriate. He also stated that the applicant had indicated that if the application was refused they would take the decision to appeal and at this point he would not be able to guess at the likely outcome.

Councillor G Jones commented that he agreed with the previous decision to defer the application and felt that Members were not against the development of the site in principle but there were still far too many matters unresolved. He also believed that the developer should take into account people who would want to downsize when developing the site.

Councillor T Neilson commented that he was disappointed that the applicant was not willing to engage more with the Council and he felt it would be foolish to approve the application. He stated that he had a clear idea of what was needed for the site and the development should be a more sustainable proposal which addressed highway matters.

Councillor D Everitt explained that he would like to see houses built on the site but could not agree with the current proposal. He felt that the developer was not listening to the Council or the local residents and the proposed access was not good enough. He

stressed the importance of getting the development right.

Councillor G A Allman expressed his concerns that the highway matters remained unresolved when the developer had been given plenty of opportunities to do so. Councillor J Hoult agreed and also added that although he was worried about the possible costs of an appeal, he was more worried about getting the wrong development for the site.

The Chairman reiterated comments made by Members regarding the poor access and the disappointment that the developer had not resolved any matters as requested. He also expressed his concerns that the site may not be developed in the future and the access would remain on Woodcock Way permanently.

The Principal Planning Officer gave advice on the most appropriateness of including additional reasons for refusal relating to the Highways Agency Direction regarding Junction 13 of the A42 and the under provision of affordable housing given that the viability work to demonstrate the ability to provide a 30 per cent affordable housing contribution had not been completed in the event that Members were minded to refuse the application for the reasons moved.

The mover and seconder of the motion approved the suggested additional recommended reasons for refusal.

RESOLVED THAT:

The application be refused on the grounds of unacceptable access in terms of connections to the town centre and vehicular access to Woodcock Way, adverse impacts on highway safety at Junction 13 of A42 and the under provision of affordable housing.

A2

12/00922/OUTM

Erection of up to 105 dwellings, public open space, earthworks, balancing pond, structural landscaping, car parking, and other ancillary and enabling works (Outline - All matters other than vehicular access off Grange Road reserved)
Land South Of Grange Road, Grange Road, Hugglescote, Leicestershire

The Principal Planning Officer presented the report to Members.

Mr M Lambert, objector on behalf of Leicestershire Police, addressed the Committee. He thanked Officers for the information that was included in the update sheet. He expressed his concerns that although contributions were requested a year ago, no contact had been made until the report was available to view. He added that the Police were against any blanket policies across regions.

The Legal Advisor referred Members to the advice detailed within the update sheet.

Mr A Tidesley, agent, addressed the Committee. He commented that it was the third time that the Committee were considering the application and gave the following reasons as to why it should be approved:

- It was a £14million investment and would provide employment for local people.
- Suppliers for the development were local and rely on the business.
- The development would provide much needed affordable housing.
- Providing £300,000 contributions towards schools, libraries and other local amenities.

- Providing £500,000 contributions towards infrastructure improvements including Hugglescote crossroads.

- There were no proposed flood risks that were not adequately addressed.

He concluded that he understood there were still highway concerns but that a stage 1 highways audit had been undertaken to ease these concerns.

Councillor J G Coxon stated that it was important to make a decision as the application had already been considered at three different meetings. Therefore he moved the Officer's recommendations to approve the application. It was seconded by Councillor G Jones.

Councillor R Johnson made the following comments:

- The development may have been providing affordable homes but at only 10 percent, it was lower than the number required.
- He was disappointed that no-one had come forward with any constructive solutions relating to highway safety.
- The Traffic Impact Assessment was still based on the Miller Homes Standard Hill application, not this application.
- There was nothing within the application to suggest any traffic calming measures or access to the graveyard.
- He referred to page 93 of the report which stated that 'until such a time as a scheme has been identified, a scenario of "short term pain" for "long term gain" is considered acceptable.' Councillor R Johnson believed this was an uncaring statement.
- The site was a Greenfield site and would not meet the criteria for development in the countryside; it was contrary to the provisions of Policy S3.
- There were still flooding issues, particularly at the play area which was not reassuring for the future residents. As part of the site lies on flood plains, no matter how the developer proposed building the houses it does not alter the fact that houses at the bottom of the hill would be open to potential flooding.
- The risk assessment was based on the Environment Agency's flood maps which were incorrect and out of date according to local knowledge.

Councillor J Legrys asked for clarification on where the highway contributions were being used as the Parish Council were told that it was going to be used for the Bardon link road. They do not want to lose the Community Centre for road improvements. The Head of Regeneration and Planning explained that the contributions were calculated on what was needed for the area and it was likely that in this case it would go towards Hugglescote crossroads, if it was not needed for that purpose it would be put to use elsewhere in the Coalville area.

Councillor J Legrys referred to the community speed watch which was detailed within the update sheet and explained that even though the same equipment was used as the County Council Highway Authority's survey, the average speed recorded was higher than 30 miles per hour. He added that the Hugglescote crossroads were already over saturated and the only way to ease this was the link road.

Councillor T Neilson agreed that a decision needed to be made but he believed that the application was premature as there were no detailed plans to resolve the highway issues. He concluded that it had been acknowledged that Hugglescote crossroads was over saturated and for this reason he could not approve the application.

The Chairman stated that everyone wanted to see road improvements in the area but he reminded Members that there was no funding available from Government to undertake these works, therefore the Council were reliant on the contributions from the developers. Without the approval of applications such as the one being considered, the highways issues would remain unsolved. He urged Members to consider this when making their decision.

The motion to approve the application in accordance with the Officer's recommendations was put to the vote.

A recorded vote having been requested, the voting was as follows:

For the motion:

Councillors J Bridges, J G Coxon, T Gillard, J Hault, G Jones, N Smith and D J Stevenson (7).

Against the motion:

Councillors R Adams, G A Allman, D Everitt, D Howe, R Johnson, J Legrys, T Neilson, M Specht, R Woodward and M B Wyatt (10).

Abstentions:

(0).

The motion was LOST.

Councillor J Legrys moved that the application be refused on the grounds of highway safety of the site access, over capacity of the Hugglescote Crossroads and the impact of flooding based on local knowledge. It was seconded by Councillor R Johnson.

In response to a question from the Chairman, the Head of Regeneration and Planning explained that as it was a sustainable site, if the decision went to appeal Officers would not be able to support the decision.

The motion to refuse the application was put to the vote.

A recorded vote having been requested, the voting was as follows:

For the motion:

Councillors R Adams, G A Allman, D Everitt, D Howe, R Johnson, J Legrys, T Neilson, M Specht, R Woodward and M B Wyatt (10).

Against the motion:

Councillors J Bridges, J G Coxon, T Gillard, J Hault, G Jones, N Smith and D J Stevenson (7).

Abstentions:

(0).

The motion was CARRIED.

RESOLVED THAT:

The application be refused on the grounds of highway safety of the site access, over

capacity of the Hugglescote Crossroads and impact of flooding based on local knowledge.

A3

13/00818/OUTM

Residential development of up to 135 dwellings including the demolition of 138, 140 and 142 Bardon Road along with new access and highway improvements to Bardon Road and associated open space and landscaping (Outline - All matters other than part access reserved)

Land Rear Of 138 Bardon Road, Coalville, Leicestershire

The Senior Planning Officer presented the report to Members.

At the request of Councillor J Legrys, the Deputy Monitoring Officer gave the Committee advice regarding the issue of pre-determination as a similar application had been considered previously. He assured Members that as long as Members considered the new application with an open mind, they would not be pre-determined.

Councillor M Specht, Ward Member, addressed the Committee. He made the following comments:

- In his opinion, this application was no different to the application previously considered by the Committee.
- He referred to paragraph 159 and 182 of the National Planning Policy Framework and explained that the application did not have the infrastructure as required.
- If the application was permitted it would have huge traffic implications and there would be a lot of pain for no gain.
- The proposal had no relationship with any future development.
- The proposal did not meet Policy E3 or Policy E6 and would be detrimental to local amenities.

Having declared an interest, after addressing the Committee, Councillor M Specht left the meeting during the discussion and voting thereon.

Ms S Gibson, objector, addressed the Committee. She commented that Bardon Road was currently dangerous and the introduction of yet another junction would only make matters worse, and cause major delays. When the application was considered in September Members refused it on the grounds of highway safety, Ms Gibson felt that this application was no different. She appealed to Members to refuse the application until an appropriate infrastructure was in place as it was dangerous and safety was paramount.

The Head of Regeneration and Planning assured Members that although the application was an identical proposal, it was a new application. He also reminded Members that County Council Highways and an independent advisor raised no highway objections.

Councillor N Clarke, in objection, addressed the Committee. He raised the following points:

- The application did not demonstrate how the Coalville Urban Area would be developed or linked.
- The development brief at paragraph 5.5.10 of the report referred to a link road but access would be directly onto Bardon Road until the link road was completed. There were no timescale for this.
- The proposed access was unsafe and not acceptable.

- There were many objections plus a petition against this application, he therefore urged Members to reject the application.

Mr T Coleby, agent, addressed the Committee. He explained that he was aware of local concerns regarding highway safety but there had been no objections received from County Council Highways or the Council's independent consultant. The development would provide contributions towards the link road and the Bardon Road access would be closed once the link road was complete. He urged Members to approve the application.

Councillor T Neilson commented that there had been three similar applications considered at the meeting, all with similar problems and he believed this was because of the Council's issues with the five year housing land supply. He stated that he still had many concerns and he had not seen anything within the independent advice to change his mind from the last time this was considered. He went on to move that the application be refused on the grounds that it was contrary to Policy T3. It was seconded by Councillor R Adams.

The Head of Regeneration and Planning reminded Members that although the developer was currently prepared to offer contributions towards highway infrastructure in the area, if Members were minded to refuse the application, the developers could refuse to make any contributions in the future. Without the contributions the highway infrastructure would not be able to be progressed any further.

Councillor M B Wyatt commented that the developer was asked to work with other developers in the area regarding the traffic infrastructure and it was disappointing that they were not prepared to do so. He felt that the traffic impact on Bardon Road would be unacceptable.

Councillor J Bridges moved the Officer's recommendations to permit but it was not seconded.

In response to a question from Councillor J Legrys, the Head of Regeneration and Planning confirmed that the independent advice was circulated to all Members.

Councillor J Legrys made the following comments:

- He was disappointed that the comments that he made were not included within the report.
- He felt that the independent advice was flawed as he used Bardon Road regularly and it was very busy.
- He believed that the developer would not be able to sell houses if residents could not access the site.
- He was concerned that with the introduction of the cycle path and without the link road, people would be using the roundabout for performing u-turns.
- He believed planning policy should be more proactive to gain contributions up front before developments were built.

He concluded that his views remained the same as there was nothing within the application that would mitigate the problems with the access.

Councillor R Johnson agreed with Councillor J Legrys. He also stated that Bardon Quarry had been given permission to expand their operations which would lead to more queuing traffic on Bardon Road.

Councillor J Bridges stressed that the Committee were putting the Council in the position where there was no money for highway improvements, the Section 106 monies were desperately needed. He stated that Members were not supporting local people as they believed they were by refusing these applications. Councillor J G Coxon and the Chairman concurred.

The motion to refuse the application was put to the vote.

A recorded vote having been requested, the voting was as follows:

For the motion:

Councillors R Adams, D Everitt, D Howe, R Johnson, J Legrys, T Neilson, R Woodward and M B Wyatt (8).

Against the motion:

Councillors G A Allman, J Bridges, J G Coxon, T Gillard, J Hault, G Jones, N Smith and D J Stevenson (8).

Abstentions:

(0).

The result being tied, the Chairman exercised his casting vote and voted against the motion.

Therefore, the motion was LOST.

Councillor J Bridges moved the Officer's recommendations and it was seconded by Councillor J G Coxon.

The motion to approve the application was put to the vote.

A recorded vote having been requested, the voting was as follows:

For the motion:

Councillors G A Allman, J Bridges, J G Coxon, D Everitt, T Gillard, J Hault, D Howe, G Jones, N Smith and D J Stevenson (10).

Against the motion:

Councillors R Adams, R Johnson, J Legrys, T Neilson, R Woodward and M B Wyatt (6).

Abstentions:

(0).

The motion was CARRIED.

RESOLVED THAT:

The application be approved in accordance with the recommendations of the Head of Regeneration and Planning.

A4

13/00266/FUL

Erection of 2 no. 250 KW wind turbines and associated infrastructure including access track

Land Off Farm Town Lane, Farm Town, Coleorton, Leicestershire

The Principal Planning Officer presented the report to Members.

The Planning and Development Team Manager read out letters of objection from Andrew Bridgen MP and residents of Farm Town.

Mr S Bate, agent, addressed the Committee. He outlined the following benefits of the proposal – gaining energy from a renewable source, contributing towards climate change and environmental targets and financial benefit for the land owner due to rental charges. He understood that wind turbines were controversial but he believed the benefits outweigh the concerns. He respectfully requested that the application be approved.

The Chairman, as Ward Member, strongly disapproved of the erection of the turbines as the proposal was for the middle of nowhere and had no benefits at all to the local people. He explained that although it was difficult to provide planning reasons for refusal he moved that the application be refused on the grounds that it was contrary to Policy E3 and Policy E4. It was seconded by Councillor G Jones.

Councillors D Everitt and M B Wyatt disagreed with the opinion of the Chairman as they welcomed wind turbines.

For clarification, the Planning and Development Team Manager confirmed that there had been a wide consultation undertaken, including the Parish Council. He also advised Members that in the absence of an objection to the proposal from the Council's Environmental Protection Officer and the distance of the proposed turbines to the nearest residential properties, a reason for refusal based on E3 of the Local Plan would unlikely be successfully defended at appeal.

As such, a motion to refuse the application as contrary to Policy E4 of the Local Plan was put to the vote.

RESOLVED THAT:

The application be refused on the grounds that it was contrary to Policy E3 and Policy E4.

A5

13/00803/REM

Erection of two dwellings with garages (Reserved Matters to Outline Planning Permission 10/00751/OUT)

84 Ashby Road, Woodville, Swadlincote, Derbyshire

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

By affirmation of the meeting it was

RESOLVED THAT:

The application be approved in accordance with the recommendations of the Head of Regeneration and Planning.

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 7.00 pm

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APPENDIX B

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

7 January 2014

PLANNING & DEVELOPMENT REPORT



PLANNING COMMITTEE FRONT SHEET

1. Background Papers

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

2. Late Information: Updates

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

3. Expiry of Representation Periods

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

4. Reasons for Grant

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

5. Granting permission contrary to Officer Recommendation

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

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

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

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 Regeneration and Planning.

7 Delegation of wording of Conditions

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

8. Decisions on Items of the Head of Regeneration and Planning

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

SECTION A- PLANNING APPLICATIONS

PLANNING APPLICATIONS- SECTION A

Residential development for 27 dwellings including demolition/conversion of former school

**Report Item No
A1**

Land Off Church Lane Ravenstone Coalville

**Application Reference
13/00603/FULM**

**Applicant:
Cameron Homes Ltd**

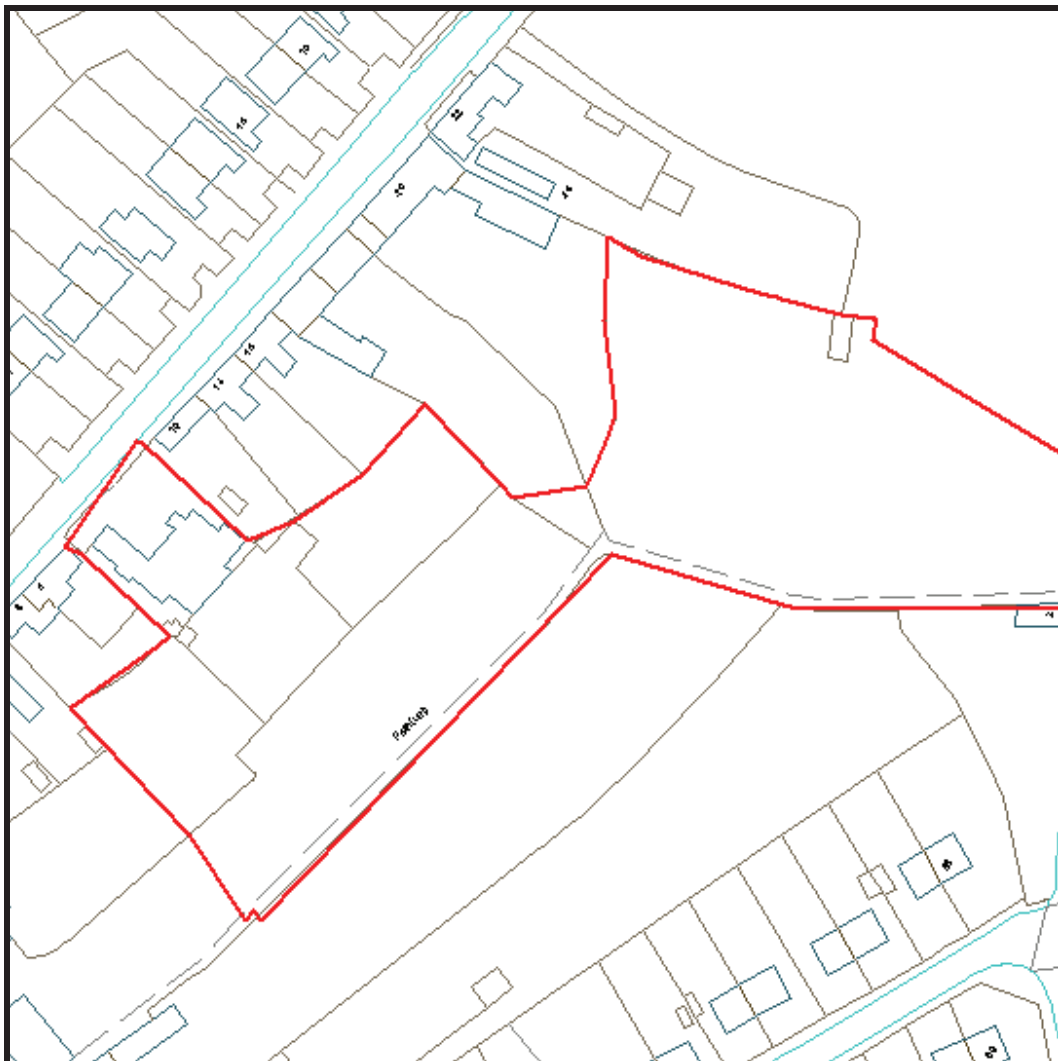
**Date Registered
7 August 2013**

**Case Officer:
James Mattley**

**Target Decision Date
6 November 2013**

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

Site Location (Plan for indicative purposes only)



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Executive Summary of Proposals and Reasons for Approval

Proposal

This application seeks full planning permission for 27 dwellings including the conversion (and demolition of some parts) of the former school building that fronts onto Church Lane. Access to the site would be from Church Lane. The application site which measures some 1.16 hectares is located within the Limits to Development and within the Ravenstone Conservation Area.

An application for Conservation Area Consent (Ref: 13/00602/CON) was also submitted, seeking consent for the demolition of parts of the former school building fronting onto Church Lane, Ravenstone (the remaining parts of the building to be converted to a residential dwelling as part of the planning application). As the requirement for separate Conservation Area Consent in circumstances where there is an application for full planning permission for demolition of a building within a conservation area has, however, since been removed by the Enterprise and Regulatory Reform Act 2013 (with effect from 1 October 2013), it is no longer necessary for that application now to be determined.

Consultations

Members will see from the main report below that a number of objections have been received from surrounding neighbours and from Ravenstone Parish Council. However, there are no objections raised from any other statutory consultees.

Planning Policy

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

Conclusion

The site lies within Limits to Development and is partly greenfield and partly brownfield land. In terms of the appropriateness of the site's location for housing development, the proposed location would not conflict with the provisions of Local Plan Policy S2 and it is considered that this part of Ravenstone is a sustainable location for new dwellinghouses. Taking this into account it is considered that the principle of residential development on the site is acceptable.

The proposed development would be acceptable in terms of the residential amenities of existing and future occupiers, and would provide for an appropriate form of design that would be in keeping with the locality and would have an acceptable relationship with the Conservation Area. The proposal would be acceptable in relation to highway safety, subject to appropriate planning conditions. The scheme would not result in significant impacts upon protected species and there would be no significant flood risk or drainage issues. Although a number of trees would be removed from the site, including eleven Lombardy Poplars, the proposed tree planting would mitigate the loss of these trees and secure long-term landscape effect within the Ravenstone Conservation Area.

A viability appraisal has been submitted by the applicants to demonstrate that the scheme would not be viable with affordable housing requirements and with the full range of other developer contributions. The reasons for this are given in the viability appraisal and include Conservation Area design enhancements, additional foundation costs due to the presence of

trees, landscaping, service diversions, sewer works and demolition/conversion of the school building. This has been independently assessed by the District Valuer and they confirm that a reduced level of developer contributions would be acceptable in this instance.

Overall, the scheme would have a good design and would use a good standard of materials given that the site is located within the Conservation Area and would also provide much needed housing to address the Council's lack of a 5 year supply of housing. These issues count in favour of the scheme. However, the use of such materials has contributed to a viability issue on the site whereby the scheme is unable to make full developer contributions towards social infrastructure (including education, health, affordable housing etc). This issue counts against the scheme and raises issues as to whether the scheme can be considered to be sustainable development. However, on balance, it is considered that the positive benefits arising from the proposed development outweigh the negative issues and as such it is considered that the scheme would be acceptable.

Therefore, it is recommended that full planning permission be granted, subject to Section 106 obligations and relevant planning conditions.

RECOMMENDATION:- PERMIT, SUBJECT TO SECTION 106 OBLIGATIONS, AND SUBJECT TO THE IMPOSITION OF CONDITIONS

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

MAIN REPORT

1. Proposals and Background

This application seeks full planning permission for 27 dwellings including the conversion (and demolition of some parts) of the former school building that fronts onto Church Lane. Access to the site would be from Church Lane. The application site which measures some 1.16 hectares is located within the Limits to Development and within the Ravenstone Conservation Area.

Residential properties along Church Street are located to the north of the application site, residential properties along Main Street are located to the south-west of the application site, residential properties along Ravenslea are located further to the east and to the north-east are open fields. Two public footpaths (O46 and O42) run through the site and would be retained along their existing line but with improved surfacing arrangements.

The proposed development would be accessed via a new road which would be constructed immediately to the south-west of the former school building. The accommodation mix comprises 6 no. 3 bed dwellings, 12 no. 4 bed dwellings and 9 no. 4 bed dwellings. There would be a mixture of detached, semi-detached and terraced properties which would be predominantly provided over two and three storeys (the second floor accommodation (where included) provided within the roof space).

The application is accompanied by a transport report, flood risk assessment (FRA), design and access statement, heritage statement, building for life assessment, ecology report, arboricultural report, landscaping specification, sustainability statement, drainage statement, planning statement and statement of community involvement.

The application falls to be determined by the Planning Committee as Councillor Nigel Smith is one of a number of landowners within the application site. It is also considered necessary for the application to be determined at the Planning Committee given that there are also a number of other applications for residential development within Ravenstone (13/00626/OUTM and 13/00780/OUTM) being considered separately on this agenda.

Pre-application advice has been carried out prior to the formal submission of this application.

An associated Conservation Area Consent application in respect of demolition works to the existing school building has also been submitted (ref: 13/00602/CON) but is no longer required to be determined as the requirement for a separate Conservation Area Consent in circumstances where this an application for full Planning Permission for demolition of a building in a conservation area has been removed with effect from 1 October 2013 by the Enterprise and Regulatory Reform Act 2013.

Relevant Planning History:

09/00101/CON - Partial demolition of former Primary School building (Conservation Area Consent) - withdrawn.

09/00104/FUL - Conversion and partial demolition of former Primary School to form 2 No. new dwellings and erection of 3 no. new dwellings - withdrawn.

09/00701/FUL - Conversion and partial demolition of former Primary School to form 2 No. new dwellings and erection of 3 no. new dwellings (Revised Scheme) - permitted.

2. Publicity

32 No neighbours have been notified. (Date of last notification 9 December 2013)

Site Notice displayed 9 August 2013

Press Notice published 21 August 2013

3. Consultations

Ravenstone With Snibston Parish Council consulted 9 August 2013
English Heritage- major dev in CA consulted 30 September 2013
County Highway Authority consulted 12 August 2013
Environment Agency consulted 12 August 2013
Severn Trent Water Limited consulted 12 August 2013
Head of Environmental Protection consulted 12 August 2013
Natural England consulted 12 August 2013
NWLDC Tree Officer consulted 12 August 2013
County Archaeologist consulted 12 August 2013
LCC ecology consulted 12 August 2013
NWLDC Conservation Officer consulted 12 August 2013
NWLDC Urban Designer consulted 12 August 2013
LCC Development Contributions consulted 12 August 2013
NHS Leicester, Leicestershire And Rutland Facilities Managme consulted 12 August 2013
Development Plans consulted 12 August 2013
Manager Of Housing North West Leicestershire District Council consulted 12 August 2013
Police Architectural Liaison Officer consulted 12 August 2013
LCC/Footpaths consulted 12 August 2013
National Forest Company consulted 12 August 2013
LCC ecology consulted 4 October 2013
LCC Fire and Rescue consulted 26 November 2013

4. Summary of Representations Received

Ravenstone Parish Council objects to the application on the following grounds:

- 1) Inaccuracies with the Statement of Community Involvement;
- 2) Density is too great;
- 3) Road network is inadequate;
- 4) Trees are being felled and should be retained;
- 5) Land ownership issues;
- 6) The local facilities and services cannot cope with this development.

English Heritage states that the application should be determined in accordance with national and local policy guidance and on the basis of the District Council's specialist conservation advice.

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

Leicestershire County Council Archaeologist raises no objection to the proposed development subject to the inclusion of relevant conditions.

Leicestershire County Council Ecologist originally placed a holding objection to the application pending submission of a landscape plan and amendments to the layout to allow for alterations to the northern boundary hedge. On the basis of additional information that has now been received the County Ecologist raises no objection to the proposed scheme.

Leicestershire County Council Local Education Authority requests a contribution of £127,960.52.

Leicestershire County Highway Authority raises no objection to the proposed development subject to the inclusion of relevant conditions and obligations.

Leicestershire County Council Highway Transportation & Waste Management Authority requests a developer contribution of £1,919 in order to mitigate the impact on civic amenity waste facilities in the local area.

Leicestershire County Council Library Services Development Manager requests a contribution of £1,710.

Leicestershire County Footpaths Officer originally objected to the application as one of the rights of way within the site would not be consistent with the objectives of providing rights of way that are safe, attractive and easily accessible. However, following the submission of amended details the objection has now been withdrawn.

National Forest Company notes the proposed removal of the majority of the trees on the site. As no woodland planting and landscaping is proposed within the development, the National Forest Company requests a financial contribution of £4,640 along with relevant conditions.

Natural England raises no objections to the proposed development subject to conditions.

NHS England requests a financial contribution of £4,699.92 to address capacity issues at the GP surgery in Coalville.

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

North West Leicestershire Environmental Protection Section has no environmental observations.

Severn Trent Water has no objections subject to conditions.

Five letters of support have been received which supports the development on the following grounds:

- The existing site is an eyesore;
- The scheme retains the majority of the school building;
- The land behind the school is overgrown and is not used often;
- Trees within the site are becoming dangerous;
- The site is located within the limits to development;
- The scheme would be an attractive development;
- The school was previously a considerable traffic problem;
- The increase in village population would be extremely small;
- Development would help in providing housing for the district;
- Villages must continue to grow;
- Would be keen to purchase one of the proposed properties;
- The land is currently a fire hazard and could attract travellers;

A total of 58 letters of objection have been received which object to the application on the following grounds:

The access does not have adequate visibility for the speed of the road;
The introduction of double yellow lines would prevent existing properties from parking;
The extra vehicles would have an unacceptable impact on the narrow roads in the area;
Church Street and Main Street already have issues with on-street car parking;
Parking issues in the surrounding area are exacerbated when funerals take place at the nearby church;
Access is unsuitable for heavy vehicles and emergency vehicles;
The traffic situation will be further exacerbated by other development in Ravenstone;
On-street car parking restricts visibility from the access;
There would be local objection to the introduction of double yellow lines;
County Highway Authority has previously stated that an application for more than 5 dwellings on the site would raise concerns;
There have been recent accidents on the Church Lane crossroads;
Church Lane is noticeably busier since traffic calming measures were introduced on Leicester Road;
There would be restricted pedestrian visibility due to number 8 Church Lane being directly on the footpath;
Is there sufficient parking being provided within the development?
Accidents could increase due to an increase in the volume of traffic;
What traffic calming measures are proposed?
There is no footpath directly opposite the proposed entrance;
Plot 7 would be overbearing and cause overshadowing to existing residential properties;
Additional traffic would bring about fumes and noise;
Construction would result in noise pollution, dust and muddy roads;
Proposal would result in pollution;
Plot 3 will cause overlooking to surrounding residential properties;
Proposed dwellings would be in close proximity to the rear boundary of 26 Church Lane;
The density and scale of the development is unacceptable;
The proposed garage on the site frontage would be detrimental to the street scene and the Conservation Area and would obstruct the view of the old school;
The proposal would remove an element of the village history and heritage;
Green areas should be preserved;
The scheme would be detrimental to the character of the Conservation Area;
Demolition of a substantial part of the village school would compromise its positive contribution to the Conservation Area;
The proposed development is incongruous in form and design;
The school should be retained and converted as a whole;
A more sympathetic approach with less properties would be more in keeping with the conservation of the village;
No other development in the Ravenstone Conservation Area has ever been of this size;
The proposed layout has little open space and feels more like an urban development;
There is nothing remarkable about the design of the housing;
Application is not in accordance with Policy E10, E11, E13 E16 and E17 of the Local Plan;
Previous Conservation Officer objected to a similar scheme;
The 2.4metre high brick wall between the public footpath and No.5 Main Street is too high and not in keeping with the rest of the Conservation Area;
Three storey dwellings are not in keeping with the surrounding area;
The loss of rear gardens to Listed Buildings would impact on their character;
The access requires the demolition of an old front boundary wall;

The proposed designs have no character or identity;
The application is invalid because of inaccuracies in the ownership certificates and because the application site includes land owned by others;
Heavy traffic during construction periods could impact on safety of residents;
The schools are already at full capacity;
The scheme should make the necessary contributions towards social housing and education;
Most residents would be reliant on the private car;
The proposal would impact on the existing public footpath network and alter the outlook from rural to suburban;
The existing sewerage system is not capable of taking this proposal;
Proposal would lead to an increased risk of flash floods;
The village is too small to be able to support all of the new people;
The bus stop referred to in the submission is no longer in use;
Proposal would impact on the ecology of the area;
Poplar trees should be retained as the majority of them are healthy;
Poplar trees are a local landmark feature and should be independently examined;
The statement of community involvement is flawed and inaccurate;
There has not been a public consultation prior to the formal submission of this application;
The proposal is on green belt land;
Is the junior school at Ravenstone large enough for the increased number of children?
Councillor Smith would benefit financially from this development and has violated the Council's Code of Conduct;
There are inaccuracies in the plans in relation to Plot 3;
To be considered sustainable the dwellings should be built to a better standard than Code 3;
No children's play area is provided;
The majority of trees and hedgerows are proposed to be removed;
Application should be withdrawn given the inaccurate comments made in the statement of community involvement;
A previous application (09/00701/FUL) was rejected by officers;
The bus service is inadequate;
Suggest that local people are given the opportunity to devise a Neighbourhood Plan;
The footpath would not be as well used if the development were to proceed;
Proposal would impact on surrounding property prices;
An Ash tree on the site boundary has not been taken into account;
The clerk to the Trustees should have been notified rather than a member of the Trustees;
Replacement planting is unacceptable and would not offset the loss of the Poplar trees;
If the Poplar trees are unsafe then they should have been removed from the site previously.
Ravenstone is already taking a disproportionate burden of additional housing;
Only 80 more houses are required by the Core Strategy until 2031;
Most of the land is not previously developed land as it is residential curtilage;
This application is not required given other housing applications in the village;
No development plan exists in the area.

Ravenstone Local History Group objects to the application on the following grounds:

The proposals involve demolishing a substantial proportion of the village school which is an unlisted building of architectural or historic interest;
The proposal involves 27 new dwellings in the Conservation Area and into open land;
The modern garage on the site frontage would obstruct views towards the school;
Demolition of parts of the school would result in clear views towards the proposed dwellings;
The part demolition of the school would diminish the value of the Conservation Area;
The type of development proposed is not a feature of the village or the Conservation Area;

Approval of this application would set a precedent for similar proposals;
There is no need for the development given other housing applications within the village.

5. Relevant Planning Policy

National Policies

National Planning Policy Framework

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

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

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

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

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

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

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

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

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

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

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

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

"53 Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area."

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

"59 Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally."

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

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

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

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

"120 To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location.... Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner."

"121 Planning policies and decisions should also ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;...
- .- adequate site investigation information, prepared by a competent person, is presented."

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

"124 Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan."

"129 Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal."

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

" 133 Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
the harm or loss is outweighed by the benefit of bringing the site back into use."

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

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

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

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

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

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

Adopted North West Leicestershire Local Plan (2002)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Other Policies

North West Leicestershire District Council Affordable Housing SPD

Key Principle AH2 provides that affordable housing will be sought on all sites of 5 or more dwellings in the Ravenstone area.

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

North West Leicestershire District Council Play Area Design Guidance SPG

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

Submission Core Strategy (April 2012)

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

6. Assessment

Principle of Development and Sustainability

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

In terms of the adopted North West Local Plan, the site is located within the limits to development where the principle of residential development is normally considered to be acceptable. However, it is still necessary to consider whether the proposal represents sustainable development as the NPPF states that there is a presumption in favour of sustainable development.

The application site is partly brownfield land (the former school site) and partly greenfield land (the parts of the site that form residential gardens) within the settlement boundary of Ravenstone. Local Plan Policy H4/1 provides a sequential approach to the release of land for housing and this proposal would fall within criterion (f) in other locations where appropriate in the context of other policies contained in the Local Plan. The second section of the policy goes on to outline a set of criteria relating to the sustainability of the location.

In terms of the sustainability of the site, Ravenstone provides a good range of day to day facilities including a primary school, general store, village/community hall, recreational facilities and public house. There is also a reasonable level of public transport; the Arriva 9A service provides an hourly service Monday to Friday from 0705 to 1830 and a Saturday service from 0720 to 1830 between Burton upon Trent and Coalville.

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

Bus Stop - 450 metres (the bus stop outside of the site is no longer in operation)
 Primary School - 600 metres
 Post Office - 500 metres
 Open Space - 250 metres
 Village Hall - 700 metres
 Public House - 350 metres

The application site is within 800 metres (preferred maximum walking distance) of the services listed above. Taking these matters into account, it is considered that the site would be located within a sustainable area.

In terms of the parts of the site that have 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 within North West Leicestershire, it is considered inevitable that greenfield land will need to be released in order to maintain a five year supply of deliverable sites, as well as (as in this case) land not allocated for housing development in the adopted Local Plan. Furthermore in respect of Policy H4/1, this would represent a policy relating to the supply of housing and, as such, its relevance also needs to be considered in the context of Paragraph 49 of the NPPF which states that *Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.*

The NPPF requires that the Council should be able to identify a five year supply of housing land and include an additional buffer of 5% or 20% depending on previous performance in terms of delivery of housing. The appeal decision of May 2013 in respect of land south of Moira Road, Ashby de la Zouch, found that the "Sedgefield" approach should be used (an approach to assessing land availability also suggested as appropriate within the draft National Planning Practice Guidance) and that a buffer of 20% should be allowed for. On this basis, the District Council's most recent calculations indicate that the Council is only able to demonstrate a supply of 4.43 years which represents a significant shortfall vis-à-vis the requirements of the NPPF. Approval of this scheme, which is located within the limits to development and includes some

brownfield land, would make a valuable contribution to increasing the District's housing land supply.

As part of the land constitutes residential gardens, paragraph 53 of the NPPF would be of relevance which outlines that inappropriate development of residential gardens should be resisted where there is the potential that development would cause harm to the local area. The implications of the development to the character and appearance of the streetscape and surrounding area (as discussed in more detail below) would not be sufficiently detrimental to justify a refusal of the proposal given the fact that the development would be to the rear of the properties fronting onto Main Street. A sufficient amenity area to the existing properties would also be retained and, therefore, it is considered that the principle of the development would not conflict with the aims of paragraph 53 of the NPPF.

Having regard to all of the above it is considered overall that the proposed development of the site is acceptable in principle.

Scale of Development and Cumulative Impacts

It is appropriate to consider the scale of the proposed development compared to Ravenstone so as to understand its potential impact upon the scale and character of Ravenstone.

In terms of likely future needs the GL Hearn Leicester and Leicestershire Housing Requirements Study which was used to inform the housing requirement in the now withdrawn Core Strategy includes information regarding future natural change across the district. Based on this up to 59 dwellings would be required when looking at Ravenstone Village (that is all that part within the limits to development identified in the Local Plan from Church Lane to the Leicester Road crossroads) and up to 89 dwellings for Ravenstone parish. However, natural change makes no allowance for migration or changes in the age structure and so can only be regarded as an indicator of minimum future needs.

It is estimated that there are 588 properties in the village of Ravenstone within the Limits to Development in the adopted Local Plan. This proposal for 27 dwellings would represent a 5% increase in the existing number of dwellings. There are 945 properties in the Parish of Ravenstone; an additional 27 dwellings would represent a 3% increase in the existing number of dwellings.

In the absence of any other definitive figures, by way of comparison, the housing requirement proposed in the now withdrawn Core Strategy (9,700 dwellings) represented an increase of 23% in the number of dwellings compared to the plan start date of 2006 (estimated that there were 42,297 dwellings in 2006). Therefore, the proposed development would represent a lower level of growth than that for North West Leicestershire as a whole and this development alone would not result in a significant increase in development to the village. It is considered unlikely that the scale of this development alone would be detrimental to the local character of the area.

However, there are outstanding applications in Ravenstone for the development of up to 65 dwellings (Ibstock Road) and for up to 50 dwellings (off Heather Lane), reported separately in this agenda, and consideration should also be given to the cumulative impact of all of these developments. Taking into account the other two proposals (65 dwellings at Ibstock Road and 50 dwellings at Heather Lane) there would be an additional 142 dwellings which would represent an increase of 24% in the existing number of dwellings in the defined limits of development of Ravenstone and 15% increase in the number of dwellings in the Parish of Ravenstone. There is also a site at Coalville Lane, Ravenstone that is currently being

developed and 35 of its dwellings are located in the Parish of Ravenstone. If these dwellings were included within the cumulative calculation as well, this would represent an increase of 19% of the dwellings within the Parish of Ravenstone.

Therefore in terms of scale the scheme is considered to be acceptable. With regards to cumulative impacts, the proposals identified above would only represent a slighter higher growth than that for North West Leicestershire as a whole, as was detailed in the Core Strategy. Taking this into account, it is not considered that the scheme should be refused on cumulative impacts.

Means of Access and Traffic Issues

Access to the site would be from Church Lane on the northern site boundary, in the form of a simple priority junction. This would replace the existing private access to the former Ravenstone Primary School. Pre-application discussions have taken place with the County Highway Authority and it is understood that concerns regarding on-street parking in the vicinity of the access were raised as an issue. In order to mitigate these concerns, it has been agreed that double yellow lines would be required either side of the proposed access and this would require a Traffic Regulation Order (TRO). A number of objections have been received from surrounding neighbours, and Ravenstone Parish Council, regarding the highway safety issues arising from the proposed development.

In relation to these concerns, the County Highway Authority has been consulted and has considered, amongst other things, issues such as visibility, width of existing and proposed access, parking, accident records in the surrounding area, traffic calming and the volume of traffic. Having considered all of the relevant issues the County Highway Authority raises no objection subject to the inclusion of relevant conditions. The proposed conditions include for amended parking details and a requirement that only 20 dwellings could be occupied until such time as the TRO securing double yellow lines has been implemented.

A number of letters of representation have been received stating that the County Highway Authority have previously commented (in 2008) that any residential development of more than 5 dwellings is unlikely to be supported. The County Highway have specifically responded to this concern:

There has been a change in the emphasis of the work of the Transport Development Control Team at Leicestershire County Council over recent years and in some circumstances this has led to changes in our views regarding some developments, away from previously held positions. Central to this is, of course new evidence provided by Central Government particularly expressed in its document 'Manual For Streets 2', published in September 2010.

With regard to car parking, the Local Plan includes parking standards in the Annex (based on Leicestershire County Council parking standards) that seeks to ensure that no more than an average of 1.5 off-street car parking spaces are provided per dwelling, and were based on the advice contained in PPG3. PPG3 has now been superseded by the advice in the NPPF which is less prescriptive in terms of parking standards. The advice in the NPPF is that Local Planning Authorities should, amongst other things, take account of expected levels of car ownership, the type, mix, accessibility and use of the development and the opportunities for public transport.

In terms of car parking on the site, the scheme would provide two spaces per dwelling plus garage space. If it is assumed that all garages are used for car parking then the development would result in an average of 3 spaces per dwelling. If it is assumed that 40% of garages would

be used for car parking, in accordance with recent research, this would result in a parking provision of 2.4 spaces per dwelling. Regardless of the assumptions made regarding the use of garages, it is clear that the level of car parking is over and above the required level of 1.5 spaces per dwelling in the Local Plan. Whilst this level of car parking is over and above the level required by the Local Plan, it is noted the County Highway Authority raises no objections to the level of car parking and the Council's Urban Designer raises no objection to the design of the car parking spaces across the scheme. On this basis, the level of car parking is considered to be acceptable.

Letters of objection have indicated that the proposal would not provide access for emergency and service vehicles. However, Leicestershire Fire and Rescue Service have been consulted and they consider that the access is adequate and they have no further comments to make.

Concerns have been expressed regarding the width of the road along Church Lane, the visibility splays in the area, accidents in the local area and that the proposed access would not be suitable for emergency vehicles. The concerns of the Parish Council and neighbouring residents in relation to highway safety are recognised. However, the County Highway Authority has no objections to the proposed development subject to relevant highway conditions. Therefore, it is not considered that the proposal would conflict with highway safety policies T3 and T8 in the Local Plan or the advice in the NPPF.

Trees and Hedges

The proposal would result in the loss of the majority of the trees on the site (there are approximately 50 no. individual trees), internal hedgerows and several tree/scrub groups. However, the majority of the landscaping on the site is not worthy of retention but the most critical arboricultural impact would be the loss of 11 no. mature Lombardy poplars which form a local landmark particularly visible from Church Lane and Ravenslea. It is accepted that 3 no. trees are in poor condition and do require felling for safety reasons and the remaining trees suffer from recent branch failure as a result of neglect and smothering Ivy. However, it is clear that the Lombardy poplars are a severe constraint on developing the site as they are fairly centrally located and have grown to a significant height. Poplars are regarded by some as problematic to retain on development sites due to their high moisture requirement. If they were to be successfully retained the number of dwellings on the site would need to be significantly reduced.

The applicants landscaping scheme originally centred around street planting in order to off-set the loss of the trees on the site. The Council's tree officer originally raised concerns over the proposal because all of the Lombardy poplars would be lost as a result of the development, along with a number of other trees, and because the proposed replacement planting would not have provided long-term landscape effect to compensate for the loss of trees on the site. The landscaping plan was considered to be unacceptable as it would have resulted in street planting that was too close (in some instances as close as 1.5 metres away) from the front elevations of new properties which would clearly have resulted in future conflict between significant landscape impact and residential amenity.

Following significant negotiations and meetings between the applicant, agent, landscape consultant, case officer and the Council's Tree Officer an amended site layout and amended landscaping proposals were submitted. The amendments still proposed 27 dwellings on the site and still proposed the removal of all of the Lombardy poplar trees on the site but included for more appropriate tree planting within the site including a number of feature trees. The replacement planting would have a better relationship with the proposed dwellings and ensure

that both can co-exist. The Council's Tree Officer concludes that: *with a few changes, the sizes, numbers and quality of the proposed tree planting will mitigate the loss of the eleven Lombardy poplars and secure long-term landscape effect within the village conservation area in keeping with the proposed layout.*

A number of conditions regarding existing and proposed trees would be required including a method statement detailing the design of no-dig construction near to the existing trees, tree protection plan (including foundation design) and management plan for both trees and hedges.

A letter of objection has been received from a neighbouring occupier indicating that an Ash tree is located close to the boundary and is not included in the submitted tree survey details. The Council's Tree Officer has considered the impact of the proposal upon this tree and states that branch removal would not be required to implement the proposed build. The Ash tree is considered to be low quality (BS 5837 Retention Category C) and should not be a constraint on development. However, house construction as shown on the submitted layout plan would encroach into the root protection area and therefore there is a need for a specific tree protection plan and foundation design (i.e. pile and beam) to avoid root damage and prevent future subsidence risk.

In terms of hedges, the County Ecologist raises no objections subject to a condition that a hedge is planted with a native species hedge. A condition would be required to cover its retention, protection and management in order that the boundary to open countryside remains as a native landscape feature.

Taking all of these issues into account it is considered that the impact upon trees and hedgerows is acceptable and the scheme would be acceptable in relation to Policy E7 of the Local Plan.

Density

Local Plan Policy H6 provides that, for sites of 0.3 hectares and above, residential development should meet a minimum density of 40 dwellings per hectare within locations well served by public transport and accessible to services, and a minimum density of 30 dwellings per hectare elsewhere. The NPPF states that local planning authorities should set their own approach to housing density to reflect local circumstances.

With a site area of 1.16 hectares, the proposal would have a density of 23.2 dwellings per hectare. Whilst the density is slightly low in relation to Local Plan Policy H6, it is considered appropriate in this instance in view of the existing lower density that can be found in the surrounding Conservation Area and as the proposed scheme would have an acceptable layout. In coming to this conclusion it is noted that the Council's Urban Designer and Council's Conservation Officer has no objections to the proposed development. Therefore, the scheme is considered to be acceptable in relation to the advice contained in Policy H6 of the Local Plan and the advice in the NPPF.

Housing Mix

In addition to affordable housing (defined as including social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market), the NPPF also provides in Paragraph 50 that Local Planning Authorities should " plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people

with disabilities, service families and people wishing to build their own homes)". The scheme proposes for 3, 4 and 5 bed detached, semi-detached and terraced dwellings which are considered to represent an appropriate housing mix on the site. Therefore, the scheme is considered to be acceptable in relation to the advice contained in the NPPF.

Design and Impact on Heritage Assets

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

The scheme has been the subject to extensive discussions and negotiations with the District Council's Urban Designer and Conservation Officer both at the pre-application advice stage and during the course of the application. The main issues that have been identified during this process have been the conversion of the existing school, termination of vistas, preventing the domination of cars/garaging and ensuring for appropriate landscaping. The scheme includes for bespoke house types throughout, drawing upon the positive characteristics of built development in the surrounding Conservation Area.

In terms of urban design, the District Council's Urban Designer considers that the previous concerns have been satisfactorily addressed. Therefore, subject to the satisfactory discharge of conditions, the proposed development would offer a good standard of design.

The site lies within the Ravenstone Conservation Area and includes the conversion of the former school house. The principle of converting the school house has already been established by the granting of planning application 09/00701/FUL and the building is currently redundant and at risk of deterioration. The Council's Conservation Officer welcomes the removal of inappropriate later additions and retention of the more significant elements of the building as this would preserve and enhance the character of the Ravenstone Conservation Area.

The proposal would result in development within an existing undeveloped area within the Conservation Area and would also include for development within the rear garden of No.7 Main Street which is a Grade 2 Listed Building and the rear garden of No.5 Main Street. The submitted heritage statement demonstrates this land has been historically undeveloped. However, a significant area of the gardens to the rear of 5 and 7 Main Street would be retained and there is a sufficient degree of separation between the proposed development and the historic core of the village. The Council's Conservation Officer considers that the proposal would harm the setting of the Conservation Area, but this harm is less than substantial, and therefore not significant enough to raise an objection.

The development proposes a range of materials (brick, render, timber) that are seen elsewhere in the Conservation Area. The Council's Conservation Officer considers that the style of the proposed development takes reference from historic buildings in the village, and the layout creates an attractive addition to the area. The loss of trees is regretful, but their replacement with appropriate species should negate this harm in the medium to long term. Appropriate materials such as bricks, timber windows, clay plain tiles and stone cills and heads would be conditioned to ensure that the materials are appropriate for the Conservation Area. Therefore,

subject to planning conditions, it is considered that the proposed development would have an acceptable impact on the Conservation Area and is deemed to be acceptable in relation to the advice contained in the NPPF with regard to design and impact upon heritage assets.

It was originally intended to provide a garage on the site frontage that would have obscured views towards the converted school house but following concerns from officers and in letters of objection, the applicant's have removed the garage from the scheme.

A letter of representation objects to the application because three storey dwellings are not in keeping with the surrounding area. Whilst some of the proposed dwellings are 2.5 storeys in height (none are a full three storeys), no objections are raised by the Council's Conservation Officer nor the Council's Urban Designer and, therefore, this element of the proposal is considered to be acceptable. In any case there is a full three storey dwelling located along Church Lane.

In terms of design and heritage issues, therefore, it is considered that the proposed dwellings are appropriate in this area and would not detract from the character and appearance of the Conservation Area, and the requirements of Local Plan Policies E4, H7 and the advice contained in the NPPF are considered to be met by the scheme.

Residential Amenity

Consideration has been given to the impact of the development on surrounding residential properties. The most immediately affected dwellings would be along Church Lane, Main Street and Piper Lane.

With regards to the impact upon 6, 8, 10, 14, 16 and 18 Church Lane, these dwellings all have rear gardens in excess of 15 metres and at this distance it is not considered that any significant overbearing or overshadowing impacts would arise. It is also noted that the impact of this proposal upon these properties would be similar to the impact arising from planning permission 09/00701/FUL which was considered to have an acceptable impact upon the amenities of the occupiers of these dwellings. Plots 1, 3 and 27 would have side elevations in close proximity to the boundaries with these properties and it would be necessary to ensure that any side windows are fitted with obscure glass and are non-opening.

In terms of the impact on 4a Church Lane the rear elevation of Plot 27 would be around 12 metres away from the boundary of this dwellinghouse. Immediately adjacent to the boundary is the far end of the rear amenity space of 4a Church Lane but at a distance of 12 metres it is not considered that any significant overlooking impacts would arise.

Plots 22-26 would be positioned to the rear of 5 and 7 Main Street. These dwellings along Main Street would still benefit from rear gardens measuring at least 30 metres and, on this basis, it is not considered that the proposal would result in any significant overlooking, overbearing or overshadowing impacts.

Plots 17-22 would be positioned adjacent to the western side boundary of No.9 Main Street. This dwelling, like 5 and 7 Main Street, benefits from a substantial and long rear garden. The proposed plots in this area would have rear gardens of between 9 and 14 metres which would ensure that the dwellings would not be located immediately on the boundary with this residential garden. Taking these matters into account it is not considered that the proposal would result in any significant overlooking, overbearing or overshadowing impacts.

In terms of the impact of the proposal upon The Barn, Church Lane plots 8, 9 and 10 would be located around 70 metres away from the main part of the dwellinghouse. At this distance no residential amenity impacts would arise from these plots. Plot 3 would have its rear elevation around 9 metres away from the boundary with this dwelling and whilst this distance is slightly short it is considered to be acceptable when having regard to the size of the garden, the nature of the area which would be impacted upon and the existing landscaping that would be retained. Plots 7 and 8 would be located immediately on the boundary with this property but again the area that would be impacted upon is located a significant distance away from the formal garden area and on this basis, it is not considered that significant overbearing or overshadowing impacts would arise. It would be necessary to ensure that any side windows are fitted with obscure glass and are non-opening.

Plots 9 and 10 would be located to the rear of No.20 Church Lane and there would be a distance of around 70 metres away from the main part of the dwellinghouse. Plot 9 would have a rear garden area of 7 metres and plot 10 would have a rear garden area of 11 metres and taking these distances into account along with the overall separation distances between the dwellings, it is not considered to result in significant overlooking, overbearing or overshadowing impacts.

It is considered that construction noise is an inevitable temporary, manifestation of any development project, which is not the concern of the planning system unless there would be exceptional amenity harm. When this is the case, a planning condition restricting hours is often applied but in this instance as the Environmental Services Manager raises no issues to the development in this regard, it is not considered necessary. The Environmental Services Manager raises no issues over fumes, noise or any other pollution arising from this residential development.

It is, therefore, deemed that the development would not have any significant detrimental impact upon neighbouring residential amenities and is considered to be acceptable in relation to Policy E3 of the Local Plan.

Children's Play Area

Under the District Council's Play Area Design Guidance Supplementary Planning Guidance (SPG), on-site children's play provision is required at a rate of 20 square metres per dwelling. Given that 27 dwellings are proposed, this would require a play area of not less than 540 square metres. No on-site children's play area is proposed as part of this proposal and no off-site commuted sum is proposed. The Council's SPG regarding children's play areas specifies that the Council will not seek any additional provision where existing play areas, within 400 metres walking distance, satisfy the needs of the area, including the proposed development.

There would be a distance of less than 400 metres between any part of the proposed site and the existing children's play area and, therefore, this would be considered a reasonable walking distance in accordance with the Council's SPG. The existing children's play area is considered to be of a sufficient size and accommodates a sufficient level of equipment. Therefore, it is not considered that an off-site commuted sum will be required in this instance.

Public Footpath

The developers intend to make provision for the existing rights of way (O42 and O46) within the development along their existing routes.

Footpath O46 (which runs from Main Street to Piper Lane) is intended to be surfaced with tarmac to a width of 2 metres where it passes through the application site, and the County Footpath Officer confirms that this treatment is acceptable. The County Footpath Officer requested that this surface treatment be extended to include the short length of the path between the application site and Main Street. The applicant's have agreed to surface this section of the public footpath and the proposed layout plan has been updated accordingly.

In terms of footpath O42 (which runs from Church Lane to Piper Lane) concerns were originally expressed regarding the width, character and surfacing material of the section of this footpath within the boundaries of the proposed development. The applicant's were advised that the County Council would be looking for a width of 2 metres surfaced with tarmac together with one metre wide verges on either side. Again, the applicant's have agreed to amend the layout and surface this part of the public footpath in accordance with the advice from the County Footpath Officer.

On the basis of the amended layout, the County Footpath Officer raises no objection to the proposal. No concerns have been expressed by the County Footpath Officer regarding the construction of a brick wall either side of a section of Public Footpath O42.

Ecology

The County Ecologist considers that the ecology survey by FPCR (June 2013) is satisfactory and no further survey work is required. FPCR identified that the only habitats of significance were the hedges within the site and on the site boundaries. Although some of these hedges would be lost there would be habitat compensation provided. Subject to the imposition of suitably-worded conditions, therefore, the submitted scheme is considered acceptable in ecological terms.

Developer Contributions

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

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

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

The relevant developer contributions are listed below.

Affordable Housing

The Council's Affordable Housing Officer comments that the scheme should provide for 30% affordable housing within the site (which would equate to 9 dwellings). The Council's preferred approach is for this agreed provision to be made on site. Where a developer considers that there are exceptional circumstances why on site provision is not appropriate then an off site commuted sum can be paid in lieu of on site provision. Should an off-site commuted sum be paid on this site then it should be in the region of £360,000.

Transportation Contributions

As set out under Highway Safety above, the County Highway Authority has requested the following developer contributions, required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use.

- Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).
- 6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £325.00 per pass - NOTE it is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate).
- Improvements to 2 nearest bus stops (including raised and dropped kerbs to allow level access); to support modern bus fleets with low floor capabilities. At £3263.00 per stop.
- Information display cases at 2 nearest bus stops; to inform new residents of the nearest bus services in the area. At £120.00 per display.
- Contribution towards equipping the nearest suitable bus route with Real Time Information (RTI) system; to assist in improving the nearest bus service with this facility, in order to provide a high quality and attractive public transport choice to encourage modal shift. At a total of £2700.00.

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 Woodstone Community Primary School. The School has a number on roll of 211 and 290 pupils are projected on the roll should this development proceed; a deficit of 79 places (of which 72 are existing and 7 are created by this development).

There are two other primary schools within a two mile walking distance of the development:

Hugglescote Community Primary School Deficit 230

All Saints Church of England Primary School Coalville Deficit 54

The overall deficit including all schools within a two mile walking distance of the development is 363 places. The 7 deficit places created by this development can therefore not be accommodated at nearby schools and a claim for an education contribution of 7 pupil places in the primary sector is justified.

In order to provide the additional primary school places anticipated by the proposed development the County Council would request a contribution for the Primary School sector of £78,401.58.

High School Requirements:

The site falls within the catchment area of Ibstock Community College. The College has a net capacity of 705 and 664 pupils are projected on roll should this development proceed; a surplus of 41 places after taking into account the 3 pupils generated by this development. An education contribution will therefore not be requested for this sector.

Upper School Requirements:

This site falls within the catchment area of Ashby School. The School has a net capacity of 1841 and 1860 pupils are projected on roll should this development proceed; a deficit of 19 pupil places (of which 16 are existing and 3 are created by this development). There are no other upper schools within a three mile walking distance of the site.

In order to provide the additional upper school places anticipated by the proposed development the County Council would request a contribution for the upper school sector of £49,558.93.

National Forest Planting

The National Forest Company request a financial contribution of £4640 given that no woodland planting or landscaping is proposed on site.

Civic Amenity

A contribution of £1919 is proposed to be made by the developer for Civic Amenity facilities in accordance with the requirements of Leicestershire County Council.

Library Services

A contribution of £1710 is proposed to be made by the developer for library services in accordance with the requirements of Leicestershire County Council.

Healthcare

NHS England (Leicestershire and Lincolnshire Area) requests a healthcare contribution of £4,699.92 as set out in the consultation response above, and relating to proposed expansion of consulting space within GP practices in Coalville based upon a contribution commensurate to the anticipated increased population arising from this development.

Conclusions in respect of Developer Contributions

The following requests have been made:

National Forest Company	£4640
NHS	£4699
Education	£127,960
Civic Amenity	£1919
Library	£1710
County Highway Authority	£13,170
Affordable Housing	£360,000
Total	£514,098

The applicant's agent has provided a viability report indicating that the scheme would not be viable with the inclusion of affordable housing (either on-site or off-site) and that it would only be

able to provide a sum of £55,000 towards developer contributions. The submitted viability report indicates that the viability issues on the site arise from Conservation Area design enhancements, additional foundation costs due to the presence of trees, landscaping, service diversions, sewer works and the demolition/conversion of the existing school. As the site is made up by a number of different land owners this also has implications in terms of the viability of the site.

The submitted information has been independently assessed by the District Valuer (DV) and they originally considered that the scheme would be viable with a reduction in section 106 contributions to £96,338 (i.e. £41,338 more than what was being offered by the applicants). However, before concluding the viability report the DV required confirmation on the design enhancements, foundation costs, verification of the land cost and any off-site commuted sum towards affordable housing.

The applicant's agent was informed of the additional information that was required and responded with a more detailed breakdown of Conservation Area costs, detailed scheme of foundation design and other information requested by the DV. At this point the Council's Conservation Officer also specified that the use of concrete roof tiles would be unacceptable and that they should be upgraded to plain clay roof tiles (which would clearly result in additional costs). Again the DV has looked at the revised information and considers that: these costs are fair and reasonable to include. I believe therefore that the development would not be viable if Cameron Homes had to increase the £55,000 offered in respect of Affordable Housing and s.106 costs.

As the DV is satisfied regarding the viability assessment that has been submitted on the site the Local Planning Authority accepts these arguments. However, it is still considered necessary to consider whether a scheme offering £55,000 (10.7% of the overall amount requested) would represent sustainable development. Paragraph 7 of the NPPF provides support for the social role of planning. It states the following: a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being.

The applicant's agent originally proposed that the £55,000 contribution be spent wholly towards education. This would equate to an education contribution of 43% towards the overall amount requested by the education authority and would result in no contribution towards affordable housing, civic amenity, libraries, healthcare, National Forest Planting and sustainability measures requested by the County Highway Authority. Another option, which the applicant has no objection to, would be to divide the contribution up on a pro rata basis and this would result (approximately) in the following:

National Forest Company	£495
NHS	£495
Education	£13,695
Civic Amenity	£181
Library	£181
County Highway Authority	£1,392
Affordable Housing	£38,500

In this instance, if members are minded to grant planning permission, it is considered that the pro rata approach (indicated above) should be agreed to ensure that at least some contribution

is provided to each of the relevant requests. However, whichever approach is taken (i.e. all spent on education or divided up between the relevant requests) it is clear that this development would not be able to provide for the amount of relevant social infrastructure that would be required for a development of this size. Letters of objection have been received from surrounding neighbours and Ravenstone Parish Council regarding this matter and it is, therefore, considered to be of some importance in the locality. Therefore, in terms of the social strands of sustainable development the scheme is considered to score poorly and this would weigh against the scheme. However, this would need to be considered in the balance alongside the positive aspects of the development (see conclusion below).

The required Section 106 Agreement could, however, require periodic reviews of the economic viability of the scheme to be undertaken during the course of the development with a view to increasing the required developer contributions in the event of the profitability of the scheme improving.

To conclude, it is recommended that the contribution of £55,000 be divided on a pro rata basis as stated above.

Other

The application was originally accompanied by a Statement of Community Involvement that set out that the application had been discussed by Councillor Smith with Ravenstone Parish Council along with other information regarding community involvement in the scheme. A number of objections have been received from surrounding members of the public and the Parish Council stating that this document contains inaccurate and misleading information. A separate letter has been received from the Chairman of the Parish Council detailing the concerns regarding the statement. The Chairman of the Parish Council requested that this document was removed from the application and taken off the website. The applicant's agent has been contacted regarding the concerns of the validity of the statement made within the document and a revised Statement of Community Involvement has been submitted. Whilst it is regrettable that the original document contained inaccuracies it is not considered that this would invalidate the application. The Local Planning Authority has re-consulted on the amended document and carried out substantial consultation with surrounding neighbours including direct neighbour notifications as well as a site and press notice.

Concern has been expressed from the Parish Council and neighbouring residents that the original ownership certificates that were submitted on the site were incorrect. It became apparent that the land under the public footpath is currently unregistered. In response to this the applicants have submitted amended certificates and publicised this in the Leicester Mercury. The Local Planning Authority has carried out further consultation with neighbours in relation to the amended certificates. The Council's Legal Team has been consulted on this issue as to whether the original inaccuracy in the certificates renders the application as invalid. The response from the Council's Legal Team is that the application should not be considered invalid as the affected parties clearly know about the application and have had every opportunity to make whatever comments they like on the merits of the application. It should also be noted that the footpath is to be retained along its existing line and would be unaffected with the exception of improved surfacing. With regards to other ownership matters, a member of the Ravenstone Hospital Almshouse Charity was notified rather than the clerk to this organisation. As the member was still a trustee of the charity at that time then it is not considered that further notifications would be required.

An additional house type drawing for Plots 3 and 14 has been provided during the course of the

application to rectify errors in the original submission.

The Local Planning Authority is unaware that anybody in Ravenstone is seeking to devise a neighbourhood plan. Taking this into account, it would be unreasonable not to determine the application.

Local Plan Policies E10, E11, E13 and E16 are not saved policies and do not carry any weight in the determination of this planning application. Policy E17 relates to Historic Byways but the County Footpath Officer confirms that footpath O42 and O46 have never been recorded as Byways Open to all traffic. Piper Lane which abuts the extreme eastern boundary of the application site is recorded on the Definitive Map as a Byway Open to all Traffic, reference O45, but would not be affected by the proposed development.

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

Representations have been received alleging that Councillor Smith would benefit financially from this development, and that he has violated the code of conduct. These are not, however, matters that are relevant to the determination of this application as they do not raise material planning considerations.

The impact of the proposal on property prices is not a material planning consideration.

Conclusion

The site lies within Limits to Development and is partly greenfield and partly brownfield land. In terms of the suitability of the site's location for housing development, the proposed location would not conflict with the provisions of Local Plan Policy S2 and it is considered that this part of Ravenstone is a sustainable location for new dwellinghouses. Taking this into account it is considered that the principle of residential development on the site is acceptable.

The proposed development would be acceptable in terms of the residential amenities of existing and future occupiers, and would provide for an appropriate form of design that would be in keeping with the locality and would have an acceptable relationship with the Conservation Area. The proposal would be acceptable in relation to highway safety, subject to appropriate planning conditions. The scheme would not result in significant impacts upon protected species and there would be no significant flood risk issues. Although a number of trees would be removed from the site, including eleven Lombardy Poplars, the proposed tree planting would mitigate the loss of these trees and secure long-term landscape effect within the village Conservation Area in keeping with the proposed layout.

A viability appraisal has been submitted by the applicants to demonstrate that the scheme would not be viable with affordable housing requirements and with the full range of other developer contributions. The reasons for this are given in the viability appraisal and include Conservation Area design enhancements, additional foundation costs due to the presence of trees, landscaping, service diversions, sewer works and demolition/conversion of existing school. This has been independently assessed by the District Valuer and they confirm that a reduced level of developer contributions would be acceptable in this instance.

Overall, the scheme would have a good design and would use a good standard of materials given that the site is located within the Conservation Area and would also provide much needed

housing to address the Council's lack of a 5 year supply of housing. These issues count in favour of the scheme. However, the use of such materials has contributed to a viability issue on the site whereby the scheme is unable to make full developer contributions towards social infrastructure (including education, health, affordable housing etc). This issue counts against the scheme and raises issues as to whether the scheme can be considered to be sustainable development. However, on balance, it is considered that the positive benefits arising from the proposed development outweigh the negative issues and as such it is considered that the scheme would be acceptable.

It is therefore recommended that full planning permission be granted subject to conditions and relevant developer contributions.

RECOMMENDATION - PERMIT, subject to the following conditions and the completion of a Section 106 legal agreement;

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

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

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

- Drawing No. RAV/103B deposited with the Local Planning Authority on 4 December 2013;
- Drawing No. RAV/102B deposited with the Local Planning Authority on 4 December 2013;
- Drawing No. RAV/118/1 deposited with the Local Planning Authority on 4 December 2013;
- Drawing No. RAV/117/1 deposited with the Local Planning Authority on 4 December 2013;
- Drawing No. RAV/101G (Site Layout) deposited with the Local Planning Authority on 12 November 2013;
- Drawing No. 3a deposited with the Local Planning Authority on 12 November 2013;
- Drawing No. 4b deposited with the Local Planning Authority on 12 November 2013;
- Drawing No. 5b1 deposited with the Local Planning Authority on 12 November 2013;
- Drawing No. 6b2 deposited with the Local Planning Authority on 12 November 2013;
- Drawing No. 7d1 deposited with the Local Planning Authority on 12 November 2013;
- Drawing No. 7d2 deposited with the Local Planning Authority on 12 November 2013;
- Drawing No. 1 deposited with the Local Planning Authority on 12 November 2013;
- Drawing No. 2 deposited with the Local Planning Authority on 12 November 2013;
- Drawing No. 8 deposited with the Local Planning Authority on 12 November 2013;
- Drawing No. RAV/100A (Site Location Plan) deposited with the Local Planning Authority on 18 September 2013;
- Drawing No. RAV/126 deposited with the Local Planning Authority on 23 September 2013;
- Drawing No. RAV/124/2A deposited with the Local Planning Authority on 23 September 2013;
- Drawing No. RAV/124/1A deposited with the Local Planning Authority on 23 September 2013;

Drawing No. RAV/104 deposited with the Local Planning Authority on 7 August 2013;
Drawing No. RAV/104 deposited with the Local Planning Authority on 7 August 2013;
Drawing No. RAV/105 deposited with the Local Planning Authority on 7 August 2013;
Drawing No. RAV/106 deposited with the Local Planning Authority on 7 August 2013;
Drawing No. RAV/107/1 deposited with the Local Planning Authority on 7 August 2013;
Drawing No. RAV/107/2 deposited with the Local Planning Authority on 7 August 2013;
Drawing No. RAV/108 deposited with the Local Planning Authority on 7 August 2013;
Drawing No. RAV/109/1 deposited with the Local Planning Authority on 7 August 2013;
Drawing No. RAV/109/2 deposited with the Local Planning Authority on 7 August 2013;
Drawing No. RAV/110 deposited with the Local Planning Authority on 7 August 2013;
Drawing No. RAV/111 deposited with the Local Planning Authority on 7 August 2013;
Drawing No. RAV/112 deposited with the Local Planning Authority on 7 August 2013;
Drawing No. RAV/113 deposited with the Local Planning Authority on 7 August 2013;
Drawing No. RAV/114/1 deposited with the Local Planning Authority on 7 August 2013;
Drawing No. RAV/114/2 deposited with the Local Planning Authority on 7 August 2013;
Drawing No. RAV/115 deposited with the Local Planning Authority on 7 August 2013;
Drawing No. RAV/116 deposited with the Local Planning Authority on 7 August 2013;
Drawing No. RAV/117 deposited with the Local Planning Authority on 7 August 2013;
Drawing No. RAV/118 deposited with the Local Planning Authority on 7 August 2013;
Drawing No. RAV/119 deposited with the Local Planning Authority on 7 August 2013;
Drawing No. RAV/120 deposited with the Local Planning Authority on 7 August 2013;
Drawing No. RAV/121 deposited with the Local Planning Authority on 7 August 2013;
Drawing No. RAV/122 deposited with the Local Planning Authority on 7 August 2013;
Drawing No. RAV/123 deposited with the Local Planning Authority on 7 August 2013.

Reason - to determine the scope of this permission.

- 3 No development shall commence on site until provision has been made for the satisfactory disposal of foul and surface water from the site in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason - to 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.

- 4 Before first occupation of any dwelling hereby permitted, the access shall be provided in accordance with the details shown on drawing No. SK01. The access drive once provided shall be so maintained at all times.

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

- 5 The gradient(s) of the access drive(s) shall not exceed 1:12 for the first 5 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.

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

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

- 7 Before the first occupation of any dwelling hereby approved, its 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 metres behind the Highway boundary and shall be so maintained at all times.

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

- 8 Notwithstanding the submitted details, no development shall commence on site until such time as details of amended parking facilities within the site have been submitted to and agreed in writing by the Local Planning Authority. Before the first occupation of any dwelling hereby approved, its approved parking shall be provided and shall thereafter not be obstructed and shall permanently remain available for car parking.

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

- 9 No development shall commence on the site until such time as a construction traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

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

- 10 Notwithstanding the submitted details, no development shall commence on site until such time as precise details of waiting restrictions complete with associated road markings and signage has been submitted to and agreed in writing by the Local Planning Authority. No more than 20 dwellings shall be occupied until such time as the agreed scheme has been implemented in full.

Reason - to ensure a satisfactory form of access and in the interests of road safety.

- 11 Notwithstanding the submitted details, no development shall commence on site until such time as a scheme showing the reinstatement of the existing vehicular crossings and the footway together with the existing road markings has been submitted to and agreed in writing with the Local Planning Authority. No more than 20 dwellings shall be occupied until such time as the agreed scheme has been implemented in full.

Reason - in the interests of general highway safety, particularly pedestrian safety.

12 There shall be no vehicular access between the site and Piper Lane.

Reason - to ensure that there will be no increase in use of a byway open to all traffic.

13 Notwithstanding the submitted details, no development shall commence on site until such time as a scheme showing the relocation of the existing bus stop has been submitted to and agreed in writing with the Local Planning Authority. No more than 20 dwellings shall be occupied until such time as the agreed scheme has been implemented in full.

Reason - the bus stop shall be re-sited in order to afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network.

14 Notwithstanding the submitted plans, nor Condition 2 above, no development shall commence on site until details/samples (as appropriate) of the:-

- i. sample panel of the bricks, brick bond, and mortar
- ii. stone and render
- iii. roofing materials
- iv. rain water goods
- v. windows and doors (including heads and cills)
- vi. porches and door surrounds
- vii. chimneys
- viii. eaves and verges

have been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the works shall be executed in accordance with that agreement.

Reason - to ensure that the works are executed in an appropriate manner and to ensure a satisfactory standard of design.

15 Notwithstanding the submitted plans, nor Condition 2 above, no development shall commence on site until such time as precise details of the treatment of all hard surfaces (including all access roads, footways, drives and parking / manoeuvring areas) 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.

16 The approved landscaping scheme (as shown on Drawing No. 7d1 and 7d2) 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.

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

Local Planning Authority.

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

- 18 Notwithstanding the submitted details, no development shall commence on site until such time as a tree protection plan (including foundation designs) has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall be carried out in accordance with the agreed details.

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

- 19 Notwithstanding the submitted details, no development shall commence on site until such time as an ecological/landscape management plan (including for trees and hedges), including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), together with a timetable for its implementation has been submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the landscape management plan, or in accordance with any subsequent variations first submitted to and agreed in writing by the Local Planning Authority.

Reason - to ensure the protection of wildlife and supporting habitat, to secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy and to provide for an appropriate form of development.

- 20 The development hereby permitted shall be carried out in accordance with the levels shown on drawing nos. RAV/101G (Site Layout Plan) (when read in conjunction with the existing levels shown on drawing no's. 12-489-1A).

Reason - to ensure the development takes the form envisaged by the Local Planning Authority, in the interest of amenity.

- 21 Notwithstanding the provisions of Part 1 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), none of the dwellings hereby approved shall be enlarged, improved or altered, nor shall any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouses be provided 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 the form and density of the development proposed.

- 22 The window units serving the following:

- (a) first floor side elevations (of bedroom 3 and bedroom 4) of Plot 1;
- (b) first floor side elevation (of bathroom and en-suite) of Plot 3;
- (c) first floor side elevation (of en-suite) of Plot 7;
- (d) first floor side elevation (of en-suite) of Plot 27.

shall be glazed with obscure glass to Pilkington Standard 3 (or equivalent) which shall thereafter be retained unless planning permission has first been granted by the Local

Planning Authority.

Reason - to avoid the possibility of overlooking of the adjacent development.

- 23 No development shall commence on the site until such time as a programme of archaeological work, commencing with an initial phase of geophysical survey and trial trenching, has been detailed within a Written Scheme of Investigation first submitted to and agreed in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions, and:
- The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme);
 - The programme for post-investigation assessment;
 - Provision to be made for analysis of the site investigation and recording;
 - Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - Provision to be made for archive deposition of the analysis and records of the site investigation; and
 - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation

No development shall take place at any time other than in accordance with the agreed Written Scheme of Investigation. None of the dwellings shall be occupied until such time as the site investigation and post investigation assessment has been completed in accordance with the programme set out in the agreed Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason - to ensure satisfactory archaeological investigation and recording, and to comply with the NPPF.

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

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

- 25 No development (except any demolition permitted by this permission) shall commence on site until a Risk Based Land Contamination Assessment has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:
- BS10175 Year 2011 Investigation Of Potentially Contaminated Sites Code of Practice;
 - BS 8576 Year 2013 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOCs)
 - BS8485 Year 2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and
 - CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

- Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan must be prepared and submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of:
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

The Verification Plan shall be prepared in accordance with the requirements of:

- Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason - to ensure that the land is fit for purpose and to accord with the aims and objectives of paragraph 120 of the NPPF.

26 Prior to occupation of any part of the completed development, a Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme and a report showing the findings of the Verification Investigation relevant to either the whole development or that part of the development shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:

- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
- Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
- Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
- Contain Test Certificates of imported material to show that it is suitable for its proposed use;
- Demonstrate the effectiveness of the approved Remedial Scheme; and
- Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

Reason - to ensure that the land is fit for purpose and to accord with the aims and objectives of paragraph 120 of the NPPF.

- 27 No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage scheme should demonstrate the surface water run-off generated up to and including the 100 year (plus an allowance for climate change) critical rain storm will not exceed the run-off from the re-developed site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

- Surface water drainage system/s to be designed in accordance with either the National SUDs Standards, or CIRIA C697 and C687, whichever are in force when the detailed design of the surface water drainage system is undertaken.
- Limiting the discharge rate and storing the surface water run-off generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm.
- Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.
- Details of how the on site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.
- A copy of the written confirmation of the allowable surface water discharge rate to STW's public sewerage system.

Reason - to prevent the increased risk of flooding, both on and off site.

Notes to applicant

- 1 Written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97 per request. Please contact the Local Planning Authority on 01530 454666 for further details.
- 2 The County Footpath Officer provides the following notes:

Before any works associated with the surfacing of footpaths O42 and O46 are carried out, the County Council's approval should be obtained to the specification for this purpose. The applicant Company should contact the Rights of Way Inspector for the area, Mr. S. Daniels, who is based at the Northern Area Highways Office, Mountsorrel (Telephone No. 0116 305 0001). The Company will otherwise be responsible for ensuring that the legal lines of the footpaths are not affected by any operations associated with the development, and that free access can be exercised safely by pedestrians at all times. Care should be taken to ensure that pedestrians are not exposed to any elements of danger associated with construction works, and wherever appropriate they should be safeguarded from the site by a secure fence. In view of the close proximity of the proposed development to the footpaths, particular attention should

be given to ensuring that no materials are stored on the lines of the rights of way and that no Contractors' vehicles are parked either along or across them.

Any damage that may be caused to the surface of the footpaths while the development is being carried out will be the responsibility of the applicant Company to repair at its own expense, to the satisfaction of the Highway Authority.

The applicant Company should also be advised that no additional structures either of a temporary or a permanent nature should be placed across the routes of footpaths O42 and O46 without the written consent of the Highway Authority having been obtained. Unless a structure has been authorised, it constitutes an unlawful obstruction of the right of way and the County Council would be obliged to require its immediate removal.

If the applicant Company considers that it will be unable to assure the safety of users of footpaths O42 and O46 while construction works associated with the proposed development are being undertaken, application would need to be made to the County Council for an Order suspending public rights for the duration of those works. An Application Form for the making of an Order in respect of the temporary diversion or stopping up of a public right of way, together with further details in relation to the process involved, may be obtained by e-mailing roadclosures@leics.gov.uk.

- 3 Your intention is drawn to the attached notes to applicant provided by the County Highway Authority.
- 4 During the period of construction, oil and fuel storage will be subject to the Control of Pollution (Oil Storage) (England) Regulations 2001. The Regulations apply to the storage of oil or fuel of any kind in any kind of container which is being used and stored above ground, including drums and mobile bowsers, situated outside a building and with a storage capacity which exceeds 200 litres. A person with custody or control of any oil or fuel breaching the Regulations will be guilty of a criminal offence. The penalties are a maximum fine of £5000 in Magistrates' Court or an unlimited fine in Crown Court. Further details of the Regulations are available from the Environment Agency.
- 5 Details of the retention, protection and management of the northern hedgerow should be included when discharging condition 19.
- 6 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England)) Order 2010 (as amended).
- 7 A section 106 agreement would be required in order to make the development acceptable and would need to include the following:

- Financial contribution of 55k towards education or split between all the various developer contribution requests
- Review of the viability of the scheme within a certain period (i.e 2 years)
- Section 106 monitoring

PLANNING APPLICATIONS- SECTION A

Residential development of up to 50 dwellings, with new vehicular access, landscaping, public open space, balancing pond, national forest planting and creation of new allotments. (Outline - all matters other than part access reserved)

**Report Item No
A2**

Land Off Heather Lane Ravenstone Coalville

**Application Reference
13/00780/OUTM**

**Applicant:
Leicestershire County Council**

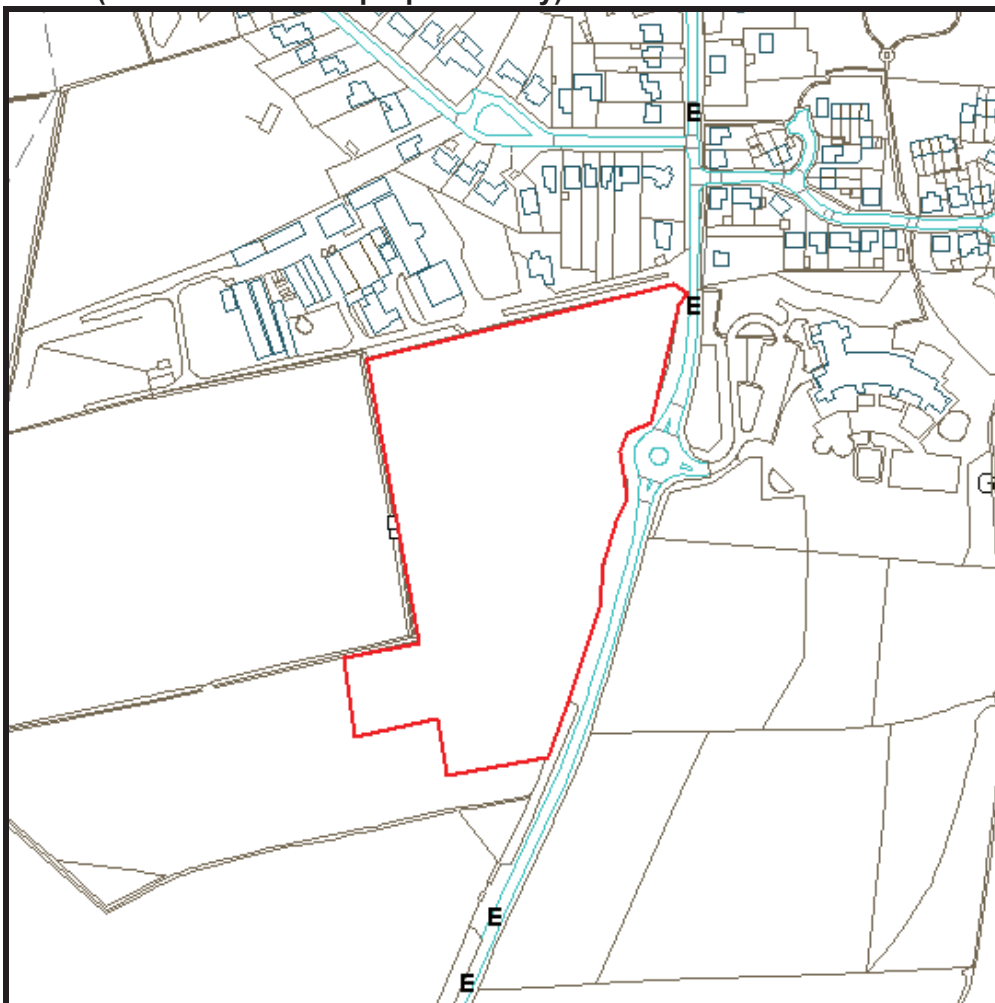
**Date Registered
30 September 2013**

**Case Officer:
James Mattley**

**Target Decision Date
30 December 2013**

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

Site Location (Plan for indicative purposes only)



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Executive Summary of Proposals and Reasons for Approval

Proposal

This application seeks outline planning permission for residential development of up to 50 dwellings. Part access arrangements are included for consideration at this stage but all other matters are reserved.

Consultations

Members will see from the main report below that some objections have been received from surrounding neighbours. However, there are no objections raised from any statutory consultees.

Planning Policy

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

Conclusion

The report below indicates that, whilst the site is a greenfield site outside Limits to Development, having regard to the site's general suitability for housing and the opportunity to contribute towards the identified shortfall of housing across the district, release of the site for residential development would be appropriate in principle. The proposed development is considered acceptable in terms of access issues; there are no other technical issues that would indicate that planning permission should not be granted, and appropriate contributions to infrastructure would also be made so as to mitigate the impacts of the proposals on local facilities.

RECOMMENDATION:- PERMIT, SUBJECT TO SECTION 106 OBLIGATIONS, AND SUBJECT TO THE IMPOSITION OF CONDITIONS

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

MAIN REPORT

1. Proposals and Background

This is an outline planning application for residential development of up to 50 dwellings on a site of approximately 3.54 hectares to the west of Heather Lane, Ravenstone. The site slopes generally from east to west from Heather Lane and is currently in agricultural use. Whilst all matters other than part access are reserved for subsequent approval, an illustrative masterplan has been submitted showing the proposed dwellings, together with a children's play area, areas of landscaping, national forest planting and allotments. The site is located outside of the settlement boundary as defined by the Local Plan.

Vehicular access is proposed onto the existing roundabout on Heather Lane. To the north of the application site is Beesley's Garden Centre with residential development located further beyond. Immediately to the west and south of the application site is further agricultural land and to the east is Heather Lane with Woodstone Community Primary School located further to the east. A public footpath (051), located outside of the application site and to the west, runs in a north south direction.

2. Publicity

20 No neighbours have been notified. (Date of last notification 7 October 2013)

Site Notice posted 11 October 2013

Press Notice published 16 October 2013

3. Consultations

Ravenstone With Snibston Parish Council consulted 7 October 2013

Head of Environmental Protection consulted 21 October 2013

DEFRA consulted 6 November 2013

County Highway Authority consulted

Environment Agency consulted 8 October 2013

Severn Trent Water Limited consulted 8 October 2013

Head of Environmental Protection consulted 8 October 2013

Natural England consulted 8 October 2013

NWLDC Tree Officer consulted 8 October 2013

LCC ecology consulted 8 October 2013

County Archaeologist consulted 8 October 2013

NWLDC Urban Designer consulted 8 October 2013

LCC Development Contributions consulted 8 October 2013

NHS Leicester, Leicestershire And Rutland Facilities Managme consulted 8 October 2013

Development Plans consulted 8 October 2013

Head Of Leisure And Culture consulted 8 October 2013

Manager Of Housing North West Leicestershire District Council consulted 8 October 2013

Police Architectural Liaison Officer consulted 8 October 2013

LCC/Footpaths consulted 8 October 2013

Highways Agency- Article 15 development consulted 8 October 2013

Coal Authority consulted 8 October 2013

National Forest Company consulted 8 October 2013

4. Summary of Representations Received

Coal Authority has no objection to the proposed development.

Highways Agency offers no objection to the proposals.

Leicestershire County Council Archaeologist raises no objection subject to the imposition of relevant conditions.

Leicestershire County Council Ecologist considers that the ecology report is satisfactory and has no objections to this development.

Leicestershire County Council Highway Authority raises no objections subject to the inclusion of relevant planning conditions and obligations.

Leicestershire County Council Highway Transportation & Waste Management Authority requests a developer contribution of £3,554 in order to mitigate the impact on civic amenity waste facilities in the local area.

Leicestershire County Council Library Services Development Manager requests a contribution of £2,720.

Leicestershire County Council Local Education Authority requests a contribution of £236,963.92.

Leicestershire Police requests a contribution of £19,746.

Natural England raises no objections to the proposed development subject to conditions.

National Forest Company raises no objection to the proposed application subject to the inclusion of relevant planning conditions and obligations.

NHS England requests a financial contribution of £7,912.32 to address capacity issues at the GP surgery in Coalville.

North West Leicestershire Environmental Protection Section has no environmental observations.

Severn Trent Water raises no objection subject to the inclusion of relevant drainage conditions.

A total of 13 number of representations have been received objecting to the application on the following grounds:

- _ Possibility that the surrounding land would also be developed;
- _ Would set a precedent for further development within the countryside;
- _ There is a disproportionate amount of development in Ravenstone at present and the proposed scale would be unacceptable;
- _ The surrounding roads cannot cope with additional traffic from existing or proposed development;
- _ The access arrangements would conflict with school traffic;
- _ Heather lane is not gritted in the winter;

- _ The application site is good arable land and this would be lost;
- _ Woodstone School along with other local schools is already at full capacity;
- _ Expansion of Woodstone School would result in the loss of trees;
- _ Ravenstone has inadequate infrastructure and local facilities to accommodate this development;
- _ The housing scheme would have no character of identity;
- _ The proposal does not have a rural feel;
- _ There would be noise and disturbance during construction;
- _ Leicestershire County Council would not spend the proceeds from this development in the local area;
- _ Ravenstone is at the heart of the National Forest;
- _ No objection to the use of brownfield sites;
- _ Coalville Town Centre should be improved before allowing more housing;
- _ No development plan exists in the area;
- _ Proposal would impact on the landscape entering and leaving the village;
- _ Destruction of flora and fauna;
- _ No consideration towards education, health, leisure or commercial facilities;
- _ Settlement boundaries would be further compromised;
- _ District villages should not expand by more than 23/25% by 2031;
- _ Consideration needs to be given to the privacy of occupiers on Creswell Drive;
- _ Not in keeping with the character of Ravenstone as a historic village;
- _ Increased noise and traffic for existing residents;
- _ Concerns regarding archaeology;
- _ A field study into archaeology should be carried out;
- _ Nobody supported the development at the public consultation event;
- _ Considers that statements made in the supporting documentation contain 'spin';
- _ Proposal would cause pollution;
- _ Local people should be able to select sites for new housing;
- _ Do not consider that the scheme represents sustainable development;
- _ Development would impact upon ecology.

5. Relevant Planning Policy

National Policies

National Planning Policy Framework

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

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

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

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

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

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

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

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

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

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

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

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

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

"59 Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally."

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

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

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

[Further advice on flooding is contained within the DCLG's Technical Guidance to the National Planning Policy Framework.]

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

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

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

"120 To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location.... Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner."

"121 Planning policies and decisions should also ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;...
- adequate site investigation information, prepared by a competent person, is presented."

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

"124 Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is

consistent with the local air quality action plan."

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

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

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

Adopted North West Leicestershire Local Plan (2002)

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

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

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

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

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

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

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

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

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

Policy E6 seeks to prevent development where it would prejudice the comprehensive development and proper planning of a larger area of land of which the site concerned forms part.

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

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

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

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

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

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

Other Policies

North West Leicestershire District Council Affordable Housing SPD

Key Principle AH2 provides that affordable housing will be sought on all sites of 5 or more dwellings in the Ravenstone area.

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

North West Leicestershire District Council Play Area Design Guidance SPG

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

Submission Core Strategy (April 2012)

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

6. Assessment

Principle of Development

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

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

Notwithstanding the countryside location, and whilst the proposals would be contrary to the

adopted Development Plan, in determining the application, regard must be had to other material considerations, including other policies, such as other Development Plan policies and National policies.

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

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

Whether or not this site would be considered "appropriate" is a matter of judgement; having regard to its location outside Limits to Development, it could be argued that it would not be. This policy nevertheless sets out criteria relevant to release of land. Insofar as the site's location is concerned, and whilst it is outside Limits to Development, it is well related to the existing built up area of the settlement.

In terms of the site's greenfield status, it is accepted that the site does not perform well. However, this issue needs to be considered in the context of the need to demonstrate and maintain a five year housing land supply in the District, and the need for sites to be released to meet this need. Given the need to provide significant areas of housing land as set out below, it is considered inevitable that greenfield land will need to be released in order to maintain a five year supply of deliverable sites, as well as (as in this case) land not allocated for housing development in the adopted Local Plan. Furthermore in respect of Policy H4/1, this would represent a policy relating to the supply of housing and, as such, its relevance also needs to be considered in the context of Paragraph 49 of the NPPF (considered in more detail under Housing Land Supply below).

Housing Land Supply and Limits to Development

The NPPF requires that the Council should be able to identify a five year supply of housing land and include an additional buffer of 5% or 20% depending on previous performance in terms of delivery of housing. The appeal decision of May 2013 in respect of land south of Moira Road, Ashby de la Zouch, found that the "Sedgefield" approach should be used (an approach to assessing land availability also suggested as appropriate within the draft National Planning Practice Guidance) and that a buffer of 20% should be allowed for. On this basis, the District Council's most recent calculations indicate that the Council is only able to demonstrate a supply of 4.43 years which represents a significant shortfall vis-à-vis the requirements of the NPPF.

The consequences of an inability to demonstrate a five year supply are profound. Paragraph 49 of the NPPF advises that "Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites". Policy S3 of the adopted Local Plan (Limits to Development) is not considered to be a relevant policy for the supply of housing (see the recent judgment in respect of the application to quash the Secretary of State's decision to dismiss the Stephenson Green appeal), notwithstanding that a contrary view has been taken elsewhere (and including by the Secretary of State on appeal), and accordingly the policy should not be considered to be out of date. Nevertheless, as the Limits to Development as defined in the adopted Local Plan were drawn having regard to housing requirements up until the end of the Plan Period (i.e. to 2006) less weight should be attributed to any conflict with Policy S3 in the overall planning balance.

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

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. Insofar as the environmental role is concerned, whilst the proposed development would result in the development of land outside of the defined Limits to Development, as set out in more detail below, the proposed development would not result in any unacceptable impacts on the natural, built or historic environment. The sustainability credentials of the site are set out in more detail below.

Sustainability

As set out above, the application site is an unallocated site, located outside the limits to development in the adopted Local Plan. In terms of the sustainability of the site, Ravenstone provides a good range of day to day facilities including a primary school, general store, village/community hall, recreational facilities and public house. There is also a reasonable level of public transport; the Arriva 9A service provides an hourly service Monday to Friday from 0705 to 1830 and a Saturday service from 0720 to 1830 between Burton upon Trent and Coalville.

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

Bus Stop - 750 metres
Primary School - 300 metres
Post Office - 550 metres
Open Space - 650 metres
Village Hall - 650 metres
Public House - 500 metres

The application site is within 800 metres (preferred maximum walking distance) of the services listed above. Taking these matters into account, it is considered that the site would be located within a sustainable area.

Scale of Development and Cumulative Impacts

It is appropriate to consider the scale of the proposed development compared to Ravenstone so as to understand its potential impact upon the scale and character of Ravenstone.

In terms of likely future needs the GL Hearn Leicester and Leicestershire Housing Requirements Study which was used to inform the housing requirement in the now withdrawn Core Strategy includes information regarding future natural change across the district. Based on this up to 59 dwellings would be required when looking at Ravenstone Village (that is all that part within the limits to development identified in the Local Plan from Church Lane to the

Leicester Road crossroads) and up to 89 dwellings for Ravenstone parish. However, natural change makes no allowance for migration or changes in the age structure and so can only be regarded as an indicator of minimum future needs.

It is estimated that there are 588 properties in the village of Ravenstone within the Limits to Development in the adopted Local Plan. This proposal for 50 dwellings would represent a 9% increase in the existing number of dwellings. There are 945 properties in the Parish of Ravenstone; an additional 50 dwellings would represent a 5% increase in the existing number of dwellings.

In the absence of any other definitive figures, by way of comparison, the housing requirement proposed in the now withdrawn Core Strategy (9,700 dwellings) represented an increase of 23% in the number of dwellings compared to the plan start date of 2006 (estimated that there were 42,297 dwellings in 2006). Therefore, the proposed development would represent a lower level of growth than that for North West Leicestershire as a whole and this development alone would not result in a significant increase in development to the village. It is considered unlikely that the scale of this development alone would be detrimental to the local character of the area.

However, there are outstanding applications in Ravenstone for the development of 27 dwellings (Church Lane) and for up to 65 dwellings (off Ibstock Road), reported separately in this agenda, and consideration should also be given to the cumulative impact of all of these developments. Taking into account the other two proposals (27 dwellings at Church Lane and 65 dwellings at Ibstock Road) there would be an additional 142 dwellings which would represent an increase of 24% in the existing number of dwellings in the defined limits of development of Ravenstone and 15% increase in the number of dwellings in the Parish of Ravenstone. There is also a site at Coalville Lane, Ravenstone that is currently being developed and 35 of its dwellings are located in the Parish of Ravenstone. If these dwellings were included within the cumulative calculation as well, this would represent an increase of 19% of the dwellings within the Parish of Ravenstone.

Therefore in terms of scale the scheme is considered to be acceptable. With regards to cumulative impacts, the proposals identified above would only represent a slighter higher growth than that for North West Leicestershire as a whole, as was detailed in the Core Strategy. Taking this into account, it is not considered that the scheme should be refused on cumulative impacts.

Loss of Agricultural Land

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

Paragraph 112 of the NPPF suggests that, where significant development of agricultural land is demonstrated to be necessary, poorer quality land should be used in preference to that of a higher quality. Having regard to the five year housing land supply issue as set out above, it would seem inevitable that land outside Limits to Development (much of which will be agricultural in terms of use) will need to be released. Best and Most Versatile (BMV) agricultural land is defined as that falling within in Grades 1, 2 and 3a of the Agricultural Land Classification (ALC). The application site falls within Grade 3 of the ALC but it has not been established whether the land is Grade 3a or Grade 3b and, therefore, whether any BMV would be affected.

However, even if the site does fall within the 3A classification, it is commonly accepted that the

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

Nevertheless, in terms of agricultural land quality, if the development does impact upon BMV it is not considered that the proposed development sits particularly comfortably with the requirements of the NPPF and, in particular, the aims of Paragraph 112. However, this would need to be weighed against other material considerations and, whilst there would be adverse impacts in this regard, these concerns would not be so significant as to outweigh the considerations in favour of the scheme. When considered in the context of the five year housing land supply issue, and the benefits of releasing the site to assist in maintaining such supply, it is considered that the agricultural land quality issue is not sufficient to suggest that planning permission should be refused, particularly given the relatively limited extent of the loss (i.e. 3.54ha). DEFRA has been consulted on this issue, but no response has been received.

Conclusions in respect of the Principle of Development and Planning Policy

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

The site is outside Limits to Development in the adopted Local Plan and its development for housing would therefore be contrary to Local Plan Policy S3, a policy designed to protect the countryside for its own sake.

However, the site's general suitability for housing (including its proximity to both Ravenstone and Coalville) is also material, together with the need for the District to release significant areas of land for housing to ensure the provision and maintenance of a five year supply of land and to accord with the Government's intention to stimulate growth through a presumption in favour of sustainable development (as set out in the NPPF). An important consideration is that the Council must demonstrate and maintain a five year supply of housing land (with a 20% buffer) as required by the NPPF, which is considered to be a material consideration of some significance.

Having regard to all of the above it is considered overall that the proposed development of the site is acceptable in principle.

Highway Safety

All matters are reserved for subsequent approval except for access. Whilst the illustrative layout shows internal access roads and pedestrian links through the site, these would be a matter for the reserved matters stage(s) (although their impact on the overall potential accessibility and connectivity of the site still ought to be considered). The development is proposed to be accessed from Heather Lane via the provision of a fourth arm on the existing Heather Lane roundabout. The development access would have a carriageway width of 5.5 metres with 2 metre wide footways either side. The traffic speed on this stretch of road is

30mph. The latest scheme includes for improved road markings and new footways to enable easier and safer crossing arrangements to access the school.

The applicants were asked to assess the cumulative highway impacts should this application and the application at Ibstock Road (13/00626/OUTM) both be approved. The assessment concludes that there would be a small increase in queuing on the A447/Leicester Road junction and that a contribution towards an updated MOVA controller would be suitable mitigation. The County Highway Authority accept the conclusions in the assessment and raise no objections to the application on the basis of cumulative highway impacts. The contribution towards an updated MOVA controller would be secured through the Section 106 agreement.

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

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

Neighbours' and Future Occupiers' Amenities

As set out above, the site is proposed to be accessed via Heather Lane. This area of Heather Lane is not heavily populated with residential dwellings and, therefore, it is not considered that the increased traffic using local roads generally as a result of the proposed development would lead to unacceptable impacts on residents' amenities. In coming to this conclusion it is noted that the Council's Environmental Protection Team raise no objections to the proposed development in terms of noise or pollution.

In terms of the impacts on neighbouring occupiers arising from the proposed buildings themselves are concerned, this would need to be assessed at the reserved matters stage(s); notwithstanding the details shown on the illustrative layout, there would appear to be no reason in principle why up to 50 units could not be provided on the site in a manner which would not adversely impact upon neighbours' amenities.

It is considered that construction noise is an inevitable temporary, manifestation of any development project, which is not the concern of the planning system unless there would be exceptional amenity harm. When this is the case, a planning condition restricting hours is often applied but in this instance as the Environmental Services Manager raises no issues to the development in this regard, it is not considered necessary. The Environmental Services Manager raises no issues over fumes, noise or any other pollution arising from this residential development.

It is, therefore, deemed that the development would not have any significant detrimental impact upon neighbouring residential amenities and is considered to be acceptable in relation to Policy E3 of the Local Plan.

Design

The proposed scheme has been assessed by the District Council's Urban Designer, and rated in accordance with CABE's new Building for Life criteria which scores on the basis of red/amber/green rather than a points based scoring system. The Council's Urban Designer has reviewed the proposals and originally sought for clarification on the assumptions that had been made with regard to parking provision. A response has been received from the applicant's agent regarding this matter and provides comfort to the Local Planning Authority that a suitably designed scheme would come forward at the reserved matters stage.

At the reserved matters stage the Local Planning Authority would expect the scheme to score positively against the Building for Life assessment. The Council's Urban Designer recommends a note to applicant to highlight that there would be an expectation from the Local Planning Authority that the scheme draws inspiration from the positive and distinctive characteristics of the village through layout, form and appearance (including materials). Consideration must also be afforded to softening the southern boundary, perhaps through the use of 1.5 storey dwellings to avoid such an abrupt end to built form within the village.

Therefore, whilst the scheme is not sufficiently advanced to be assessed fully against Building for Life, it is considered that it has been demonstrated that, in principle, an appropriate scheme could be secured at the reserved matters stage(s), and would comply with the relevant Development Plan policies and advice in the NPPF.

Density

Local Plan Policy H6 provides that, for sites of 0.3 hectares and above, residential development should meet a minimum density of 40 dwellings per hectare within locations well served by public transport and accessible to services, and a minimum density of 30 dwellings per hectare elsewhere. The former advice in PPS3 provided that net dwelling density includes those site areas which will be developed for housing and directly associated uses, including access roads within the site, private garden space, car parking areas, incidental open space and landscaping and children's play areas. Whilst this has now been superseded in the NPPF the methodology contained within it for working out net dwelling density would, in the absence of any other guidance in the NPPF or Local Plan, still be relevant.

The application site area is given as 3.54 hectares. However, when considering that significant parts of the application site would be taken up for landscaping, buffer zones, allotments, children's play area, wildlife areas etc, the net dwelling density (based on the residential area of 2.13 hectares) would be in the region of 24 dwellings per hectare. This would not be wholly compliant with Policy H6 of the Local Plan. However, when having regard to those parts of the site that would not be developed for housing or directly associated uses as indicated on the indicative Masterplan accompanying the application, along with the existing density of the surrounding area and the fact that the Council's Urban Designer raises no objection to the density and layout of the development on the site, it is considered that a reduced density in comparison to that advised in Local Plan Policy H6 is acceptable in this instance.

Landscape and Visual Impact

The application has been accompanied by information regarding landscape design and strategy in the design and access statement.

The information considers that the landscape constraints on the site are that the site is on

sloping land with potential visual exposure to the south and west and that existing boundary hedgerows are weak. The landscape opportunities include strengthening landscape planting to help screen the proposed development and provide National Forest planting to tie in with the existing planting at Miners Wood.

Although the Local Planning Authority accepts that additional landscaping would help screen the proposed development and mitigate against its visual impact, it could be perceived that the proposed development would result in development encroaching out into the open countryside as opposed to 'rounding off' of the village. It could therefore be argued to have a greater impact upon the openness and character of the countryside when compared with the two other outstanding applications in Ravenstone. Whilst this counts against the scheme it is not, however, considered sufficiently detrimental to warrant a refusal of the application when considering that the land has no formal landscape designation and when taking into account the need for further housing within the district (as outlined above).

In terms of the actual amounts of landscaping proposed, the National Forest Company comments that, based on the National Forest Company's guidance, 20% of the area would be required to be provided as woodland planting and landscaping (which would equate to 0.7ha). Whilst the details of the proposed landscaping are indicative only given the outline nature of the application, there is clearly scope for this to be achieved on site. The design and access statement indicates that 0.7ha of the site area would be used for National Forest Planting. The National Forest Company welcomes the proposed National Forest planting and other proposed habitat creation measures included in the scheme.

Overall, therefore, subject to a Section 106 agreement to secure the National Forest planting, and subject to an appropriate form of development being proposed at the reserved matters stage(s), it is considered that the landscape and visual effects of the proposed development are acceptable.

Trees

There are no trees within the application site (or in close proximity) that would be affected by the proposed development. The Council's tree officer raises some issues with the proposed planting details included on the illustrative masterplan but these could all be resolved at the reserved matters stage.

Therefore, subject to the imposition of suitably-worded notes to applicant the submitted scheme is considered acceptable in terms of Policy E7 of the Local Plan.

Ecology

The application is supported by an ecology survey. This concludes that the site is dominated by arable land surrounded by unmanaged grassland field margins bordered by hedgerows, mature trees and domestic gardens. The arable land has been identified as being of low ecological value.

The survey states that there are no known statutory or non-statutory designated sites within 1km of the application site. The habitats on the application site contain common species which are not considered to be of significant intrinsic botanical value. No adverse impact on local biodiversity is anticipated as a result of the loss of these habitats.

In terms of protected species, there is no evidence of badger activity on the site and no features

with potential to support roosting bats were identified on site. Only a small section of hedgerow would be removed on site and the scheme is not considered to have significant impacts upon foraging bats or breeding birds especially as the surrounding area provides similar habitats. The ecology report recommends that further bird nesting opportunities are created as part of the development and this could be secured through appropriately worded conditions. No Great Crested Newts have been recorded on the site and nearby ponds have now dried up which makes it unlikely that Great Crested Newts would be affected.

In response to the application, Leicestershire County Council's ecologist considers the submitted ecology report to be satisfactory and no further survey work is required. No objections are raised subject to the imposition of conditions including in respect of appropriate landscaping species being selected to optimise wildlife value. Natural England offers no objections to the proposed scheme subject to the inclusion of relevant conditions relating to landscape and biodiversity enhancements.

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

Developer Contributions

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

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

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

The relevant developer contributions are listed below.

Affordable Housing

The development is proposed to provide 30% of the scheme as affordable housing (i.e. 15 units, assuming the construction of the maximum 50 dwellings as proposed). In terms of unit types and tenure, the District Council's Strategic Housing Team would currently be seeking the following:

Affordable rented
4 x 1 bed homes
2 x 2 bed house
1 x 3 bed house
4 x 2 bed bungalows

Shared ownership
2 x 2 bed houses
1 x 3 bed house
1 x 2 bed bungalow

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

be agreed by the District Council at the reserved matters stage or through the Section 106 agreement.

Transportation Contributions

As set out under Highway Safety above, the County Highway Authority has requested the following developer contributions, required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use.

- o Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).
- o 6 month bus passes (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £325 per pass (NOTE it is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate).
- o New/Improvements to 2 nearest bus stops (including raised and dropped kerbs to allow level access); to support modern bus fleets with low floor capabilities. At £3263 per stop.
- o Information display case at west bound bus stop on Leicester Road to inform new residents of the nearest bus services in the area. At £120 per display.

In order to mitigate the impacts of the development on the A447/Leicester Road signalised junction which already suffers from congestion and delays at peak times, a contribution of £6000 is required towards an updated MOVA unit with associated software and licence, validation and controller reconfiguration. This would improve traffic flow at the junction and help to reduce delays which would have been created with the additional traffic from the development.

The applicants are agreeable to making these contributions.

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 Woodstone Community Primary School. The School has a number on roll of 211 and 295 pupils are projected on the roll should this development proceed; a deficit of 84 places (of which 72 are existing and 12 are created by this development).

There are three other primary schools within a two mile walking distance of the development:

Hugglescote Community Primary School Deficit 230

Heather Primary School Surplus 10

All Saints Church of England Primary School Coalville Deficit 54

The overall deficit including all schools within a two mile walking distance of the development is 358 places. The 12 deficit places created by this development can therefore not be accommodated at nearby schools and a claim for an education contribution of 12 pupil places in the primary sector is justified.

In order to provide the additional primary school places anticipated by the proposed development the County Council would request a contribution for the Primary School sector of £145,188.12. The applicant's are agreeable to making this contribution.

High School Requirements:

The site falls within the catchment area of Ibstock Community College. The College has a net capacity of 705 and 685 pupils are projected on roll should this development proceed; a surplus of 20 places after taking into account the 5 pupils generated by this development. An education contribution will therefore not be requested for this sector.

Upper School Requirements:

This site falls within the catchment area of Ashby School. The School has a net capacity of 1841 and 1898 pupils are projected on roll should this development proceed; a deficit of 57 pupil places (of which 52 are existing and 5 are created by this development). There are no other upper schools within a three mile walking distance of the site.

In order to provide the additional upper school places anticipated by the proposed development the County Council would request a contribution for the upper school sector of £91,775.80. The applicant's are agreeable to making this contribution.

Play and Public Open Space

The indicative masterplan shows that provision is proposed to be made for public open space on site including a children's equipped play area close to the site frontage (precise position would be agreed at the reserved matters stage). The Council's play area design guidance requires 20 square metres of play space per dwelling. The scheme would be in accordance with this advice when considering the size of the children's play area and other green infrastructure on the site. On this basis it is considered that a suitable sized children's equipped play area could be provided at the reserved matters stage. Therefore, the proposal is considered to be in accordance with Local Plan Policy L21 and the Play Area Design Guidance SPG.

National Forest Planting

The applicants propose making on-site planting and there is scope at the reserved matters stage to ensure that this extends to 20% of the site area (which would need to equate to a total of 0.7 hectares). The National Forest Company welcomes the proposed National Forest Planting and other proposed habitat creation included in the scheme. This would be secured by a Section 106 agreement.

Civic Amenity

A contribution of £3,554 is proposed to be made by the developer for Civic Amenity facilities in accordance with the requirements of Leicestershire County Council. The applicants are agreeable to making this contribution.

Library Services

A contribution of £2,720 is proposed to be made by the developer for library services in

accordance with the requirements of Leicestershire County Council. The applicants are agreeable to making this contribution.

Healthcare

NHS England (Leicestershire and Lincolnshire Area) requests a healthcare contribution of £7,912.32 as set out in the consultation response above, and relating to proposed expansion of consulting space within GP practices in Coalville based upon a contribution commensurate to the anticipated increased population arising from this development. The applicants are agreeable to making this contribution.

Contributions sought by Leicestershire Police

Leicestershire Police requests a developer contribution of £19,746 in respect of policing as set out in the consultation response above. This money is requested in relation to, amongst other things, start up equipment, additional radio call capacity, improving force communications, CCTV, contribution towards vehicles and extension to premises in Coalville, Enderby and Loughborough.

With regard to the acceptability of police contributions, the issue is not one of principle. The issue is, rather, whether Leicestershire Police can demonstrate that either on-site or off-site infrastructure is necessary and directly related to the impact of the development which is being granted consent, and that any contribution would in fact be used in order to pay for infrastructure which would actually be delivered. It is in this respect that officers remain to be persuaded that the requests in this case are CIL compliant.

Whilst officers acknowledge that such requests have been accepted by Inspectors and the Secretary of State as being CIL compliant in some recent appeal decisions in Leicestershire, and indeed the District (although Inspectors and the Secretary of State have also reached a contrary view on other occasions), and that consistency in decision making is desirable as a matter of policy, a decision as to whether an obligation is directly related to a particular development is one that can only be made on its individual merits.

The continuing controversy surrounding policing contributions is, however, itself undesirable as it creates uncertainty both for Leicestershire Police and developers / landowners as to whether a request for a contribution is likely to be supported in any given case. The Leicestershire Authorities have therefore agreed jointly to seek an independent legal Opinion as to the correct approach to be adopted by local planning authorities to such requests.

Pending the receipt of Counsel's Opinion, it is not possible to reach a conclusion on whether the proposed policing contribution would meet with the CIL tests at this particular time. Should Counsel advise that Leicestershire Police requests (such as this) are CIL compliant then the principle of requiring such contributions to be secured by way of S.106 planning obligations would be accepted by the Council and required to be paid, subject to any issues of viability being raised. Should the inclusion of policing contributions, when considered alongside other contributions, render a scheme unviable (or more unviable if already so), then the importance of these contributions would need to be considered alongside other material considerations (including, where applicable, relevant planning policies including those within the NPPF and other infrastructure requirements) and a view reached as to whether or not it would be appropriate to secure them by way of a planning obligation.

Insofar as the various developer contributions are concerned, the view is taken that, save where

indicated otherwise above, the proposed obligations would comply with the relevant policy and legislative tests as set out in Circular 05/2005 and the CIL Regulations.

Other Matters

With regards to an assurance that further applications are not submitted on the site, this would not be enforceable. Further planning applications on this site or land in the surrounding area would need to be dealt with on their merits under a separate planning application.

The County Council Archaeologist has no objections to the proposal subject to the imposition of relevant conditions.

Severn Trent Water has no objection to the proposal with regards to drainage subject to the inclusion of relevant conditions. No response has been received from the Environment Agency at the time of writing this report. Should a response be received then this would be reported on the update sheet.

Conclusions

As set out in the main report above, whilst the site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan, and constitutes greenfield land, its release for housing is considered suitable in principle, particularly having regard to the need to release sites in order to meet the District Council's obligations in respect of housing land supply (and the approach taken in respect of such within the NPPF). Whilst the site is located outside of Limits to Development as defined in the adopted Local Plan, having regard to its location adjacent to the existing settlement boundary and its proximity to Ravenstone and Coalville, the proposed development would, overall, be considered to constitute sustainable development as defined in the NPPF and, as such, benefit from a presumption in favour of such development as set out in that document.

The proposed development would be acceptable in terms of transportation and highway safety issues, flood risk and drainage, landscaping and visual impact, ecological impacts, residential amenity, geo-environmental conditions and design. No other technical issues are considered to arise. Appropriate contributions to infrastructure would also be made so as to mitigate the impacts of the proposals on local facilities. It is therefore recommended that outline planning permission be granted subject to conditions and relevant developer contributions.

RECOMMENDATION - PERMIT, subject to the following conditions and the completion of a Section 106 legal agreement;

- 1 Save for the details of vehicular access into the site from Heather Lane, details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") for the relevant phase (as defined under Condition 5 below) shall be submitted to and approved in writing by the Local Planning Authority before any development begins in respect of the relevant phase.

Reason - this permission is in outline only.

- 2 Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the access (save for the details of vehicular access into the site from Heather Lane), appearance, landscaping, layout, and scale shall be submitted in writing to the Local

Planning Authority and shall be carried out as approved.

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

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

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

- 4 The proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by another condition of this planning permission:
- Site Location plan deposited with the Local Planning Authority on 30 September 2013;
 - Drawing no. A092692-001 Rev B (Proposed Site Access Junction) deposited with the Local Planning Authority on 29 November 2013.

Reason - to determine the scope of this permission.

- 5 Notwithstanding Conditions 1, 2 and 3 above, the first reserved matters application shall include a masterplan for the whole of the site setting out indicative details of site layout, areas of open space / children's play, landscaping, density parameters and scale, as well as details of any proposed phasing of development. All subsequent reserved matters applications shall be in accordance with the approved masterplan unless any alteration to the masterplan is first agreed in writing by the Local Planning Authority. All development of the site shall thereafter be undertaken in accordance with the agreed phasing and timetable details (or any alternatives subsequently agreed in writing by the Local Planning Authority).

Reason - to ensure that the development of the site (including where undertaken in a phased manner) takes place in a consistent and comprehensive manner.

- 6 A total of no more than 50 dwellings shall be erected.

Reason - to define the scope of this permission.

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

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

- 8 No development shall commence on site until provision has been made for the satisfactory disposal of foul and surface water from the site in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason - to 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.

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

Reason - to ensure the scheme provides for a sustainable form of development.

- 10 The first reserved matters application in respect of the matter of landscaping shall provide for a ecological/landscape management plan (including for trees and hedges), including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), together with a timetable for its implementation. The development shall be carried out in accordance with the landscape management plan, or in accordance with any subsequent variations first submitted to and agreed in writing by the Local Planning Authority.

Reason - to ensure the protection of wildlife and supporting habitat, to secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy and to provide for an appropriate form of development.

- 11 The first reserved matters application shall be accompanied by a further building for life assessment.

Reason - to provide evidence that demonstrates detailed compliance with Building for Life 12.

- 12 No development shall commence on the site until such time as a programme of archaeological work, commencing with an initial phase of geophysical survey and trial trenching, has been detailed within a Written Scheme of Investigation first submitted to and agreed in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions, and:

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

No development shall take place at any time other than in accordance with the agreed Written Scheme of Investigation. None of the dwellings shall be occupied until such time as the site investigation and post investigation assessment has been completed in accordance with the programme set out in the agreed Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason - to ensure satisfactory archaeological investigation and recording, and to comply with the NPPF.

- 13 Prior to first occupation of any dwelling the site access details as shown on drawing no A082692-001 revB shall be provided.

Reason - to ensure a safe and appropriate access to the site for all users of the highway.

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

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

- 15 No development shall commence on the site until such time as a construction traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

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

Notes to applicant

- 1 The County Ecologist advises that at the reserved matters stage it is recommended that a gap is left between the woodland and the allotments in order to avoid excessive shading of the plots.
- 2 The National Forest Company expects the reserved matters submission to demonstrate a wooded character in its design, to reflect the site's position within The National Forest, through the inclusion of street trees and the incorporation of a natural play area.
- 3 The Council's Urban Designer expects the reserved matters submission to draw inspiration from the positive and distinctive characteristics of the village through layout, form and appearance (including materials). Consideration should also be afforded to softening the southern boundary, perhaps through the use of 1.5 storey dwellings to avoid such an abrupt end to built form within the village.
- 4 All works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Highways Manager- (telephone 0116 3050001).

If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development. If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.

The Developer will be required to enter into an agreement with the Highway Authority under Section 278 of the Highways Act 1980 for works within the highway and detailed plans shall be submitted and approved in writing by the Highway Authority. The Section 278 Agreement must be signed and all fees paid and surety set in place before the highway works are commenced.

Please be aware that Leicestershire County Council as Lead Local Flood Authority (LLFA) are currently not a statutory consultee to the planning process for drainage matters. When Schedule 3 of the Flood and Water Management Act 2010 is implemented Leicestershire County Council will become the SuDs Approval Body (SAB) and also a statutory consultee of the planning process. The SAB role is currently anticipated to commence in April 2014. You will need to contact Leicestershire County Council if you have an aspiration for us to adopt any SuDs features associated with the development. Please e-mail roadadoptions@leics.gov.uk if you wish to discuss further

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6

Your attention is drawn to the comments received from Natural England (ref: 100420).
A section 106 agreement would be required in order to make the development acceptable and would need to include the following:

- Provision of on-site affordable housing
- National Forest Planting (on-site)
- Financial contribution in respect of healthcare
- Financial contribution in respect of education
- Financial contribution in respect of libraries
- Financial contribution in respect of civic amenity
- Potential contribution in respect of policing should Counsels opinion conclude that it is CIL compliant
- Provision / maintenance of a children's play area
- Provision of travel packs to first occupiers of the new dwellings
- Provision of bus passes to first occupiers of the new dwellings
- Improvements to the two nearest bus stops (including raised and dropped kerbs and real time information (RTI))
- Information display case at west bound bus stop on Leicester Road
- A contribution towards a MOVA unit to improve traffic flow on the A447/Leicester Road (this could be £3000 or £6000 depending on whether other applications in Ravenstone are approved)
- Section 106 monitoring

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

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PLANNING APPLICATIONS- SECTION A

Residential development of up to 65 dwellings along with a new access, amenity space and associated works (Outline - All matters other than part access reserved)

**Report Item No
A3**

Land At Ibstock Road Ravenstone Coalville Leicestershire

**Application Reference
13/00626/OUTM**

Applicant:

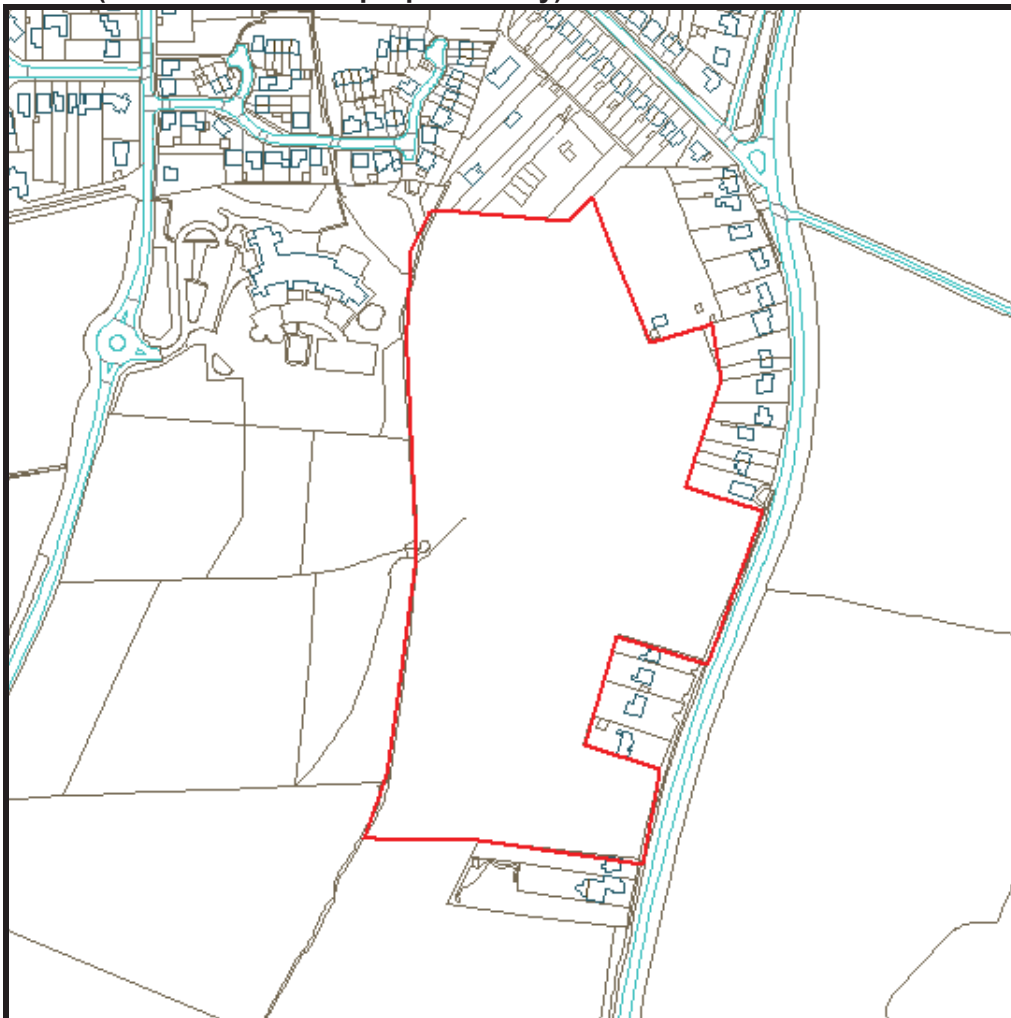
**Date Registered
14 August 2013**

**Case Officer:
James Mattley**

**Target Decision Date
13 November 2013**

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

Site Location (Plan for indicative purposes only)



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Executive Summary of Proposals and Reasons for Approval

Proposal

This application seeks outline planning permission for residential development of up to 65 dwellings. Part access arrangements are included for consideration at this stage but all other matters are reserved.

Consultations

Members will see from the main report below that some objections have been received from surrounding neighbours. However, there are no objections raised from any statutory consultees.

Planning Policy

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

Conclusion

The report below indicates that, whilst the site is a greenfield site outside Limits to Development, having regard to the site's general suitability for housing and the opportunity to contribute towards the identified shortfall of housing across the district, release of the site for residential development would be appropriate in principle. The proposed development is considered acceptable in terms of access issues; there are no other technical issues that would indicate that planning permission should not be granted, and appropriate contributions to infrastructure would also be made so as to mitigate the impacts of the proposals on local facilities.

RECOMMENDATION:- PERMIT, SUBJECT TO SECTION 106 OBLIGATIONS, AND SUBJECT TO THE IMPOSITION OF CONDITIONS

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

MAIN REPORT

1. Proposals and Background

This is an outline planning application for residential development of up to 65 dwellings on a site of approximately 7.14 hectares to the west of Ibstock Road, Ravenstone. The site is relatively flat, arable farmland with mature hedgerows and trees located along the site boundaries. Whilst all matters other than part access are reserved for subsequent approval, an illustrative masterplan has been submitted showing the proposed dwellings, together with a children's play area, significant areas of landscaping, national forest planting and allotments. The site is located outside of the settlement boundary as defined by the Local Plan.

Vehicular access is proposed onto Ibstock Road, at the point of an existing field gate, and would be sited around 25 metres east of 76 Ibstock Road. There are residential properties that front onto Ibstock Road and which would back onto the proposed development site although further to the eastern and western boundaries are areas of open countryside. To the north of the application site are further residential properties in Ravenstone and the Woodstone Primary School is located adjacent to the north-western boundary. A public footpath (N83) extends diagonally across the site and would link the proposed development to the Woodstone Primary School and the Millers Walk housing estate.

2. Publicity

22 no. Neighbours have been notified (Date of last notification 15 August 2013)

Site Notice displayed 21 August 2013

Press Notice published 28 August 2013

3. Consultations

Ravenstone With Snibston Parish Council consulted 15 August 2013

Head of Environmental Protection consulted 29 August 2013

DEFRA consulted 6 November 2013

County Highway Authority consulted 16 August 2013

Environment Agency consulted 16 August 2013

Severn Trent Water Limited consulted 16 August 2013

Head of Environmental Protection consulted 16 August 2013

Natural England consulted 16 August 2013

NWLDC Tree Officer consulted 16 August 2013

County Archaeologist consulted 16 August 2013

LCC ecology consulted 16 August 2013

NWLDC Urban Designer consulted 16 August 2013

LCC Development Contributions consulted 16 August 2013

NHS Leicester, Leicestershire And Rutland Facilities Managme consulted 16 August 2013

Development Plans consulted 16 August 2013

Head Of Leisure And Culture consulted 16 August 2013

Police Architectural Liaison Officer consulted 16 August 2013

Manager Of Housing North West Leicestershire District Council consulted 16 August 2013

LCC/Footpaths consulted 16 August 2013

Highways Agency- Article 15 development consulted 16 August 2013

National Forest Company consulted 16 August 2013

4. Summary of Representations Received

Ravenstone Parish Council provides the following comments:

Ravenstone Parish Council are currently in a very difficult position. Whilst they do not have concerns about the layout and design of this proposed development, we do express great concern that it is being viewed as an independent application, and is not taking into account the other applications being passed, or in the system at the current time effecting Ravenstone.

The road networks, and infrastructure cannot cope with the influx of building and additional vehicular activity being pushed onto it.

The school is over subscribed.

Doctors, Dentists and other facilities are already stretched to the limits.

Parking in Ravenstone is a major concern, inadequate provision is being made on the developments, pushing the cars out parking onto the surrounding roads, which are getting busier and busier, with moving traffic.

The drainage is an issue in Ravenstone.

The green spaces are being swallowed up and pushing Ravenstone village closer to a Coalville and Hugglescote merger.

We do not feel that enough consideration has been made by County Highways, for the impact that these developments will have to the already congested roads.

Should the Planning committee be mindful to accept this application, we would ask that as a parish council we work directly with the developer with regards to the section 106 funding and ensure it is used for the people of Ravenstone to target the areas needed.

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

Highways Agency offers no objection to the proposals.

Hugglescote and Donington Le Heath Parish Council has responded as a neighbouring Parish Council. The Parish Council raises concerns over traffic flow particularly at Hugglescote crossroads and could result in more serious accidents occurring. Concern is also expressed regarding sewage and drainage in the area which could pose a risk to the environment and ecology.

Leicestershire County Council Archaeologist raises no objection subject to the imposition of relevant conditions.

Leicestershire County Council Ecologist considers that the ecology report is satisfactory and has no concerns about the development in principle. However, a holding objection was raised until such time as amended information was submitted in relation to the great crested newt assessment.

Leicestershire County Council Local Education Authority requests a contribution of £308,053.10.

Leicestershire County Highway Authority originally commented that further speed reduction measures would be required along with the submission of a stage 1 safety audit. Following the submission of amended plans the County Highway Authority raises no objections subject to the inclusion of relevant planning conditions and obligations.

Leicestershire County Council Highway Transportation & Waste Management Authority requests a developer contribution of £4,620 in order to mitigate the impact on civic amenity waste facilities in the local area.

Leicestershire County Council Library Services Development Manager requests a contribution of £3,940.

Leicestershire County Footpaths Officer has no objections subject to the existing footpath that runs through the site being upgraded to a minimum surfaced width of 2.0 metres along with it being extended outside of the application site.

Leicestershire Police requests a contribution of £28,683.

National Forest Company welcomes the level of strategic landscaping and raises no objection to the proposed application subject to the inclusion of relevant planning conditions and obligations.

Natural England raises no objections to the proposed development subject to conditions.

NHS England requests a financial contribution of £11,314.61 to address capacity issues at the GP surgery in Coalville.

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

North West Leicestershire Environmental Protection Section has no environmental observations.

Severn Trent Water has no objections subject to conditions.

A total of 12 number of representations have been received objecting to the application on the following grounds:

- _ Concerns regarding trespassing;
- _ How will the open space be separated from surrounding residential properties;
- _ The surface water drainage proposals could result in flooding;
- _ National Forest Planting would be located close to neighbouring residential properties;
- _ Who will be responsible for maintaining the public area from litter etc_
- _ How will the site be made secure from travellers_
- _ The proposal would generate too much traffic for the surrounding road network;
- _ There are no facilities in the surrounding area;
- _ The houses being provided would not be affordable;
- _ Requires an assurance that further housing applications are not submitted on the site;
- _ Does HS2 have an impact on the site_
- _ The local school is already at capacity;
- _ Does the police have enough resources to cover this development;

- _ No leisure or sports facilities are planned;
- _ Is there any provision for public transport_
- _ Is there provision for each house to store waste bins to the rear of the property_
- _ Traffic should be connected to Millers Walk;
- _ The highway issues should not be considered in isolation given existing and proposed residential schemes in the area;
- _ Increased levels of noise from the surrounding road network;
- _ Proposal would result in the loss of farmland;
- _ The scheme would result in the devaluation of surrounding property;
- _ No development plan exists in the area;
- _ Impacts on the privacy of existing houses;
- _ Will impact on the landscape on the approach to the village;
- _ Destruction of fauna and flora habitat;
- _ No consideration towards education, health, leisure or commercial facilities;
- _ Consider the existing bus service to be poor;
- _ A GP surgery should be provided on site;
- _ General disturbance to surrounding residents;
- _ Light and noise pollution;
- _ Ravenstone is taking a disproportionate amount of development;
- _ There are no provision for cyclists;
- _ Request a further traffic count.

5. Relevant Planning Policy

National Policies

National Planning Policy Framework

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

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

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

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

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

- approving development proposals that accord with the development plan without delay;
- and
- where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted."

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

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

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

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

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

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

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

"59 Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally."

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

"100 Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it

safe without increasing flood risk elsewhere."

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

[Further advice on flooding is contained within the DCLG's Technical Guidance to the National Planning Policy Framework.]

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

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

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

"120 To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location.... Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner."

"121 Planning policies and decisions should also ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;...
- .- adequate site investigation information, prepared by a competent person, is presented."

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

"124 Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan."

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

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

- necessary to make the development acceptable in planning terms;

- directly related to the development; and
- fairly and reasonably related in scale and kind to the development."

Adopted North West Leicestershire Local Plan (2002)

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

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

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

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

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

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

Policy E1 seeks to prevent development within the Sensitive Areas, which would adversely affect or diminish the present open character of such areas.

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

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

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

Policy E6 seeks to prevent development where it would prejudice the comprehensive development and proper planning of a larger area of land of which the site concerned forms part.

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

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

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

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

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

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

Policy L22 provides that major new development will only be permitted where adequate provision is made for open space for formal recreation use.

Other Policies

North West Leicestershire District Council Affordable Housing SPD

Key Principle AH2 provides that affordable housing will be sought on all sites of 5 or more dwellings in the Ravenstone area.

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

North West Leicestershire District Council Play Area Design Guidance SPG

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

Submission Core Strategy (April 2012)

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

6. Assessment

Principle of Development

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

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

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

policies.

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

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

Whether or not this site would be considered "appropriate" is a matter of judgement; having regard to its location outside Limits to Development, it could be argued that it would not be. This policy nevertheless sets out criteria relevant to release of land. Insofar as the site's location is concerned, and whilst it is outside Limits to Development, it is well related to the existing built up area of the settlement.

In terms of the site's greenfield status, it is accepted that the site does not perform well. However, this issue needs to be considered in the context of the need to demonstrate and maintain a five year housing land supply in the District, and the need for sites to be released to meet this need. Given the need to provide significant areas of housing land as set out below, it is considered inevitable that greenfield land will need to be released in order to maintain a five year supply of deliverable sites, as well as (as in this case) land not allocated for housing development in the adopted Local Plan. Furthermore in respect of Policy H4/1, this would represent a policy relating to the supply of housing and, as such, its relevance also needs to be considered in the context of Paragraph 49 of the NPPF (considered in more detail under Housing Land Supply below).

Housing Land Supply and Limits to Development

The NPPF requires that the Council should be able to identify a five year supply of housing land and include an additional buffer of 5% or 20% depending on previous performance in terms of delivery of housing. The appeal decision of May 2013 in respect of land south of Moira Road, Ashby de la Zouch, found that the "Sedgefield" approach should be used (an approach to assessing land availability also suggested as appropriate within the draft National Planning Practice Guidance) and that a buffer of 20% should be allowed for. On this basis, the District Council's most recent calculations indicate that the Council is only able to demonstrate a supply of 4.43 years which represents a significant shortfall vis-à-vis the requirements of the NPPF.

The consequences of an inability to demonstrate a five year supply are profound. Paragraph 49 of the NPPF advises that "Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites". Policy S3 of the adopted Local Plan (Limits to Development) is not considered to be a relevant policy for the supply of housing (see the recent judgment in respect of the application to quash the Secretary of State's decision to dismiss the Stephenson Green appeal), notwithstanding that a contrary view has been taken elsewhere (and including by the Secretary of State on appeal), and accordingly the policy should not be considered to be out of date. Nevertheless, as the Limits to Development as defined in the adopted Local Plan were drawn having regard to housing requirements up until the end of the Plan Period (i.e. to 2006) less weight should be attributed to any conflict with Policy S3 in the overall planning balance.

In addition, the NPPF's provisions do not specifically seek to preclude development within the

countryside, and consideration must therefore be given to whether the proposals constitute sustainable development (including in its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF.

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. Insofar as the environmental role is concerned, whilst the proposed development would result in the development of land outside of the defined Limits to Development, as set out in more detail below, the proposed development would not result in any unacceptable impacts on the natural, built or historic environment. The sustainability credentials of the site are set out in more detail below.

Sustainability

As set out above, the application site is an unallocated site, located outside the limits to development in the adopted Local Plan. In terms of the sustainability of the site, Ravenstone provides a good range of day to day facilities including a primary school, general store, village/community hall, recreational facilities and public house. There is also a reasonable level of public transport; the Arriva 9A service provides an hourly service Monday to Friday from 0705 to 1830 and a Saturday service from 0720 to 1830 between Burton upon Trent and Coalville.

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

Bus Stop - 750 metres
Primary School - 300 metres
Post Office - 550 metres
Open Space - 650 metres
Village Hall - 650 metres
Public House - 700 metres

The application site is within 800 metres (preferred maximum walking distance) of the services listed above. Taking these matters into account, it is considered that the site would be located within a sustainable area.

Sensitive Area

Two small parts of the subject site are designated within the Local Plan under Policy E1 as a Sensitive Area. Paragraph 4.7 of the Local Plan states that: *The need to protect open areas within or closely related to urban areas is widely recognised. There are many instances of important open areas within or adjoining settlements which contribute positively to the character of the settlement concerned, its streetscene or its setting or approaches. It is important that such areas are kept free from development in view of the contribution they make to local environmental quality. Sensitive areas of open land can include the following:*

- (a) *Important open breaks in street frontages;*
- (b) *Important amenity or other open areas within settlements;*

- (c) *Important settings and approaches to settlements; and*
- (d) *Ends of sporadic or ribbon development.*

This policy is supported by the advice in the NPPF which seeks to protect valued landscapes as well as its key principles to conserve and enhance the natural environment and recognising the character and beauty of the countryside. However, it must be noted, as with Policy S3 mentioned above, that any sensitive area designations were drawn having regard to housing requirements up until the end of the Plan Period (i.e. to 2006) and, therefore, less weight should be attributed to any conflict with Policy E1 in the overall planning balance.

The sensitive area located to the south (between 98 Ibstock Road and 82 Ibstock Road) would be largely unaffected as there is no built development proposed in this part of the site. The sensitive area located further to the north (between 76 Ibstock Road and the Scout Hut) would include for built development within it and has the potential to impact upon the sensitive area designation. However, the proposals include for a 20 metre soft landscaped buffer to the site frontage that would help to soften any impacts of the sensitive area.

On this basis, it is not considered that the application should be refused in relation to Policy E1 of the Local Plan or the advice in paragraph 109 of the NPPF given the status of the saved policy and the design and layout of the proposed scheme.

Scale of Development and Cumulative Impacts

It is appropriate to consider the scale of the proposed development compared to Ravenstone so as to understand its potential impact upon the scale and character of Ravenstone.

In terms of likely future needs the GL Hearn Leicester and Leicestershire Housing Requirements Study which was used to inform the housing requirement in the now withdrawn Core Strategy includes information regarding future natural change across the district. Based on this up to 59 dwellings would be required when looking at Ravenstone Village (that is all that part within the limits to development identified in the Local Plan from Church Lane to the Leicester Road crossroads) and up to 89 dwellings for Ravenstone parish. However, natural change makes no allowance for migration or changes in the age structure and so can only be regarded as an indicator of minimum future needs.

It is estimated that there are 588 properties in the village of Ravenstone within the Limits to Development in the adopted Local Plan. This proposal for 65 dwellings would represent an 11% increase in the existing number of dwellings. There are 945 properties in the Parish of Ravenstone; an additional 65 dwellings would represent a 7% increase in the existing number of dwellings.

In the absence of any other definitive figures, by way of comparison, the housing requirement proposed in the now withdrawn Core Strategy (9,700 dwellings) represented an increase of 23% in the number of dwellings compared to the plan start date of 2006 (estimated that there were 42,297 dwellings in 2006). Therefore, the proposed development would represent a lower level of growth than that for North West Leicestershire as a whole and this development alone would not result in a significant increase in development to the village. It is considered unlikely that the scale of this development alone would be detrimental to the local character of the area.

However, there are outstanding applications in Ravenstone for the development of 27 dwellings (Church Lane) and for up to 50 dwellings (off Heather Lane), reported separately in this agenda, and consideration should also be given to the cumulative impact of all of these developments.

Taking into account the other two proposals (27 dwellings at Church Lane and 50 dwellings at Heather Lane) there would be an additional 142 dwellings which would represent an increase of 24% in the existing number of dwellings in the defined limits of development of Ravenstone and 15% increase in the number of dwellings in the Parish of Ravenstone. There is also a site at Coalville Lane, Ravenstone that is currently being developed and 35 of its dwellings are located in the Parish of Ravenstone. If these dwellings were included within the cumulative calculation as well, this would represent an increase of 19% of the dwellings within the Parish of Ravenstone.

Therefore in terms of scale the scheme is considered to be acceptable. With regards to cumulative impacts, the proposals identified above would only represent a slighter higher growth than that for North West Leicestershire as a whole, as was detailed in the Core Strategy. Taking this into account, it is not considered that the scheme should be refused on cumulative impacts.

Loss of Agricultural Land

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

Paragraph 112 of the NPPF suggests that, where significant development of agricultural land is demonstrated to be necessary, poorer quality land should be used in preference to that of a higher quality. Having regard to the five year housing land supply issue as set out above, it would seem inevitable that land outside Limits to Development (much of which will be agricultural in terms of use) will need to be released. Best and Most Versatile (BMV) agricultural land is defined as that falling within in Grades 1, 2 and 3a of the Agricultural Land Classification (ALC). The application site falls within Grade 2 of the ALC and would, therefore, represent BMV.

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

Nevertheless, in terms of agricultural land quality, it is not considered that the proposed development sits particularly comfortably with the requirements of the NPPF and, in particular, the aims of Paragraph 112. However, this would need to be weighed against other material considerations and, whilst there would be adverse impacts in this regard, these concerns would not be so significant as to outweigh the considerations in favour of the scheme. When considered in the context of the five year housing land supply issue, and the benefits of releasing the site to assist in maintaining such supply, it is considered that the agricultural land quality issue is not sufficient to suggest that planning permission should be refused, particularly given the relatively limited extent of the loss (i.e. 7.14ha). DEFRA has been consulted on this issue, but no response has been received.

Conclusions in respect of the Principle of Development and Planning Policy

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

The site is outside Limits to Development in the adopted Local Plan and its development for housing would therefore be contrary to Local Plan Policy S3, a policy designed to protect the countryside for its own sake.

However, the site's general suitability for housing (including its proximity to both Ravenstone and Coalville) is also material, together with the need for the District to release significant areas of land for housing to ensure the provision and maintenance of a five year supply of land and to accord with the Government's intention to stimulate growth through a presumption in favour of sustainable development (as set out in the NPPF). An important consideration is that the Council must demonstrate and maintain a five year supply of housing land (with a 20% buffer) as required by the NPPF, which is considered to be a material consideration of some significance.

Having regard to all of the above it is considered overall that the proposed development of the site is acceptable in principle.

Highway Safety

All matters are reserved for subsequent approval except for access. Whilst the illustrative layout shows internal access roads and pedestrian links through the site, these would be a matter for the reserved matters stage(s) (although their impact on the overall potential accessibility and connectivity of the site still ought to be considered). The point of access proposed under the current application is via a new 5.5 metre wide access road off Ibstock Road along with new gateway entrance features and vehicular activated signs (VAS) in order to reduce the speed of traffic. The traffic speed on this stretch of road is 40mph.

The County Highway Authority (CHA) originally advised that a stage 1 safety audit was carried out and further speed reduction measures included as part of the proposals. This information has now been submitted and an amended plan has been received showing the amendments requested by the County Highway Authority.

In relation to this the County Highway Authority advise that their previous concerns have been addressed and consider that the access geometry (including radii, width and visibility splays) and speed reduction measures are considered acceptable. The County Highway Authority require improvements to the existing footpath (in terms of surfacing and lighting) that runs through the site to ensure the site offers attractive and direct routes to local services and facilities.

The applicants were asked to assess the cumulative highway impacts should this application and the application at Heather Lane (13/00780/OUTM) both be approved. The assessment concludes that there would be a small increase in queuing on the A447/Leicester Road junction and that a contribution towards an updated MOVA controller would be suitable mitigation. The County Highway Authority accepts the conclusions in the assessment and raise no objections to the application on the basis of cumulative highway impacts. The contribution towards an updated MOVA controller would be secured through the Section 106 agreement.

In view of the above, the County Highway Authority raises no objections to the proposals on highway safety grounds subject to conditions, and subject to the contributions set out under Developer Contributions below, which would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use.

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

Neighbours' and Future Occupiers' Amenities

As set out above, the site is proposed to be accessed via Ibstock Road. This area of Ibstock Road is not heavily populated with residential dwellings and, therefore, it is not considered that the increased traffic using local roads generally as a result of the proposed development would lead to unacceptable impacts on residents' amenities. In coming to this conclusion it is noted that the Council's Environmental Protection Team raise no objections to the proposed development in terms of noise or pollution.

In terms of the impacts on neighbouring occupiers arising from the proposed buildings themselves are concerned, this would need to be assessed at the reserved matters stage(s); notwithstanding the details shown on the illustrative layout, there would appear to be no reason in principle why up to 65 units could not be provided on the site in a manner which would not adversely impact upon neighbours' amenities.

Design

The proposed scheme has been assessed by the District Council's Urban Designer, and rated in accordance with CABI's new Building for Life criteria which scores on the basis of red/amber/green rather than a points based scoring system. The Council's Urban Designer has reviewed the proposals and considers the scheme offers the potential to perform well against Building for Life. Given the outline nature of the application, and the scope that the Urban Designer considers there to be for building on the scores achieved thus far on the illustrative layout at the reserved matters stage(s), the Urban Designer raises no objection to the scheme. However, he advises that, in order to achieve positive scores at the reserved matters stage(s) the design principles established in the Design and Access Statement and the illustrative masterplan should be referenced within any decision notice. It is also recommended that any future reserved matters application is accompanied by a further Building for Life assessment. This could be secured through an appropriately worded note to applicant.

Therefore, whilst the scheme is not sufficiently advanced to be assessed fully against Building for Life, it is considered that it has been demonstrated that, in principle, an appropriate scheme could be secured at the reserved matters stage(s), and would comply with the relevant Development Plan policies and advice in the NPPF.

Density

Local Plan Policy H6 provides that, for sites of 0.3 hectares and above, residential development should meet a minimum density of 40 dwellings per hectare within locations well served by public transport and accessible to services, and a minimum density of 30 dwellings per hectare elsewhere. The former advice in PPS3 provided that net dwelling density includes those site areas which will be developed for housing and directly associated uses, including access roads within the site, private garden space, car parking areas, incidental open space and landscaping

and children's play areas. Whilst this has now been superseded in the NPPF the methodology contained within it for working out net dwelling density would, in the absence of any other guidance in the NPPF or Local Plan, still be relevant.

The application site area is given as 7.14 hectares. However, when considering that around 60% of the site area would be taken up by landscaping, buffer zones, allotments, children's play area, wildlife areas etc, the net dwelling density would be in the region of 24 dwellings per hectare. This would not be wholly compliant with Policy H6 of the Local Plan.

However, when having regard to those parts of the site that would not be developed for housing or directly associated uses as indicated on the indicative Masterplan accompanying the application, along with the existing density of the surrounding area and the fact that the Council's Urban Designer raises no objection to the density and layout of the development on the site, it is considered that a reduced density in comparison to that advised in Local Plan Policy H6 is acceptable in this instance.

Landscape and Visual Impact

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

The landscape and visual impact assessment considers the impacts of the proposed development from a total of 9 viewpoints, including points in the immediate vicinity of the application site, as well as from more distant viewpoints.

In terms of landscape the site is characterised by arable farmland with no field boundaries within the site. The site is contained by the Assage Wood to the west of the application site. The report concludes that the impacts of the development on the landscape are moderate in the short to medium term. From a long term perspective the proposed mitigation measures, which include amongst other things further hedgerow and tree planting and landscaped buffers, would result in a long term positive impact.

In terms of the anticipated impacts on public views, the effects are considered to range from moderately adverse to negligible and for all representative viewpoints are not considered significant. This is due to the proposed mitigation measures, the location of the site not being in a visually sensitive area and the well-designed nature of the development proposals.

These conclusions are considered reasonable, and it is accepted that, subject to appropriate landscaping, the visual impacts of the proposals would be reasonable and that, notwithstanding the site's location outside Limits to Development, unacceptable impacts on the amenities of the surrounding area would not be likely to arise.

In terms of the actual amounts of landscaping proposed, the National Forest Company comments that, based on the National Forest Company's guidance, 20% of the area would be required to be provided as woodland planting and landscaping (which would equate to 1.42ha). Whilst the details of the proposed landscaping are limited given the outline nature of the application, there is clearly scope for this to be achieved on site given the extent of the proposed planting/public open space areas identified on the illustrative layout. The National Forest Company welcomes the proposed National Forest planting and other proposed habitat creation measures included in the scheme.

Overall, therefore, subject to a Section 106 to secure the National Forest planting, and subject to an appropriate form of development being proposed at the reserved matters stage(s), it is

considered that the landscape and visual effects of the proposed development are acceptable.

Trees

The application has been accompanied by an arboricultural survey and impact assessment which indicates the presence of trees around the site perimeter. This has been assessed by the District Council's Tree Officer, who considers that the proposed development is unlikely to cause any conflict with existing trees. The provision of a landscape buffer fronting plots 1, 63, 64, 65 is also welcomed. The Council's Tree Officer provides some guidance in terms of highway tree planting and woodland planting which would need to be addressed at the reserved matters stage(s) when landscaping is considered.

Therefore, subject to the imposition of suitably-worded notes to applicant the submitted scheme is considered acceptable in terms of the impact upon trees and in terms of Policy E7.

Ecology

The application is supported by an extended Phase 1 habitat survey. This concludes that the site is dominated by arable land bordered by hedgerows, mature trees and domestic gardens. The arable land has been identified as being of low ecological value.

The survey identifies two statutory designated sites; The River Mease Special Area of Conservation (SAC) and Snibston Grange Local Nature Reserve. No impacts are considered to arise to the SAC, which is located 4.7km away, given that the foul drainage would discharge to the Kelham Bridge pumping station which is outside of the SAC catchment area. The Local Nature Reserve is located around 0.9km east of the site and given that there is no direct linkage to this site then no significant impacts are considered to arise to this designated site. There are a number of non-statutory sites within 1km of the site boundary but the majority of these will not be adversely affected by the development due to the distance from the site and isolation by residential development and infrastructure.

In terms of protected species, some trees were identified as being suitable as bat roosting and bird nesting and all of these trees are to be retained as part of the development proposals. The ecology report also recommends that further bat roosting and bird nesting opportunities are created as part of the development and this could be secured through appropriately worded conditions. No Great Crested Newts have been recorded on the site although records show that they have been found in a pond 0.9km to the east of the application site and suitable habitats may exist 0.34km from the southern boundary.

In response to the application, Leicestershire County Council's Ecologist considers the submitted ecology report to be mainly satisfactory but requested additional information in relation to the way the great crested newt survey has been carried out. However, the ecologist has no concerns about the development in principle as there is a substantial buffer zone shown along the wildlife corridor along the western boundary and there are opportunities for habitat creation. No objections are raised subject to the imposition of conditions including in respect of vegetation removal and appropriate landscaping species being selected. A response is still awaited in respect of the great crested newt survey and any updated information will be reported on the update sheet.

Natural England raises no objection to the proposed scheme. Therefore, subject to the imposition of suitably-worded conditions the submitted scheme is considered acceptable in ecological terms.

Developer Contributions

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

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

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

The relevant developer contributions are listed below.

Affordable Housing

The development is proposed to provide 30% of the scheme as affordable housing (i.e. 20 units, assuming the construction of the maximum 65 dwellings as proposed). In terms of unit types and tenure, the District Council's Strategic Housing Team would currently be seeking the following:

Rented

- 4 x 1 bed homes
- 4 x 2 bed house
- 2 x 3 bed house
- 4 x 2 bed bungalows

Low cost home ownership

- 2 x 2 bed house
- 2 x 2 bed bungalow
- 2 x 3 bed house

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

Transportation Contributions

As set out under Highway Safety above, the County Highway Authority has requested the following developer contributions, required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use.

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

_ 6 month bus passes (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £325 per pass (NOTE it is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate).

_ New/Improvements to 2 nearest bus stops (including raised and dropped kerbs to allow level access); to support modern bus fleets with low floor capabilities. At £3263 per stop.

_ Information display case at west bound bus stop on Leicester Road to inform new residents of the nearest bus services in the area. At £120 per display.

_ Real Time Information (RTI) displays at 2 nearest bus stops; as RTI is known to increase bus patronage where it is available [source - www.dft.gov.uk/itstoolkit/case-studies.htm]. At a total of £2700 per display calculated as follows:

£300 per: ETM (Electronic Ticket Machine) upgrade cost, for nearest suitable bus service, X 8 buses (based on data for: Arriva 9A service) = £2400

£150 per: Information Point sign (non-electronic display), X 2 number of signs =£300

_ In order to mitigate the impacts of the development on the A447/Leicester Road signalised junction which already suffers from congestion and delays at peak times, a contribution of £6000 is required towards an updated MOVA unit with associated software and licence, validation and controller reconfiguration. This will improve traffic flow at the junction and help to reduce delays which would have been created with the additional traffic from the development.

The applicants are agreeable to making these contributions.

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 Woodstone Community Primary School. The School has a number on roll of 211 and 299 pupils are projected on the roll should this development proceed; a deficit of 88 places (of which 72 are existing and 16 are created by this development).

There is 1 other infant school, 1 other junior school and 2 other primary schools within a two mile walking distance of the development:

Hugglescote Community Primary School Deficit 230

Ibstock Junior School Deficit 8

All Saints Church of England Primary School Coalville Deficit 54

St Denys Church of England Infant School Ibstock Deficit 45

The overall deficit including all schools within a two mile walking distance of the development is 425 places. The 16 deficit places created by this development can therefore not be accommodated at nearby schools and a claim for an education contribution of 16 pupil places in the primary sector is justified.

In order to provide the additional primary school places anticipated by the proposed development the County Council would request a contribution for the Primary School sector of £188,744.56. The applicant's are agreeable to making this contribution.

High School Requirements:

The site falls within the catchment area of Ibstock Community College. The College has a net

capacity of 705 and 687 pupils are projected on roll should this development proceed; a surplus of 18 places after taking into account the 7 pupils generated by this development. An education contribution will therefore not be requested for this sector.

Upper School Requirements:

This site falls within the catchment area of Ashby School. The School has a net capacity of 1841 and 1883 pupils are projected on roll should this development proceed; a deficit of 42 pupil places (of which 35 are existing and 7 are created by this development). There are no other upper schools within a three mile walking distance of the site.

In order to provide the additional upper school places anticipated by the proposed development the County Council would request a contribution for the upper school sector of £119,308.54. The applicant's are agreeable to making this contribution.

Play and Public Open Space

The application submission indicates that provision is proposed to be made for 3.8 ha of public open space on site, including a children's play area (LEAP). Taking into account the overall size of the recreation areas on the site, a suitable sized children's equipped play area could be provided at the reserved matters stage. Therefore, the proposal is considered to be in accordance with Local Plan Policy L21 and the Play Area Design Guidance SPG.

National Forest Planting

The applicants propose making on-site planting and there is scope at the reserved matters stage to ensure that this extends to 20% of the site area (which would need to equate to a total of 1.42 hectares). The National Forest Company welcomes the proposed National Forest Planting and other proposed habitat creation included in the scheme. This would be secured by a Section 106 agreement.

Civic Amenity

A contribution of £4,620 is proposed to be made by the developer for Civic Amenity facilities in accordance with the requirements of Leicestershire County Council. The applicants are agreeable to making this contribution.

Library Services

A contribution of £3,940 is proposed to be made by the developer for library services in accordance with the requirements of Leicestershire County Council. The applicants are agreeable to making this contribution.

Healthcare

NHS England (Leicestershire and Lincolnshire Area) requests a healthcare contribution of £11,314.61 as set out in the consultation response above, and relating to proposed expansion of consulting space within GP practices in Coalville based upon a contribution commensurate to the anticipated increased population arising from this development. The applicants are agreeable to making this contribution.

Contributions sought by Leicestershire Police

Leicestershire Police requests a developer contribution of £28,683 in respect of policing as set out in the consultation response above. This money is requested in relation to, amongst other things, start up equipment, additional radio call capacity, improving force communications, CCTV, contribution towards vehicles and extension to premises in Coalville, Enderby and Loughborough.

With regard to the acceptability of police contributions, the issue is not one of principle. The issue is, rather, whether Leicestershire Police can demonstrate that either on-site or off-site infrastructure is necessary and directly related to the impact of the development which is being granted consent, and that any contribution would in fact be used in order to pay for infrastructure which would actually be delivered. It is in this respect that officers remain to be persuaded that the requests in this case are CIL compliant.

Whilst officers acknowledge that such requests have been accepted by Inspectors and the Secretary of State as being CIL compliant in recent appeal decisions in Leicestershire, and indeed the District, and that consistency in decision making is desirable as a matter of policy, a decision as to whether an obligation is directly related to a particular development is one that can only be made on its individual merits.

The continuing controversy surrounding policing contributions is, however, itself undesirable as it creates uncertainty both for Leicestershire Police and developers/landowners as to whether a request for a contribution is likely to be supported in any given case. The Leicestershire Authorities have therefore agreed jointly to seek an independent legal Opinion as to the correct approach to be adopted by local planning authorities to such requests.

Pending the receipt of Counsel's Opinion, it is not possible to reach a conclusion on whether the proposed policing contribution would meet with the CIL tests at this particular time. Should Counsel advise that the Leicestershire Police request in this case is CIL compliant then the principle of requiring such contributions to be secured by way of S.106 planning obligations would be accepted by the Council and required to be paid, subject to any issues of viability being raised.

Insofar as the various developer contributions are concerned, the view is taken that, save where indicated otherwise above, the proposed obligations would comply with the relevant policy and legislative tests as set out in Circular 05/2005 and the CIL Regulations.

Other Matters

A public footpath Q93 extend along the eastern boundary of the site. The County Council's Rights of Way Officer has no objections but suggests that a condition is included to secure improvements to the footpath (including to its width and surfacing). This would need to be addressed at the reserved matters stage (as internal access is reserved for later consideration) and, therefore, a suitable note to applicant has been recommended.

One letter of representation has been received indicating that traffic should be connected to Millers Walk. It is unclear whether this relates to pedestrian or vehicular traffic. A pedestrian link would be available between the application site and Millers Walk via the existing public footpath network. In terms of vehicular traffic, the County Highway Authority consider that the existing access arrangements off Ibstock Road are acceptable.

In terms of drainage, Severn Trent Water and the Environment Agency have no objections to

the development subject to the imposition of conditions and, therefore, the development of the site is considered acceptable in this regard.

The proposed line of HS2 would have no bearing on the application site given that it is located approximately 2km away from the application site. It is also noted that the proposed line of HS2 is only at the consultation stage and, therefore, is subject to change.

Issues regarding boundary treatments between existing/proposed residential properties and bin storage requirements would be matters to be considered as part of the reserved matters application. Suitable tree species would need to be selected at the reserved matters stage to avoid issues on surrounding residential properties (particularly 98 Ibstock Road, Ibstock).

With regards to neighbour concerns raised but not addressed above, issues regarding property values and trespassing are not planning matters and, therefore, should not be considered in the determination of this planning application. With regards to an assurance that further applications are not submitted on the site, this would not be enforceable. However, the Section 106 legal agreement can indicate the proposed area for development and the public open space/National Forest areas as separate hatched section(s) so that it is clear to the extent of development.

Conclusions

As set out in the main report above, whilst the site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan, and constitutes greenfield land, its release for housing is considered suitable in principle, particularly having regard to the need to release sites in order to meet the District Council's obligations in respect of housing land supply (and the approach taken in respect of such within the NPPF). Whilst the site is located outside of Limits to Development as defined in the adopted Local Plan, having regard to its location adjacent to the existing settlement boundary and its proximity to Coalville, the proposed development would, overall, be considered to constitute sustainable development as defined in the NPPF and, as such, benefit from a presumption in favour of such development as set out in that document.

The proposed development would be acceptable in terms of transportation and highway safety issues, flood risk and drainage, landscaping and visual impact, ecological impacts, residential amenity, geo-environmental conditions and design. No other technical issues are considered to arise. Appropriate contributions to infrastructure would also be made so as to mitigate the impacts of the proposals on local facilities. It is therefore recommended that outline planning permission be granted subject to conditions and relevant developer contributions.

RECOMMENDATION - PERMIT, subject to the following conditions and the completion of a Section 106 legal agreement;

- 1 Save for the details of vehicular access into the site from Ibstock Road, details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") for the relevant phase (as defined under Condition 5 below) shall be submitted to and approved in writing by the Local Planning Authority before any development begins in respect of the relevant phase.

Reason - this permission is in outline only.

PLANNING APPLICATIONS- SECTION A

- 2 Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the access (save for the details of vehicular access into the site from Ibstock Road), appearance, landscaping, layout, and scale shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

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

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

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

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

- 20289_03_005 Rev B (Site Access Junction Layout) deposited with the Local Planning Authority on 4 October 2013;
- Site Location Plan (as shown on Drawing Number 13-95-01A Rev A) deposited with the Local Planning Authority on 30 September 2013.

Reason - to determine the scope of this permission.

- 5 Notwithstanding Conditions 1, 2 and 3 above, the first reserved matters application shall include a masterplan for the whole of the site setting out indicative details of site layout, areas of open space / children's play, 2.0 metre wide surfaced and lit footpath links through the site, landscaping, density parameters and scale, as well as details of any proposed phasing of development. All subsequent reserved matters applications shall be in accordance with the approved masterplan unless any alteration to the masterplan is first agreed in writing by the Local Planning Authority. All development of the site shall thereafter be undertaken in accordance with the agreed phasing and timetable details (or any alternatives subsequently agreed in writing by the Local Planning Authority).

Reason - to ensure that the development of the site (including where undertaken in a phased manner) takes place in a consistent and comprehensive manner.

- 6 A total of no more than 65 dwellings shall be erected.

Reason - to define the scope of this permission.

- 7 No development (except any demolition permitted by this permission) shall commence on site until a Further Risk Based Land Contamination Assessment, as recommended by the MEC Phase 1 environmental risk assessment July 2013 report ref: 20289/07-13/3430, has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:

- o BS10175 Year 2011+A1:2013 Investigation Of Potentially Contaminated Sites Code of Practice;

PLANNING APPLICATIONS- SECTION A

- o BS 8576 Year 2013 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOCs)
- o BS8485 Year 2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and
- o CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan must be prepared and submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of:

- o CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

The Verification Plan shall be prepared in accordance with the requirements of:

- o Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
- o CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason - to ensure that the land is fit for purpose and to accord with the aims and objectives of paragraph 120 of the NPPF.

- 8 Prior to occupation of any part of the completed development, a Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme and a report showing the findings of the Verification Investigation relevant to either the whole development or that part of the development shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:
 - o Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
 - o Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
 - o Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
 - o Contain Test Certificates of imported material to show that it is suitable for its proposed use;
 - o Demonstrate the effectiveness of the approved Remedial Scheme; and
 - o Include a statement signed by the developer, or the approved agent, confirming that all

the works specified in the Remedial Scheme have been completed.

Reason - to ensure that the land is fit for purpose and to accord with the aims and objectives of paragraph 120 of the NPPF.

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

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

- 10 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated August 2013, Ref: 20289/08-13/3433 undertaken by MEC Ltd. and the following mitigation measures detailed within the FRA:

1. Limiting the discharge rate and storing the surface water run-off generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. Sections 6.3, 6.4 and 8.1 to 8.3.
2. Demonstration within the FRA that the improvement/protection and maintenance of existing ordinary watercourse forming the Western site boundary will be provided through a minimum 8m easement. Section 5.4.
3. Finished floor levels are set no lower than 0.6m above the adjacent top of bank of the ordinary watercourse to Ordnance Datum (AOD). Section 5.4 and 8.4.

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

Reasons - to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the structural integrity of existing ordinary watercourse thereby reducing the risk of flooding. To reduce the risk of flooding to the proposed development and future occupants.

- 11 No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year plus 30% (for climate change) critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

- o Surface water drainage system/s to be designed in accordance with either the National SUDs Standards, or CIRIA C697 and C687, whichever are in force when the detailed design of the surface water drainage system is undertaken.
- o Limiting the discharge rate generated by all rainfall events up to the 100 year plus 30%

- (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- o Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm.
- o Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.
- o Details of how the on site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.

Reason - to prevent the increased risk of flooding, both on and off site.

- 12 No development shall take place until a scheme for foul drainage has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details. The scheme to be submitted shall demonstrate that any additional flows discharging into the foul drainage network will not cause deterioration in the operation (volume or spill frequency) of Combined Sewer Overflows either upstream or downstream of the network.

Reason - an increase in spill frequency or volume would result in the River Sence failing to meet water quality objectives and the risk of deterioration under the Water Framework Directive.

- 13 No development shall commence on site until such time as precise details of the site access arrangements and traffic calming proposal as generally shown on drawing no 20289 03 005 revB) have been submitted to and agreed in writing with the Local Planning Authority. The scheme shall be carried out in accordance with the agreed details prior to first occupation of any dwelling.

Reason - to ensure a safe and appropriate access to the site and control vehicle speeds on the A447 fronting the site.

- 14 No development shall commence on site until such time as a scheme showing a pedestrian link from the site to Woodstone Primary School by upgrading public footpath N83 (by provision of a 2m wide tarmaced surface with lighting, and replacement of the existing footbridge) has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall be carried out in accordance with the approved details prior to first occupation of any dwelling.

Reason - to provide a good quality and convenient pedestrian link to the primary school, bus stops and local services.

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

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

- 16 No development shall commence on the site until such time as a construction traffic/site

traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

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

- 17 The first reserved matters application in respect of the matter of landscaping shall provide for a ecological/landscape management plan (including for trees and hedges), including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), together with a timetable for its implementation. The development shall be carried out in accordance with the landscape management plan, or in accordance with any subsequent variations first submitted to and agreed in writing by the Local Planning Authority.

Reason - to ensure the protection of wildlife and supporting habitat, to secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy and to provide for an appropriate form of development.

- 18 The first reserved matters application shall be accompanied by a further building for life assessment.

Reason - to provide evidence that demonstrates detailed compliance with Building for Life 12.

- 19 No development shall commence on site until such time as a scheme of off-site footpath linkages (including lighting and surfacing) have been submitted to and agreed in writing with the Local Planning Authority. No dwelling shall be occupied until such time as the agreed scheme has been provided in full.

Reason - to provide a good quality and convenient pedestrian link to the primary school, bus stops and local services.

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

Reason - to ensure the scheme provides for a sustainable form of development.

- 21 No site works of any description shall take place on the site until such time as the existing trees to be retained have been securely fenced off in accordance with a scheme that has first been submitted to and agreed in writing with the Local Planning Authority. Within the fenced off areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and back-filled by hand, unless any alteration is first agreed in writing by the Local Planning Authority.

Reason - to ensure that existing trees are adequately protected during construction in the

interests of the visual amenities of the area.

Notes to applicant

- 1 The Council's Tree Officer provides the following comments which will need to be addressed at the Reserved Matters stage:

Highway tree planting is an important element in the scheme and sustainability is dependent upon on the provision of greater verge width for avenue planting to ensure compatibility with new dwellings and road use.

Woodland planting should avoid random mixtures but be based upon a long term silvicultural plan and thinning cycle which enables the retention of species diversity in the tree canopy, shrub layer and woodland edge to compliment the open glades.

- 2 Your attention is drawn to the notes to applicant provided by the Environment Agency (Ref: LT/2013/116659/01-L01).

- 3 The County Highway Authority provide the following notes to applicant:

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

A public footpath / bridleway crosses the site and this must not be obstructed or diverted without obtaining separate consent from Leicestershire County Council.

If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development. If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.

The Developer will be required to enter into an agreement with the Highway Authority under Section 278 of the Highways Act 1980 for works within the highway and detailed plans shall be submitted and approved in writing by the Highway Authority. The Section 278 Agreement must be signed and all fees paid and surety set in place before the highway works are commenced.

Please be aware that Leicestershire County Council as Lead Local Flood Authority (LLFA) are currently not a statutory consultee to the planning process for drainage matters. When Schedule 3 of the Flood and Water Management Act 2010 is implemented Leicestershire County Council will become the SuDs Approval Body (SAB) and also a statutory consultee of the planning process. The SAB role is currently anticipated to commence in April 2014. You will need to contact Leicestershire County Council if you have an aspiration for us to adopt any SuDs features associated with the development. Please e-mail roadadoptions@leics.gov.uk if you wish to discuss further.

All highway related structures, must be designed and constructed in accordance with the current relevant Highways Agency standards, codes of practice and technical memoranda. The design will be subject to the technical-approval procedure set out in

BD 2/12 "Technical Approval of Highway Structures" which is part of the 'Design Manual for Roads and Bridges' that can be found on www.standardsforhighways.co.uk. You must employ a chartered civil or structural engineer with experience in highway structures and approved by the County Council to carry out the design and oversee construction. You should start this approval process at an early stage to avoid delays in completing the Section 38 road adoption agreement, which may delay site works.

Highway related structures will normally include bridges, retaining walls, reinforced soil and anchored earth structures, environmental barriers (including noise barriers and fencing) and all drains, piped and box culverts, sewers and drainage structures, other than bridges, that have a diameter or clear span of more than 900mm. There should be discussion at an early stage to agree which structures we are to adopt. It is likely that the highway authority will seek to adopt the new footbridge to ensure the link between the development and the school and services is maintained in the future. You will have to pay the additional design checking and inspection fees for any highway structure. You must also pay a commuted sum for future maintenance of any highway structure to be adopted.

4 Your attention is drawn to the comments received from Natural England (ref: 95256).
 5 At the reserved matters stage the County Footpath Officer advises that the footpath within the site should ideally comprise a minimum surfaced width of 2 metres together with grass borders of at least 1 metre either side.

6 Before any works associated with the surfacing of the footpath are carried out, the County Council's approval should be obtained to the specification for this purpose. The applicant should contact the Rights of Way Inspector for the area, Mr. S. Daniels, who is based at the Northern Area Highways Office, Mountsorrel (Telephone No. 0116 305 0001). The applicant will otherwise be responsible for ensuring that the legal line of footpath N83 is not affected by any operations associated with the development, and that free access can be exercised safely by pedestrians at all times. Care should be taken to ensure that pedestrians are not exposed to any elements of danger associated with construction works, and wherever appropriate they should be safeguarded from the site by a secure fence. In view of the close proximity of the proposed development to the footpath, particular attention should be given to ensuring that no materials are stored on the line of the right of way and that no Contractors' vehicles are parked either along or across it.

Any damage caused to the surface of the footpath which is directly attributable to works associated with the development will be the responsibility of the applicant to repair at his own expense, to the satisfaction of the Highway Authority.

The applicant should also be advised that no additional structures either of a temporary or a permanent nature should be placed across the route of footpath N83 without the written consent of the Highway Authority having been obtained. Unless a structure has been authorised, it constitutes an unlawful obstruction of the right of way and the County Council would be obliged to require its immediate removal.

If the applicant considers that he will be unable to assure the safety of users of footpath N83 while construction works associated with the proposed development are being undertaken, application would need to be made to the County Council for an Order suspending public rights for the duration of those works. An Application Form for the making of an Order in respect of the temporary diversion or stopping up of a public right of way, together with further details in relation to the process involved, may be obtained by e-mailing roadclosures@leics.gov.uk.

It is not clear whether the applicant intends formally to dedicate as a public right of way

the short path indicated by a broken red line on the Master Plan, which extends between footpath N83 and one of the proposed estate roads at the northern end of the application site. If so, dedication of the route would need to be formalised either by its inclusion in a Section 38 Agreement or by the applicant entering into a Deed of Dedication with the County Council.

The applicant might also wish to consider liaising with the County Council's Property Services Section, with a view to providing an informal pedestrian link between the amenity space in the south western corner of the application site and the permissive access within the adjoining Miners Wood as indicated by broken blue lines on the attached plan. Unless a suitable boundary crossing facility is provided between the development and the Wood, it is likely that pedestrians may be tempted to create their own means of access which may be detrimental to the upkeep of the boundary hedge.

7 Your attention is drawn to the Building for Life assessment produced by the District Council's Urban Designer. The applicants are advised to have regard to the areas identified as having the greatest potential for achieving additional Building for Life points when formulating an appropriate form of development at the reserved matters stage(s).

8 A section 106 agreement would be required in order to make the development acceptable and would need to include the following:

- Provision of on-site affordable housing
- Extent of developable area
- National Forest Planting (on-site)
- Financial contribution in respect of healthcare
- Financial contribution in respect of education
- Financial contribution in respect of libraries
- Financial contribution in respect of civic amenity
- Provision / maintenance of a children's play area
- Provision of travel packs to first occupiers of the new dwellings
- Provision of bus passes to first occupiers of the new dwellings
- Improvements to the two nearest bus stops (including raised and dropped kerbs and real time information (RTI))
- A contribution towards a MOVA unit to improve traffic flow on the A447/Leicester Road (this could be £3000 or £6000 depending on whether other applications in Ravenstone are approved)
- Section 106 monitoring

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

10 For the avoidance of doubt Condition 4 draws reference to the submitted site location plan and does not approved the illustrative masterplan.

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PLANNING APPLICATIONS- SECTION A

Residential of up to 70 dwellings (Class C3). Green infrastructure to include retained vegetation, habitat creation (including new woodland planting), open space, amenity space and play areas, sustainable drainage systems/features, and new walking/cycling/recreational routes. Infrastructure to include highway and utilities and associated engineering works (including ground modelling) and vehicular access via the construction of a new junction off the existing Lower Packington Road (outline - all matters reserved other than access)

**Report Item No
A4**

**Site At Lower Packington Road Ashby De La Zouch
Leicestershire LE65 1TS**

**Application Reference
13/00694/OUTM**

**Applicant:
Hallam Land Management Ltd**

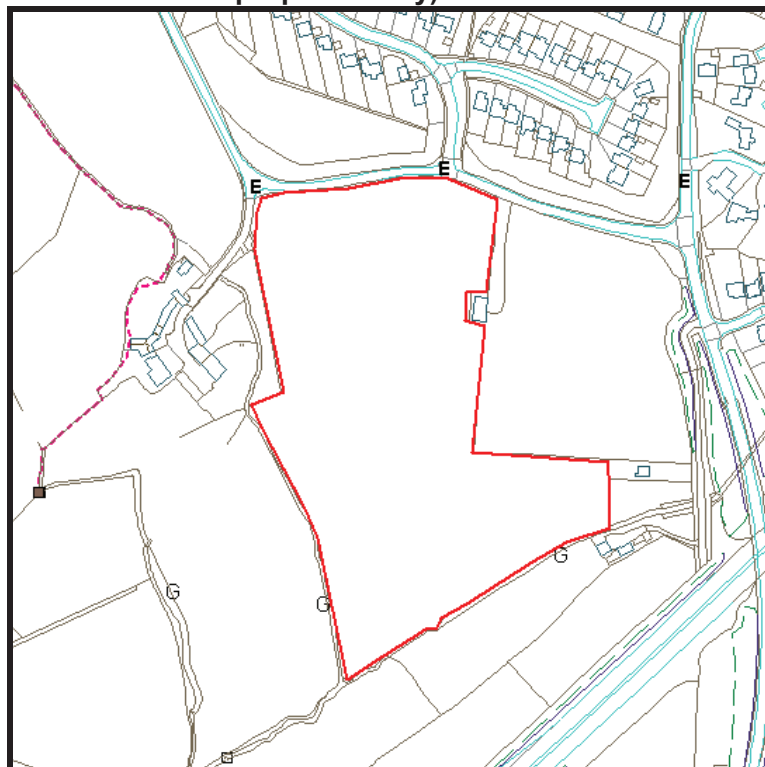
**Date Registered
16 August 2013**

**Case Officer:
James Knightley**

**Target Decision Date
15 November 2013**

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

Site Location (Plan for indicative purposes only)



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Executive Summary of Proposals and Recommendation

Proposal

This application seeks outline planning permission for residential development of up to 70 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 Ashby de la Zouch Town Council).

Planning Policy

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

Conclusion

The report below indicates that, whilst the site is a greenfield site outside Limits to Development, having regard to the site's general suitability for housing (including its proximity to the built up area of Ashby de la Zouch) and the need to demonstrate and maintain a five year supply of housing land within the District, 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 amenity, design and 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.

RECOMMENDATION:-

PERMIT, SUBJECT TO SECTION 106 OBLIGATIONS, AND SUBJECT TO THE IMPOSITION OF CONDITIONS

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

MAIN REPORT

1. Proposals and Background

This is an outline planning application for residential development of a site of approximately 4.7 hectares for up to 70 dwellings on land to the south of Lower Packington Road, Ashby de la Zouch.

All matters are reserved except for part access; whilst all other matters are reserved for subsequent approval, an illustrative masterplan has been submitted showing the proposed dwellings, together with areas of public open space / children's play, proposed and retained tree planting / landscaping and surface water attenuation facilities.

The site is bounded by two watercourses, and is adjacent to various other land uses including agricultural land, residential curtilage and a sports ground.

Vehicular access is proposed by way of a new priority access to Lower Packington Road with a new footway provided to the south side of the road. Some realignment of the existing carriageway / footway within the existing verge to the northern side of Lower Packington Road in the vicinity of the site access would also be undertaken in association with the formation of the access.

In terms of other matters of access (and including non-vehicular routes into the site, and vehicular, cycle and pedestrian routes *through* the site), these are reserved for consideration at the reserved matters stage(s), although the illustrative masterplan indicates connections to the existing right of way connecting the site with adjacent land.

The site was part of a larger site (61 hectares) the subject of previous application (ref. 08/01588/OUTM), subsequently dismissed on appeal by the Secretary of State.

2. Publicity

192 no. Neighbours have been notified (Date of last notification 19 September 2013)

Site Notice displayed 20 September 2013

Press Notice published 25 September 2013

3. Consultations

Ashby De La Zouch Town Council consulted
 Environment Agency consulted 4 December 2013
 Packington Parish Council Victoria Roe consulted 5 September 2013
 County Highway Authority consulted 5 September 2013
 Environment Agency consulted 5 September 2013
 Severn Trent Water Limited consulted 5 September 2013
 Head of Environmental Protection consulted 5 September 2013
 Natural England consulted 5 September 2013
 NWLDC Tree Officer consulted 5 September 2013
 County Archaeologist consulted 5 September 2013
 LCC ecology consulted 5 September 2013
 NWLDC Conservation Officer consulted 5 September 2013
 NWLDC Urban Designer consulted 5 September 2013
 County Planning Authority consulted 5 September 2013

LCC Development Contributions consulted 5 September 2013
NHS Leicester, Leicestershire And Rutland Facilities Managme consulted 5 September 2013
Development Plans consulted 5 September 2013
Head Of Leisure And Culture consulted 5 September 2013
Manager Of Housing North West Leicestershire District Council consulted 5 September 2013
Police Architectural Liaison Officer consulted 5 September 2013
Highways Agency- affecting trunk road consulted 5 September 2013
National Forest Company consulted 5 September 2013
LCC/Footpaths consulted 30 October 2013

4. Summary of Representations Received

Ashby de la Zouch Town Council objects on the following grounds:

- Lower Packington Road should be the boundary for development in Ashby de la Zouch
- Site not sustainable
- Lower Packington Road is narrow and unsuitable for additional traffic generated
- Unsafe vehicular access

Environment Agency has no objections subject to conditions

Highways Agency has no objections

Leicestershire County Council Local Education Authority requests developer contributions of £128,486.12 in respect of additional provision in the upper school sector; no contributions are requested in respect of the primary and high school sectors.

Leicestershire County Council Library Services Development Manager requests a developer contribution of £3,810

Leicestershire County Council Waste Management Authority advises that no developer contributions are required in respect of civic amenity waste facilities

Leicestershire County Council Ecologist has no objections subject to conditions

Leicestershire County Council Landscape Officer has no comments

Leicestershire County Council Highway Authority has no objections subject to conditions and Section 106 obligations

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

Leicestershire Police requests a developer contribution of £29,078 in respect of policing

National Forest Company comments that the proposals have the potential to meet the 20% woodland planting and landscaping requirement as set out in the National Forest Company's Guide for Developers and Planners and has no objections subject to appropriate conditions

Natural England has no objections subject to conditions

NHS England (Leicestershire and Lincolnshire Area) requests a healthcare contribution of £23,331.83

North West Leicestershire District Council Environmental Health has no objections subject to conditions in respect of contaminated land.

Packington Parish Council objects on the following grounds:

- Increased flooding of the Gilwiskaw Brook
- Roads serving the proposed development are unsuitable for the additional traffic generated
- Noise to the site from the A42 and HS2 rail
- Insufficient infrastructure (including public transport, education, healthcare and shops) resulting in increased car journeys by residents
- Greenfield site outside of the development line for Ashby de la Zouch and not projected for development in the proposed Core Strategy

Severn Trent Water has no objections subject to conditions

Third Party Representations

111 representations have been received (and including from the Packington Nook Residents' Association), objecting on the following grounds:

- Site is part of a larger area covered by a previous application for over 1,000 houses in 2008 which attracted overwhelming objections and was dismissed on appeal
- At the previous public inquiry, the Inspector concluded that there would be significant harm to the landscape and to the character of the town, there were shortcomings in the quality of the residential environment on parts of the site owing to noise from the A42, there was an undue risk of harm to road safety, there were shortcomings in the sustainability of the site location, and that the proposals were prejudicial the outcome of the Core Strategy process
- Lower Packington Road site not suitable or sustainable
- Outside Limits to Development in the North West Leicestershire Local Plan
- Previous attempts to build on the Packington Nook site have been disallowed on the basis of loss of amenity and lack of community benefit
- Previous Inspector considered that the visual and landscape impacts of the development would be adverse and of at least moderate or medium significance during the period of development
- As this development borders Lower Packington Road for a significant part there will still be a significant impact on the open countryside southern border of Ashby and thus the visual amenity of the site
- Proposed development will damage the landscape and produce upheaval and distress to local residents - proposed planting little compensation to those affected
- Applicant has not correctly taken into account the projected noise growth from the A42 and the proposed HS2 - associated noise will generate both a constant and impulse noise source that will make the lives of residents at the site extremely uncomfortable and any mitigation from landscaping would be ineffective given the length of time required for it to mature
- Site is poorly located for access to both the town centre and the major routes out of the town, in particular the A42 and the A511
- Congestion on Lower Packington Road and Avenue Road caused by parked cars
- Adverse impact on highway safety
- Lower Packington Road too narrow to accommodate development without widening
- Proposed traffic calming to the area will impact on traffic flow
- Increased traffic / congestion in surrounding area

- Increased traffic will cancel out any traffic calming benefits
- Cumulative transportation impact from all proposed housing developments in the District needs to be considered
- Unsuitable / unsafe position for proposed vehicular access
- Increased hazards for pedestrians from additional vehicular movements
- Poor public transport links
- Development not viable long-term
- Development does not add infrastructure to Ashby de la Zouch
- No affordable housing proposed so residents likely to drive
- Will make Ashby de la Zouch more likely to become a commuter town
- Insufficient infrastructure to accommodate the development (including local employment, education and healthcare)
- Flood risk to the site
- Increased discharge rates to the Gilwiskaw Brook
- Increased flooding elsewhere (including within Packington)
- Insufficient capacity at Packington Sewage Treatment Works
- Adverse impact on water quality in the River Mease Special Area of Conservation
- Absence of a Core Strategy does not mean the site is the most suitable for development
- Proposals are part of the applicants' aspirations to develop the entire Packington Nook site
- Core Strategy caters for development in Ashby de la Zouch elsewhere in the town
- Previously-developed sites should be developed in preference to greenfield land
- Adverse impact on habitat / ecology
- Adverse impact on visual amenity
- Hedgerows should be retained wherever possible
- Erodes distinction between Ashby de la Zouch and Packington - the area between the two settlements should be protected
- Limited community engagement by the applicants
- Impact on public right of way
- Noise / dust / damage from construction work
- 98% of local people oppose development of the Packington Nook site

5. Relevant Planning Policy

National Policies

National Planning Policy Framework

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

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

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

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

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

approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted."

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

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

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

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

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

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

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

"59 Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring

buildings and the local area more generally."

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

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

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

[Further advice on flooding is contained within the DCLG's Technical Guidance to the National Planning Policy Framework.]

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

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

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

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

"173 Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to

a willing land owner and willing developer to enable the development to be deliverable."

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

"204 Planning obligations should only be sought where they meet all of the following tests: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development."

Adopted North West Leicestershire Local Plan (2002)

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

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

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

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

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

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

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

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

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

Policy E6 seeks to prevent development where it would prejudice the comprehensive development and proper planning of a larger area of land of which the site concerned forms part.

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

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

Policy E30 seeks to prevent development which would increase the risk of flooding and remove the extra discharge capacity from the floodplains of, amongst others, the Gilwiskaw Brook.

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

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

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

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

Policy L22 provides that major new development will only be permitted where adequate provision is made for open space for formal recreation use.

Other Policies

Submission Core Strategy

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

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 Ashby de la Zouch.

Key Principle AH3 requires a minimum of 30% of residential units to be available as affordable housing within Ashby de la Zouch.

North West Leicestershire District Council Play Area Design Guidance SPG

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

6. Assessment

Principle of Development

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

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

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

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

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

Whether or not this site would be considered "appropriate" is a matter of judgement; having regard to its location outside Limits to Development, it could be argued that it would not be. This policy nevertheless sets out criteria relevant to release of land. Insofar as the site's location is concerned, whilst it is outside Limits to Development, and whilst it is to the opposite side of Lower Packington Road from the existing built up area of this part of the town, it is nevertheless considered to be sufficiently well related to the existing built up area of the settlement.

In terms of the site's greenfield status, it is accepted that the site does not perform well. However, this issue needs to be considered in the context of the need to demonstrate and maintain a five year housing land supply in the District, and the need for sites to be released to meet this need. Given the need to provide significant areas of housing land as set out below, it is considered inevitable that greenfield land will need to be released in order to maintain a five year supply of deliverable sites, as well as (as in this case) land not allocated for housing development in the adopted Local Plan. Furthermore in respect of Policy H4/1, this would represent a policy relating to the supply of housing and, as such, its relevance also needs to be considered in the context of Paragraph 49 of the NPPF (as set out in more detail under Housing Land Supply and Limits to Development below).

Housing Land Supply and Limits to Development

The NPPF requires that the Council should be able to identify a five year supply of housing land and include an additional buffer of 5% or 20% depending on previous performance in terms of delivery of housing. The appeal decision of May 2013 in respect of land south of Moira Road, Ashby de la Zouch, found that the "Sedgefield" approach should be used (an approach to assessing land availability also suggested as appropriate within the draft National Planning Practice Guidance) and that a buffer of 20% should be allowed for. On this basis, the District Council's most recent calculations indicate that the Council is only able to demonstrate a supply of 4.43 years which represents a significant shortfall vis-à-vis the requirements of the NPPF.

The consequences of an inability to demonstrate a five year supply are profound. Paragraph 49 of the NPPF advises that "Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable

housing sites". Policy S3 of the adopted Local Plan (Limits to Development) is not considered to be a relevant policy for the supply of housing (see the recent judgment in respect of the application to quash the Secretary of State's decision to dismiss the Stephenson Green appeal), notwithstanding that a contrary view has been taken elsewhere (and including by the Secretary of State on appeal), and accordingly the policy should not be considered to be out of date. Nevertheless, as the Limits to Development as defined in the adopted Local Plan were drawn having regard to housing requirements up until the end of the Plan Period (i.e. to 2006) less weight should be attributed to any conflict with Policy S3 in the overall planning balance. Furthermore, development plan policies are now required to follow the approach of the presumption in favour of sustainable development which means balancing any significant/demonstrable adverse impacts against the need to provide new development. Inasmuch as Policy S3 does not require such a balancing exercise to be undertaken it is inconsistent with the Framework and this again goes to the weight that may be attached to the Policy.

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

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. Insofar as the environmental role is concerned, whilst the proposed development would result in the development of land outside of the defined Limits to Development, as set out in more detail within the relevant sections 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 of Ashby de la Zouch with its associated services, would perform relatively well in terms of need to travel and the movement towards a low carbon economy (and particularly in view of the proposed accessibility contributions as discussed in more detail below).

Conclusions in respect of the Principle of Development and Planning Policy

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

The site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan and, as such, the scheme would be in conflict with the relevant Development Plan and other policies designed to protect the countryside from inappropriate development.

However, it is also necessary to consider any other relevant material considerations, including the Government's current intentions in respect of the need to stimulate growth through a presumption in favour of sustainable development (as set out in the NPPF), and the current position in the District in terms of housing land supply. An important consideration is that the Council must demonstrate and maintain a five year supply of housing land (with a 5% or 20% buffer) as required by the NPPF, which is considered to be a material consideration of some significance.

Having regard to all of the above it is considered overall that the proposed development of the

site is acceptable in principle.

Detailed Issues

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

Means of Access and Transportation

As set out above, all matters are reserved for subsequent approval except for access (insofar as vehicular access into and out of the site is concerned); the proposed vehicular access includes a new priority junction to Lower Packington Road and associated new footways plus realignment of the existing carriageway / footway within the existing verge to the northern side of Lower Packington Road. The illustrative layout also shows other potential pedestrian links into and through the site; these would also be a matter for the reserved matters stage(s) (although their impact on the overall potential accessibility of the site still ought to be considered in those terms).

The application is accompanied by a Transport Statement. This indicates that, in the applicants' consultants' opinion, the proposed development is in a sustainable location close to key facilities and amenities in the town centre and in a location that is reasonably accessible by sustainable modes of travel. It provides that new pedestrian links are proposed that would, it suggests, improve the connectivity of the site to the existing network and the site is also, it states, located within easy walking distance of bus stops and services. As set out under Principle of Development above, the site is considered to be well related to the existing built up area of the town. Whilst the site is located on the southern edge of the town, the site entrance is approximately 1.1km from the Core Town Centre Shopping Area as defined in the adopted Local Plan (although, clearly, occupants of, in particular, dwellings in the southern part of the would accordingly have further to travel to access the town centre). Whilst this is beyond the average 1km walking trip length regularly undertaken by the population of Britain (as identified in Department of Transport statistics), it is not considered to be beyond this distance by an unacceptable degree, particularly given the status of the pedestrian routes available, and when having regard to the findings of the Inspector in respect of the proximity of the Moira Road site to town centre services when determining that appeal. Insofar as accessibility to public transport is concerned, it is noted that the site frontage is on an existing bus route. However, the site frontage is only served by an (approximately) two hourly service (although more frequent services are available from Tamworth Road / Station Road, approximately 850 metres away), and the County Highway Authority therefore considers that a number of developer contributions would be required to ensure that an appropriate level of accessibility by modes other than the private car would be achieved.

Subject to these mitigation measures being provided, it is considered that the development would provide for an acceptable degree of accessibility, and would constitute sustainable development in this regard. The mitigation proposals required by the County Highway Authority (and sought as Section 106 contributions) are as follows:

- New / increased daytime bus frequency to every 60 minutes for 5 years serving the nearest bus stops on Lower Packington Road in order to ensure that sufficient levels of bus services are available to accommodate the increased population in the area;
- Contribution of £900 towards equipping the nearest suitable bus route with a Real Time Information (RTI) system in order to assist in improving the nearest bus service with this facility and provide a high quality and attractive public transport choice to encourage modal shift;

- Provision of two new bus stops (including raised and dropped kerbs to allow level access) at the frontage of the site in order to ensure that there would be a safe means of access to the stops for pedestrians and to support modern bus fleets with low floor capabilities (£3,263 per stop);
- Information display cases at the two nearest bus stops in order to inform new residents of the nearest bus services in the area (£120 per display);
- One Travel Pack per dwelling to inform new residents from first occupation what sustainable travel choices are available in the surrounding area (which can be provided through Leicestershire County Council at a cost of £52.85 per pack / dwelling if required); and
- Two six-month bus passes per dwelling to encourage new residents to use bus services as an alternative to the private car to establish changes in travel behaviour from first occupation (which can be provided through Leicestershire County Council at a cost of £325.00 per pass if required)

The applicants had originally raised concerns over the appropriateness and cost of the bus contribution sought given its relationship to the scale of development proposed, but have now confirmed their agreement to this and the other transportation obligations sought.

In terms of the proposed site access, the Transport Statement states that an access to appropriate design standards can be provided and that the access would operate with sufficient spare capacity during the 2021 future year weekday peak hours; no concerns are raised by the County Highway Authority in terms of the safety or capacity of the vehicular access. A Construction Traffic Routeing Agreement is also required by Leicestershire County Council so as to ensure that construction vehicles access the site in an appropriate manner; again this can be secured by way of a Section 106 obligation.

In view of the conclusions as set out above, the County Highway Authority raises no objections to the proposals subject to conditions, and subject to the contributions as set out above. Insofar as the strategic highway network is concerned, the Highways Agency does not consider that the proposed development would have a material impact on the closest strategic route (the A42) and raises no objections.

In terms of other access issues, it is noted that all matters other than the proposed vehicular access are reserved, although the illustrative site layout indicates that pedestrians / cyclists would be able to access the site elsewhere on the Lower Packington Road frontage. Furthermore, the site is crossed by Right of Way O71; Leicestershire County Council's Rights of Way Officer notes that the route of the right of way as shown on the illustrative masterplan does not follow the Definitive Map route, and advises that the applicants would need to apply for a diversion order, should the proposed layout not be consistent with the Definitive Map route (although there appears no reason why, based on the illustrative layout, any diversion of the right of way would be necessary).

Subject to the above, therefore (and including the applicants making appropriate contributions towards transportation infrastructure as set out above), the proposed development is considered acceptable in terms of Means of Access and Transportation issues.

Landscape and Visual Impact

The application is accompanied by a Landscape and Visual Impact Appraisal which considers the site's context in relation to surrounding development / landscape, and considers the impact

upon a total of 21 viewpoints surrounding the application site. The Landscape and Visual Impact Appraisal suggests that, in landscape and visual terms, the application site is very well contained by existing landform and vegetation resulting in a well contained visual envelope. It notes that the site is relatively flat, and is surrounded by localised rising landform. It also notes the existing mature vegetation along the Gilwiskaw Brook which, it suggests, provides a strong defensible boundary between the site and the surrounding countryside which, overall, prevents landscape and visual effects upon the wider area. The applicants' assessment in this regard is accepted.

The Appraisal also suggests that, having regard to the relative containment of the site in landscape and visual terms, there are relatively few visual receptors, but that these fall into three broad categories, namely nearby dwellings, roads and public rights of way.

In terms of the impacts upon residential property, the Appraisal suggests that the impacts upon viewpoints from nearby dwellings would, in the main, be likely to be from first floor level but, in any event, would be viewed in the context of existing built development. Overall, the visual effects in this regard are considered in the Appraisal to be minor (becoming negligible where properties are more distant), albeit the impact on a private view is not normally considered to constitute a material planning consideration.

Insofar as views from local roads are concerned, the Appraisal indicates that these would be mostly limited to Lower Packington Road and Upper Packington Road with fleeting views from Ashby Road and the A42, and that users of these roads would be likely to experience a minor adverse / negligible visual effect overall.

In terms of the impacts upon public rights of way, the Appraisal suggests that these would largely be limited to those in closest proximity to the site, and that the visual effect would vary between minor where the footpath crosses or passes close to the site and negligible where they are more distant.

In terms of proposed planting (and retained green space), 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 illustrative masterplan indicates that substantial areas would be retained as open space throughout the site and, in particular, to the southern and western boundaries of the site, where additional planting would also be provided. Also proposed are other areas of landscaping within the site, with the total quantum of public open space / landscaping (and including a proposed SUDS detention basin) constituting approximately 52% of the total site area as indicated on the illustrative masterplan. It is considered that the scheme as indicated on the illustrative masterplan represents a suitable balance between built development and landscaping, and the development of the site in the manner indicated on the illustrative masterplan would serve to provide for a suitable form of development which, whilst lying adjacent to the existing built up area of the town, is outside Limits to Development as defined in the adopted Local Plan.

Hedgerows and trees surround much of the site but are limited to the periphery such that, on the basis of the illustrative layout submitted, there would appear to be no reason why all significant vegetation could not be retained as part of any reserved matters scheme. Insofar as the site access to Lower Packington Road is concerned (which forms part of the outline application submissions), the formation of this access would not appear to have any impacts on existing vegetation. Similarly, whilst trees to the north of Lower Packington Road are subject to a woodland Tree Preservation Order (TPO), the carriageway / footway realignment proposed

would not appear to have any implications on the protected trees.

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's current use is agricultural 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 land outside Limits to Development (much of which will be agricultural in terms of use) 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.

An assessment of the site's agricultural land has been provided by the applicants; this indicates that the site would fall within Grade 3b and, as such would not be BMV. Whilst data available online indicates that the north eastern part of the site could in fact fall within Grade 3a, it is accepted that this would only represent a small portion of the site. Whilst the NPPF does not suggest that release of smaller BMV sites is acceptable, it nevertheless appears reasonable to have regard to the extent of the loss in the decision making process.

Overall in terms of agricultural land quality, therefore, the evidence submitted indicates that the land would not constitute BMV but, even if some of it were, given the limited extent of land lost, it is not considered that this would be a significant loss. The development of the site would be considered acceptable in this respect, therefore. DEFRA has been consulted on this issue, but no response has been received.

Drainage, Ecology and the River Mease SAC

The submitted documents includes assessments of the flood risk, drainage and ecological implications of the proposed development and, having regard to the site's location within the catchment of the River Mease Special Area of Conservation (SAC), the impacts on water quality of the Mease. These issues are considered in more detail below.

Flood Risk and Drainage

A Flood Risk Assessment (FRA) and a Foul Drainage Strategy have been submitted in support of the application. The Environment Agency flood zone maps indicate that the majority of the site lies within Flood Zone 1, although parts of the southern and western parts of the site (i.e. adjacent to the existing watercourses, namely the Coleorton and Gilwiskaw brooks) fall within Zones 2 and 3. However, it is not proposed to erect any dwellings within these higher risk areas. Whilst the proposed dwellings would be located outside of Zones 2 and 3, it is considered that the sequential test would nevertheless still need to be applied as the application site includes such areas. In this instance it is considered that the sequential test would be satisfied given the limitation of proposed dwellings' siting to areas within Zone 1. Whilst the site includes land falling outside of Zone 1, it is considered reasonable to accept that this in itself should not prevent the sequential test being passed, particularly when having regard to the availability of alternative sites, and the need to release land for housing as set out above. In practice, it is considered that, on the basis of the illustrative masterplan showing no built development within Zones 2 and 3, the approval of dwellings on this site would not have any materially greater

flooding impact than a site entirely in Zone 1.

In terms of other sources of flood risk, the FRA identifies that potential flooding impacts from groundwater or surface water are unlikely to be a significant cause for concern. However, it also notes that there is the potential for localised flooding in the event of sewer capacity being exceeded or if the system suffers structural failure. Insofar as surface water is concerned, however, the FRA acknowledges the potential for increased risk to third party land, and hence outlines the surface water drainage strategy designed to manage these flows.

This proposed mitigation would take the form of swales and a pond. It is proposed that swales would collect the surface water and convey it to a pond (shown on the illustrative masterplan towards the south west of the application site) from where it would be discharged into the Gilwiskaw Brook at a greenfield rate of no more than 13.2 l/s/ha for the 100 year plus climate change storm event; modelling undertaken by consultants acting for the applicants indicates that the proposed surface water drainage strategy would attenuate flows and provide a discharge rate from the pond at no greater than the current greenfield rate of 13.4 l/s up to the 100-year plus climate change (20%) storm event. Along the swales, it is also proposed to provide a number of bridge crossings which, the FRA suggests, would act as check dams to reduce the velocity of surface water and provide additional attenuation. Insofar as mitigation for the proposed dwellings themselves is concerned, it is also proposed to locate finished floor levels at least 150mm above surrounding ground levels.

Insofar as foul sewage is concerned, the supporting information indicates that the development would connect into the existing combined sewer crossing the site. Part of the site would gravity drain to a pumping station located to the southern edge of the built development; from here the foul flows would be pumped back up to the existing combined sewer. Again, no objections are raised by the relevant statutory consultees. Given its location within Ashby de la Zouch, the site's foul drainage would discharge to the Packington sewage treatment works; Severn Trent Water has however confirmed that there is sufficient capacity in the sewerage system and at the Packington sewage treatment works for the proposed development. The issues relating to the River Mease SAC are addressed in more detail below.

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.

Ecological Issues

The application is supported by an Ecological Assessment of the site. This provides that the closest statutorily designated site of nature conservation of importance to the application site is approximately 2km from the site (being the River Mease Special Area of Conservation (SAC)). In terms of non-statutory designation, the Assessment identifies 20 non-statutory sites within 1km of the application site, including two Local Wildlife Sites, five Parish, District and County Sites and 13 candidate / potential Local Wildlife Sites. However, having regard to the scale of the proposed development, the inclusion of appropriate green infrastructure buffering and the nature of the non-statutory sites, the Ecological Assessment suggests that the proposed development would be unlikely to have any impacts on those sites.

Insofar as protected or notable species are concerned, the Assessment considers the impacts on badgers, bats, reptiles, great crested newts and birds. In terms of these, no evidence in respect of use of the site by badgers or great crested newts was found. The Assessment suggests that the impacts on bat foraging habitat would be negligible, and that, subject to the

retention of mature trees, there would be no adverse impacts on potential roosts; proposals are also set out to provide for additional / enhanced bat habitat. Insofar as reptiles are concerned, the Ecological Assessment notes that there is no record of reptile species less than 1km away and that the majority of the site lacks the structural diversity required by reptile species with habitat suitable for use by reptiles being restricted to areas of grassland immediately adjacent to the brook, hedgerow boundaries and scattered scrub. However, it suggests that the proposed development would provide corridors for movement along the boundaries of the site with further enhancements being provided within the proposed balancing facility. Insofar as birds are concerned, none were recorded breeding on-site, although the existing vegetation provides foraging habitat.

In terms of mitigation and enhancements, a range of measures are recommended within the Ecological Assessment including retention of existing vegetation, minimisation of light spill, provision of bat boxes and undertaking of work in accordance with appropriate practice under supervision of an ecologist. Subject to such mitigation, together with other measures proposed to be secured by condition as set out in the recommendation below, Leicestershire County Council's Ecologist raises no objections, nor are any objections raised by Natural England.

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

River Mease Special Area of Conservation (SAC)

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC), which was designated in 2005. The Habitat Regulations 2010 set out how development proposals within an SAC should be considered. During 2009 new information came to light regarding the factors affecting the ecological health of the River Mease SAC, in particular that the river is in unfavourable condition due to the high level of phosphates within it. Discharge from the 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 will have a significant effect on the SAC is required.

Waste water from Ashby de la Zouch drains into the River Mease which, as referred to above, is a Special Area of Conservation. The Packington sewage treatment works discharges in to the river and, as at March 2012, it was estimated by Severn Trent Water that the works had headroom (i.e. available capacity within the terms of the permit agreed by the Environment Agency) to accommodate 1,218 dwellings. However, the Water Quality Management Plan (WQMP) for the SAC (see below) clarifies that, whilst there may be volumetric headroom or capacity available for new development within the specific limits of the existing wastewater treatment work consents that discharge to the River Mease, the availability of such headroom is reliant on the WQMP being in place.

As referred to above, a long term Water Quality Management Plan for the River Mease SAC was finalised in June 2011 with a primary purpose to reduce the levels of phosphate within the River Mease SAC, to enable the Conservation Objectives for the SAC to be met, and an adverse effect upon the SAC avoided. The main objective of the WQMP is that the combined actions will result in a reduction in phosphate in the River Mease to no more than 0.06mg/l.

One of the actions of the WQMP was to establish a developer contribution framework in accordance with planning obligations best practice to be known as a Developer Contribution Scheme (DCS). The DCS was agreed in November 2012 and developer contributions will fund a programme of actions to restore and provide new benefits to the River Mease. The

contribution scheme provides a mechanism through which new development which increases phosphorous load to the river will mitigate the negative effects of development, as part of the overall package of reductions being delivered through the wider WQMP and the permit modifications identified through its review. It confirms that new development that contributes to the scheme will not conflict with the overall objectives and purposes of the WQMP.

In terms of residential development, developers will have to contribute based on the exact size and sustainability of the dwellings since these factors determine the levels of Phosphate output per unit. As such, homes which are built to the new sustainable homes standards will pay a lower contribution. A separate calculation is provided for in respect of non-residential development.

The WQMP is entirely concerned with reducing levels of phosphate to enable the conservation objectives target to be met. It is therefore directly connected with and necessary to the management of the River Mease SAC. As such, both the plan itself and the Developer Contribution Scheme are excluded from the assessment provisions of the Habitats Regulations.

The application is supported by a River Mease Impact Assessment which considers the implications of the proposed development on the River Mease, and including in respect of the ecological and hydrological impacts. Mitigation proposed in respect of the impacts on the River Mease includes conservation of features of ecological value, new native (and including National Forest) planting, retention of a wildlife buffer to the side of the Gilwiskaw brook, creation of SUDs features and the making of a DCS contribution. The applicants' River Mease Impact Assessment estimates that the contributions made would total between £13,053 and £19,533; the precise amount payable would however be contingent upon the precise nature of the development proposed at the reserved matters stage(s) in terms of number of dwellings, bedrooms and Code for Sustainable Homes level. As such, and subject to the implementation of appropriate obligations, the proposals would comply with the relevant planning policies and the Habitats Regulations. Natural England advises that the proposed development would be unlikely to have a significant effect on the interest features for which the SAC has been classified, and that an Appropriate Assessment would not be required.

On this basis, it is accepted that the proposed development, either alone or in combination with other plans or projects, would not have an adverse impact on the internationally important interest features of the River Mease SAC or any features of special scientific interest of the River Mease SSSI (nor would there be any other impacts on other aspects of the SAC / SSSI), and the development is acceptable on this basis, subject to the implementation of the mitigation identified, secured by way of conditions and Section 106 obligations as appropriate.

Design

The application is supported by a Design and Access Statement (and including a Building for Life assessment) setting out the applicants' proposals, and explaining the approach taken in terms of design. Having reviewed the proposals and the Design and Access Statement, the District Council's Urban Designer notes that, whilst the application seeks approval for access only at the outline stage, the Design and Access Statement seeks to establish a series of design principles and including an indicative masterplan. The Urban Designer raises a number of issues in terms of the submitted Design and Access Statement and masterplan, and not least in terms of the treatment of character in terms of the arrangement of streets and spaces (including the nature of plot subdivisions) and the relationship of buildings to one another. Whilst the submissions indicate that the design ethos is based on an intention to draw influence from the

character of Ashby de la Zouch, the illustrative layout does not, the District Council's Urban Designer considers, relate to the distinctive characteristics of the town, and he comments that the proposed use of standard house types would, as per previous development in the town, have no regard for locally distinctive character and would serve to erode rather than reinforce the character of the place.

Other issues raised include the proposed use of parking courtyards with no sentinel units and the rigid approach to highways design that, the District Council's Urban Designer suggests, run counter to the design ethos and design requirements established in documents such as Building for Life 12.

However, whilst there are issues that, in design terms, are considered necessary to address, the District Council's Urban Designer accepts that there is no reason why these cannot be addressed at a later stage and, having regard to the outline nature of the application, raises no objections subject to the imposition of conditions requiring a revised masterplan to be produced prior to the submission of any reserved matters application and the approval of a Design Code. The development is therefore 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.

Regarding future residents' amenities, it is noted that objections have been raised given the potential noise implications of the site's proximity to the A42 dual carriageway and to the potential route of the HS2 railway line. The application is accompanied by a Noise Assessment which confirms that the existing noise climate of the site is dominated by road traffic on the A42, and the measurements taken within the southern part of the site indicated day time (0700-2300) noise of 66dB LAeq, 16h, and night time (2300-0700) noise of 60dB LAeq, 8h, with maximum night time noise reaching 70dB LAm_{ax} (from a typical passing vehicle).

In terms of other noise sources, the Noise Assessment also considers the impacts from the adjacent playing fields and HS2. The survey acknowledges that, during the time of the survey (taken over a 25 hour midweek period), there was little use of the adjacent playing fields and, therefore, equivalent data collated elsewhere has been used. Insofar as HS2 is concerned, based on the currently proposed route, this would be approximately 180m (at its closest point) from the application site, located within a cutting to the opposite side of the A42; on the basis of the illustrative masterplan, the closest new dwelling would be approximately 225m from the track. The submitted Noise Assessment suggests that, having regard to the screening provided by the proposed rail cutting and the A42 embankment, noise levels of between 60 and 65dB(A) could be expected at the southern boundary of the site. The Assessment indicates that this would be unlikely to alter the façade construction or ventilation requirements and that any potential adverse effects on external garden noise levels would be expected to be limited due to mitigation measures to be included in the HS2 design having regard to the need to protect other nearby dwellings.

Insofar as mitigation is concerned, the Noise Assessment acknowledges the World Health Organisation guidelines which seek to limit dwellings' external night time exposure to noise greater than 55dB LAeq (which, based on the Assessment's findings, would be exceeded in much of the site) but, the Assessment suggests, the proposed dwellings can be orientated and /

or screened in such a way as to ensure that all dwellings have an area of garden meeting the 55dB threshold. On this basis there appears no reason why, in principle, the development could not be made acceptable in this regard, and no objections are raised by the District Council's Environmental Protection team.

It is noted that objections have been raised in terms of noise; in particular, the Packington Nook Residents' Association has questioned the robustness of the submitted Noise Assessment and has provided what it considers to be more realistic figures in respect of the noise associated from the A42 and HS2. The concerns of the Residents' Association, together with its alternative figures have been considered by the District Council's Environmental Protection team, but the Environmental Protection team confirms that its position in respect of the application remains unchanged.

Putting the potential for noise nuisance to future residents to one side, however, it is considered that only limited weight can be attributed to this issue as a material planning consideration at this stage in HS2's development. The Government is currently consulting on the proposed Phase 2 (i.e. West Midlands to Manchester and Leeds) connections, and the route is not fixed at this time; Phase 2 is not currently subject to the safeguarding mechanism which applies to the Phase 1 (London to West Midlands) section.

Insofar as the impacts on neighbouring occupiers arising from the proposed development are concerned, whilst an illustrative masterplan has been submitted, all matters are reserved for subsequent approval. Any reserved matters scheme would need to be appropriately devised in respect of those parts of the site closest to other dwellings so as to ensure that occupiers of both existing and proposed dwellings were afforded an appropriate level of amenity but there is no reason to suggest that the eventual form of development proposed under the reserved matters would necessarily result in undue loss of amenity to adjacent occupiers, and the scheme is, at this outline stage, considered acceptable in this regard.

Heritage Issues

The application is supported by an Archaeological Desk Based Assessment which concludes that the site has a low potential for all archaeological periods. Whilst the Assessment reports that the geophysical survey revealed a small number anomalies of possible archaeological origin within the site, it suggests that the anomalies are only of possible archaeological origin and do not form an identifiable coherent pattern. Whilst the Assessment suggests that possible archaeological features recorded by the geophysical survey and any as yet unrecorded remains that may be present may be impacted by earthmoving operations such as topsoil stripping, cutting foundations, and the construction of infrastructure, the Assessment suggests that, on the present evidence, it is unlikely that such remains would be of more than local significance. Leicestershire County Council's Planning Archaeologist raises no objections to the proposals subject to conditions relating to the undertaking of a Written Scheme of Investigation. Subject to the imposition of an appropriate condition(s) in this regard, the development is considered acceptable in terms of its likely archaeological impacts.

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 materially affected by the proposals.

Other Matters

Relationship to Refused Scheme

As set out under Proposals and Background above, the site was part of a significantly larger site (61 hectares, compared to the current site area of 4.7 hectares) the subject of previous application (ref. 08/01588/OUTM). This application was refused and, on appeal, was dismissed by the Secretary of State. In dismissing the appeal, the Secretary of State concluded as follows in respect of what he felt were the main issues relevant to that scheme:

The River Mease SAC:

Concerns regarding the appellants' proposed mitigation (including the risk of costs exceeding the cap on the appeal site owners' financial liability) indicated that it was not certain that the scheme would not adversely affect the integrity of the SAC.

Landscape and Character of the Town:

Whilst the pattern of development and its scale would be acceptable, the built development would transform the character of the site, and that the visual and accessible amenity of the site as countryside and as an attractive rural setting for the town would be permanently lost. However, he did not consider that this matter on its own would be of sufficient weight to refuse planning permission, given that any necessary urban extensions around Ashby de la Zouch would inevitably result in a loss of countryside.

Noise:

The impact of noise from the A42 was considered to count against the appeal scheme, but was not a major consideration.

Highways:

The necessary highways mitigation measures were not fully defined and supported by the modelling work and would not be sufficient to avoid prejudicing road safety.

Sustainability:

The scheme was considered to have some sustainability merits but that it did not rate highly in this respect, and was not a more sustainable location than alternative sites in Ashby de la Zouch (although not that much worse, given the sustainability credentials of the town as a whole).

Prematurity:

The degree to which the scheme would prejudice the outcome of the Core Strategy process added some weight to the sum of the harm attributable to the scheme, but was not sufficient reason in itself to refuse permission

Housing Need:

The shortfall in housing was considered at that time by the Secretary of State to be "chronic and severe" and, even though much of the development would occur after the five year period, significant weight was afforded to the contribution this proposal would make to meeting housing need (albeit with various caveats).

Flood Risk:

The proposed flood alleviation measures would be capable of significantly reducing flood risk at Packington and represented a substantive benefit of the scheme.

Whilst this earlier decision is a material consideration of some significance in the assessment of

the current application, this must be considered in the context of any changes in circumstances since that appeal decision in March 2010 (including in respect of planning policy, and not least the publication of the NPPF), together with the significant differences in the current proposals which, it will be noted, relate to a site of less than 10% of the earlier scheme's site area.

In terms of these principal issues identified by the Secretary of State regarding the earlier scheme, it is not considered that any of the issues previously found to warrant refusal of that scheme (which, it is acknowledged, was of a significantly different scale and character of that the subject of the current application) would now be considered to indicate that the current proposals should also be refused. For the reasons as set out in the report above, the current scheme is considered acceptable in terms of its impact on the River Mease SAC, character and landscape, noise, accessibility and highway safety. Insofar as housing land supply is concerned, the implications of the approach to applications set out in the NPPF where an authority is unable to demonstrate a five year supply of housing are also set out and, as noted, are considered to represent a significant material consideration in favour of the proposals. In terms of the potential for the development to help reduce flooding downstream at Packington, given the limited size of the application site when compared with the scheme the subject of the earlier proposals, there is clearly less potential for significant reductions in run-off rates to be achieved when compared to the existing position. However, as noted above, the proposed development would limit run-off to rates no greater than the existing greenfield rate (together with an additional 20% to allow for future increased rates associated with climate change). In effect, therefore, insofar as the contribution that surface water run-off from this site currently makes towards flooding downstream is concerned, the additional allowance for climate change would represent an improvement in that additional flooding impacts arising from climate change would be accommodated (whereas they would not be in the event that the site remained undeveloped).

Overall, therefore, given the significant differences in the respective schemes, it is considered that none of the issues cited by the Secretary of State as reasons for dismissing the earlier appeal in 2010 would continue to represent reasons to refuse the current Lower Packington Road scheme.

Developer Contributions

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

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

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

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

Affordable Housing

The applicants propose to make an affordable housing contribution of 30% (i.e. up to 21 dwellings) as per the Local Planning Authority's current requirements for the Ashby de la Zouch area for a scheme of this scale.

For its part, the District Council's Strategic Housing Team advises that, of the 21 affordable

dwellings, it would, ideally, seek a property mix as follows:

- 4 x 2 bed bungalows (3 rented; 1 shared ownership)
- 5 x 1 bed properties (all rented)
- 7 x 2 bed houses (5 rented; 2 shared ownership)
- 5 x 3 bed houses (2 rented; 3 shared ownership)

The precise nature of the contribution could be resolved pursuant to the Section 106 agreement but, on the basis that it is proposed to make a policy-compliant contribution, the proposed development is considered acceptable in this regard.

Children's Play and Public Open Space

As set out above, the illustrative masterplan shows a significant extent of the site given over to landscaping, retained and proposed tree / hedgerow planting and other open space; the open space includes an on-site equipped children's play area, indicated as a LEAP located towards the north western part of the site. In terms of the extent of the proposed play area, on the basis of the illustrative plan, this would be in the order of 3,000 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 70 dwellings, an area for children's play of 1,400 square metres would normally be required, and the minimum requirements of the SPG would be comfortably met in this regard.

In terms of the range of equipment necessary, for developments of this number of dwellings, Local Plan Policy L22 and the District Council's SPG requires that the needs of children up to the age of 14 should be provided for, and including a minimum of 8 types of activity. There would therefore appear to be no reason why the relevant children's play / public open space requirements could not be met. The National Forest Company suggests that, to better reflect the low density, highly landscaped design of the development and its National Forest setting, the proposed Local Area of Play should be based on a natural play design. Again, there would appear to be no reason why this approach could not be taken.

National Forest Planting

The applicants' proposals show the provision of on-site National Forest planting as part of their wider landscaping and public open space proposals and, as per the National Forest Company's comments as set out under the summary of representations above, the illustrative proposals meet the National Forest woodland planting and open space standards of 20% of the site area. The proposals are therefore considered appropriate in this regard.

Education

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

Primary School Requirements:

The site falls within the catchment area of Ashby Willesley Primary School. The School has a net capacity of 350 and 344 pupils are projected on the roll should this development proceed, a surplus of 6 places after taking into account the 17 pupils generated by this development, and no contribution in respect of the Primary School sector is therefore requested.

High School Requirements:

The site falls within the catchment area of Ashby Ivanhoe College. The College has a net capacity of 995 and 972 pupils are projected on roll should this development proceed, a surplus of 23 places after taking into account the 7 pupils generated by this development, and no contribution in respect of the High School sector is therefore requested.

Upper School Requirements:

The site falls within the catchment area of Ashby School. The School has a net capacity of 1,841 and 1,883 pupils are projected on roll should this development proceed, a deficit of 42 pupil places (of which 35 are existing and 7 would be created by this development). There are no other upper schools within a three mile walking distance of the site. In order to provide the additional upper school places anticipated by the proposed development, a contribution for the upper school sector of £128,486.12 is requested which would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Ashby School.

The applicants are agreeable to making the contribution requested.

Library Services

A contribution of £3,810 is proposed to be made by the developer for library services in accordance with the requirements of Leicestershire County Council.

Healthcare

NHS England requests a developer contribution of £23,331.83 in respect of healthcare as set out in the consultation response above. In support of the financial contribution request, the NHS advises that the development would result in an increased patient population of approximately 168, and that these additional residents of the proposed housing development would access healthcare in the two existing Ashby Health Centre and North Street surgeries (resulting in approximately 141 and 27 new patients respectively). Whilst the North Street practice is understood to have sufficient capacity, the Ashby Health Centre does not. The NHS advises that this practice has been identified as a priority for primary care premises investment, and that NHS England is supporting a new surgery for the practice, to which this sum could contribute if appropriate. It is considered that this request would meet the relevant CIL and NPPF tests, and the applicants have confirmed that are agreeable to making the contribution sought.

Contributions sought by Leicestershire Police

Leicestershire Police requests a developer contribution of £35,844 in respect of policing as set out in the consultation response above. The contribution sought comprises:

Start up equipment / training	£2,939
Vehicles	£1,778
Additional radio call capacity	£178
Police National Database	£91
Additional call handling	£156
ANPR	£2,466
Mobile CCTV	£375
Additional premises	£20,955
Hub equipment	£140

With regard to the acceptability of police contributions, the issue is not one of principle. The issue is, rather, whether Leicestershire Police can demonstrate that either on-site or off-site infrastructure is necessary and directly related to the impact of the development which is being granted consent, and that any contribution would in fact be used in order to pay for infrastructure which would actually be delivered. It is in this respect that officers remain to be persuaded that the requests in this case are CIL compliant.

Whilst officers acknowledge that such requests have been accepted by Inspectors and the Secretary of State as being CIL compliant in some recent appeal decisions in Leicestershire, and indeed the District (although Inspectors and the Secretary of State have also reached a contrary view on other occasions), and that consistency in decision making is desirable as a matter of policy, a decision as to whether an obligation is directly related to a particular development is one that can only be made on its individual merits.

The continuing controversy surrounding policing contributions is, however, itself undesirable as it creates uncertainty both for Leicestershire Police and developers / landowners as to whether a request for a contribution is likely to be supported in any given case. The Leicestershire Authorities have therefore agreed jointly to seek an independent legal Opinion as to the correct approach to be adopted by local planning authorities to such requests.

Pending the receipt of Counsel's Opinion, it is not possible to reach a conclusion on whether the proposed policing contribution would meet with the CIL tests at this particular time. Should Counsel advise that Leicestershire Police requests such as this are CIL compliant then the principle of requiring such contributions to be secured by way of Section 106 planning obligations would be accepted by the Council and required to be paid, subject to any issues of viability being raised. Should the inclusion of policing contributions, when considered alongside other contributions, render a scheme unviable (or more unviable if already so), then the importance of these contributions would need to be considered alongside other material considerations (including, where applicable, relevant planning policies including those within the NPPF and other infrastructure requirements) and a view reached as to whether or not it would be appropriate to secure them by way of a planning obligation.

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 is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan, and constitutes greenfield land, its release for housing is considered suitable in principle, particularly having regard to the need to release sites in order to meet the District Council's obligations in respect of housing land supply (and the approach taken in respect of such within the NPPF). Whilst the site is located outside of Limits to Development as defined in the adopted Local Plan, having regard to its location adjacent to the existing settlement and its associated services, the proposed development would, overall, be considered to constitute sustainable development as defined in the NPPF and, as such, would benefit from a presumption in favour of such development as set out in that document. The scheme is considered to be acceptable in terms of amenity, design and technical issues (and including in respect of transportation and highway safety issues), such that there appear to be no other reasons to prevent the site's development for housing.

RECOMMENDATION- PERMIT, subject to Section 106 Obligations, and subject to the following conditions:

- 1 Save for the details of vehicular access into the site from Lower Packington Road, details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced.

Reason - This permission is in outline only.

- 2 Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the access (save for the details of vehicular access into the site from Lower Packington Road), appearance, landscaping, layout, and scale shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

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

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

- 4 The proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by a condition of this permission:
 - Site location plan (3456-P-301 Rev B) deposited with the Local Planning Authority on 16 August 2013
 - Proposed site vehicular access (001 Rev A) deposited with the Local Planning Authority on 16 August 2013

Reason - To determine the scope of this permission, and for the avoidance of doubt.

- 5 Notwithstanding Conditions 1, 2 and 3 above, the first reserved matters application shall include a masterplan for the whole of the site setting out indicative details of site layout, areas of open space / children's play, landscaping, density parameters and scale, as well as details of any proposed phasing of development. All subsequent reserved matters applications shall be in accordance with the approved masterplan unless any alteration to the masterplan is first agreed in writing by the Local Planning Authority. All development of the site shall thereafter be undertaken in accordance with the agreed phasing and timetable details (or any alternatives subsequently agreed in writing by the Local Planning Authority).

Reason - To ensure that the development of the site takes place in a consistent and comprehensive manner, to ensure an appropriate form of design, and to comply with Policies E4 and H7 of the North West Leicestershire Local Plan.

- 6 No development shall commence on the site until such time as a Design Code for the

entirety of the site has been submitted to and agreed in writing by the Local Planning Authority. The Design Code shall substantially accord with the principles and parameters described and illustrated in the Design and Access Statement, and demonstrate compliance with Building for Life 12 (or any subsequent replacement standard issued by the Design Council / CABE or any successor organisation). The development shall thereafter be carried out in accordance with the agreed details, or in accordance with any amendment to the Design Code subsequently agreed in writing by the Local Planning Authority.

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

7 A total of no more than 70 dwellings shall be erected.

Reason - To define the scope of this permission.

8 No demolition / development shall commence on the site until such time as a programme of archaeological work, commencing with an initial phase of trial trenching, has been detailed within a Written Scheme of Investigation first submitted to and agreed in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions, and:

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

No demolition/development shall take place at any time other than in accordance with the agreed Written Scheme of Investigation. None of the dwellings shall be occupied until such time as the site investigation and post investigation assessment has been completed in accordance with the programme set out in the agreed Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason - To ensure satisfactory archaeological investigation and recording.

9 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 5.1 to 5.14 (inclusive) of the submitted Ecological Assessment dated August 2013 (prepared by FPCR) 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.

10 No work shall commence on site until such time as a biodiversity management plan for

all created and retained habitats (and including a timetable for its implementation) has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be implemented and maintained in accordance with the agreed management plan (or in accordance with any alternative management plan first submitted to and agreed in writing by the Local Planning Authority).

Reason - In the interests of nature conservation.

- 11 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.

- 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 Notwithstanding the submitted details, nor Condition 9 above, no development shall commence on the site until such time as a timetable for the undertaking of updated surveys in respect of badger in relation to commencement of site works on the relevant phase (and including the specification of maximum periods between undertaking of surveys and commencement of work on the relevant phase) has been submitted to and agreed in writing by the Local Planning Authority. No development shall thereafter be undertaken at any time unless the relevant surveys have been undertaken and the results (including mitigation measures and a timetable for such mitigation where appropriate) have been submitted to and agreed in writing by the Local Planning Authority, and the development shall thereafter be undertaken strictly in accordance with the agreed mitigation measures and timetable.

Reason - In the interests of nature conservation.

- 14 All reserved matters applications for the erection of dwellings shall include full details of the proposed dwellings' anticipated level of achievement in respect of criteria / sub-categories contained within the Code for Sustainable Homes. Unless any alternative timescale is first agreed in writing by the Local Planning Authority, none of the dwellings hereby permitted shall be occupied until such time as evidence to demonstrate compliance with the relevant criteria has been submitted to and agreed in writing by the Local Planning Authority.

Reason - To ensure the scheme provides for a sustainable form of development.

- 15 No work shall commence in respect of the erection of any dwelling until such time as precise details of all measures proposed in respect of protection of occupiers of the relevant dwelling from noise and a timetable for their implementation have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in full in accordance with the agreed details and timetable.

Reason - To ensure that future occupiers of the development are protected from excessive noise, in the interests of amenity, and to comply with Policy E3 of the North West Leicestershire Local Plan.

- 16 None of the dwellings hereby permitted shall be occupied until such time as the scheme for the vehicular access to Lower Packington Road and associated off-site highway works has been constructed in full in accordance with the details shown on drawing no. 001 Rev. A. Once provided, the vehicular access to Lower Packington Road shall thereafter be so maintained at all times until such time as it may be adopted as public highway by the Local Highway Authority.

Reason - To enable vehicles to enter and leave the highway in a slow and controlled manner, 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, to afford adequate visibility at the access / junction to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and to comply with Policy T3 of the North West Leicestershire Local Plan.

- 17 None of the dwellings hereby permitted shall be occupied until such time as drainage has been provided within the site such that surface water does not drain into the public highway and, once provided, shall thereafter be so maintained.

Reason - To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users, and to comply with Policy T3 of the North West Leicestershire Local Plan.

- 18 No development shall commence on the site until such time as a construction 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, and to ensure that construction traffic associated with the development does not lead to on-street parking problems in the area.

- 19 No development (save for demolition works) shall commence on the site (or, in the case of phased development, in respect of the relevant phase) until such time as a Risk Based Land Contamination Assessment has been submitted to and agreed in writing by the Local Planning Authority. The Risk Based Land Contamination Assessment shall be carried out in accordance with:
- BS10175:2011+A1:2013 Investigation of Potentially Contaminated Sites Code of Practice;
 - BS8576:2013 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOCs)
 - BS8485:2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and,
 - CLR 11 Model Procedures for the Management of Land Contamination, published by the Environment Agency 2004.

Reason - To ensure that the land is fit for purpose, to ensure protection of controlled waters and to accord with the aims and objectives in respect of pollution as set out in the National Planning Policy Framework.

- 20 If, pursuant to Condition 19 above, any unacceptable risks are identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of CLR 11 Model Procedures for the Management of Land Contamination, published by the Environment Agency 2004, and the Verification Plan (which shall identify any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action) shall be prepared in accordance with the requirements of Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010, and CLR 11 Model Procedures for the Management of Land Contamination, published by the Environment Agency 2004. If, during the course of development, previously unidentified contamination is discovered, development shall cease on the affected part of the site and it shall be reported in writing to the Local Planning Authority within 10 working days. No work shall recommence on that part of the site until such time as a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) has been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be undertaken in accordance with the agreed details and thereafter be so maintained.

Reason - To ensure that the land is fit for purpose, to ensure protection of controlled waters and to accord with the aims and objectives in respect of pollution as set out in the National Planning Policy Framework.

- 21 None of the development hereby permitted shall be brought into use until such time as a Verification Investigation for the relevant part of the site has been undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme relevant to either the whole development or that part of the development. No part of the development (or, in the case of phased development, no part of the relevant phase) shall be brought into use until such time as a report showing the findings of the Verification Investigation has been submitted to and agreed in writing by the Local Planning Authority. The Verification Investigation Report shall:
- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
 - Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
 - Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
 - Contain Test Certificates of imported material to show that it is suitable for its proposed use;
 - Demonstrate the effectiveness of the approved Remedial Scheme; and
 - Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

Reason - To ensure that the land is fit for purpose, to ensure protection of controlled waters and to accord with the aims and objectives in respect of pollution as set out in the National Planning Policy Framework.

- 22 The development hereby permitted shall be carried out in accordance with the amended Flood Risk Assessment (FRA) (Final FRA v1.1 November 2013 (Updated SW Drainage Strategy)) deposited with the Local Planning Authority on 3 December 2013 and the following measures detailed within the FRA:
- Limiting the surface water run-off generated by the 100 year (with 30% increase in peak rainfall intensity for the impacts of climate change) rainfall event to the equivalent Greenfield run-off rate of 13.20 l/s/ha;
 - Discharging of surface water to the Gilwiskaw Brook at a rate no greater than the equivalent Greenfield runoff rate of 13.20 l/s/ha;
 - Provision of a surface water attenuation pond (to be located in the southern part of the site) and swale system to capture and store the surface water runoff from the site up to the 1 in 100 year climate change rainfall event;
 - Locating of the proposed residential area outside of the 1,000-year floodplain;
 - Maintenance of safe access and egress via Lower Packington Road; and
 - Raising of finished floor levels to at least 150mm above surrounding ground levels.
- Unless any alternative programme is first agreed in writing by the Local Planning Authority, none of the dwellings hereby permitted shall be occupied until such time as the mitigation measures have been fully implemented.

Reason - To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site, ensure safe access / egress to / from the site and reduce the risk of flooding to future occupants.

- 23 No development shall commence on the site until such time as a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, together with a timetable for its implementation, has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall demonstrate the surface water runoff from the development for the critical storm for any rainfall return period (up to the 1 in 100 year climate change storm) would be limited to the equivalent unit Greenfield runoff rate or 5 l/s, to ensure that the runoff from the development will not exceed the runoff from the undeveloped site. The scheme shall include:
- Details of how the scheme shall be maintained and managed following completion; and
 - A network of swales to capture and convey the surface water runoff to an above ground surface water attenuation pond that will control the discharge from the site to the equivalent unit Greenfield runoff rate.
- The scheme shall subsequently be implemented in accordance with the approved details and timetable.

Reason - To prevent flooding, to ensure the satisfactory storage and disposal of surface water from the site, and to ensure that the development will not impact upon the features of special interest for which the River Mease SAC / SSSI is notified.

- 24 No development shall commence on the site until such time as a foul water drainage scheme for the site, together with a timetable for its implementation, has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details and timetable.

Reason - To ensure the satisfactory disposal of foul water from the site, to reduce the risk of creating or exacerbating a flooding problem, to minimise the risk of pollution, and to ensure that the development will not impact upon the features of special interest for

which the River Mease SAC / SSSI is notified.

- 25 No development shall commence on the site until such time as a scheme of measures to prevent pollution of nearby watercourses during construction works, together with a timetable for its implementation, has been submitted to and agreed in writing by the Local Planning Authority. No works shall take place at any time unless all of the measures as required under the agreed timetable are provided in full.

Reason - To prevent pollution of the water environment, and to ensure that the development will not impact upon the features of special interest for which the River Mease SAC / SSSI is notified.

Notes to applicant

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

- 2 The applicants are advised that, under the provisions of the Site Waste Management Plan Regulations 2008, the works may require the preparation of a Site Waste Management Plan (SWMP). Further information can be obtained from the Department for Environment Food and Rural Affairs at www.defra.gov.uk

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

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

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out 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

- 4 Your attention is drawn to the attached report of Severn Trent Water Limited.
- 5 Your attention is drawn to the attached report of the Environment Agency.
- 6 Your attention is drawn to the attached report of Natural England.
- 7 Your attention is drawn to the attached report of Leicestershire County Council's Director of Environment and Transport in respect of highway matters.
- 8 Your attention is drawn to the attached report of Leicestershire County Council's Rights of Way Officer. The applicants are advised to have regard to the issues raised when preparing any reserved matters scheme.
- 9 Your attention is drawn to the attached report of the National Forest Company.
- 10 Your attention is drawn to the attached report of the District Council's Urban Designer. The applicants are advised to have regard to the issues raised and are encouraged to enter into pre-application discussions with the Local Planning Authority prior to preparing any reserved matters scheme.
- 11 The applicants are advised that, notwithstanding the mix of housing size / type assumed for the purposes of calculating the likely River Mease DCS contribution, the Local Planning Authority would expect the reserved matters to include for an appropriate mix of residential units to reflect local need.
- 12 This decision is in accordance with the resolution of the Planning Committee of 7 January 2014 and is subject to a Section 106 Obligation.

PLANNING APPLICATIONS- SECTION A

Erection of 8 no. detached dwellings with associated access road

Report Item No
A5

Land Adjoining Whitwick Filling Station Talbot Street Whitwick Coalville

Application Reference
13/00060/FUL

Applicant:

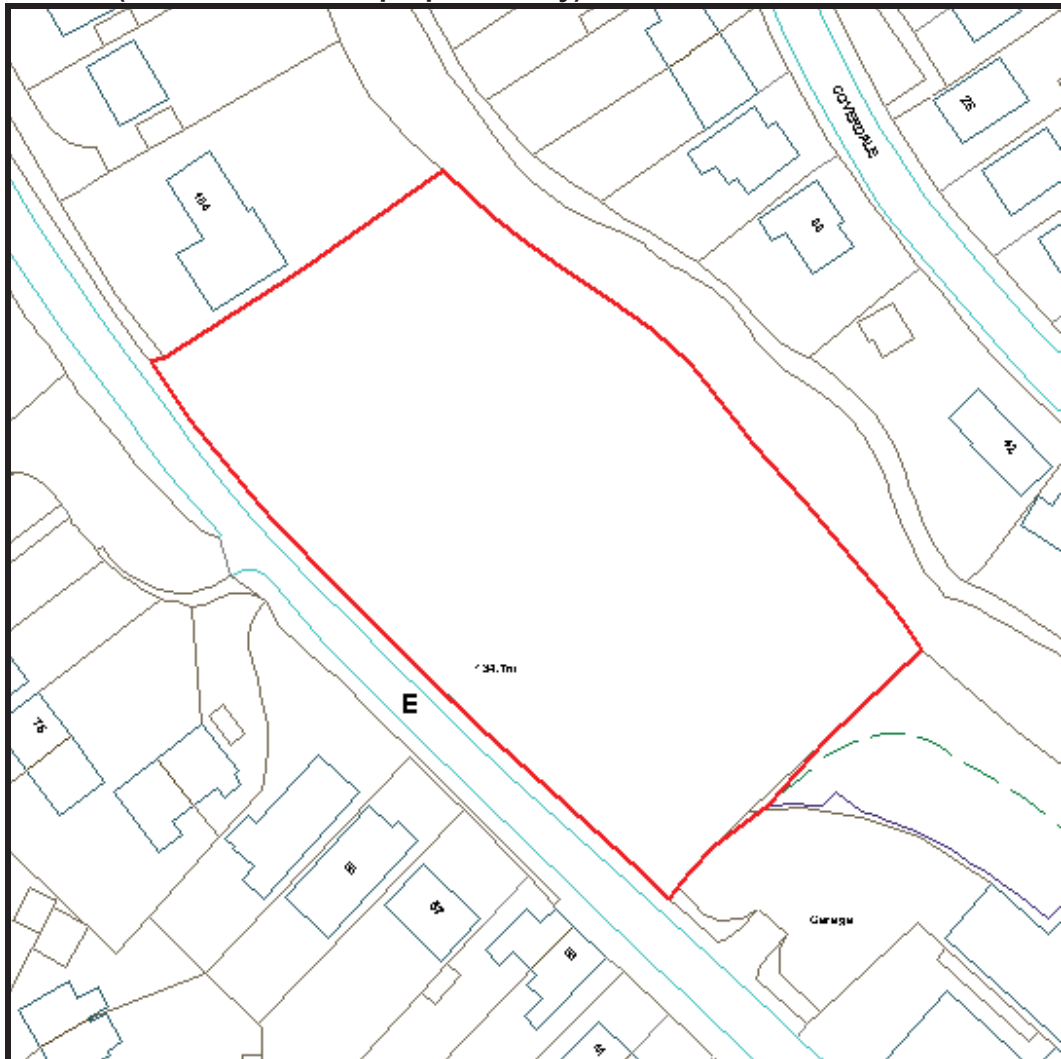
Date Registered
23 January 2013

Case Officer:
Adam Mellor

Target Decision Date
20 March 2013

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 has been brought to the Planning Committee at the request of Councillor Spence due to the impacts of the development on highway safety, drainage and the potential impacts on residential amenities.

Proposal

The application seeks to obtain planning permission for the erection of 8 no. detached dwellings on 0.5 hectares of land that currently forms part of a greenfield site between the Whitwick Filling Station and No. 104 Talbot Street. The application site is situated on the north-east side of Talbot Street with residential properties on Coverdale and the Grace Dieu Brook, lying to the north-east of the site. Properties within the vicinity of the site vary in their type and design with off-street parking predominately being situated to the frontage of dwellings. The vehicular access to serve the dwellings would be formed off Talbot Street.

Consultations

Nine individual letters of representation along with the two signed petitions have been received objecting to the application and Whitwick Parish Council also objects to the application. All other statutory consultees have no objections subject to conditions on any consent.

Planning Policy

It is considered that the development would accord with all relevant policies of the North West Leicestershire Local Plan as well as Paragraphs 14, 32, 49, 57, 60, 61, 103 and 118 of the National Planning Policy Framework (NPPF). Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System) would also be appropriate in any assessment.

Conclusion

The site is situated within the defined limits to development where the principle of this form of development is acceptable and although the development would be situated on a greenfield site the inability of the Local Authority to demonstrate a five year housing land supply would not restrict the development of the site under Policy H4/1, which is considered out of date. As the area is sustainable and the development would not result in the loss of protected open space the principle of the proposal would be acceptable. It is considered that the density of the scheme would be acceptable, taking into account the site constraints, the suitable housing mix achieved and the need to provide appropriate landscaping, and would accord with Policy H6 of the Local Plan. The amendments made to the development proposals have ensured that a satisfactory relationship with the dwelling at No. 104 Talbot Street would be established and that the overall heights of the dwellings and restriction on the residential curtilages of the properties would also ensure that the amenities of the occupants of properties on Coverdale would not be impinged upon significantly, as such the development would accord with Policy E3 of the Local Plan. It is considered that the scheme has been designed in a manner which would respect the existing building line along Talbot Street and the retention of a substantial amount of the existing landscaping, as well as its reinforcement, would ensure that the scheme would not result in the entire loss of this greenfield site. The individual designs of the properties would also enhance the architectural standards of the immediate environment and in these circumstances the scheme would respect the character and appearance of the streetscape and surrounding area in accordance with Paragraphs 57, 60 and 61 of the NPPF and Policies E4, F1 and H7 of the Local Plan. It is acknowledged that the County Highways Authority have no objections to the formation of the vehicular access to serve the potential dwellings and in these circumstances the proposal would not be severely detrimental to highway safety, given that sufficient off-street

parking and manoeuvring facilities would also be provided, and would accord with Paragraph 32 of the NPPF as well as Policies T3 and T8 of the Local Plan. Both Natural England and the County Ecologist have raised no objections to the application, subject to the imposition of appropriate conditions, and as such the development would accord with Paragraph 118 of the NPPF and Circular 06/05. The existing landscaping would be substantially retained on the site with additional landscaping also being proposed, it is considered that the restriction of the residential curtilages for the dwellings and the submission of a management plan would ensure compliance with Policies E2, E7, F1, F2 and F3 of the Local Plan. The Environment Agency suggested that conditions be imposed on the previous application refused on the site to agree the sustainable drainage techniques for surface water management and in the circumstances that these conditions are included on any consent it is considered that the proposal would not worsen any localised flooding issue which would ensure compliance with Paragraph 103 of the NPPF. The development therefore accords with the planning policies stated above.

RECOMMENDATION - APPROVE SUBJECT TO CONDITIONS.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommended conditions, 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 eight detached dwellings with associated access road at Land Adjoining Whitwick Filling Station, Talbot Street, Whitwick. The land in question is situated to the north-west of the filling station and has an area of 0.50 hectares with residential properties on Coverdale, as well as the Grace Dieu Brook, lying to the north-east of the site. The land is situated within the defined limits to development, as identified in the North West Leicestershire Local Plan, and the surrounding area is predominately residential with dwellings varying in their type and design.

Within the application site there are a number of mature trees and hedging along the boundaries with there being a significant difference in the land levels between Talbot Street and Coverdale which is reflected in the varying topography of the application site.

Following amendments during the course of the application the dwellings proposed on the site would consist of three types which would be as follows: -

House Type B2 (Plots 1 & 2):

These houses would be a pair of two-storey semi-detached properties which would have individual dimensions of 9.7 metres in length by 5.4 metres in width and use of a pitched gable ended roof with an eaves height of 2.5 metres on the south-western (front) elevation and 5.5 metres on the north-eastern (rear) elevation and a ridge height of 5.2 metres, when viewed from Talbot Street, and 8.1 metres when viewed from Coverdale. It is indicated on the floor plans that the dwelling would provide a kitchen, water closet and living room at lower ground floor level and two bedrooms, a hall and bathroom at ground floor level for the occupants.

House Type B3 (Plots 3 & 8):

This house would be a detached two-storey type which would have dimensions of 10.6 metres in length by 10.2 metres in width and use of a pitched gable ended and hipped roof with an eaves height of 2.5 metres on the south-western (front) elevation and 5.5 metres on the north-eastern (rear) elevation and a ridge height of 5.1 metres when viewed from Talbot Street and 8.2 metres when viewed from Coverdale. It is indicated on the floor plans that the dwelling would provide a family/dining room, kitchen, water closet, lobby and living room at lower ground floor level and three bedrooms, a bathroom, hall and garage at ground floor level for the occupants.

House Type B4 (Plots 4, 5, 6 & 7):

This house would be a detached two and a half storey type which would have dimensions of 10.6 metres in length by 10.2 metres in width and use of a pitched gable ended and hipped roof with an eaves height of 3.0 metres on the south-western (front) elevation and 5.5 metres on the north-eastern (rear) elevation and ridge height of 6.1 metres when viewed from Talbot Street and 9.2 metres when viewed from Coverdale. It is indicated on the floor plans that the dwelling would provide a family/dining room, kitchen, water closet, lobby and living room at lower ground level, three bedrooms, a bathroom, hall and garage at ground floor level and a bedroom and en-suite at first floor level for the occupants.

A new vehicular access into the site would be formed from Talbot Street which would serve all of the properties with off-street car parking being provided to the frontage of the properties and within the garages which serve house types B3 and B4.

A design and access statement was initially submitted with the application and following the

receipt of consultation responses an ecological survey and arboricultural assessment have also been submitted in support of the application.

The planning history of the site is as follows: -

- o 01/01182/OUT - Erection of five dwellings (outline - all matters reserved) - Withdrawn 26th February 2003;
- o 07/00566/FUL - Erection of 8 no. detached dwellings with associated access road - Refused 29th May 2007.

2. Publicity

41 no. Neighbours have been notified (Date of last notification 19 June 2013)

Site Notice displayed 25 January 2013

3. Consultations

LCC ecology consulted 30 January 2013

Whitwick Parish Council consulted 24 January 2013

County Highway Authority consulted 24 January 2013

Severn Trent Water Limited consulted 24 January 2013

Head of Environmental Protection consulted 24 January 2013

Natural England consulted 24 January 2013

NWLDC Tree Officer consulted 24 January 2013

National Forest Company consulted 19 February 2013

NWLDC Conservation Officer consulted 12 June 2013

NWLDC Tree Officer consulted 19 June 2013

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 awaiting comments on scheme and these will be reported on the update sheet.

Leicestershire County Council - Ecology initially objected to the application and stated the following: *"Whilst I have no objection in principle to this development, I have some concerns about the impacts on the Grace Dieu Brook. This is an extremely important wildlife corridor, and is unique in Leicestershire as a fast-flowing stream flowing in a 'ravine' over bedrock (ref - Action for Wildlife: Leicester, Leicestershire and Rutland BAP, 1998). The trees along the brook are an important part of the wildlife corridor. My concerns are about impacts on the brook during construction and about future impacts on the wooded corridor of the brook; 1. Future impacts on the woodland along the Brook - The land slopes steeply down to the Brook. There are trees along the brook, and spreading up the slope towards Talbot Street. The lower parts of much of the development plot is wooded. The D&A statement for the development states that these trees will be retained. The layout plan shows the tree extent but it isn't clear whether it will be outside the gardens of the properties - however, it seems likely that the gardens will extend right down the development plot, and that the trees will become included in gardens. What guarantees are there that the occupants will not remove all the trees down to the brook edge and limit of ownership? My recommendation therefore is that the back gardens only extend down to the tree line, leaving a buffer of at least 10m at the lower end of the development plot*

which is allowed to remain wooded and unmanaged (as at present); **2. Impacts during construction** - The ground will need major re-grading to allow construction. Due to the steep slopes, I feel there's a risk of soil and other materials falling or being tipped down the slope to the woodland and brook. What protection can be given to the brook and wooded corridor to prevent soil, rubble, and other construction materials ending up downslope, or for material to be tipped downslope? If any material ended up in the brook, it could smother bankside and stream-bed habitats and fauna, and could irreversibly damage the unique site; I would like to make a holding objection to this development until these two issues are resolved - my reason being the potential adverse impacts on a locally important and irreplaceable BAP habitat." Following reconsultation on the ecological survey the County Ecologist has stated the following: "The revised layout appears to show back garden boundaries following the approximate tree line alongside the brook, therefore it has satisfactorily addressed my previous concerns regarding inclusion of woodland within back gardens; The ecology report (EMEC Sept 2013) is satisfactory and no further survey work is required pre-determination. It appears as though the woodland corridor along the brook is used by badgers; EMEC recommend various conditions - see 6.1.2 b), c) and d) covering bat friendly lighting, avoidance of harm to badgers, and site clearance outside the bird-nesting season. I would also recommend a condition requiring a pre-development check for badgers, as it appears they are active in the area and may open up a new sett in the slope; My second concern has not been addressed; namely the protection of the brook and woodland habitats during construction. I imagine that this can be covered by a planning condition for a method statement regarding site fencing and barriers to prevent erosion of soils down-slope and to prevent construction materials, rubble etc polluting and littering the woodland and the Brook; Finally any tree and shrub planting adjacent to the woodland corridor must be of locally native species."

Leicestershire County Council - Highways has no objections subject to the inclusion of conditions on any consent and the cutting back of vegetation along the site frontage to provide visibility splays.

Natural England initially commented that no response could be provided due to the lack of survey information addressing impacts on protected species. Following reconsultation Natural England has no objections subject to consideration being given to protection of protected species.

National Forest Company initially stated the following: "The application site area, as stated within the application form, is 0.5ha, therefore the National Forest Company's (NFC) Guide for Developers and Planners would expect 20% of this to be for woodland planting and landscaping. This would equate to 0.1ha; The Design and Access Statement suggests at paragraph 4.1 that 1,350 square metres of the site will be retained trees to the eastern boundary which would equate to 27%. The NFC would accept the retention and management of this woodland in lieu of new planting in this instance provided that the following are secured by way of condition or legal agreement: - Details of measures to protect the woodland during construction works; submission of an arboricultural report setting out the tree works required to accommodate housing in close proximity. This should also include details of ecological enhancements to the woodland to improve its value for biodiversity such as thinning, replacement tree and shrub planting, creation of hibernacula and installation of bird and bat boxes. A timescale for implementation of these works should be set out." Following reconsultation the following comments have been provided: "Our original comments sought for an arboricultural report to be submitted to assess the impact of the proposed dwellings on the woodland. The report now submitted appears satisfactory and concludes that three individual trees, one group and parts of a further three groups will need to be removed to facilitate the development; The NFC requests that tree planting to the road frontage should be required by

condition to mitigate for these losses as proposed in paragraph 4.7 of the report; Our original comments also stated that for the existing trees to be considered as meeting the expected woodland planting and landscaping then the woodland would not only need to be retained but also managed, so that there is a benefit to the woodland from the development. Our comments suggested that there may be a need for thinning, replacement tree and shrub planting and the creation of hibernacula or bat and bird boxes. This aspect is addressed in the report therefore the NFC reiterates the request that a condition is imposed for biodiversity enhancements to be made to the retained woodland; Our comments also sought for details of protective fencing to be submitted, some details are provided within section 5 of the report. The NFC requests that a condition is imposed for details of the type and position of the fencing to be agreed; The application and report is not clear on the long term ownership for the wood, whether this will be retained by the applicant or form part of the private gardens for new dwellings. The NFC requests that clarification is sought from the applicant and that the District Council expresses a preference for the woodland to be retained in one ownership to allow its continued management, rather than divided between new residents."

NWLDC - Environmental Protection no representation received.

NWLDC - Tree Officer initially stated the following: *"The outgrown and gappy hedge of Hawthorn and Elder on the front, roadside boundary, will need to be restored using C.monogyna, A.campestre, C.avellana and C.sanguinea. Tree species planted within it will need to be of fastigiated or upright native form. There is insufficient space for tree planting as shown in the small (5m) front gardens and therefore there is requirement for strong, high quality front boundary treatment. Future maintenance of the front hedgerow needs to be pre-determined to prevent neglect or piece-meal trimming by residents; Some existing young and middle-aged oak and hawthorn in the upper part of the site will be lost. The oak are mainly of local scrub form but with good potential. Their loss could be mitigated by new woodland planting at 2.5m centres in the gap on the lower slope. There will presumably be a need for gabions or terracing below the dwellings and detailed construction drawings will be needed. Such construction will require an assessment of the impact on trees and also the impact on the properties to the north and sufficient landscape screening provided. Landscape conditions need to be applied and an Arboricultural Assessment provided; Access to the existing woodland area needs to be designed into the scheme and future responsibility determined with a long-term management plan."* Following reconsultation the following has been stated: *"The Arboricultural Assessment by FRCP is an accurate reflection of the impact that proposals will have on tree cover; Loss of T3 is significant but its loss, the partial encroachment into TG3 and loss of T5 and TG7 could be mitigated in number by replacement planting along Talbot Street and to the north-west of TG2; Future maintenance of the woodland area is still an issue to be resolved. There appears to be no obvious single access route into it for any necessary maintenance of new planting and of mature trees although narrow gaps are present along the site boundaries. A uniform and consistent management plan will be required for the whole band of trees TG2 - TG6 avoiding piecemeal maintenance by individual residents. A TPO may need to be considered."*

Severn Trent Water Limited no objections subject to a drainage condition being applied to any consent.

Whitwick Parish Council objects to the application and states: *"The proposed access/egress would exacerbate existing traffic problems experienced at the cul-de-sac on the opposite side of the road; The development would result in additional surface water run-off into the Grace Dieu Brook with potential to create flooding problems further downstream; The proposed 2.5 storey dwellings would create intrusive overlooking."*

Third Party Representations

Nine individual letters of representation and two signed petitions have been received objecting to the application which are broken down as follows: -

- o 1 No. letter from the occupants of No. 53 Talbot Street;
- o 1 No. letter from the occupants of No. 55 Talbot Street;
- o 1 No. letter from the occupants of No. 79 Talbot Street;
- o 2 No. letters from the occupants of No. 104 Talbot Street;
- o 2 No. letters from the occupants of No. 29 Coverdale;
- o 1 No. letter from the occupants of No. 42 Coverdale;
- o 1 No. letter from the occupants of No. 44 Coverdale;
- o 35 signatories to a petition from residents of Coverdale, Crescent Road and Mossdale;
- o 24 signatories to a petition from residents of Talbot Street.

The objections raised are as summarised below: -

- o Position of Plot 8 will have a detrimental effect on the light to our property;
- o If the occupant of Plot 8 puts up a fence between the properties, the soil is two feet higher there and the erection of an six foot fence would lead to there being an eight foot fence straight outside our windows and doors;
- o Increase in traffic will have a detrimental impact on highway safety;
- o Increase in vehicular fumes will impact on use of the garden and wildlife;
- o Development will impact on the ecological species supported by the site;
- o Water drainage to the brook could have a detrimental affect on water life and the houses would be in danger of flooding;
- o Dwellings will interfere with television reception;
- o New properties on the land will impact on privacy due to the difference in land levels;
- o New properties on the land will result in overshadowing;
- o Any rubbish deposited on the site could result in the pollution of the brook;
- o Development would be out of character with the area given that they stand over two-storey in height;
- o Infilling of the green field site with this type of property will be detrimental to the area;
- o Development of site will result in the loss of a view;

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

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

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

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

the greater weight they may be given.

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

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

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

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

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

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

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

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

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

North West Leicestershire Local Plan

Policy S2 of the Local Plan provides that development will be permitted on allocated sites and other land within the Limits to Development, identified on the Proposals Map, where it complies with the policies of the Local Plan;

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

Policy E3 seeks to prevent development which would be significantly detrimental to the

amenities enjoyed by the occupiers of nearby dwellings;

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

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

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

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

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

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

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

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

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

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

Submission Version Core Strategy

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

Other Guidance

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 and Sustainability

The site is located within the limits to development where the principle of residential development is considered acceptable subject to compliance with the relevant policies of the adopted North West Leicestershire Local Plan and other material considerations. Policy H4/1 of the Local Plan aims to direct new development to sustainable locations and in doing so sets out a sequential approach to the release of housing land. Regard should also be paid to Paragraphs 14 and 49 of the NPPF.

Planning permission 07/00566/FUL was refused on the following grounds, amongst others: -

- o *The site constitutes greenfield land. Policies 2 and 3 of RSS 8 - Regional Spatial Strategy for the East Midlands, Strategy Policies 2A and 2B of the Leicestershire, Leicester and Rutland Structure Plan, and Policy H4/1 of the North West Leicestershire Local Plan set out a sequential approach to the selection of sites for residential development. The proposed development would result in the unnecessary use of a greenfield site, contrary to the sequential approach to residential development set out in the Development Plan and PPS 3;*
- o *Strategy Policy 3 of the Leicestershire, Leicester and Rutland Structure Plan states that where, after applying the sequential approach in Strategy Policy 2A and the criteria in Strategy Policy 2B, it is necessary to consider new development on greenfield land, such land should satisfy a number of criteria. Notwithstanding Reason for Refusal 1 above, the proposed development would not satisfy the criteria set out in Strategy Policy 3 of the Structure Plan, contrary to its managed approach for the release of greenfield sites, where this is deemed necessary;*

Of these policies only H4/1 remains extant and as such no consideration is given to the policies within the Regional Spatial Strategy for the East Midlands or Leicestershire, Leicester and Rutland Structure Plan in the assessment of this application.

The application site is currently a greenfield site within Whitwick, which would fall within criterion (c) allocated and other appropriate land within Coalville. The second section goes on to outline a set of criteria relating to the sustainability of the location. It is considered that the Talbot Street area of Whitwick would be within a sustainable location, given its proximity to public transport facilities and local services, and as such would accord with the principles of Policy H4/1 of the Local Plan.

Whilst the development would be located on a greenfield site, with the NPPF seeking to direct the majority of housing to brownfield land, it is considered that Policy H4/1 would not be a constraint on resisting this type of development given that it is considered 'out of date.' This is due to appeal decision of May 2013 in respect of land south of Moira Road, Ashby De La Zouch which found that the 'Sedgefield' approach, to identify a five year supply of housing land, should be used given that the Council is only able to demonstrate a supply of 4.43 years which represents a significant shortfall vis-à-vis the requirements of the NPPF. The inability to demonstrate a five year supply of housing are profound with Paragraph 49 of the NPPF advising that "*Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.*" Given these circumstances as well as the fact that the loss of the site would not be significantly detrimental to the character of the area (as discussed in more detail below) or result in the loss of protected open space it is considered, overall, that the principle of the development would be acceptable.

Density

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

With a site area of 0.50 hectares, the proposal would have a density of 16.0 dwellings per hectare. Whilst the density would fall below that advised in Policy H6 these policies also identify that it is important to factor into any assessment the principles of good design as well as green space and landscaping requirements. It is noted that development on the site would be constrained by the topography of the site and the retention of a significant amount of landscaping which would reduce the developable area. In the circumstances that the Local Authority values good design in its approach to residential development, there would be a need to reinforce the landscaping of the site, given the setting of the site within the National Forest, and a suitable housing mix has been achieved it is considered that the density proposed would represent an efficient use of the land in this instance. In these circumstances the proposal would not substantially conflict with the principles of Policy H6 as to warrant a refusal of the planning permission.

Residential Amenity

It is considered that the properties most directly affected by the proposed development would be No. 104 Talbot Street, a two and a half storey detached dwelling, situated to the north-west of the site, and Nos. 32, 34, 36, 38, 42 and 44 Coverdale, two-storey detached and semi-detached dwellings, situated to the north-east of the site.

At present no defined boundary treatment exists between the application site and No. 104 Talbot Street which contains two windows and two entrance doors on its south-eastern (side) elevation, along with a roof light in the same elevation. The floor plans associated with application reference 98/0609/P for extensions and alterations to No. 104 indicate that the two windows would serve a water closet and a kitchen (with the kitchen window being a secondary window given that another window exists on the north-eastern (rear) elevation), the two doors would serve a hall and an integral garage and the roof light would serve an en-suite. The scheme has been amended so that the dwelling proposed adjacent to No. 104 would now be a one and a half storey type which would be set 4.6 metres from the side elevation of this dwelling. Although the land level rises between No. 104 and the side elevation of Plot 8 the eaves height of the proposal coupled with the overall height and use of a roof which would slope away from the boundary would ensure that the dwelling would not have a significantly detrimental overbearing or overshadowing impact on the amenities of No. 104 to justify a refusal of the application, particularly in the circumstances that the windows on the side elevation are not habitable room windows. Plot 7, at a distance of 17.5 metres from the side elevation of No. 104, would also incorporate a hipped roof into its design which would ensure that it would not impact significantly on the amenities of No. 104 given the distance involved. No windows are proposed in the side elevation of Plot 8 and as the property would be orientated away from the shared boundary it is considered that there would be no adverse overlooking impacts. Although the occupant of No. 104 has expressed concerns that a 'view would be lost' it is noted that the right to view is not a material planning consideration which could be taken into account in the assessment of the proposals. With regards to the potential establishment of a boundary treatment appearing 'dominating' to No. 104, by virtue of the difference in land levels, it is noted that planning permission would not be required should the current owner of the land wish to erect a boundary treatment to a height of 2.0 metres which would have a similar impact. In any case, however, the street scene drawing to Talbot Street shows that the land levels would be

dropped at this point to ensure that any boundary treatment would be of a height between 1.8 metres to 2.0 metres from the ground level of No. 104 and the details of the boundary treatments to be established would be conditioned accordingly on any planning consent granted.

With regards to the impacts on the amenities of the properties on Coverdale it is considered that the distance of the properties from these dwellings, as well as the presence of other built forms of development along Talbot Street which have similar overall heights, would ensure that the development proposals would not have a significantly detrimental overbearing or overshadowing impact given that they would deviate significantly from the building line established by the rear elevation of No. 104 Talbot Street. In terms of overlooking impacts it is noted that the Officer report for application reference 07/00566/FUL stated the following: *"it is noted that the proposed dwellings would incorporate rear gardens of approximately 28 to 30 metres in length, resulting in window to window distances considerably in excess of those set out in the Council's Development Guidelines. Notwithstanding this, and notwithstanding the retention of existing trees referred to above, it is considered that, by virtue of the proposed development's significantly elevated position vis-à-vis the existing properties to the rear, significant loss of amenity to occupiers of those properties by way of overlooking and a perception of such from not only the proposed dwellings but, in particular, their gardens, would appear likely."* The properties proposed as part of the above application were two and a half storey types which presented eaves heights of 5.7 metres and ridge heights of 9.9 metres to Coverdale. Originally the dwellings proposed as part of this application presented eaves heights of 5.7 metres and ridge heights of 10.2 metres, on property type B1, and eaves heights of 5.7 metres and ridge heights of 10.2 metres, on property type B2, to Coverdale. On the basis of the revised house types the eaves and ridge heights presented to Coverdale would be as follows: -

- o House type B2 - eaves height of 5.5 metres and overall height of 8.1 metres;
- o House type B3 - eaves height of 5.5 metres and overall height of 8.2 metres;
- o House type B4 - eaves height of 5.5 metres and overall height of 9.2 metres;

On the basis of these details the overall heights of the properties have been significantly reduced, by almost two metres in some cases, with the tallest property still being 0.7 metres lower than the dwellings previously considered under the aforementioned application. These changes have also coincided with the elevation details of the properties being amended with the ground floor area being more suppressed than the lower ground level and only roof lights being proposed in the roof slopes of the properties rather than dormer windows. It is considered that these changes, coupled with the overall position of the dwellings in relation to existing built forms along Talbot Street, would ensure that the extent of overlooking, or perceived impact of overlooking, from the dwellings themselves would not be sufficiently detrimental to warrant a refusal of the application. With regards to any loss of privacy by virtue of the use of private garden space it is proposed to condition any consent to ensure that the rear amenity area for each dwelling is restricted due to the need to maintain and enhance the existing landscaping along the Grace Dieu Brook in accordance with the aims of the National Forest Company and Council's Tree Officer. The exclusion of this land from the private amenity areas of each dwelling would ensure that this planting would not be 'lost' and a condition would also be imposed to reinforce the landscaping of this area as well as for a long term maintenance schedule to be agreed given its exclusion from domestic gardens. Given that the rear amenity areas for each of the dwellings would be restricted and the existing landscaping would be retained it is considered that the potential for any direct overlooking impacts onto or into the properties on Coverdale would be minimised and as such the impacts would not be sufficiently adverse to warrant a refusal of the application.

The relationship between the dwellings and those properties on the south-western side of Talbot Street would also be acceptable given the overall designs and distances involved.

In terms of the amenities of any future occupants of the properties it is considered that the proposed relationships between each individual property would be acceptable and would not result in any detriment in respect of overbearing, overshadowing or overlooking impacts. Views from the windows on the side elevation of No. 104 Talbot Street would be restricted by any proposed boundary treatment and the roof light would be a sufficient height above the internal floor level, in these circumstances there would be no adverse impact on the amenities of any occupant of Plot 8. In the circumstances that the Council's Environmental Protection team have raised no objections it is also considered that the relationship between Plot 1 and the Whitwick Filling Station, as well as the Quiet Storm telecommunications offices, would be acceptable.

Overall, therefore, the development would not conflict significantly with the principles of Policy E3 of the Local Plan.

Design

The need for good design in new residential development is outlined not only in Local Plan Policies E4 and H7 but also Paragraphs 57, 60 and 61 of the NPPF with Paragraph 61 outlining that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. The site is also located within the National Forest and as such Policy F1 of the Local Plan would also be of relevance.

The application site is steeply sloped with the properties on Talbot Street being at a higher land level than those on Coverdale. Properties along Talbot Street front onto the road and generally consist of two-storey and single storey detached and semi-detached types. Off-street parking exists to the frontage of dwellings and no properties within the immediate vicinity of the site exhibit any substantial quality in their architectural design with the terraced properties on Brook Lane perhaps exhibiting the most design quality given their use of eaves detailing, stone cills and headers and chimneys.

It is proposed that the landscaping along the front boundary of the site would be retained and enhanced which would result in some natural screening of the development proposals when viewed from Talbot Street. The building line of the properties would mainly reflect that of Talbot Street with only Plots 1 and 2 being set slightly further forward than the remainder of the Plots due to their relationship with the retained trees. In the circumstances that the development would respect the context of its setting it is considered that the proposals would not have an adverse impact on the character and appearance of the Talbot Street streetscape. The elevation presented to the entrance into the site would also be of a standard which would ensure that the 'fleeting' views established at that point would not be adverse to the appearance of the street scene overall. With regards to the wider area it is considered that the retention and reinforcement of the trees to the rear of the site, within proximity to the Grace Dieu Brook, would limit the views which would be established from Coverdale and the properties to the north-east of the site but in the circumstances that the existing built forms of development on Talbot Street would be visible from these areas it is considered that the proposed development would not have a significantly adverse impact on the character and appearance of the wider area to justify a refusal of the application.

Although off-street parking would be provided to the frontage of the dwellings it is considered

that this would not detract from the character of the area given that this form of parking is common along the remainder of Talbot Street and the landscaping retained to the site frontage would assist in reducing the visual impact of a car 'dominated' frontage. In any case the parking of vehicles to the frontage would remain the only feasible option for any residential scheme given the topography of the site preventing a parking solution to the side elevations of the properties with detached garages to the rear.

With regards to the individual designs of the properties it is noted that they would be 'split-level' dwellings which would have the appearance of one-storey to one and a half storey when viewed from Talbot Street and two-storey to two and a half storey when viewed from Coverdale. It is considered that this design approach would be acceptable and the dwellings would include eaves and verge detailing, bay windows and cills and headers as well as 'chunky' timber posts within the porches, timber cladding and suitably coloured render to reinforce the National Forest identity of the scheme. The overall scale of the properties would reflect those of the surrounding area and the variation in the roof types would enhance the architectural standards of the immediate environment.

Although the materials to be used in the construction of the dwellings have been partially specified in the application forms not all the materials have been noted and as such it is considered that it would be appropriate to condition any planning consent to ensure that samples of the materials to be used are submitted for approval to ensure that appropriate materials are utilised.

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

Highway Safety

The County Highways Authority has raised no objections to the proposal subject to appropriate conditions on any grant of planning permission. The appropriate visibility for the new access would be achieved with the cutting back and slight removal of the vegetation along the south-western (front) boundary with the access point serving all of the properties. A new access road would run in front of the properties with associated off-street parking also being provided. Vehicular manoeuvring facilities to ensure that vehicles vacant the site in a forward direction would also be accommodated with the site boundaries.

Paragraph 32 of the NPPF indicates that "*development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*" In the circumstances that the County Highways Authority has not objected to the application it is considered that the development would not have a severe impact on highway safety and as such it would accord with Paragraph 32 of the NPPF as well as Policies T3 and T8 of the Local Plan.

Ecology

Both Natural England and the County Ecologist are satisfied that the development would not have an adverse impact on any protected species, or the Grace Dieu and High Sharpley Site of Special Scientific Interest (SSSI), subject to the imposition of conditions on any consent. A condition requesting a method statement for the construction of the development would also be imposed on any consent to ensure that any debris from the development does not fall within the Grace Dieu Brook and is as requested by the County Ecologist. Whilst the County Ecologist has requested a condition for a pre-development check of the site for badger sett's should be carried out it is considered that this would be an unreasonable request in the circumstances that

badgers could be established on any site between the decision on an application and the commencement of development, as such a suitably worded note to the applicant would be included on any consent. In the circumstances that the habitat of protected species would be preserved it is considered that the development would accord with Paragraph 118 of the NPPF and Circular 06/05.

Landscaping and National Forest Planting

Both the Council's Tree Officer and the National Forest Company have no objections to the scheme subject to appropriate conditions. The amount of trees retained would accord with the planting standards of the National Forest and the provision of additional landscaping, in the form of trees and mature hedgerows, would further reinforce this planting. Given the importance that the trees have on the visual amenity of the area, with the Council's Tree Officer considering the trees worthy of a tree preservation order (TPO), it is proposed to restrict the extent of the residential gardens to each property to ensure that the trees retained, and potentially planted, are protected from various works by any future occupants of the property which would impact on their integrity. A condition requesting the submission of a management plan for the future maintenance of the wood, as well as the provision of footpath access to this site, would be imposed on any consent. In the circumstances that the woodland would be retained and enhanced it is considered that the development would accord with Policies E2, E7, F1, F2 and F3 of the Local Plan.

Other Matters

Concerns have been expressed regarding increased flooding of the Grace Dieu Brook and the views of the Environment Agency are awaited following consultation. The Environment Agency previously advised, in a consultation response to application reference 07/00566/FUL, that *"the site is located in Flood Zone 1 and the risk of fluvial flooding to the site is less than 0.1% in any one year and the site lies outside the 1 in 1000 year floodplain. Generally this means that the chances of flooding each year from rivers is 0.1% (1 in 1000) or less."* In terms of the increased risk of flooding elsewhere as a result of the proposed development, the Agency advises that there has been historic flooding problems with Grace Dieu Brook, and it would therefore be necessary for the development to incorporate sustainable drainage techniques (such an approval can involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales ponds and wetlands to reduce flood risk by attenuating the rate and quantity of surface water run-off from a site). In the circumstances that the suggestions of the Environment Agency are included in any planning consent it is considered that the development would accord with Paragraph 103 of the NPPF. It is considered that the imposition of a surface water condition would also meet the request of Severn Trent Water although it is considered that the imposition of a condition for an agreement on foul drainage discharge would not be required in this instance given that these matters would be addressed under separate legislation (Building Regulations and by Severn Trent Water themselves).

With regard to the issue relating to the potential impacts of the development on television reception it is considered that although this would be a material planning consideration no evidence has been provided to suggest that the provision of eight dwellings would have an adverse impact on television reception particularly as their ridge heights would not be substantially higher than neighbouring properties.

Summary Reasons for Granting Planning Permission

The site is situated within the defined limits to development where the principle of this form of development is acceptable and although the development would be situated on a greenfield site the inability of the Local Authority to demonstrate a five year housing land supply would not restrict the development of the site under Policy H4/1, which is considered out of date. As the

area is sustainable and the development would not result in the loss of protected open space the principle of the proposal would be accepted. It is considered that the density of the scheme would be acceptable, taking into account the site constraints, the suitable housing mix achieved and the need to provide appropriate landscaping, and would accord with Policy H6 of the Local Plan. The amendments made to the development proposals have ensured that a satisfactory relationship with the dwelling at No. 104 Talbot Street would be established and that the overall heights of the dwellings and restriction on the residential curtilages of the properties would also ensure that the amenities of the occupants of properties on Coverdale would not be impinged upon significantly, as such the development would accord with Policy E3 of the Local Plan. It is considered that the scheme has been designed in a manner which would respect the existing building line along Talbot Street and the retention of a substantial amount of the existing landscaping, as well as its reinforcement, would ensure that the scheme would not result in the entire loss of this greenfield site. The individual designs of the properties would also enhance the architectural standards of the immediate environment and in these circumstances the scheme would respect the character and appearance of the streetscape and surrounding area in accordance with Paragraphs 57, 60 and 61 of the NPPF and Policies E4, F1 and H7 of the Local Plan. It is acknowledged that the County Highways Authority have no objections to the formation of the vehicular access to serve the potential dwellings and in these circumstances the proposal would not be severely detrimental to highway safety, given that sufficient off-street parking and manoeuvring facilities would also be provided, and would accord with Paragraph 32 of the NPPF as well as Policies T3 and T8 of the Local Plan. Both Natural England and the County Ecologist have raised no objections to the application, subject to the imposition of appropriate conditions, and as such the development would accord with Paragraph 118 of the NPPF and Circular 06/05. The existing landscaping would be substantially retained on the site with additional landscaping also being proposed, it is considered that the restriction of the residential curtilages for the dwellings and the submission of a management plan would ensure compliance with Policies E2, E7, F1, F2 and F3 of the Local Plan. The Environment Agency suggested that conditions be imposed on the previous application refused on the site to agree the sustainable drainage techniques for surface water management and in the circumstances that these conditions are included on any consent it is considered that the proposal would not worsen any localised flooding issue which would ensure compliance with Paragraph 103 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 This development shall be implemented in accordance with drawing number 1115-02, received by the Local Authority on the 23rd January 2013, drawing number 1115-12, received by the Local Authority on the 9th April 2013, and drawing numbers 1115-09 Revision A; 1115-11 Revision B; 1115-13; 1115-14, received by the Local Authority on the 18th June 2013, unless otherwise required by another condition of this permission.

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

- 3 Notwithstanding the details shown on the approved plans, no development shall

commence until a schedule of external materials and brick bonds to be used in the new dwellings and external finishes to the window and door units have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details which shall thereafter be so retained.

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

- 4 Notwithstanding the details shown on the approved plans, no development shall commence on site until detailed drawings of the eaves/verge detailing to the properties have been submitted to and agreed in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved details which shall thereafter be so retained.

Reason - to enable the Local Planning Authority to retain control over the external appearance as no precise details have been submitted.

- 5 No development shall commence on site until details of the location and design of a bin collection area have been submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed scheme which shall thereafter be so retained.

Reason - to ensure the development takes the form envisaged by the Local Planning Authority, in the interests of amenity and highway safety.

- 6 Notwithstanding the provisions of Classes A, B, C and E of Part 1 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) the new dwellings shall not be enlarged, improved or altered nor shall any building, enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse be provided within the curtilage of the new dwellings 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 the site's location and relationship with residential properties.

- 7 The residential curtilage's for the properties shall be restricted to the area outlined in red on the attached plan number LPA/13/00060/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 the interests of residential amenities and to protect the amenity of the trees and maintain the wildlife habitat.

- 8 Notwithstanding the details showed on the approved plans before first occupation/use of the dwellings, hereby approved, a scheme of soft and hard landscaping (including for retention of existing trees and hedgerows) and boundary treatment scheme for the site (which will include the detailed design of any retaining walls), 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 and

boundary treatment schemes 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 is provided within a reasonable period and in the interests of visual amenity given the site's location in the National Forest.

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

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

- 10 Prior to the first occupation of any dwelling on the site a landscape/ecological management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), together with a timetable for its implementation, shall be submitted to and agreed in writing by the Local Authority. The development shall be carried out in accordance with the landscape management plan, or in accordance with any subsequent variations first submitted to and agreed in writing by the Local Planning Authority.

Reason - to ensure the protection of wildlife and supporting habitat, to secure opportunities for the enhancement of nature conservation value of the site in line with National planning policy and to provide an appropriate form of development given its setting with the National Forest.

- 11 Notwithstanding the details shown on the submitted plans, or Condition 2 above, prior to first occupation of any dwelling on the site an amended plan shall be provided showing a pedestrian access from Talbot Street into the wooded area to the north-east of the dwellings to allow maintenance of the retained woodland. Once agreed the pedestrian access shall be provided before first occupation of any dwelling on the site and shall thereafter be so retained.

Reason - to ensure that the woodland area can be maintained in accordance with the agreed management plan without disturbance to residential amenities.

- 12 No development shall commence on site until details of the protective fencing for the trees and its position on the site has been submitted to and agreed in writing by the Local Authority. Once agreed the protective fencing shall be provided in accordance with the approved details and shall be kept in place until all works relating to the development proposals are complete.

Reason - in the interest of health and safety and the amenity value of the trees.

- 13 There shall be no storage of materials, plant, skips, equipment and/or other items associated with the development hereby approved, mixing of materials, vehicular movements or fires or other ancillary works associated within any of the areas bounded by the protective fencing.

Reason - in the interests of health and safety and the amenity value of the trees.

- 14 The development shall be carried out in strict accordance with the recommendations outlined in Points (b), (c) and (d) of Section 6 (Mitigation, Compensation & Further Survey Recommendations) of the Ecological Walkover Survey by EMEC Ecology of September 2013, received by the Local Authority on the 12th September 2013.

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

- 15 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. The method statement shall have particular regard to the measures which will be provided to prevent soil, rubble and other construction materials being deposited within the retained woodland or the Grace Dieu Brook. 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.

- 16 No gates shall be erected to the vehicular access.

Reason - to enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic, including pedestrians, in the public highway.

- 17 The gradient of the access drive shall not exceed 1:12 for the first 10 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.

- 18 Before first occupation of any dwelling on the site the following shall be provided: -
- 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 10 metres behind the Highway boundary;
 - 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the Highway boundary on both sides of the access in accordance with the current standards of the Highway Authority.
 - Visibility splays of 2.4 metres by 59 metres shall be provided at the junction of the access with Talbot Street;
- Once provided the measures shall thereafter be so retained in perpetuity with nothing being allowed to grow above a height of 0.6 metres above ground level in the pedestrian visibility splays and nothing being allowed to grow above a height of 0.9 metres above ground level in the visibility splays.

Reasons - to reduce the possibility of deleterious material being deposited in the highway (loose stones etc.); in the interests of pedestrian safety and 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.

- 19 Before occupation of any dwelling, the existing footway shall be widened to 2 metres in accordance with details that have first been submitted to and agreed in writing by the Local Planning Authority.

Reason - the Highway fronting the site has substandard footway provision and the proposal would lead to an increase in pedestrian movement along the Highway.

- 20 For the period of construction of the development within the site, vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the Highway.

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

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

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

- 22 No development shall commence on site until a scheme for the provision and implementation of a Sustainable Drainage (SuDs) system has been submitted to and approved in writing by the Local Planning Authority. The system shall be installed in accordance with the approved programme and details.

Reason - to ensure the satisfactory provision of drainage facilities to serve the proposed development are provided whilst preventing an increase in flood risk, protecting rivers and enhancing the habitat potential of the development.

- 23 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

Reason - to prevent pollution of the water environment.

- 24 No development shall commence on site until details of existing and finished ground levels and the proposed floor levels of the buildings in relation to an existing datum point off the site have been submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason - to ensure that the development takes the form envisaged by the Local Planning Authority and in the interests of residential amenities given that no precise details have been provided.

Notes to applicant

- 1 Planning permission been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the

- requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).
- 2 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 In order to provide the visibility splays detailed above it will be necessary to trim back the hedges across the site frontage.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Northern Area Manager (telephone 0116 305 0001).
- 5 The Highway boundary is the hedge fronting the premises and not the edge of the carriageway/road.
- 6 The proposed roads do not conform to an acceptable standard for adoption and therefore they will NOT be considered for adoption and future maintenance by the Highway Authority. The Highway Authority will, however, serve APCs in respect of all plots served by all the private roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the APC may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details see www.leics.gov.uk/htd or phone 0116 2656782.
- 7 The Developer will be required to enter into an agreement with the Highway Authority under Section 278 of the Highways Act 1980 for works within the highway and detailed plans shall be submitted and approved in writing by the Highway Authority. The Section 278 Agreement must be signed and all fees paid and surety set in place before the Highway works are commenced. Any statutory undertaker apparatus that requires relocation shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the relevant authority.
- 8 Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the Grace Dieu Brook a designated 'main river.'
- 9 Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). This approach involves using a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands to reduce flood risk by attenuating the rate and quantity of surface water run-off from a site. This approach can also offer other benefits in terms of promoting groundwater recharge, water quality improvements and amenity enhancements. Approved Document Part H of the Building Regulations 2000 sets out a hierarchy for surface water disposal which encourages a SUDS approach. Further information on SUDS can be found in the CIRIA C522 document Sustainable Urban Drainage Systems design manual for England and Wales and the Interim Code of Practice for Sustainable Drainage Systems. The Interim Code of Practice provides advice on design, adoption and maintenance issues and a full overview of other technical guidance on SUDS. The Interim Code of Practice is available on both the Environment Agency's website at: www.environment-agency.gov.uk and CIRIA's website at www.ciria.org.uk.
- 10 Bats are a rare and declining group of species. Hence, all British species of bat and bat roosts are fully protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats) Regulations 1994 making it an offence to intentionally kill or injure or disturb these species whilst in a place of shelter or protection or disturb bat roosts. If bat or bat roosts are discovered during work on the development,

PLANNING APPLICATIONS- SECTION A

- the relevant work should be halted immediately and Natural England (Tel. 0115 929 1191) should be notified and further advice sought. Failure to comply with this advice may result in prosecution and 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.
- 11 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.
- 12 Prior to the commencement of development a check of the site for the presence of badger sett's shall be carried out. Should any sett's be discovered the presence of a qualified ecologist will be required to ensure that the progression of the development would not have an adverse impact on this protected species.

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PLANNING APPLICATIONS- SECTION A

Erection of 6 no. dwellings with associated access off Kings Gate

Report Item No
A6

Post Office Farm 7 Main Street Lockington Derby

Application Reference
13/00740/FUL

Applicant:
Mr M Wetton

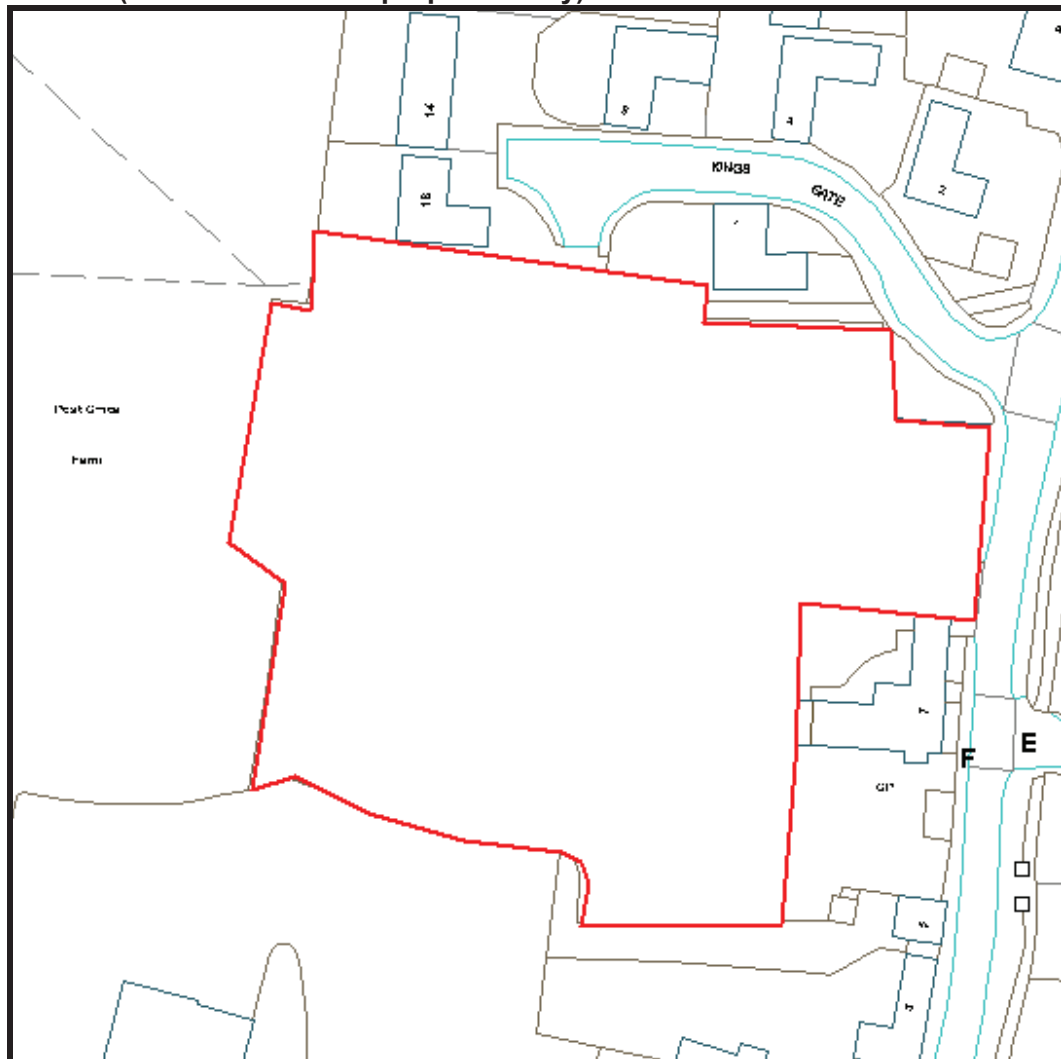
Date Registered
18 September 2013

Case Officer:
Joe Mitson

Target Decision Date
13 November 2013

Recommendation:
PERMIT Subject to a Section 106 Agreement106

Site Location (Plan for indicative purposes only)



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Executive Summary of Proposals and Recommendation

Proposal

The application seeks permission for 6 residential units and access onto Kings Gate.

Consultations

Members will see from the main report below that objections have been received from four neighbours in respect of the proposals and from the Highway Authority, although no objections are raised by the other statutory consultees.

Planning Policy

The site is within the Limits to Development as defined in the adopted North West Leicestershire Local Plan. Also material to the determination of the application however is the supply of housing in the context of the National Planning Policy Framework and sustainability.

Conclusion

The report below indicates that the site is within the Limits to Development of Lockington; however, the village is not considered to represent a sustainable location in terms of residential development. The site is adjacent to the traditional and disused agricultural buildings which have permission for conversion to residential. This permission has not been fully implemented due to lack of funds and the Agent has advised the application for the new build housing would allow for funds to be generated to convert the farm buildings. The conversion of the barns prior to the completion of the proposed residential development could be achieved through a Section 106 agreement. Although the location is not considered to be the most sustainable in terms of the services and community facilities available in the village the application would allow the barn conversions to take place. This would re-use attractive former agricultural buildings to provide additional dwellings and would also benefit the character and appearance of the conservation area. Financial contributions would also be made for affordable housing and a contribution to the village playing facilities.

Recommendation:-

PERMIT SUBJECT TO SECTION 106 OBLIGATIONS AND SUBJECT TO THE IMPOSITION OF CONDITIONS.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies 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

The application comprises the erection of six dwellings with an associated access onto Kings Gate. The existing agricultural buildings would be demolished and replaced with two L shape groups of two storey dwellings with the internal access road leading to the barns which already have permission for residential conversion. The application site includes these barns in order to allow the two applications to be linked through a s.106 agreement to ensure the conversions are forthcoming.

2. Publicity

14 no. Neighbours have been notified (Date of last notification 26 September 2013)

Site Notice displayed 4 October 2013

Press Notice published 2 October 2013

3. Consultations

Head of Environmental Protection consulted 18 October 2013
Lockington/Hemington Parish Council consulted 26 September 2013
County Highway Authority consulted 26 September 2013
Severn Trent Water Limited consulted 26 September 2013
County Archaeologist consulted 26 September 2013
LCC ecology consulted 26 September 2013
Airport Safeguarding consulted 26 September 2013
NWLDC Conservation Officer consulted 26 September 2013
Development Plans consulted 26 September 2013
LCC/Footpaths consulted 26 September 2013

4. Summary of Representations Received

Lockington cum Hemington Parish Council does not object but feels a s.106 agreement for the developer to provide £5000 contribution towards the replacement fund for the Lockington Playfield should be included, to be paid when planning consent is granted.

Leicestershire County Council Highways recommend refusal on the basis that the applicant has failed to demonstrate the proposal will be in a location for non-car modes of transport.

Leicestershire County Council Footpaths no objection subject to conditions/Informatives.

Leicestershire County Council Ecology no objection.

Leicestershire County Council Archaeology no objection subject to conditions.

North West Leicestershire Environmental Protection no objection subject to conditions.

North West Leicestershire Environmental Health no objection.

North West Leicestershire Conservation Officer no objection in principle but raises concerns over density and the provision of rooms/lofts above car ports.

North West Leicestershire Strategic Housing Team no objection to off-site financial contribution for affordable housing provision.

Severn Trent Water Ltd no objection subject to a condition.

Airport Safeguarding no objection.

Third Party Representations

Four letters from neighbouring properties objecting on the following grounds:

- o a previous request for new houses was rejected based on the village facilities being unable to sustain new building, that is unchanged and as there are still no facilities in Lockington there is no reason to make an exception for this application;
- o Kings Gate is a quiet and safe cul de sac and the development will lead to an unnecessary increase in vehicular movement which will raise noise levels and increase the risk of accidents to children who currently play out in comparative safety, together with the barns there will be 10 new houses and a minimum of 20 additional cars, the access would remove parking areas and make it increasingly difficult to drive out of Kings Gate;
- o The proposed route through Kings Gate is not acceptable and there is the alternative wide gated access from where Kings Gate joins Main Street; this would also not impinge on the footpath;
- o Increase in the risk of flooding, Kings Gate is isolated from the impermeable yard by grass and soil boundaries which are water absorbant, the proposal would provide a continuous impermeable channel into Kings Gate making a currently flood free area susceptible to large volumes of run-off water and flooding;
- o There is a lack of local amenities to support the proposal;
- o There is no bus service and the location is not sustainable;
- o A local footpath will be cut through increasing the risk of accidents for many locals and ramblers who walk over Daleacre Hill;
- o The bat survey has shown only foraging bats which is a result of the stop-start activity over the past 2-3 years on the renovation of the existing barns and illustrates the adverse impact on the local wildlife which will be further threatened by this development which has a disproportionate house to garden ratio, fewer houses with larger gardens would reduce the destruction of wildlife habitats;
- o The proposal will involve a significant amount of earth moving and construction due to the different heights of the land to either side of the footpath;
- o There are already many cars parked in Kings Gate along the roadside and this could increase if Kings Gate is the access road.

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

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

- o approve development proposals that accord with statutory plans without delay; and
- o grant permission where the plan is absent, silent or where relevant policies are out of date

unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

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

The sections of the NPPF that are relevant to this application are:

- 4 - Promoting Sustainable Transport;
- 6 - Delivering a Wide Choice of High Quality Homes
- 7 - Requiring Good Design;
- 8 - Promoting Healthy Communities;
- 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change;
- 11 - Conserving and Enhancing the Natural Environment.

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

North West Leicestershire Local Plan:

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

Policy S1 provides general planning principles including the re-use of vacant or underused land and buildings.

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

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

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

Policy E4 seeks to achieve good design in new development.

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

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

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

Policy T8 requires that parking provision in new developments be kept to the necessary

minimum having regard to a number of criteria.

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

Policy H6 seeks to permit housing development which is of a type and design to achieve as high a density as possible, taking into account housing mix, accessibility to centres, design, etc.

Policy H7 requires good design in housing.

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

Other Policies

North West Leicestershire District Council Affordable Housing SPD

Key Principle AH2 provides that affordable housing will be sought on sites of 5 or more dwellings in such locations as Lockington.

Key Principle AH3 requires a minimum of 30% of residential units to be available as affordable housing in settlements including Lockington.

Submission Version Core Strategy

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

6. Assessment

Principle of Development

The site is within the Limits to Development of Lockington which benefits from a village hall, playground and employment opportunities at Lockington Hall where there are 25 offices. The neighbouring village of Hemington contains a further village hall, a pub and primary school. The villages are linked by a public footpath and have a demand responsive transport service in place of a regular bus service which provides transportation to Castle Donington on a daily basis, to Long Eaton on Wednesdays and Fridays and to Kegworth and Loughborough on Thursdays. The nearest supermarket is in Castle Donington, within a 1.5 mile distance to the site. Castle Donington also provides a range of shops, doctors, restaurants and a primary school.

In policy terms H4/1 identified Lockington as falling within criterion (f), i.e. permission may be granted where appropriate in the context of other policies contained in the Local Plan. The now withdrawn Core Strategy, at paragraph 5.6, identified 17 villages as being sustainable through having at least five of the eight community facilities specified by policy CS7. Other rural settlements were identified as being unsustainable and not normally suitable for new development; Lockington was within this latter group.

In land use terms alone the site is located within the Limits to Development where there is a presumption in favour of development, subject to certain criteria being satisfactorily addressed. However, this needs to be balanced against the sustainability of the settlement. Although the Core Strategy has been withdrawn the criteria used to assess the sustainability of settlements remains a useful and relevant guide to ensure development is directed to the most sustainable locations. The criteria also complies with the general thrust of the NPPF in seeking to support sustainable development. Whilst Lockington has some facilities these are relatively limited and

residents of the village would rely heavily on using private vehicles to access services not provided within the settlement.

In support of the application the Agent states the following:

- o NPPF supports sustainable development;
- o The proposal will allow for a rural development to take place within a rural village and will contribute towards the contained sustainability of the village;
- o Whilst Lockington is not classed as a sustainable settlement within the emerging Core Strategy it is within close proximity of Hemington and this link has previously been tested on appeal. Whilst this appeal was dismissed the Inspector commented on services within Hemington being available to the proposed dwelling in Lockington. This was subsequently accepted in an application at Delacare Farm, Lockington (09/00772/FUL).

The Agent further states that the dwellings would be located adjacent to the barns which have permission for conversion, the site has access to a range of facilities and services in Hemington and the adjacent Lockington which combined include a demand responsive bus service, play area, village hall, public house, employment opportunity and primary school, all within walking distance. Many of the facilities are within a range of between 220 metres to 1440 metres of five facilities and the Agent refers to a recent appeal at Ashby where walking distances of between 1140 metres and 2000 metres were accepted.

The Agent also points to two additional material considerations. The first is that the adjacent barns were granted permission under 06/01943/FUL for residential conversion. Although development has commenced work has stalled due to the prohibitive development costs; the applicant is prepared to treat the proposal as enabling development in so far as a s.106 agreement could be used which prevents any new dwelling being built until completion of the barn conversions. The second issue is that the tenants who farm the land have been served notice to vacate. As such there will be no agricultural need for the barns.

Notwithstanding the case made by the applicant it is considered the village is an unsustainable location for residential development given the limited facilities. Although further facilities are available in Hemington the now withdrawn Core Strategy, in establishing the criteria, concluded Lockington was not sustainable. Whilst weight cannot be given to this document the assessment for sustainability continues to provide a guide in assessing applications. As such it is concluded the village is an unsustainable location for residential development.

The principle of development at this location is therefore a balanced judgement. Against the proposal is the issue of sustainability. Although the village has some facilities, and habitants can utilise the facilities at Hemington, it is rated as unsustainable by the criteria used in the Core Strategy. However, in favour of the development is the location within the Limits to Development and the District's need for housing. In addition, the proposal, if approved, would be linked to the implementation of the barn conversions on the adjacent site. The barns are currently unused and a prolonged period of disuse would lead only to further deterioration. The barns are a traditional group of agricultural buildings which enhance the character and appearance of the conservation area. However, further deterioration of the buildings would erode the appearance of this part of the conservation area. Although permission has been granted for the conversion of the buildings economic circumstances have prevented the permission being fully implemented. The Agent has confirmed willingness to convert the barns as per the planning permission prior to erecting any of the proposed dwellings. Therefore, the financial benefit of obtaining permission for the new dwellings would allow funds to be achieved to convert the barns.

On the issue of principle, therefore, it is concluded that the harm, in terms of the lack of sustainability, would be outweighed by the benefit in securing the conversion of the adjacent barns and enhancing the character and appearance of the conservation area. This recommendation to approve the principle of dwellings in an unsustainable village is based on the specifics of this application and the benefit to the adjacent barns and conservation area and not on the basis that the settlement has been accepted as a sustainable location for development.

Economic Evaluation and Affordable Housing

Policy H8 of the Local Plan states where there is a demonstrable need for affordable housing, the District Council will seek the provision of an element of affordable housing as part of any development proposal. Under the North West Leicestershire District Council Affordable Housing SPD affordable housing will be sought on sites of 5 or more dwellings in such locations as Lockington at a minimum of 30% of residential units.

The proposal comprises the erection of six dwellings equating to 1.8 affordable housing units. The application is supported by the submission of an economic statement which concludes that the residual land valuation has shown that a scheme for six houses, including two affordable units, is not viable.

As such the Agent has offered an off-site contribution of £60,000 which has been accepted by the Council's Strategic Housing Team as being appropriate in this case both in terms of the amount and the principle of an off-site contribution.

The case submitted justifies a lower affordable housing provision in this case and the level of off-site contribution is accepted and can be part of the Section106 agreement.

Design, Visual Impact and Heritage Issues

The buildings to be demolished are of limited historic or architectural merit and no objection is raised to their removal. The site is also within the conservation area and the designation would benefit from the removal of these buildings.

The proposal would be based around two courtyards with the dwellings linked by cartsheds to form two L shaped buildings. A rural cottage style prevails with a number of different elements to each group of buildings resulting in changes to roof heights and building lines. From a design perspective the proposed dwellings would respect the character and appearance of the site and surrounding barns and farmhouse. The site is significantly elevated; however, there are dwellings already to the north and the visual impact of the proposals would be lessened by the massing and design.

The Conservation Officer has raised no objection in principle to the residential development but was concerned over the density of the development and the provision of rooms/lofts above the car ports. Notwithstanding this it is considered the proposed layout creates an attractive courtyard development to reflect the traditional barns on the adjacent site. Furthermore, the massing of the car port links between the dwellings provide an ancillary element to the development and results overall in a successful scheme. The proposal would enhance the character and appearance of the conservation area and the dwellings would be visible from the Grade I listed church; however, the setting would not be adversely affected.

Within the site the amount of hardstanding is minimised with shared surfaces within the

courtyard and the layout would achieve a high degree of enclosure. Landscaping within the site could further reduce the impact of the access road and from the adjoining countryside the dwellings would be separated by the rear gardens that would be on the outer side of the site. Adequate private amenity space would be provided for each dwelling.

Residential Amenity

The site is bordered to the south and west by countryside and no dwellings are adjacent. To the north there are existing dwellings on Kings Gate. No. 16 is a two storey dwelling with ground floor fenestration facing the site and one first floor window in the gable together with a rooflight. The proposal would site plot 1 approximately in line with this dwelling but set back so the rear building line would be closer to the countryside boundary. The existing and proposed dwelling would be approximately 8 metres apart with the proposed dwelling having no side facing windows and views from the front elevation towards the existing dwelling would be oblique. The two storey outbuilding serving plot 1 would be sited adjacent to the side elevation of no. 16 and would be set approximately 7 metres from the side elevation and separated by the public footpath. As such there would be a limited impact. The outbuilding would have rooflights which would look towards plots 2 and 3; however, these would be set at a height to prevent overlooking or loss of privacy.

Plot 2 would run parallel to plot 1 with a return to the front providing a first floor bedroom window looking towards no. 16 and over the front garden of plot 1. However, there would be at least 25 metres between plot 2 and no. 16 and views towards plot 1 would be oblique. Plot 2 would also have a front facing first floor bedroom window which would look towards the barn conversions but with a separation distance of approximately 37 metres. There would be a bedroom window in the side elevation of plot 2, this would look towards the end gable of plot 4 in close proximity which would not have any first floor windows.

Plot 3 would be orientated so that the façade would look towards the side elevation of no.16. However, a distance of around 25 metres would separate the properties. Side facing windows are limited to two small openings and sufficient space would exist between this dwelling and the barn conversions to the east. There would be ground and first floor windows in the rear elevation. Ground floor windows would be mitigated by the rear garden and boundary treatment and a distance of around 21 metres would separate the proposed dwellings to the rear.

Plot 4 would be orientated towards the farmhouse and set at least 40 metres from the barn conversions and would have only oblique views towards the rear of plot 3. Plot 5 would also be set a sufficient distance to the barns with the return wing to the front with a secondary bedroom window looking towards the rear of plot 3 more than 24 metres away. Plot 6 would look towards the rear of plot 3 with a separation distance of around 21 metres with no first floor side windows. The element closest to the barn conversion would be the cartshed which is limited to a storey and a half.

Overall it is considered the residential amenity of existing and future occupants would be acceptable.

Highway Safety

The proposed development would be served by an access from Kings Gate with the internal road leading into the approved barn conversion scheme. Adequate parking would be provided for each dwelling. The Highway Authority objected on the grounds that the applicant has failed to demonstrate the proposal would be in a location where services are readily and safely accessible by walking, cycling and public transport. Leicestershire County Council policy contained in the Local Transport Plan 3 seeks to deliver new development in areas where travel

distances can be minimised and genuine, safe and high quality choices are available for people to walk, cycle and use public transport facilities to nearby services.

For the reasons outlined above the principle of the development is supported as the benefits to the conservation area outweigh the sustainable nature of the settlement. As such the views of the Highway Authority on the issue of sustainability are also outweighed by the support for the proposal in principle.

The Highway Authority raised no objection on highway safety grounds as the proposal can be served by an adequate access and sufficient on-site parking and turning facilities can be provided.

Public footpath L76 runs to the north of the site but the route purported in the application to represent the right of way is not entirely consistent with the legal line of the footpath. As the exact location has not been clarified it cannot be comprehensively stated that the footpath could be maintained in the current position. However, there is scope to re-route the footpath if necessary and this can be adequately dealt with by informatives. This approach is supported by the County Footpaths Officer.

Ecology

The application includes the demolition of now disused agricultural buildings and a Bat and Barn Owl Survey has been submitted. This stated no bats or evidence of bats were found in or on the exterior of the buildings surveyed but several features identified in the cattle barn which provided moderate potential for roosting bats. No bats were recorded definitely emerging from the roosts in the buildings. However, bats were recorded flying within and around the building and were considered most likely to be foraging bats although the possibility of bats roosting cannot be ruled out. Jackdaws were recorded nesting in the cattle barn and an owl was possibly nesting in the Dutch barn. Swallow was recorded in the general vicinity.

The report concludes no mitigation is required for the Dutch barn, the cattle barn should be demolished under the supervision of a bat ecologist with all potential bat roosting features removed carefully by hand by a site worker. A precautionary approach is recommended to cover the risk of a bat being discovered during demolition and building work should be timed to avoid the bird breeding season which runs from March to September to avoid adverse impacts to any nests present. Bat roosting boxes/units shall be installed onto the new buildings with artificial nest boxes for house sparrows, sparrows and great tits could be installed on the new buildings. It also recommends a nesting bird survey could be required if the demolition is carried out during the bird breeding season.

No objection was raised by the County Ecologist although it was noted the survey did not cover the traditional barns on the adjacent site. A further survey is likely to be needed prior to any work carried out on these barns but this is a separate issue to the current application. An informative can be added to the decision.

Archaeology Issues

The site lies within the medieval and post-medieval historic settlement core of Lockington and in close proximity to the Grade I church of St Nicholas. Archaeological remains indicative of the settlement and occupation are likely to survive within the proposed development area. A condition can be imposed to ensure adequate site investigation and recording takes place to comply with NPPF paragraph 141.

Other Matters

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

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

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

The relevant developer contributions are listed below.

Affordable Housing

A financial contribution of £60,000 is proposed and has been accepted as an approach to the provision and a satisfactory figure. The Agent proposed the contribution is payable on the second, fourth and sixth dwelling being erected.

Play Area

A payment of £5,000 to Lockington Parish Council towards play area, payable on planning consent being granted.

Link to Barn Conversions

The barn conversions, approved under 06/01943/FUL, shall be available for occupation prior to the commencement of the approved dwellings other than the provision of the shared access and laying of services (to include electricity, drainage and water connection).

Conclusions

The site is within the Limits to Development of Lockington; however, the village is not considered to represent a sustainable location in terms of residential development. The site is adjacent to the traditional and disused agricultural buildings which have permission for conversion to residential. This permission has not been fully implemented due to lack of funds and the Agent has advised the application for the new build housing would allow for funds to be generated to convert the farm buildings. The conversion of the barns prior to the completion of the proposed residential development could be achieved through a Section106 agreement. Although the location is not considered to be the most sustainable in terms of the services and community facilities available in the village, the application would allow the barn conversions to take place. This would re-use attractive former agricultural buildings to provide additional dwellings and would also benefit the character and appearance of the conservation area. Financial contributions would also be made for affordable housing and a contribution to the village playing facilities.

RECOMMENDATION - PERMIT, subject to Section obligations and 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 built strictly in accordance with the approved plans as follows:

1:1250 Location Plan
POF.LAY.004 Layout for 6 Dwellings Rev A
POF.PRP.011 Proposed Elevations Plot 1 Rev A
POF.PRP.005 Proposed Plans Plot 1
POF.PRO.017 Proposed Garage/Studio Plot 1
POF.PRP.012 Proposed Elevations Plot 2 Rev A
POF.PRP.006 Proposed Plans Plot 2
POF.PRP.013 Proposed Elevations Plot 3 Rev A
POF.PRP.007 Proposed Plans Plot 3
POF.PRP.014 Proposed Elevations Plot 4 Rev A
POF.PRP.008 Proposed Plans Plot 4
POF.PRP.015 Proposed Elevations Plot 5 Rev A
POF.PRP.009 Proposed Plans Plot 5
POF.PRP.016 Proposed Elevations Plot 6 Rev A
POF.PRP.010 Proposed Plans Plot 6

Reason: To determine the scope of this permission

- 3 Prior to the commencement of any part of the development representative samples of the materials to be used in all external surfaces shall be submitted to and agreed in writing with the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

Reason- to enable the Local Planning Authority to retain control over the external appearance as no details have been submitted.

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

Reason- to ensure satisfactory landscaping is provided within a reasonable period.

- 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.

- 6 Before development commences on the site a detailed scheme for the boundary treatment of the site shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the dwelling is occupied.

Reason- to preserve the amenities of the locality.

- 7 Notwithstanding the provisions of Parts 1 and 2, Schedule 2, Article 3 of the Town and

Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) none of the dwellings hereby permitted shall be extended or altered (including any additional windows or dormer windows in the roofs) nor shall any incidental building, structure or enclosure be erected without the granting of planning permission.

Reason- To enable the Local Planning Authority to retain control over future extensions in view of the form and density of the development proposed.

- 8 Before development commences details of existing and finished ground levels and the proposed floor levels of the buildings hereby approved shall be submitted to and be approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved details.

Reason- To enable the Local Planning Authority to fully assess the development in the light of the ground levels on the site.

- 9 No development (except any demolition permitted by this permission) shall commence on site until a Risk Based Land Contamination Assessment has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:

- o BS10175 Year 2011 Investigation of Potentially Contaminated Sites Code of Practice;
- o BS8576 Year 2013 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOC's)
- o BS8485 Year 2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and
- o CLR 11 Model Procedures for the Management of Land Contamination, published by the Environment Agency 2004.

Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and Verification Plan must be prepared and submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of:

- o CLR 11 Model Procedures for the Management of Land Contamination, published by the Environment Agency 2004.

The Verification Plan shall be prepared in accordance with the requirements of:

- o Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
- o CLR 11 Model Procedures for the Management of Land Contamination, published by the Environment Agency 2004.

If, during the course of development previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the

Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity.

Reason: To ensure that the land is fit for purpose and to accord with the aims and objectives of para. 120 of the NPPF

- 10 Prior to occupation of any part of the completed development, a Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme and a report showing the findings of the Verification Investigation relevant to either the whole development or that part of the development shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:
- o Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
 - o Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
 - o Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
 - o Contain Test Certificates of imported material to show that it is suitable for its proposed use;
 - o Demonstrate the effectiveness of the approved Remedial Scheme; and
 - o Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

Reason: To ensure that the land is fit for purpose and to accord with the aims and objectives of para. 120 of the NPPF

- 11 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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.

- 12 No demolition/development shall take place until a programme of archaeological work, commencing with an initial phase of trial trenching, has been detailed within a Written Scheme of Investigation, submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and
- o The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme);
 - o The programme for post-investigation assessment;
 - o Provision to be made for analysis of the site investigation and recording;

- o Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- o Provision to be made for archive deposition of the analysis and records of the site investigation;
- o Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition.

The Written Scheme of Investigation must be prepared by an archaeological contractor acceptable to the Local 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 advisor.

Reason: To ensure satisfactory archaeological investigation and recording and to comply with para 141 of the NPPF

- 13 The development shall be carried out in accordance with the mitigation measures outlined in the Bat and Barn Owl Survey Report.

Reason: In the interests of the ecology of the site and surroundings

Notes to applicant

- 1 Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Local Planning Authority has therefore acted pro-actively to secure development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).
- 2 Footpath L76 as recorded on the Definitive Map of Public Rights of Way is not entirely consistent with the footpath depicted on the submitted plans. Footpath L76 should be provided by the applicant on the route as depicted on the Definitive Map of Public Rights of Way and in the interests of safety and security the footpath should ideally comprise a minimum surfaced width of 2 metres together with grass borders of at least one metre along either side, in accordance with the County Council's Guidance Notes for Developments. The application of these criteria should ensure that the path does not appear narrow and unattractive to users and retains a more open aspect.

If it would not be practicable for footpath L76 to be incorporated within the development along its legal line, the applicant would need to apply to the District Council for the making of an Order in respect of the official diversion of the footpath along a route to be agreed with the Highway Authority. The company would not be entitled to carry out any works directly affecting the legal route of the footpath until a Diversion Order had become operative; it would be required to ensure that the existing path remained accessible at all times and its surface maintained in a satisfactory condition.

Before any works associated with the surfacing of the footpath are carried out, the County Council's approval should be obtained to the specification for this purpose. The applicant shall contact the Rights of Way Inspector for the area, Mr S Daniels, who is

based at the Northern Area Highways Officer, Mountsorrel (tel. 0116 305 0001). The applicant will otherwise be responsible for ensuring the legal line of the footpath L76 is not affected by any operations associated with the development and that free access can be exercised safely by pedestrians at all times. Care should be taken to ensure that pedestrians are not exposed to any elements of danger associated with the construction works, and wherever appropriate they should be safeguarded from the site by a secure fence. In view of the close proximity of the proposed development to the footpath, particular attention should be given to ensuring that no materials are stored on the line of the right of way and that no contractors vehicles are parked either along or across it.

Any damage that may be caused to the surface of the footpath while the development is being carried out will be the responsibility of the applicant to repair at their own expense, to the satisfaction of the Highway Authority.

The applicant should be advised that no additional structures either of a temporary or a permanent nature should be placed across the route of the footpath without the written consent of the Highway Authority. Unless a structure has been authorised it constitutes an unlawful obstruction of the right of way and the County Council would be obliged to require its immediate removal.

- 3 Although the submitted ecology survey is adequate for the purposes of the application to demolish the barns and erect dwellings it does not cover the adjacent traditional barns. Further survey work to cover these buildings may be required prior to the commencement of development.