

Meeting	PLANNING COMMITTEE
Time/Day/Date	4.30 pm on Tuesday, 11 March 2014
Location	Council Chamber, Council Offices, Coalville
Officer to contact	Democratic 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

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 4 February 2014.	3 - 8
4-7. PLANNING APPLICATIONS AND OTHER MATTERS	
Report of the Head of Regeneration and Planning.	9 – 103
8. REQUEST FOR THE RECONSIDERATION OF PLANNING APPLICATION 13/00335/OUTM FOR RESIDENTIAL DEVELOPMENT AND ASSOCIATED DEVELOPMENT AT MONEY HILL SITE, ASHBY DE LA ZOUCH	
Report of the Head of Regeneration and Planning.	103 - 106

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Item	Application Number	Application Details and Address	Recommendation	Page
4.	A1 13/00908/OUTM	Residential development of up to 142 dwellings including creation of access from Station Road (Outline - all matters reserved apart from the access from Station Road) Land Adjoining Clare Farm Station Road Ibstock Leicestershire	PERMIT Subject to a Section 106 Agreement	13 - 50
5.	A2 13/00671/OUTM	Residential development for 14 Dwellings, retention of existing farmhouse, demolition of existing farm buildings, alterations to an existing vehicular access and closure of other existing vehicular access (Outline- Details of access and layout) The Farm Manor Road Donington Le Heath Coalville	PERMIT Subject to a Section 106 Agreement	51 - 76
6.	A3 13/00291/RET	Proposed change of use of dwellinghouse to a mixed use as a dwellinghouse and for the keeping and breeding of up to 20 dogs together with the retention of kennel buildings, a storage shed and open and closed runs 27 School Lane Newbold Coalville Leicestershire	PERMIT	77 - 88
7.	A4 13/00911/FULM	Change of use of land to B8 (Open Storage) Owen Brown Ltd Station Road Castle Donington Derby	PERMIT	89 - 102

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 4 FEBRUARY 2014

Present: Councillor D J Stevenson (Chairman)

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

In Attendance: Councillors J Geary, T J Pendleton, S Sheahan and L Spence

Officers: Mrs V Blane, Mr C Elston, Mrs H Exley, Mr D Hughes, Mr J Knightley, Mr A Mellor, Mr S Stanion, Mrs R Wallace and Ms S Worrall

41. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors G A Allman and N Smith.

42. DECLARATION OF INTERESTS

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

Councillor J Legrys declared that he had been lobbied without influence in respect of item A1, application number 13/00060/FUL, item A2, application number 11/01054/FULM, item A3 application number 13/00829/OUT and item A5, application number 13/00913/OUT. He also declared a non-pecuniary interest in item A4, application number 13/00702/FULM as a member of the Central England Co-operative.

Councillors R Adams and D Everitt declared that they had been lobbied without influence in respect of item A1, application number 13/00060/FUL, item A2, application number 11/01054/FULM and item A3 application number 13/00829/OUT.

Councillor D Howe declared that he had been lobbied without influence in respect of item A1, application number 13/00060/FUL and item A2, application number 11/01054/FULM. He also declared a non-pecuniary interest in item A4, application number 13/00702/FULM as a member of the Central England Co-operative.

Councillor R Woodward declared that he had been lobbied without influence in respect of item A1, application number 13/00060/FUL. He also declared a non-pecuniary interest in item A4, application number 13/00702/FULM as a member of the Central England Co-operative.

Councillor R Johnson declared that he had been lobbied without influence in respect of item A1, application number 13/00060/FUL, item A2, application number 11/01054/FULM and item A3 application number 13/00829/OUT. He also declared a non-pecuniary interest in item A2, application number 11/01054/FULM as a member of Hugglescote and Donington le Heath Parish Council and item A4, application number 13/00702/FULM as a member of the Central England Co-operative.

Councillor T Neilson declared that he had been lobbied without influence in respect of item A1, application number 13/00060/FUL, item A2, application number 11/01054/FULM and item A3 application number 13/00829/OUT. He also declared a non-pecuniary interest in item A4, application number 13/00702/FULM as a member of the Central England Co-operative.

Councillors J Hoult and M B Wyatt declared that they had been lobbied without influence in respect of item A2, application number 11/01054/FULM.

Councillor J G Coxon declared that he had been lobbied without influence in respect of item A1, application number 13/00060/FUL and item A2, application number 11/01054/FULM. He also declared a non-pecuniary interest in item A6, application number 13/00983/COM as a member of Leicestershire County Council.

Councillor A Bridges declared that she had been lobbied without influence in respect of item A2, application number 11/01054/FULM. She also declared a non-pecuniary interest in item A5 as an acquaintance of the applicant.

Councillor T Gillard declared that he had been lobbied without influence in respect of item A1, application number 13/00060/FUL and item A2, application number 11/01054/FULM.

Councillors J Cotterill, G Jones and M Specht declared that they had been lobbied without influence in respect of item A2, application number 11/01054/FULM.

Councillor J Bridges declared a non-pecuniary interest in item A5 as an acquaintance of the applicant.

Councillor D J Stevenson declared that he had been lobbied without influence in respect of item A1, application number 13/00060/FUL, item A2, application number 11/01054/FULM and item A4, application number 13/00702/FULM.

During consideration of the application, Councillors J G Coxon, M Specht and D J Stevenson declared a non-pecuniary interest in item A5, application number 13/00913/OUT as an acquaintance of the applicant.

43. MINUTES

Consideration was given to the minutes of the meeting held on 7 January 2014.

It was moved by Councillor J Legrys, seconded by Councillor R Woodward and

RESOLVED THAT:

The minutes of the meeting held on 7 January 2014 be approved and signed as a correct record.

44. 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.

In light of issues regarding developer contributions and potential future appeals, the Chairman moved that item A2, application number 11/01054/FULM, be deferred to allow further negotiations with the developer. It was seconded by Councillor J Legrys.

RESOLVED THAT:

The application be deferred to allow further negotiations in relation to developer contributions.

45. A1 13/00060/FUL

**Erection of 8 no. Detached dwellings with associated access road
Land Adjoining Whitwick Filling Station, Talbot Street, Whitwick**

The Senior Planning Officer presented the report to Members.

Councillor L Spence, Ward Member, addressed the Committee. He explained that he had requested more time to consider this application when it had previously been to Committee and during this time he had met with Leicestershire County Council's Director of Transport and Officers from the Environment Agency but unfortunately his concerns had only worsened. He had been told by the Director of Transport that that speeds in the area were above the limit and in fact 85 per cent of traffic was travelling above the speed limit, however this was not enough for any concern. He stated that local knowledge indicated that the brook flooded regularly which was a major concern for the development of the site but he was disappointed that the Environment Agency did not agree. He stated that he believed the statutory consultees were wrong in agreeing to the proposals as it put local residents at risk and he urged Members to do the right thing and refuse the application.

Councillor R Woodward stated that due to highway safety concerns, the development being overbearing and the risk of flooding, he moved that the application be refused. It was seconded by Councillor T Gillard and he proposed that the grounds for refusal be that the development was contrary to policies E3, T3 and H4. Councillor R Woodward as mover of the proposition agreed with the grounds for refusal put forward.

Councillor D Everitt stated that he was disappointed that the previous concerns had not been addressed and he fully supported refusal of the application. He raised concerns regarding flooding of the brook and sewers, the incline of the site and highway safety due to speeding traffic. He stressed that the Committee had a duty of care to the local people as the development would cause serious problems.

Councillor D Howe expressed his concerns regarding highway safety as speeding on the road was already very dangerous and he also reminded Members that applications on this site had been refused twice before.

Councillor G Jones spoke in favour of the application as other parts of Europe build on much steeper inclines. He also believed that more traffic in the area due to the development would help to slow down the speed of traffic.

Councillor A Bridges reminded Members that there were houses built on either side of the site and there was also a petrol station further down the road, this led her to believe that civil engineering was substantial enough to build the houses. She also added that flooding in the area could be a result of lack of maintenance as this had been known in the past in other areas.

In relation to the proposed reasons for refusal, the Head of Regeneration and Planning gave the following advice. He reported that using policy E3 would be acceptable but transport and flooding reasons would be difficult to support as there have been no objections from the statutory consultees. He also added that policy H4 was not now relevant due to the lack of Core Strategy. He recommended that the main reason for refusal be policy E3 and T3 subject to any further comments from Leicestershire County Council's regarding highway safety.

Councillor T Gillard stated that he wanted to continue with his original reasons for refusal and added that if policy H4 was no longer relevant it should not be referred to within the agenda papers.

RESOLVED THAT:

The application be refused on the grounds that the development was contrary to Policies relating to design and residential amenity, E3, H4/1 and T3 subject to receiving confirmation that the Highway Authority were objecting to the application.

46. A2 11/01054/FULM

**Erection of 188 no. Dwellings with associated garage/parking, infrastructure, construction of new access off Frearson Road and formation of open space, landscaping and balancing pond
Land Off Frearson Road, Coalville, Leicestershire**

As the application was deferred earlier in the meeting it was not considered.

47. A3 13/00829/OUT

**Erection of eight dwellings with associated garaging and access road (Outline – Access, layout and Scale included)
Land At Measham Road, Appleby Magna, Swadlincote**

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

Mr T Huxley, objector, addressed the Committee. He explained that he had lived at 17 Old End for the last two and a half years, and the area had been flooded on three occasions. He stated that the proposed site provided natural drainage and became very boggy; his main concern was where the water would go once the site was developed. He also added that the development would mean loss of privacy as it overlooked his back garden and rear of the cottage.

The Chairman reminded Members that the site was within the village plan and had been put aside for development.

Councillor A Bridges stated that after visiting the site, it was clear that if three story properties were built as suggested then it would drown out surrounding properties and be detrimental due to flooding. Councillor A Bridges asked what the ridge height would be in relation to the surrounding properties. The Planning and Development Team Manager explained that the developer had confirmed that the development would be two storeys only and the applicant would be happy for the Committee to include conditions to ensure that.

Councillor J G Coxon was pleased that the height could be addressed by conditions as it helped ease his concerns. He believed that it was a nice development that was in keeping with the village and moved the Officer's recommendations to permit with the inclusion of the condition regarding limiting the height. It was seconded by Councillor G Jones.

Councillor J Legrys shared Members concerns regarding the height of the development and supported the condition to limit it. He believed it was an excellent development for the village; however he asked officers for further information regarding the flooding issues. The Planning and Development Team Manager referred to page 118 of the report which detailed the condition that was sent to the Environment Agency for consultation. He explained that Severn Trent were aware of issues in the area and have a project to address them which would commence in the next few months.

Councillor J Bridges referred to conditions four to eight within the report which covered flooding; he also added that during the visit earlier in the day a tanker was in the area dealing with water. Councillor J Bridges suggested that condition 11 be modified to read the following:

'The reserved matter application shall include precise details of existing and finished ground levels, proposed roof ridge height and the proposed floor levels of the building in relation to an existing datum point.'

The mover and seconder agreed.

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Head of Regeneration and Planning to include the modification of condition 11 as detailed above.

48. A4 13/00702/FULM

**Erection of two storey and single storey retail food store with restaurant (A1 and A3) (2830 sqm gross external), Erection of petrol filling station with single storey kiosk, erection of single storey retail terrace (538 sqm gross external) and erection of two storey nursery (D1) (604 sqm gross external)
Land At Station Road, Castle Donington**

The Principal Planning Officer presented the report to Members.

Mr S Bradwell, agent, addressed the Committee and made the following points:

- The supermarket was for food items only.
- The service access would remain as it currently was on Newbold Drive and a new access created for customers.
- The developer would help the current occupiers of the site relocate.
- 65 per cent of local people travelled outside of the village to do their shopping and this development would encourage people to shop locally.
- There had been no objections from the Parish Council.
- There had been a number of public consultations and the developer had worked closely with the local community, planning officers and the Parish Council.

Councillor J G Coxon moved the Officer's recommendation to permit and it was seconded by Councillor T Neilson.

Councillor T Neilson stated that he was very impressed with the way the developers had dealt with the application with regards to working with the local community and planning officers. He felt that it should be held up as an example of good practice. Councillor J Legrys supported these comments and congratulated all involved.

RESOLVED THAT:

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

49. A5 13/00913/OUT

**Residential development for three dwellings (Outline - all matters reserved)
Land At Main Street, Normanton Le Heath**

The Senior Planning Officer presented the report to Members.

Mr A Cooper, representing the Parish Meeting, addressed the Committee. He highlighted the following concerns:

- The development would affect the very nature the village and destroy the countryside views which should be accessible for all.

- The public footpath running through the site would be lost.
- The lack of facilities in the village meant that the development was unsustainable.
- The parking and congestion within the village was already a growing concern.
- The site was a historical part of the village.

Mr M Roberts, objector, addressed the Committee. He stated that he strongly agreed with the views of the officers and Mr Cooper. His main concerns were that there were environmental issues with the site, no amenities in the village, parking was an issue that would be worsened and it would destroy the openness of the area. He concluded that the development would not enhance the area and supported the Officer's recommendation.

Mr S Bryan, applicant, addressed the Committee. He stated that he understood the sensitive nature of the site and had taken on board all of the concerns of local residents. He added that the site was set behind the designated area for development and the application had strong support of the statutory consultees. He urged Members to support the application as it was a family investment.

Councillor J Bridges stated that the applicant had gone some way to alleviate the previous appeal decision at the site but that he would support the Officer's recommendation.

Councillor G Jones expressed surprise that the site was outside Limits to Development and things had changed since the appeal decision

Councillor M Specht stated that after listening to the objectors and seeing the parking issues during the site visit earlier in the day he could not support the application. He therefore moved the Officer's recommendation to refuse and it was seconded by Councillor J Hoult.

RESOLVED THAT:

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

50. A6 13/00983/COM

**Extension to the existing Minorca Surface mine (At Measham fields farm) for the extraction of coal and fire clay by surface means with restoration to agricultural dwellings, agricultural and nature conservation (Leicestershire County Council Consultation ref 2013/CM/0353/LCC)
Minorca Colliery, Swepstone Road, Measham**

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

RESOLVED THAT:

No objections in accordance with the recommendation of the Head of Regeneration and Planning.

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 5.46 pm

APPENDIX B

Report of the Head of Regeneration and Planning

Planning Committee

11 March 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.

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PLANNING APPLICATIONS- SECTION A

Residential development of up to 142 dwellings including creation of access from Station Road (Outline - all matters reserved apart from the access from Station Road)

**Report Item No
A1**

**Land Adjoining Clare Farm Station Road Ibstock
Leicestershire**

**Application Reference
13/00908/OUTM**

Applicant:

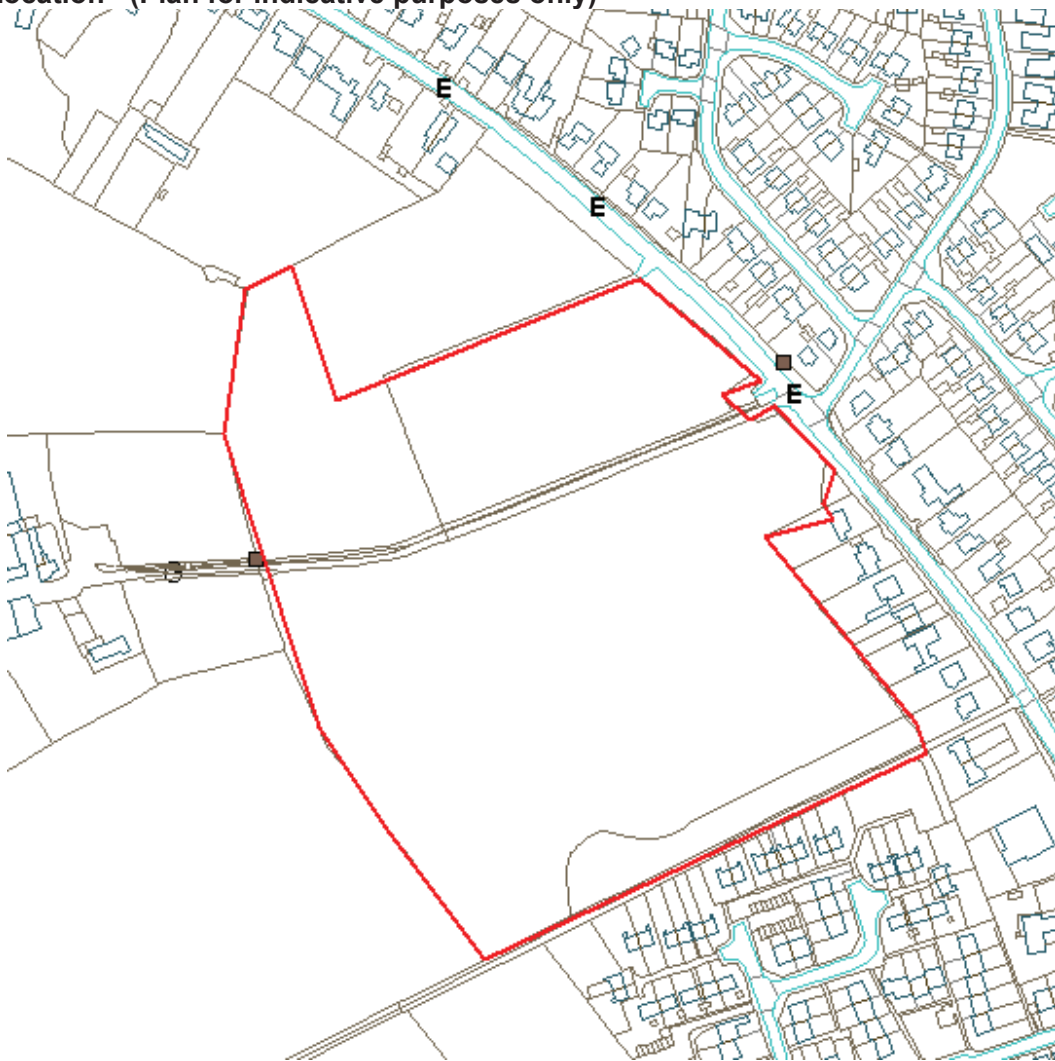
**Date Registered
11 November 2013**

**Case Officer:
Adam Mellor**

**Target Decision Date
10 February 2014**

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

Site Location - (Plan for indicative purposes only)



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EXECUTIVE SUMMARY OF PROPOSALS

Planning Committee 11 March 2014
Development Control Report

Call In

The application has been brought to the Planning Committee at the request of Councillor De Lacy due to the application being a matter of local concern.

Proposal

This is an outline planning application with details of a proposed access, via a roundabout, off Station Road the only matter for consideration at this time. It is indicated that the application shall provide for a scheme of up to 142 dwellings on a site area of 6.63 hectares. The site is situated outside the defined limits to development as identified on the proposals map to the North West Leicestershire Local Plan.

Consultations

As a result of the consultation process five letters of representation from third parties objecting to the application have been received along with an objection from Ibstock Parish Council. All other statutory consultees have no objections, following the receipt of revised information, subject to appropriate conditions being imposed on any consent granted.

Planning Policy

It is considered that the development would accord with all relevant policies of the North West Leicestershire Local Plan, the general principles of the National Planning Policy Framework (NPPF) as well as Circular 06/05 and relevant supplementary planning guidance.

Conclusion

As set out in the main report above, although the site is outside Limits to Development, 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 given its location adjacent to the existing settlement boundary and its associated services, 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 development as set out in the NPPF. It is also considered that the scheme would be well related to the residential built forms on Station Road and Sunnyside and as such would not represent a detrimental encroachment into the rural landscape.

The scheme is considered to be acceptable in terms of technical issues (and including in respect of transportation and highway safety issues), such that there appears to be no other reasons to prevent the site's development for housing. No objections to the development have been received from the Highways Agency or County Highways Authority and as such the proposed means of access is considered to be acceptable and would not cause significant detriment to highway or pedestrian safety. Appropriate CIL compliant contributions to infrastructure would also be made to mitigate the impacts of the proposals on local facilities, in accordance with the Paragraph 204 of the NPPF. It is therefore recommended that outline planning permission be granted subject to conditions and the securing of the relevant developer contributions.

RECOMMENDATION - APPROVE SUBJECT TO SECTION 106 OBLIGATIONS AND 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 recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

Outline planning permission is sought for a residential development of up to 142 dwellings including the creation of an access from Station Road. The site measures 6.63 hectares and is located to the west of existing properties on Station Road, north of properties on Sunnyside and east of Clare Farm and Valley Farm. Whilst all matters, other than part access are reserved for subsequent approval, an illustrative masterplan has been submitted showing the proposed dwellings, together with the retention of existing landscaping, as well as the provision of additional landscaping and public open spaces. Off-site National Forest Planting and a new recreation area are also proposed to the south-west of the site. The site is situated outside the defined limits to development, as identified in the North West Leicestershire Local Plan.

Vehicular access is proposed onto Station Road via a newly created roundabout which would lie at the junction of Thorndale with Station Road. Existing residential developments lie to the south, south-east and east of the site with allotments to the north of the site and open agricultural fields to the west of the site. Both Clare Farm and Valley Farm which lie to the west of the site would be served via the newly created vehicular access into the site.

A design and access statement, supporting planning statement, statement of community involvement, economic benefits statement, transport assessment and travel plan, landscape and visual impact assessment, arboricultural assessment, extended phase 1 habitat survey, bat survey, great crested newt assessment, badger survey, breeding bird survey, ecological mitigation strategy, flood risk assessment and drainage strategy, ground investigation report, foul water and utilities statement, archaeological desk-based assessment and agricultural land classification report and building for life assessment have been submitted in support of the application.

No previous planning history on the application site area was found.

2. Publicity

90 Neighbours have been notified (Date of last notification 14 November 2013)

Site Notice displayed 20 November 2013

Press Notice published 20 November 2013

3. Consultations

Ibstock Parish Council consulted 14 November 2013
 Head of Environmental Protection consulted 26 November 2013
 LCC Fire and Rescue consulted 14 November 2013
 FRCA (MAFF)- loss of agricultural land consulted 14 November 2013
 DEFRA consulted 14 November 2013
 LCC Development Contributions consulted 29 November 2013
 County Archaeologist consulted 20 February 2014
 Environment Agency consulted 14 November 2013
 Severn Trent Water Limited consulted 14 November 2013
 Head of Environmental Protection consulted 14 November 2013
 Natural England consulted 14 November 2013
 NWLDC Tree Officer consulted 14 November 2013
 County Archaeologist consulted 14 November 2013

LCC ecology consulted 14 November 2013
NWLDC Urban Designer consulted 14 November 2013
County Highway Authority consulted 14 November 2013
NHS Leicester, Leicestershire And Rutland Facilities Management consulted 14 November
Development Plans consulted 14 November 2013
Head Of Leisure And Culture consulted 14 November 2013
Manager Of Housing North West Leicestershire District Council consulted 14 November 2013
Police Architectural Liaison Officer consulted 14 November 2013
LCC/Footpaths consulted 14 November 2013
Highways Agency- Article 15 development consulted 14 November 2013
National Forest Company consulted 14 November 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.

DEFRA no consultation response received to date.

Environment Agency initially objected to the application and stated: *"The FRA submitted with this application does not comply with the requirements set out in Paragraph 9 of the Technical Guidance to the National Planning Policy Framework. The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development."* Following reconsultation a response is still awaited from the Environment Agency although correspondence from the Environment Agency to the applicants has indicated there were no objections subject to conditions. Any representation received from the Environment Agency, including any conditions, will be reported on the Committee Update Sheet.

FRCA (MAFF) no consultation response received to date.

Highways Agency has no objections.

Ibstock Parish Council objects to the application on the basis that the development will impact negatively on the capacity at local schools, the highway network and ecology as well as the fact that the site is not sustainable and that insufficient off-street parking would be provided for the dwellings.

Leicestershire County Council - Archaeology initially indicated that an archaeological impact assessment of the proposals would have to be carried out as the original information provided was not adequate for an assessment of the impacts on potential archaeological remains. Following the receipt of a geophysical survey the County Archaeologist has no objections subject to the imposition of conditions on any consent granted.

Leicestershire County Council - Developer Contributions in relation to infrastructure matters, seek commuted sums towards civic amenity of £10,092, to assist with upgrades at the Coalville civic amenity site, and library facilities of £8630, to enhance the lending stock at Ibstock Library, with no contributions required for landscaping or biodiversity enhancements. With regards to education a sum of £412,334.26 is requested for the primary school sector, for upgrades to St. Denys Church of England Infant and Ibstock Junior Schools, and £218,089.27, for the high school sector, for upgrades to Ibstock Community College, no contribution is required for the upper school sector.

Leicestershire County Council - Ecology has no objections subject to conditions and clarification on the mitigation measures for badgers and closure of any setts under appropriate licenses. Following clarification on the mitigation measures for badgers the County Ecologist has no objections subject to the imposition of the conditions previously suggested on any consent.

Leicestershire County Council - Footpaths Officer has no objections subject to notes to the applicants.

Leicestershire County Council - Highways has no objections subject to conditions and contributions within a Section 106 Agreement.

National Forest Company has no objections subject to the woodland and footpath links proposed being included in any Section 106 Agreement and that appropriate conditions are imposed.

Natural England has no objections subject to conditions.

NHS Leicester, Leicestershire and Rutland Facilities Management have requested a financial contribution of £71,344.02 to mitigate the impacts on the local health services.

NWLDC - Environmental Protection has no objections.

NWLDC - Housing Manager has no objections and states: *"the proposal seeks to provide 142 properties in total so clearly triggers the policy requirement of 20% affordable housing. The 20% equates to 28 affordable homes. The Council's adopted policy position is to seek delivery on site; The Strategic Housing Team recognises that this proposed development meets the Council's affordable housing threshold requirement."*

NWLDC - Land Contamination Officer has no objections subject to conditions on any consent due to the recommendations of the submitted desk study.

NWLDC - Leisure and Culture Manager no consultation response received to date.

NWLDC - Tree Officer has no objections.

Police Architectural Liaison Officer requests a contribution of £55,718 to mitigate the additional impacts of the development with any contribution being used to wholly meet the direct impacts of this development proposal. Should the contribution not be achieved the Police would formally object to the application as the development would be unacceptable without the contribution.

Severn Trent Water no consultation response received to date.

Third Party Representations

Five no. representations have been received to the application from Nos. 40, 67 and 76 Station Road, No. 1 Thorndale as well as an unknown address which object to the application. The objections are summarised as follows: -

- The loss of view of the countryside;
- Negative impacts on property value;
- Construction of roundabout will result in a health and safety risk to all user groups;

- Extra noise and dirt created by development will be detrimental to amenities;
- Impact of development will necessitate considerable upgrade to the social, infrastructure, schools, surgeries and retail support;
- Roads will not cope with additional traffic from developments;
- Extremely concerned about the prospect of flooding due to the introduction of heavy ground works;
- Ibstock surgery will not have sufficient capacity to accommodate increased population;
- Will the allotments be built upon or replaced as part of the development and as part of a long term management plan;
- Ibstock is only a village. Where is all the employment coming from in such a self-contained village with no major employers;
- We are part of the National Forest and as such seem to be allowing more developments within the boundaries of the forest than ever spoiling the point of the natural beauty of the area;
- This is a crammed development with little space between houses, which, if implemented off Station Road would be hugely contrasting with existing development.

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

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

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

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

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

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

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

refused on transport grounds where the residual cumulative impacts of development are severe;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Paragraph 118 outlines that when determining planning applications, local planning authorities

should aim to conserve and enhance biodiversity by applying particular principles;

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

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

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

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

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

Paragraph 173 states that pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of the development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable;

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

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

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

unacceptable impacts through a planning condition;

Paragraph 204 outlines that planning obligations should only be sought where they meet all of the following tests:

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

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

North West Leicestershire Local Plan

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

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

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

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

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

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

Policy E30 seeks to prevent development which would increase the risk of flooding and remove the extra discharge capacity from the floodplain of the Black Brook, and Gilwiskaw Brook or the River Mease, Soar or River Trent;

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;

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

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

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

Submission Version Core Strategy

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

Other Guidance

6C's Design Guide (Highways, Transportation and Development) - Leicestershire County Council

Paragraphs 3.171-3.176 set out the County Council's guidance in relation to parking standards for residential development. This document also provides further info in relation to motor cycle/cycle parking, the design of on/off-street parking and other highway safety/design matters;

Leicestershire County Council Statement of Requirement for Developer Contributions in Leicestershire

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

District Council's Play Area Design Guidance Supplementary Planning Guidance

Sets out the requirements for on-site children's play provision and specifies that a rate of 20 square metres per dwelling;

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;

Play Area Design Guidance Note

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

Affordable Housing Supplementary Planning Document

The Council adopted a revised Affordable Housing Supplementary Planning Document (SPD) on 18th January 2011 and this indicates that the amount of affordable housing sought on all sites of 5 or more dwellings in areas such as Ibstock will be 20%;

National Forest Planting

Detailed National Forest planting guidelines are contained within the National Forest Strategy 2004 - 2014. For residential development on sites of more than 0.5 hectares, 20% of the development site area should be provided as woodland planting and landscaping, either on-site or near the development. The Strategy also provides that, in exceptional circumstances, if the planting guidelines cannot be met, a commuted sum should be paid, at a guideline rate of £10,000 per hectare of the gross development area.

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 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. 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 residential estates (within limits to development) to the east and south of the site, and to a lesser extent the north. In terms of the sustainability credentials of the site, the site is located the following (approximate) distances away from a range of services:

St Deny's Church of England Infant School - 600 metres;
 Ibstock Junior School - 800 metres;
 Ibstock Community College - 1100 metres;
 Bus Stops on Thorndale and Melbourne Road - 400 metres;
 Shops on High Street, Ibstock - under 1000 metres;
 Co-op Supermarket - 1200 metres;

The bus services (Nos. 15 - Coalville - Ellistown - Coalville and 159 - Ibstock - Market Bosworth - Hinckley) provide a regular bus service with the No. 15 having three buses every hour (including Saturday) and the No. 159 operating once an hour (including Saturday) and given the proximity of bus stops to the site this would give future residents an alternative to using a private car. The provision of a regular bus service would also provide future residents with an opportunity to access employment opportunities further afield should these opportunities be limited within Ibstock. Overall, therefore, it is considered that the site would be located within a sustainable 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 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

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 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 4.70 years (based on the "Sedgefield" approach and a 20% buffer) which represents a shortfall in relation to 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 this policy should not be considered 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 and, by virtue of its location, close to the existing built up development and associated services, would perform well in terms of need to travel and the movement towards a low carbon economy.

Conclusions in respect of the Principle of Development and Planning Policy

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

The 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 the built up area) 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

Scale of Development and Cumulative Impacts

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

Using the 2011 Census there are 2428 dwellings within the main built up area of Ibstock. This proposal for 142 dwellings would represent a 5.8% increase in the number of dwellings as of 2011.

By way of comparison with the scale of development envisaged across the District in the

withdrawn Core Strategy, the GL Hearn: Leicester and Leicestershire Housing Requirements Study (which the Core Strategy housing requirements were based upon) projected an increase in housing numbers for the District from 38,114 in 2006 to 47,014 in 2031, which equates to an increase of 23.4%. In these circumstances the application alone would not result in a significant increase in development to the village and as such the development in isolation would not be significantly detrimental to the local character of the area.

The development, however, is not an isolated development within Ibstock and as such consideration needs to be given to the cumulative impacts of housing developments.

A calculation can be applied to ascertain the impact the proposed development would have on the scale of Ibstock, taking into account existing permissions including: -

- North of Ashby Road - permission granted for 204 homes, this scheme is currently under construction with some completions;
- North of Ibstock on Melbourne Road (12/01086/FULM) - permission granted for homes, this scheme is currently under construction;
- South of Ashby Road (12/00453/FULM) - permission granted for 191 homes, this scheme has yet to be begun;

There were 2428 dwellings in Ibstock in 2011, over the period 2006 - 2011, 33 dwellings were constructed, so as 2006 there were 2395 dwellings in Ibstock.

Since 2006, 181 dwellings have been constructed, a further 52 are under construction and there are 346 in outstanding permissions. If these were added to the current proposal for 142 dwellings, the cumulative number of dwellings since 2006 would equate to a total of 721 dwellings. This would represent a 30% growth in Ibstock. By way of comparison the GL Hearn Study projected an increase of 23.4% for the period from 2006 to 2031.

The physical impact of the cumulative developments may depend on their location within the village, for example whether on previously developed land or encroachment into the countryside, relationship and linkages with existing dwellings. In addition all the proposals identified above, cumulatively represent a higher growth than that for North West Leicestershire as a whole, as envisaged in the GL Hearn Study. The now withdrawn Core Strategy identified Ibstock as a potential Rural Centre due to it having a good range of services and facilities. Development in such a location can support the principles of sustainable development in that residents have good access to facilities by alternative means to the car. In this circumstance, it could be considered that the overall scale of growth, when compared to the District as a whole, would not be unreasonable for a settlement defined as a Rural Centre with such a wide range of services and facilities. As such it is concluded that the scheme should not be refused on cumulative impacts.

Means of Access and Transportation

All matters are reserved for subsequent approval except for access (insofar as vehicular access into and out of the site is concerned). The points of access proposed show vehicular access via a new roundabout junction with Station Road, directly opposite the existing road junction between Thorndale and Station Road. Whilst the illustrative layout shows internal access roads and pedestrian links through the site, these would be dealt with at the reserved matters stage(s), although their impact on the overall potential accessibility and connectivity of the site still ought to be considered.

The application is accompanied by a Transport Assessment as well as a Travel Plan. The

Transport Assessment indicates that, in the applicant's consultants' opinion, the development is within a comfortable walking distance of a range of local amenities. It is also indicates that it is within walking distance of numerous bus stops on Thorndale, Station Road and Melbourne Road, which provide access to bus services to both Coalville as well as Market Bosworth and Hinckley. The County Highways Authority advises that various measures to encourage public transport use should be secured by way of a Section 106 obligation.

The Transport Assessment also concludes that the traffic generated by the proposed development could be accommodated across most of the local highway network without the provision of mitigation measures. With regards to the A447/Ashby Road mini-roundabout junctions it is anticipated that the traffic associated with the development would represent a low level impact during the morning and evening peak hours although due to committed developments this junction would potentially become heavily congested in the future. Ultimately additional traffic on the highway network would result in increased queues although this would not be a significant and the expected rerouting of traffic across the Ibstock network, which would be along several available routes, would reduce this forecasted impact. The County Highways Authority does not disagree with these conclusions and states: *"the highway authority's experience, which is demonstrated in the assignment of traffic used in the Leicestershire Integrated Transport Model (LLITM), tells us that motorists will select alternative routes in a congested network, and will even take longer routes if the time taken is similar to that using the congested route. On this basis, there are a number of alternative routes available to travel north and east of the site to avoid using the A447 (south), the B582 and B585 is considered to be a credible alternative route, as journey times in peak periods will be similar due to delays within Ibstock and at the Ellistown mini-roundabouts. The Transport Assessment also considers alternative routes north via Thorndale, Parkdale and Usbourne Way, or via Heather (by Station Road or Pisca Lane) and north to Ravenstone and the A447 via Heather Lane. A future route will also be available through the spine road through the approved development of land south of Ashby Road. All these routes are considered credible alternative routes."*

Additional mitigation proposals outlined in the Transport Assessment and Travel Plan include various measures designed to encourage walking/use of public transport by residents. The relevant measures are included within the County Highway Authority's requested contribution/Section 106 requirements below: -

- Travel Packs to inform new residents from first occupation of what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack);
- Six month bus passes, two per dwelling (two 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);
- Contribution towards equipping the nearest bus stop(s) and 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 £2100.00;
- A monitoring fee of £6000 to enable Leicestershire County Council to provide support to the developers Travel Plan Co-ordinator, audit annual Travel Plan performance reports to ensure Travel Plan outcomes are being achieved and for it to take responsibility for any necessitated planning enforcement;
- To provide suitable mitigation to help reduce traffic speeds in the vicinity of the access to ensure a safe access, a contribution of £15,000 for traffic calming along Station Road is required.

The County Highways Authority has no concerns in respect of the proposed access into the site via the newly formed roundabout junction, with the request of a financial contribution towards traffic calming measures assisting in mitigating the potential issues associated with the speed of vehicles along Station Road. The speed of vehicles along Station Road would likely decrease as a result of the development, as well as the construction of the residential scheme at land south of Ashby Road, given that the provision of roundabouts would have a greater reduction on vehicular speeds than junctions turning into the site.

As part of the application process the Highways Agency has been consulted and they have considered that the proposed development would not have a material impact on the closest strategic route (M1 motorway).

Paragraph 32 of the NPPF outlines, amongst other things, that "*development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe,*" and given the above conclusion it is considered that the residential scheme would not have a severe impact on highway safety to justify a refusal of the application. In these circumstances the development would also accord with Policy T3 of the Local Plan.

The specific parking arrangements for each individual property would be assessed and addressed following the submission of any subsequent reserved matters application and as such the particular requirements of Paragraph 39 of the NPPF as well as Policies T8 and T10 of the Local Plan would be satisfied at that time.

Density

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

With a site area of 6.63 hectares, the proposal would have a density of 21.42 dwellings per hectare based on the provision of 142 dwellings. Although this density would fall well below that advised in Policy H6 this policy also identifies that it is important to factor into any assessment the principles of good design as well as green space and landscaping requirements. Significant areas of the site would be taken up by the creation of strategic landscaping and habitat areas, as well as public open space, and as such the overall density of the scheme based on the developable area is likely to be in excess of 30 dwellings per hectare. Overall, therefore, the proposals would not substantially conflict with the principles of Policy H6 as to warrant a refusal of the planning permission.

Neighbours' and Future Occupiers' Amenities

In terms of the impacts on neighbouring occupiers arising from the proposed buildings themselves are concerned, this would need to be assessed at the reserved matters stage(s), notwithstanding the details shown on the illustrative layout, there would appear to be no reason in principle why up to 142 units could not be provided on the site in a manner which would not adversely impact upon neighbours' amenities.

Concerns have been expressed that the development will result in an increase in dirt and noise, from an increase in vehicle movements, however it is considered that whilst the provision of a residential scheme along Station Road and accessed by a roundabout junction would increase the volume of traffic this increase would not be significantly detrimental to amenities to justify a

reason for the refusal of the application. This view is taken given that there are no controls in place to restrict the movement of vehicles along Station Road and the fact that the vehicular movements of any future occupants of the scheme would be similar to those of existing residents. As the existing farm holdings are accessed via Station Road the movement of vehicles associated with the retained use would also not result in detriment to existing residents. Although dirt and noise would be associated with the construction of the scheme it is considered that this is an inevitable temporary, manifestation of any development project, which is not the concern of the planning system unless there would be exceptional amenity harm. When this is the case, a planning condition restricting hours is often applied but in this instance as Environmental Health has raised no issues to the development in this regard, it is considered that the imposition of an hours condition would be unreasonable.

With regards to future amenities, it is considered that although it is proposed that the retained agricultural holdings would be accessed through the scheme, the masterplan indicates that this would be along a landscaped corridor with no residential properties being proposed in close proximity to the access road in order to avoid a significant impact. The Council's Environmental Protection team also have no concerns in respect of the relationship of a residential scheme with the agricultural operations undertaken (dairy), particularly given that the western boundary of the site would be heavily landscaped.

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

Landscape and Visual Impact and 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.

A Building for Life 12 Evaluation has been submitted in support of the application which scores the scheme on the basis of red/amber/green ratings rather than a points based scoring system. The evaluation concludes that the scheme would predominately score green points with the only amber questions existing within external storage and amenity space (question 12), streets for all (question 9B), character (question 5B) and facilities (question 2A and 2B). It is considered that the amber ratings raised could easily be addressed under any subsequent reserved matters application given that the layout submitted is indicative only and no information has been provided on the general design of the dwellings.

A key challenge for any future reserved matters application will relate to the creation of a scheme which has character and how a place with local or otherwise distinctive character can be created by drawing influence from the positive and distinctive characteristics of Ibstock as well as the National Forest. This could be achieved by drawing upon selected local characteristics of dwellings and their materials within the vicinity of the site, i.e. window details, brick and cill details, verge and eaves detailing, and combining these with a strong landscape character which in turn creates a locally distinctive or National Forest identity (i.e. use of chunky timber porches, timber windows and doors and timber cladding).

Given that the scheme is not sufficiently advanced to be assessed fully against Building for Life,

and given that the masterplan is indicative only, it is considered that it has been demonstrated that, in principle, an appropriate scheme could be secured at the reserved matters stage(s).

In respect of the implications to the landscape the application is supported by a landscape and visual impact assessment with it being noted that the site is not protected by any national landscape designations. The application site is situated within the Urban Fringe Landscape Type of the National Forest Landscape Character Area which has the following key characteristics: -

- Large, often sprawling settlements, new built development and occasional mineral workings are dominant;
- Major roads and railways are also prominent making areas busy with the noise and movement of traffic;
- Cropped farmland with gappy, poorly managed hedgerows and hedgerow trees often appears sandwiched between urban and industrial uses;
- Remnant pastures sometimes occur around settlements. These often have a strong hedgerow pattern, though hedges can appear overgrown and unmanaged;
- Urban trees, open spaces and new woodland planting contribute to the landscape setting of urban areas;
- Horse grazing, allotments and other non-agricultural activities add to the fragmented appearance;

The key characteristics of the application site and setting are outlined as: -

- Improved/semi-improved grassland contained due to the nature of the undulating landscape which creates a bowl-like enclosure;
- Low lying landscape with low horizon;
- Limited hedgerow trees;
- Pockets of newly planted woodland;
- Beyond the site there are more open fields of arable and pasture use and a collection of farm buildings;
- Urban fringe characteristics with residential development and allotment use;

An assessment of the impact on the visual effects of existing residents is also provided which outlines that there would be a substantially adverse impact on Group E and G properties (which are indicated as 1 - 15 Parkdale; 1, 2 & 3 Thorndale and 53, 55, 57 Station Road (Group E) and 26, 28, 30, 32, 34, 40, 42, 44, 46 & 48 Station Road (Group G)). It is noted that these conclusions are provided to indicate which properties would experience the most change in their 'view' but in the circumstances that the right to a view is not a material planning consideration which could be taken into account in any assessment of the application it is considered that these conclusions would not warrant a refusal of the application.

In concluding the implications on the landscape it is outlined that *"visually the site itself is well contained due to the existing bowl like topography and effects of linked woodland and treed field/road boundaries beyond the site. Views into the site are predominately restricted to close/mid distance views from public footpaths to the south and east and residential properties immediately adjacent to and overlooking the site from Station Road. There are no long distance views of the site due to the intervening topography and vegetation."*

Residential development exists to the north, east and south of the site with the residential estate of Sunnyside projecting westwards to a similar extent as the application site. Existing built forms also exist on the agricultural holdings to the west of the site which impact on the visual

appearance of the landscape. The indicative masterplan outlines that substantial vegetation would be provided to the western boundary of the site to mitigate against any views established from the surrounding area, which are limited to close/mid distance views, and given the characteristics and layout of residential development within the vicinity of the site it is considered that a scheme could be designed which would not cause detriment to the wider landscape particularly given the landscape type in which the development lies.

It is considered that the findings of the landscape and visual impact assessment are reasonable and it is accepted that, subject to appropriate landscaping, the visual impacts of the development would not be sufficiently detrimental even though the site is situated outside the defined limits to development. Subject to an appropriate form of development being brought forward at the reserved matters stage(s) the landscape and visual impacts would be acceptable.

Overall, therefore, the development is considered to accord with Paragraphs 17, 57, 59, 60, 61 and 64 of the NPPF and Policy E4 of the Local Plan. The specific requirements of Policies F1 and H7 of the Local Plan would be achieved through any reserved matters application submitted for the detailed design of the proposals.

Viability of the Development

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

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

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

The relevant developer contributions are listed below: -

Affordable Housing

The Affordable Housing Supplementary Planning Document indicates that on all development sites providing five or more properties a requirement of 20% affordable housing would be required with the Council's preferred position for this to be provided on site.

The Council's Affordable Housing Enabler officer has indicated that *"the proposal seeks to provide 142 properties in total so clearly triggers the policy requirement of 20% affordable housing. The 20% equates to 28 affordable homes. The Council's adopted policy position is to seek delivery on site; The Strategic Housing Team recognises that this proposed development meets the Council's affordable housing threshold requirement."*

It is outlined that the applicant has indicated that 75% of the properties would be provided as rented and 25% as some form of intermediate or low cost affordable housing. This would equate to 21 rented properties and 7 as intermediate/low cost housing.

The Strategic Housing Team would seek to ensure onsite provision as Affordable Rented rather than Social Rented properties, reflecting the requirements of the Council's Registered Provider partners and it has been indicated, in the design and access statement, that the affordable houses will be designed to meet appropriate standards of design and quality.

The applicant has indicated that 28 affordable homes would be provided on site and have proposed the following mix: -

- **Affordable Rented**
- 3 x 2 bed 4 person bungalows;
- 12 x 2 bed 4 person houses;
- 6 x 3 x 5 person houses;

- **Intermediate/shared ownership**
- 2 x 2 bed 4 person bungalows;
- 2 x 2 bed 4 person houses;
- 3 x 3 bed 5 person houses;

An exact mix of properties would be determined through any subsequent reserved matters application although the Affordable Housing Enabler would like the following mix to be considered: -

- **Affordable Rented**
- 3 x 2 bed 4 person bungalows;
- 10 x 2 bed 4 person houses;
- 4 x 3 bed 5 person houses;
- 4 x 1 bed 1 or 2 person homes;

The specific requirements of this mix are that if the one bed properties are provided as apartments then they should not be provided in one large block and should be designed so that there are no communal areas with each apartment having its own entrance, as a result no apartments should be above two-storey height. It is also permissible that the one bed properties may be provided as coachhouses above a garage, provided that an internal access is provided to the property, or one bed houses which may be 'back to back' dwellings so that each property has its own entrance and small garden area. It is also identified, by the Affordable Housing Enabler, that the second bedroom within the 2 bed bungalows may be set within the roof space as this would allow its use for carers or visiting family members.

With regards to the location of the properties it is outlined that the positions indicated on the drawing shown on page 45 of the design and access statement would be supported by the Strategic Housing Team.

The applicant's are committed to providing the affordable housing contribution on the site with the provision and positions on the site being agreed at the reserved matters stage.

Transportation Contributions

As set out under the Means of Access and Transportation section of the report (see above) the following developer contributions are required in the interests of encouraging sustainable travel to and from the site and highway safety:

- Travel Packs at **£52.85 per pack**;
- Six month bus passes at **£325.00 per pass**;
- Equipping and upgrading the nearest bus stop(s) with real time information systems - **£2100.00**;
- Monitoring fee of **£6000.00**;
- Traffic calming measures - **£15,000.00**;

The applicants have agreed to meet the transportation contributions financial request.

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 St Denys Church of England Infant and Ibstock Junior Schools. St Denys Church of England School has a net capacity of 180 and 240 pupils are projected on the roll should this development proceed; a deficit of 60 places. Ibstock Junior School has a net capacity of 240 and 294 pupils are projected on the roll should this development proceed; a deficit of 54 places. The two schools including the pupils generated by this development have a total deficit of 114 places (of which 79 are existing and 35 are created by the development). There is one other primary school within a two mile walking distance of the development. Heather Primary School has a forecast surplus of 10 places. The overall deficit including all schools within a two mile walking distance of the development is 104 places. The 35 deficit places created by this development can therefore not be accommodated at nearby schools and a claim for an education contribution of 35 pupil places in the primary school sector is justified. In order to provide the additional primary school places anticipated by the proposed development the County Council request a contribution of **£412,334.26**. The contribution would be used to accommodate the capacity issues created by the development by improving and remodelling or enhancing existing facilities at St. Denys Church of England Infant and Ibstock Junior Schools. It is also indicated that the contribution will be spent within five years of receipt of the final payment.

High School Requirements:

The site falls within the catchment area of Ibstock Community College. The College has a net capacity of 705 and 718 are projected on roll should this development proceed; a deficit of 13 pupil places (of which a surplus 2 is existing and a deficit of 13 is created by this development). There are no other high schools within a three mile walking distance of this development. The 13 deficit places created by this development can therefore not be accommodated at nearby schools and a claim for an education contribution of 13 pupil places in the high school sector is justified. In order to provide the additional high school places anticipated by this development, the County Council would request a contribution for the high school sector of **£218,089.27**. The contribution would be used to accommodate the capacity issues created by the development by improving and remodelling or enhancing existing facilities at Ibstock Community College. It is also indicated that the contribution will be spent within five years of receipt of the final payment.

Upper School Requirements:

The site falls within the shared catchment area of King Edward VII College and Ashby School. The Colleges have an overall surplus of 31 pupil places after taking into account the 15 pupils generated by this development. An education contribution will therefore not be requested for this sector.

Although the applicants are happy to provide relevant education contributions at the Department for Education amounts per pupil (£12,099.01 for the Primary Sector and £17,876.17 for the High School sector) clarity has been sought from the County Council Education Authority over the way in which the contributions have been calculated in the circumstances that the housing mix would not be agreed till the reserved matters stage and, they are of the opinion, that any affordable housing provided on site should not be included in the calculation given that occupants of these properties are likely to already reside in the area and attend a school within the County Education area. Clarity has also been sought on the figures stated, in terms of deficits and surplus amounts at the various schools, given that there appears to have been substantial changes in these figures since May 2012 even though the amount of dwellings

needed to change these figures have not been built/approved. The applicants have suggested that the contribution be calculated on a formulaic approach i.e. (x amount) for 2 bed properties, (y amount) for 3 bed properties etc, and a response from the County Education Authority is awaited on this matter. Any further contribution request received from the County Council will be reported to the Planning Committee on the update sheet.

Libraries

The County Council have indicated that the library facilities contribution is outlined in the Statement of Requirements for Developer Contributions in Leicestershire (December 2007). It is considered that the proposed development is of a scale and size which would have an impact on the delivery of library facilities within the local area. The proposed development on Station Road is within 0.7km of Ibstock Library on Central Avenue, the nearest local library facility which would serve the development site, and as such a contribution of **£8630.00** (rounded to the nearest £10) would be requested. The contribution would be used for materials, e.g. books, audio books, newspapers and periodicals etc for loan and reference use to account for the additional use generated by the proposed development and has been calculated in accordance with the following formula: -

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

The applicants have agreed to meet the libraries contribution financial request.

Civic Amenity

The County Council have indicated that the civic amenity contribution is outlined in the Statement of Requirements for Developer Contributions in Leicestershire (December 2007). It is considered that the proposed development is of a scale and size which would have an impact on the delivery of civic amenity waste facilities within the local area. In these circumstances a contribution of **£10,092.00** (rounded to the nearest pound) is sought. The nearest civic amenity site to the proposed development is located at Coalville and residents of the proposed development are likely to use this site with the calculation based on 142 units multiplied by the current rate for the Coalville Civic amenity site of £71.07.

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

Healthcare

NHS England (Leicestershire and Lincolnshire Area) indicates that the development proposes 142 dwellings which when based on the average occupancy of a dwelling in North West Leicestershire District (Census 2001) of 2.40 would result in an increased patient population of approximately 341 with the nearest practice impacted on being the Ibstock GP practice. In these circumstances a contribution of **£71,344.02** is sought which would be used to increase accommodation and parking facilities at the Ibstock GP practice.

The applicants have requested some clarity from the NHS over the reasoning for the contribution sought given that the justification for the amount is the same that was imposed on Bellway Homes under application reference 12/00453/FULM which secured £96,031.00. In the circumstances that the approval gained under 12/00453/FULM is to be implemented it can be safely assumed that the financial contribution from Bellway Homes will become payable to the NHS. It is outlined that the contribution required will be used to remove all the notes from the reception area at Ibstock GP practice and relocate them into a secure fireproof area with a new room being created in the surgery for these purposes, the removal of these notes will then allow the seating and receptionists area to be reorganised to accommodate the increase in patients

attending the surgery. It is also proposed that the car park will be increased in size. A total input of £167,375.02 (from both the Bellway Scheme and this scheme) would appear excessive for the works which need to be done.

A revised response from the NHS taking into account the points raised above has been requested and any further representation received will be reported to the Planning Committee on the update sheet.

National Forest Planting

The applicants' site extends to 6.63 hectares therefore the NFC's Planting Guidelines, as set out in the Guide for Developers and Planners would expect 20% of the site area to be for woodland planting and landscaping. This would equate to 1.32 hectares in this instance. It is proposed that new woodland would be created on a separate parcel of land outside the application site which would equate to 2.73 hectares. A 'green edge' would also be created on the southern and western boundaries of the site which would incorporate tree planting, attenuation basins and natural play areas. The National Forest Company welcomes the commitment to meet the planting guidelines and requests that the reserved matters application(s) draws upon the key design aspirations indicated in the submitted Design and Access Statement which include the creation of a green gateway, a tree-lined access road, tree planting within rear gardens and inclusion of the 'green edge.' Subject to the inclusion of relevant conditions to provide for tree/hedge protection measures and the provision of footpath links to adjoining woodlands, as well as the securing of the woodland planting within a Section 106 Agreement, the National Forest Company has no objections.

The applicants have agreed to include the National Forest Company's requests in any Section 106 Agreement finalised for the development.

Police

The Police have identified that there is a lack of capacity in their existing infrastructure to accommodate the population growth and associated demands occasioned by the development which means that it is necessary for the developer of the site to provide a contribution so that this situation may be remedied. A contribution of **£55,718.00** has been requested which would be divided between the following functions: -

- Start-up equipment - £5879.00;
- Vehicles - £3606.00;
- Additional radio call capacity - £362.00;
- PND additions - £184.00;
- Additional call handling - £316.00;
- ANPR - £2713.00;
- Mobile CCTV - £500.00;
- Additional premises - £41,910.00;
- Hub equipment - £248.00

With regard to the acceptability of police contributions per se, however, 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 such requests 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 a policing contribution of some description (assuming more robust supporting evidence were provided) would meet with the CIL tests at this particular time. Should Counsel advise that Leicestershire Police requests such as this would be 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.

NWLDC - Leisure and Cultural Services

The design and access statement outlines that a 1.57 hectare area, outside the application site but in the ownership of the applicants, would be provided for youth/adults and a 0.03 hectare area, within the boundaries of the application site, would be provided as a children's natural play area. This would equate to 1.60 hectares of outdoor space which would be 0.71 hectares above that expected by Policy L21. Although the on-site children's play area would be below that expected it is considered that sufficient open space exists on the site to potentially increase the size of the play area under any reserved matters application and, in any case, an equipped play area exists at a distance of 101.00 metres to the south of the site. In these circumstances there would be no conflict with Policy L21 of the Local Plan.

The off-site provision of a formal recreational area and informal woodland walk area as well as the on-site provision of landscaped areas along the western boundary and wildlife corridor through the centre of the site would provide the necessary facilities to ensure compliance with Policy L22 of the Local Plan and the aspirations of the District Council's SPG, with it being noted that additional recreational facilities are accommodated on the same site as the existing equipped play area.

It is indicated in the design and access statement that the applicants would be willing to enter into a Section 106 Agreement to secure the provision and management of the on-site public open space as well as provide a contribution towards the improvement of an existing equipped children's play area on Church View.

No consultation response has been received from the Head of Leisure and Culture on the suitability of this approach with any response received being provided on the Committee update sheet.

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 and are in accordance with Paragraph 204 of the NPPF which states that planning obligations should only be sought where they are 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.

Ecology and Trees

The application is supported by an extended phase 1 habitat survey, bat survey, great crested newt assessment, badger survey, breeding bird survey and ecological mitigation strategy as well as an arboricultural assessment. The phase 1 habitat survey concludes that the *"site comprises three pasture fields, two of which are agriculturally improved and dominated by perennial rye-grass and the other field supports poor semi-improved grassland."* It is also concluded that there are no statutory designated sites within 2km of the site.

With regards to habitats it is stated that the grasslands are of low botanical importance and are also of low ecological value for the fauna species they support although they may be used by birds for feeding. The hedgerows and woodland/scrub strip on the southern boundary of the site provide a valuable habitat for nesting birds as well as potentially providing foraging opportunities for badgers and bats. The masterplan for the development indicates that the majority of existing trees and hedges would be retained as part of the scheme and additional planting would also be provided within the areas of public open space as well as the newly created woodland area.

In response to the application, Leicestershire County Council's ecologist considered that the submitted reports were satisfactory and that important features of the site (trees and hedgerows) would be retained and would have adequate buffer zones. The only concern raised was with regards to two small badger setts situated on the site although as these setts were of no great significance no objections would be raised to their closure under appropriate licence. Following clarification on this particular issue from the agent for the application it was identified that these two setts were no longer active and as such no sett closure licence would be required. The County Ecologist, on the basis of this information, concluded that no mitigation plan would be required prior to the determination of the application but a condition requesting an updated badger survey prior to the commencement of the development would be required and this would be conditioned accordingly along with the other conditions proposed by the County Ecologist.

For its part, Natural England has no objections to the scheme with there being no adverse impacts on the Newton Burgoland Marshes Site of Special Scientific Interest (SSSI) subject to appropriate conditions to ensure that surface water run-off does not contaminate the SSSI via discharge into the River Sence which is hydrologically linked with the SSSI. Natural England also make suggestions in relation to nature conservation enhancements, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes, which would need to be addressed at the reserved matters stage. The requests of Natural England in terms of the implications to the Newton Burgoland Marshes SSSI would be addressed via the conditions likely to be imposed by the Environment Agency in respect of surface water run-off from the site.

The submitted arboricultural assessment outlines that the indicative layout plan, as presently submitted, includes the retention of all the trees categorised as being of high and moderate quality with only a single group of Sycamores in the south-east corner of the site being proposed for removal. Given the arboricultural merit of these trees it is considered that their loss would not be detrimental to the visual amenity of the area. Two sections of hedgerow

(measuring 31.0 and 9.5 metres) would be removed from two different hedgerows and whilst these hedgerows are of moderate quality neither have particular significance or features which would deem them to be 'important' under the Hedgerow Regulations and as such there would be no concerns with their removal. It is also considered that any loss of vegetation would be mitigated by the planting which would be provided. A tree and hedgerow protection plan would be recommended as a condition and recommendations for the layout of dwellings are suggested in relation to the submission of future reserved matters applications.

In these circumstances it is considered, subject to the imposition of suitably-worded conditions and notes to applicant the submitted scheme is considered acceptable in ecological terms as well as the impact on trees and hedgerows. As such the development would accord with Paragraph 118 of the NPPF, Circular 06/05 and Policies E2, E7, F1, F2 and F3 of the Local Plan.

Flood Risk and Drainage

A Flood Risk Assessment (FRA) and associated documents have been submitted in support of the application. The Environment Agency flood zone maps indicate that the site lies within Flood Zone 1, and on this basis the site would appear suitable for development in principle (and in flood risk sequential terms, would meet the requirements of the NPPF).

It is proposed that the surface water strategy for the site would consist of reduced discharge rates from the development site to greenfield QBAR (Mean Annual Maximum Flood (m³/s)), storm water attenuation storage via a series of cascading ponds within the public open spaces along the western boundary, surface water drainage as a sustainable urban drainage system (SuDs) treatment train, with the run-off from vehicular areas passing through at least two SuDs elements, and use of permeable paving in new streets, lanes and driveways. Foul drainage would be discharged to the existing mains sewer with it being noted that a Severn Trent Water pumping station exists adjacent to the site entrance.

The Environment Agency initially objected to the application on the basis that the submitted FRA had not taken into account a culverted watercourse which runs through the site as well as the fact that the development would fail to restore the ecological and fisheries value of the culverted watercourse. Since the receipt of the initial comments of the Environment Agency the applicants have been in discussions with the Agency in order to remove their objection to the scheme. An email from the applicants of the 18th February 2014 contained a letter from the Environment Agency outlining that they find the *"Flood Risk Assessment Revision B dated January 2014 and Drawing No. BMW/2219/WSK02 P3, acceptable for submission is support of the outline permission proposed at the site."* Having received this correspondence it was necessary to reconsult with the Environment Agency to seek their assurances to there being no objections to the scheme as well as ascertaining whether any planning conditions would need to be imposed on any consent granted. A revised consultation response is awaited from the Environment Agency, which will include any relevant conditions, and as such any comments/conditions will be reported to the Planning Committee on the update sheet.

Should the objection of the Environment Agency be removed it is considered that the proposed scheme would be acceptable and would provide for appropriate drainage solutions to ensure that surface water run-off from the site would not result in any significant flooding implications. As such the development would accord with Paragraph 103 of the NPPF.

Archaeology

The County Council Archaeologist outlined that the Leicestershire and Rutland Historic Environment Record (HER) indicated that the application site lies adjacent to the medieval and

post-medieval settlement core of Ibstock (MLE4618) and to the immediate south-west is the site of a post-medieval and probable medieval windmill (MLE4613 and 4612). Ancient maps also suggest the presence of rabbit warrens which were a feature of the medieval landscape, with the farming of rabbits being an important part of the rural economy (HER ref: MLE4621). In commenting on the application the County Archaeologist specified that a field evaluation would need to be undertaken in order to ascertain whether any archaeological remains of significance were present in the application site area.

Following the completion of a geophysical survey of the development area a few anomalies of obvious archaeological potential were identified although this evidence provides a more limited interest than was first suggested by the HER information. Although this is the case the County Archaeologist remains of the view that unrecorded archaeological remains may still exist within the application site area and as such an archaeological investigation should be secured via a planning condition. In the circumstances that Paragraph 141 of the NPPF indicates that *"developers are required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance,"* it is considered that the an approval of the development would not conflict with the aims of this policy subject to the suggested conditions of the County Archaeologist being imposed on any grant of planning permission.

Loss of Agricultural Land

An Agricultural Land Classification assessment has been submitted in support of the application and this has concluded that the land on which the dwellings would be constructed would be Grade 2 Agricultural Land which represents *"very good quality agricultural land"* and is the second highest grade after Grade 1 land (excellent quality agricultural land). Paragraph 112 of the NPPF outlines that *"where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality."*

Although development would be proposed on Grade 2 Agricultural Land the total amount of land available to the tenant farmer at Clare Farm, as rented from Leicestershire County Council, would be 39.14 hectares with additional land also utilised by the farmer. Given that the development would only result in the loss of 6.64 hectares of land, Grade 2 Land exists elsewhere on the holding and the farming practice undertaken is dairy rather than arable it is considered that the development would not conflict with the principles of Paragraph 112 of the NPPF.

Other Matters

With regards to the representations received but not addressed above, issues regarding property values, loss of a view and private access would not constitute material planning considerations which could be taken into account when assessing the merits of the application proposals.

In terms of the allotments the indicative masterplan shows that they would be retained and do not form part of the application site area, although they are owned by the applicants, and as such it is considered that an approval of this application would not result in the loss of the allotments with any application coming forward for development on the site being considered on its own merits.

Summary Reasons for Granting Outline Planning Permission

As set out in the main report above, although the site is outside Limits to Development, 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 given its location adjacent to the existing settlement boundary and its associated services, 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 development as set out in the NPPF. It is also considered that the scheme would be well related to the residential built forms on Station Road and Sunnyside and as such would not represent a detrimental encroachment into the rural landscape.

The scheme is considered to be acceptable in terms of technical issues (and including in respect of transportation and highway safety issues), such that there appears to be no other reasons to prevent the site's development for housing. No objections to the development have been received from the Highways Agency or County Highways Authority and as such the proposed means of access is considered to be acceptable and would not cause significant detriment to highway or pedestrian safety. Appropriate CIL compliant contributions to infrastructure would also be made to mitigate the impacts of the proposals on local facilities, in accordance with the Paragraph 204 of the NPPF. It is therefore recommended that outline planning permission be granted subject to conditions and the securing of the relevant developer contributions.

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

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

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

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

Reason - this permission is in outline only.

- 3 Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the access (save for details of vehicular access into the site from Station 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).

- 4 The development shall be implemented in accordance with drawing numbers B5741 007 002 Revision D; B5741 PL 005 Revision A; B5741 PL 007 and B5741 PL 008, received by the Local Authority on the 11th November 2013, unless otherwise required by another condition of this permission.

Reason - for the avoidance of doubt and to determine the scope of the 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 142 dwellings shall be erected.

Reason - to define the scope of the permission.

- 7 The reserved matters application shall include details of existing and finished ground levels and the proposed floor levels of the dwellings in relation to an existing datum point off the site. 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.

- 8 Notwithstanding the submitted plans, nor Condition 2 above, no development shall commence on the site until such time as a detailed scheme for the boundary treatment of the site (including all walls, fences, gates, railings and other means of enclosure) has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be provided in full prior to the first occupation of any dwelling hereby approved unless an alternative timescale is first agreed in writing by the Local Planning Authority.

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

- 9 No development shall commence on site (or, in the case of phased development, on the relevant phase of the development) until such time as a site specific tree and hedge protection plan has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall then be carried out in accordance with the approved details. Within the fenced off areas there shall be no alteration to the ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and back-filled by hand.

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

- 10 The first reserved matters application in respect of the matter of landscaping shall provide for an ecological/landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens) as well as the wetlands associated with the Sustainable Urban Drainage System (SuDs), 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 Operations that involve the destruction and removal of vegetation shall not be undertaken during the months of March to September inclusive unless otherwise agreed in writing by the Local Planning Authority that breeding birds will not be adversely affected by any works.

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

- 12 Prior to the commencement of development a further survey of the site and surrounding land for the presence of badgers and any mitigation measures (including a timescale for their implementation) if badgers are found will be submitted to and agreed in writing by the Local Planning Authority. Once agreed the development shall then be carried out in accordance with the approved details/mitigation measures.

Reason - to prevent an adverse impact on badgers.

- 13 Should Natural England or the Environment Agency identify that water quality within the tributary of the River Sence located within the site is likely to deteriorate or has deteriorated due to nutrient inputs or contamination as a result of the development, then a mitigation and remediation strategy (including timescales for implementation) shall be submitted to and agreed in writing with the Local Planning Authority. Mitigation and remediation of the watercourse shall be carried out in accordance with the agreed scheme and shall thereafter be so retained.

Reason - to ensure the protection of wildlife and supporting habitat in line with National Planning Policy and to provide for an appropriate form of development.

- 14 No development shall be commence on site (or, in the case of phased development, on the relevant phase of the development) until the following has been submitted to and agreed in writing with the Local Planning Authority in consultation with the County Highway Authority:
- All details of the proposed development shall comply with the design standards of Leicestershire County Council as contained in its current design standards document. Such details must include parking and turning facilities, access widths, gradients, surfacing, signing and lining (including that for cycleways and shared use footways/cycleways) and visibility splays. The access to the existing farm is proposed to be taken through the new development, and the layout will need to be designed to accommodate farm vehicles such as dairy tankers;
 - A construction traffic/site traffic management plan, including wheel cleansing facilities

- and vehicle parking facilities, and a timetable for their provision;
- Details of the routing of construction traffic;
Once agreed the development shall thereafter be carried out in accordance with approved details and timetable and during the period of construction, all traffic to and from the site shall use the agreed route at all times.

Reasons - to ensure a satisfactory form of development and in the interests of highway safety; to reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road uses, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area; to ensure that traffic associated with the development does not use unsatisfactory roads to and from the site.

- 15 Before first occupation of any dwelling hereby approved the following shall be provided: -
- Drainage within the site such that surface water does not drain into the Public Highway;
 - The access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary;
- Once provided the above shall thereafter be so maintained at all times.

Reason - to reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users; to reduce the possibility of deleterious material being deposited in the highway (loose stones etc).

- 16 Prior to first occupation of any dwelling hereby approved, plans shall be submitted for approval to the Local Planning Authority in consultation with the Highway Authority for the off-site highway works in general accordance with PTB drawing number Figure 6.1 Revision A within the PTB Transport Assessment of the 28th October 2013, received by the Local Authority on the 11th November 2013. Following approval of such plans the works shall be completed prior to first occupation of any dwelling.

Reason - to ensure a safe means of access to the site.

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

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

- 18 No part of the development hereby approved shall be brought into use until details of an updated Residential Travel Plan has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Highway Authority. The Plan, once agreed, shall be implemented in accordance with the approved details, and thereafter, the implementation of the proposals and the achievement of targets of the Plan shall be subject to regular monitoring and review reports to the Local Planning Authority and, if invoked, to the implementation of the specified additional measures.

Reason - to ensure that adequate steps are taken to achieve and maintain reduced travel, traffic and parking impacts and to provide and promote use of more sustainable transport choices to and from the site in order to relieve traffic and parking congestion, promote safety, improve air quality or increase accessibility in accordance with Section 4:

'Promoting Sustainable Transport' of the NPPF 2012.

- 19 No development (except any demolition permitted by this permission) shall commence on site until a Further Risk Based Land Contamination Assessment as recommended by section 10 of ASL Desk Study Report Land at Station Road, Ibstock reference 137-13-087-11 dated August 2013 has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:
- BS10175:2011 + A1:2013 Investigation of Potentially Contaminated Sites Code of Practice;
 - BS 8576:2013 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOCs);
 - BS8485:2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and
 - CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
- Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan must be prepared and submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of:
- CLR 11 Model Procedures for the Management of Land Contamination, published by the Environment Agency 2004.
- The Verification Plan shall be prepared in accordance with the requirements of:
- Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
 - CLR 11 Model Procedures for the Management of Land Contamination, published by the Environment Agency 2004.
- If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

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

- 20 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.

- 21 No demolition/development shall take place/commence 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:
- 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 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;
 - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation;

Reason - to ensure satisfactory archaeological investigation and recording.

- 22 No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under Condition 21.

Reason - to ensure satisfactory archaeological investigation and recording.

- 23 The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 21 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.

- 24 No development shall commence on the site (or, in the case of phased development, in respect of the relevant phase) until such time as a scheme for the disposal of foul and surface water drainage has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall then be implemented as approved.

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.

Notes to applicant

- 1 Outline 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).
- 2 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.
- 3 This decision is subject to a Section 106 Obligation regarding the following matters: -
 - Contribution towards library facilities;
 - Contribution towards civic amenity facilities;
 - Contribution towards education facilities;
 - Contribution towards health facilities;
 - Contribution towards transport facilities;
 - Provision of on-site affordable housing;
 - Provision of National Forest Planting and Footpath Links to Woodland;
 - Contribution towards S106 monitoring.
- 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).
- 5 If the roads within the proposed development are to be adopted by the Highways 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.
- 6 Please be aware that Leicestershire County Council as Lead Local Flood Authority (LLFA) are currently not a statutory consultee to the planning process for drainage matters. When Schedule 3 of the Flood and Water Management Act 2010 is implemented Leicestershire County Council will become the SuDs Approval Body (SAB) and also a statutory consultee of the planning process. You will need to contact Leicestershire County Council if you have an aspiration for us to adopt any SuDs features associated with the development. Please email roadadoptions@leics.gov.uk if you wish to discuss further.
- 7 You will be required to enter into a suitable legal Agreement with the Highway Authority for the off-site highway works before development commences and detailed plans shall be submitted and approved in writing by the Highway Authority. The Agreement must be signed and all fees paid and surety set in place before the highway works are commenced.
- 8 The applicant company will be responsible for ensuring that the bridleway and footpath are not affected by any operations associated with the development, and that free access can be exercised safely by users at all times. The rights of way should not be used as a means of access by Contractors' vehicles to the application site.
- 9 If it is necessary for any works associated with the development to be carried out within the confines of the bridleway/footpath, the County Council's consent to these should be

PLANNING APPLICATIONS- SECTION A

- obtained before they are commenced. The applicant should notify 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).
- 10 Any damage that may be caused to the surface of the bridleway/footpath which is directly attributable to works associated with the development will be the responsibility of the applicant Company to repair at its own expense, to the satisfaction of the Highway Authority.
- 11 The applicant must obtain a suitable written scheme of investigation (WSI) for both phases of archaeological investigation from an organisation acceptable to the planning authority. The WSI must be submitted to the planning authority and HNET, as archaeological advisors to the authority, for approval before the start of development. They should comply with the above mentioned Brief with this Department's *"Guidelines and Procedures for Archaeological Work in Leicestershire and Rutland"* and with relevant Institute for Archaeologists *"Standards"* and *"Code of Practice."* It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for development.
- 12 The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor. The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.
- 13 The applicant is advised that the National Forest Company would wish to see any reserved matters scheme submitted to be developed in accordance with the key aspirations of the development as set out on Page 39 of the Design and Access Statement. These include creating a green gateway, a tree-lined access road, including tree planting in rear gardens and the inclusion of the 'green-edge'
- 14 The applicant is advised that the County Ecologist has requested that all tree, shrub and landscape planting along the western boundary (to the open countryside) should be of a locally native species only.
- 15 In relation to condition 10, it is recommended that details of biodiversity enhancements (such as roosting opportunities for bats and/or the installation of bird nest boxes) are included.

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PLANNING APPLICATIONS- SECTION A

Residential development for 14 Dwellings, retention of existing farmhouse, demolition of existing farm buildings, alterations to an existing vehicular access and closure of other existing vehicular access (Outline- Details of access and layout)

**Report Item No
A2**

The Farm Manor Road Donington Le Heath Coalville

**Application Reference
13/00671/OUTM**

**Applicant:
Mr Richard Merrall**

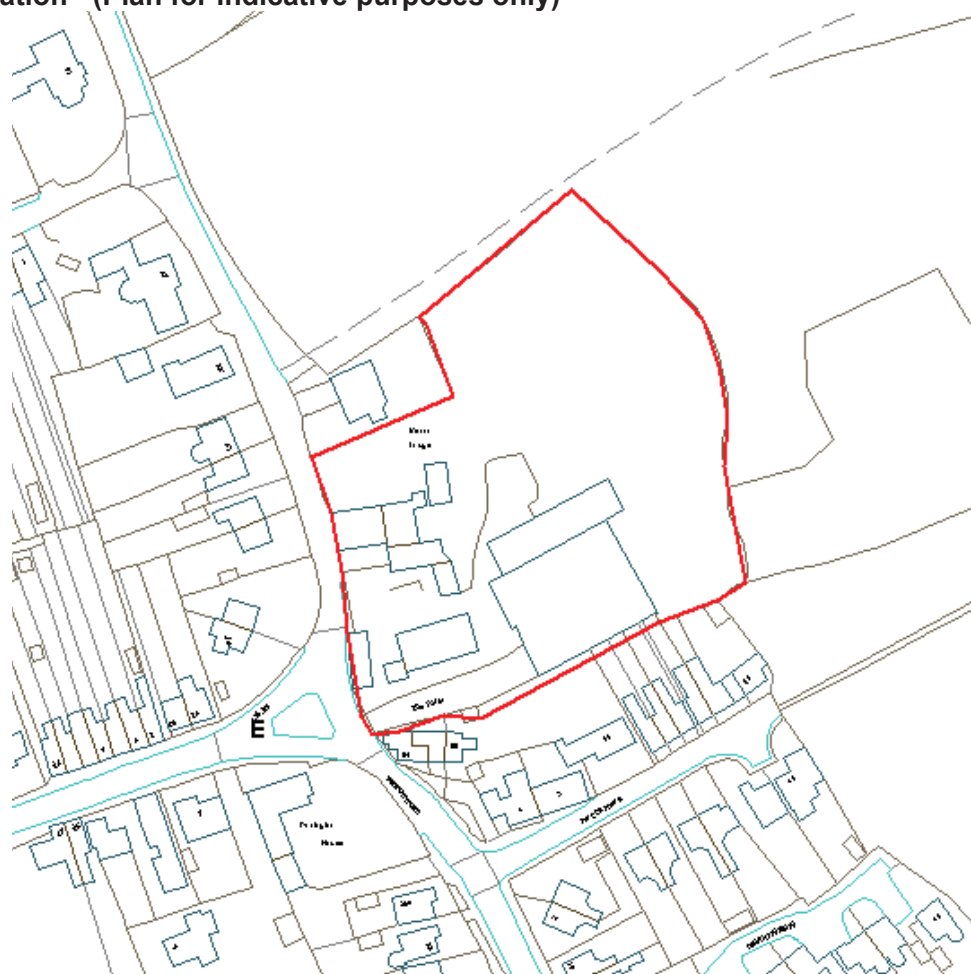
**Date Registered
2 December 2013**

**Case Officer:
Adam Mellor**

**Target Decision Date
3 March 2014**

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

Site Location - (Plan for indicative purposes only)



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Planning Committee 11 March 2014
Development Control Report

EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application has been brought to the Planning Committee in order to allow the Committee Members to assess the merits of a scheme which is considered to be a positive re-use of a site situated within a sensitive area of Donington Le Heath.

Proposal

This is an outline planning application, with details of the access and layout for approval at this stage, at The Farm, Manor Road, Donington Le Heath which lies within the Donington Le Heath Conservation Area. It is proposed that the existing farmhouse and adjacent outbuilding would be renovated and restored with 14 additional properties being provided which would be a mix of two-storey and single storey detached types with 2, 3, 4 and 5 bedrooms. Footpath links to the existing footpath network would also be provided.

Consultations

As a result of the consultation process one letter of support has been received with no objections raised. All statutory consultees have no objections to the development subject to appropriate conditions on any consent granted.

Planning Policy

It is considered that the development would accord with all relevant policies of the North West Leicestershire Local Plan, the general principles of the National Planning Policy Framework (NPPF) as well as Circular 06/05 and relevant supplementary planning guidance.

Conclusion

The site is situated within the defined limits to development where there would be a presumption in favour of development, with Donington Le Heath also being considered a sustainable settlement for new residential development given that it lies within the Greater Coalville Area. As such the proposal would accord with Paragraphs 14 and 49 of the NPPF as well as Policies S2 and H4/1 of the Local Plan. It is considered that the density of the scheme and the mix of housing on the site would be acceptable and would accord with Paragraph 50 of the NPPF and Policy H6 of the Local Plan. A sufficient level of financial contributions would be secured through a Section 106 Agreement to mitigate the impacts of the development on local infrastructure in accordance with the aims of Paragraphs 203 and 204 of the NPPF.

The layout of the scheme shown on the submitted plans would ensure that the amenities of both existing and future occupants would not be adversely impacted on in respect of overbearing, overshadowing or overlooking impacts and as such the development would accord with Paragraph 123 of the NPPF and Policy E3 of the Local Plan. It is considered that the site is of a sufficient size to accommodate 14 dwellings and the restoration of two buildings recognised as non-designated heritage assets would enhance the characteristics of the streetscape and surrounding area as well as the significance of the heritage asset. As such the development would accord with Paragraphs 57, 59, 60, 61, 64, 131, 135 and 137 of the NPPF and Policy E4 of the Local Plan.

The new access to be formed has been deemed acceptable by the County Highways Authority and each property would also benefit from appropriate access off the private road as well as sufficient off-street parking provision. As such the development would accord with Paragraphs 32 and 39 of the NPPF as well as Policies T3, T8 and T10 of the Local Plan. The provision of a footpath link to the existing network would also enhance the permeability of the site which would ensure compliance with Paragraph 75 of the NPPF.

Subject to appropriate conditions to mitigate against any impacts on protected species it is considered that the development would not conflict with Paragraph 118 of the NPPF or Circular 06/05. The majority of the vegetation on the site would be retained and additional planting would be secured under any subsequent reserved matters application which would ensure compliance with Policies E2, E7, F1, F2 and F3 of the Local Plan. A condition would be imposed to ensure that the details of drainage are agreed with the Local Planning Authority and this would ensure compliance with Paragraph 103 of the NPPF. The imposition of conditions will address any land contamination concerns associated with the development and as such the proposal will accord with Paragraphs 109, 120 and 121 of the NPPF.

Overall the development would accord with the planning policies identified above.

RECOMMENDATION - APPROVE SUBJECT TO SECTION 106 OBLIGATIONS AND 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 recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

Outline planning permission is sought for residential development of 14 dwellings, retention of existing farmhouse, demolition of existing farmbuildings, alterations to an existing vehicular access and closure of other existing vehicular access, details of access and layout to be agreed, at The Farm, Manor Road, Donington Le Heath. The farmhouse is a detached two-storey dwelling situated on the eastern side of the street where it abuts the public highway and numerous agricultural buildings, of various constructions, are situated to the south of the dwelling. Vehicular access to the site is provided from an existing access off Manor Road and off-street parking and turning facilities are also provided within the curtilage of the site. The site is situated within the defined limits to development and the surrounding area is predominately residential with properties varying in their type and design. The site also lies within the Donington Le Heath Conservation Area.

It is proposed that the existing farmhouse and an adjacent outbuilding would be retained and enhanced as part of the development to provide a new dwelling and annex. All other agricultural buildings on the site would be demolished and the existing vehicular accesses would be closed. A new vehicular access, with appropriate visibility splays, would then be created off Manor Road with a private road then being provided to serve 14 new dwellings. The private road would run relatively parallel to the southern boundary of the site before sweeping northwards and the layout outlines that seven properties would be provided to the south, three to the west, three to the east and one to the north of the private road all of which would have accesses and off-street parking provision. It is indicated that four different house types would be created with 11 two-storey detached properties and three single storey detached properties. The majority of the properties would have their principal elevations fronting onto the private road apart from Plot 15 which would face onto Manor Road and footpath links to the existing public footpath network (public footpaths N72 and N74) would also be created.

A planning, design and access statement, statement of community involvement, ecological appraisal, supplementary bat survey and 3D visual proposals have been submitted in support of the application.

Following the receipt of the comments of the County Ecologist and County Highways Authority amended information and plans were requested to address the concerns raised and this amended information was received on the 16th and 27th January 2014. Reconsultation with the statutory consultees has been undertaken.

The planning history of the site is as follows: -

- 98/1064/P - Erection of two dwellings and access road (outline) - Refused 26th May 1999;
- 12/01018/FULM - Retrospective application for the change of use of agricultural buildings to storage and distribution of building supplies and equipment and dismantled car parts - Withdrawn 28th October 2013.

2. Publicity

46 Neighbours have been notified (Date of last notification 9 December 2013)

Site Notice displayed 19 December 2013

Press Notice published 18 December 2013

3. Consultations

Hugglescote & Donington Le Heath consulted 9 December 2013
County Highway Authority consulted
Head of Environmental Protection consulted 16 December 2013
LCC ecology consulted 28 January 2014
County Highway Authority consulted 10 December 2013
Environment Agency consulted 10 December 2013
Severn Trent Water Limited consulted 10 December 2013
Natural England consulted 10 December 2013
NWLDC Tree Officer consulted 10 December 2013
County Archaeologist consulted 10 December 2013
NWLDC Conservation Officer consulted 10 December 2013
LCC Development Contributions consulted 10 December 2013
Head Of Leisure And Culture consulted 10 December 2013
Manager Of Housing North West Leicestershire District Council consulted 10 December 2013
Police Architectural Liaison Officer consulted 10 December 2013
LCC/Footpaths consulted 10 December 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 no representation received.

Hugglescote and Donington Le Heath Parish Council no representation received.

Leicestershire County Council - Archaeology no representation received.

Leicestershire County Council - Developer Contributions in relation to infrastructure matters, seek commuted sums towards library facilities of £870.00, to enhance the lending stock at Coalville Library, and civic amenity of £995.00, to assist with upgrades at the Coalville civic amenity site, with no contributions required for landscape or biodiversity enhancements. With regards to education a sum of £65,679.31 is requested for the primary school (£40,652.67), for upgrades to Hugglescote Community Primary School, and high school (£25,026.64), for upgrades to Newbridge High School, sectors with no requests for the upper school sector.

Leicestershire County Council - Ecology initially placed a holding objection on the application pending further bat emergence/re-entry surveys and Great Crested Newt surveys to national methodologies and standards (which mean that recommended numbers of survey visits are made, at appropriate times of the year). Following the receipt of additional information the County Ecologist has no objections subject to appropriate conditions to mitigate impacts on protected species.

Leicestershire County Council - Footpaths has stated the following: *"I am supportive of the provision of two links between the proposed private estate roads and footpaths N72 and N74. An Order is currently being processed by the County Council which, if successful, will have the effect of upgrading footpath N72 and the adjoining footpath N76 between Tweentown, Donington Le Heath and Hugglescote Community Primary School to the status of a bridleway/cycleway. It would, therefore, be more beneficial for the southern link to be*

constructed to the standard of a bridleway/cycleway, so that it may be formally dedicated as such in the event of footpaths N72 and N76 being successfully upgraded."

Leicestershire County Council - Highways has no objections, subject to conditions, and outlines that *"on the basis of the North West Leicestershire District Council refuse collection policy (normally occupants must present refuse at the site frontage to be collected from the boundary, from the nearest adopted highway), to minimise obstruction within the highway and at the site access, consideration should be given to the provision of a communal bin storage facility at the highway boundary, within the site."*

Natural England advises that consideration should be given to their standing advice on protected species.

NWLDC - Environmental Protection has no objections.

NWLDC - Land Contamination has no objections subject to the imposition of land contamination conditions due to the former agricultural use of the site.

NWLDC - Housing Manager has outlined that no affordable housing provision will be required as the threshold for new residential development is below the 15 unit trigger in the Greater Coalville Area.

NWLDC - Leisure and Culture Manager has requested a sum of £17,290.00 for the improvement of existing recreational facilities in the Hugglescote and Donington Le Heath Parish area.

NWLDC - Tree Officer no representation received.

Police Architectural Liaison Officer no representation received.

Severn Trent Water has no objections subject to a drainage condition to deal with foul and surface water discharge.

Third Party Representations

One letter of representation has been received from the occupant of No. 79 Manor Road who supports the application and states:

- *"The current state of the farm is an eyesore in our conservation village and the land and property could be put to much worse uses. This development would transform the site and be beneficial to the village. Please add planning conditions to ensure all site access is from The Green; as the northern end of Manor Road is unsuitable being narrow, with no pavements with a very dangerous corner. Please request wheel washing facilities and that all traffic associated with the development are parked on site as street side parking would be dangerous. Please add a condition limiting work to sensible times as the site is a residential area."*

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The

NPPF contains a number of references to the presumption in favour of sustainable development. It states that local planning authorities should:

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

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

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

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

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

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

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

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

Paragraph 49 outlines that housing applications should be considered in the context of the

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

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

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

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

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

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

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

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

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

should be used to determine what open space, sports and recreational provision is required;

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

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

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

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

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

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

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

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

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

Paragraph 135 outlines that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of the harm or loss and the significance of the heritage asset;

Paragraph 137 outlines that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably;

Paragraph 203 indicates that local planning authorities should consider whether otherwise

unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition;

Paragraph 204 outlines that planning obligations should only be sought where they meet all of the following tests:

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

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

North West Leicestershire Local Plan

Policy 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;

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

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

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

Submission Version Core Strategy

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

Other Guidance

Donington Le Heath Conservation Area Character Appraisal and Management Plan - September 2010.

This document outlines the special character of Donington le Heath is derived from the survival of mediaeval and post-mediaeval agricultural 'village-scape' with a matrix of lanes, sunken and enclosed by walls and hedges, within which survive a mediaeval manor house and two of the other three original farmsteads.

6C's Design Guide (Highways, Transportation and Development) - Leicestershire County Council

Paragraphs 3.171-3.176 set out the County Council's guidance in relation to parking standards for residential development. This document also provides further info in relation to motor cycle/cycle parking, the design of on/off-street parking and other highway safety/design matters;

Leicestershire County Council Statement of Requirement for Developer Contributions in Leicestershire

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

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

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

District Council's Play Area Design Guidance Supplementary Planning Guidance

Sets out the requirements for on-site children's play provision and specifies that a rate of 20 square metres per dwelling;

Play Area Design Guidance Note

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

Affordable Housing Supplementary Planning Document

The Council adopted a revised Affordable Housing Supplementary Planning Document (SPD) on 18th January 2011 and Key Principle 2 provides that affordable housing will be sought on all sites of 15 or more dwellings in the Coalville Urban area with Key Principle 3 requires a minimum of 20% of residential units to be available as affordable housing within the Coalville Urban area.

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 housing 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.

Although the original use of the site was for agricultural purposes, which is excluded from the definition of previously developed land, the most recent activities on the site have been associated with the storage and distribution of building materials as well as dismantled car parts. In this respect it is considered that in reality the development would be on what has the appearance of brownfield land, particularly given the extent of hard surfacing on the site as well as the fact that existing buildings would be removed. The application site would therefore fall within criterion (c) allocated and other appropriate land within Coalville within Policy H4/1. The second section of Policy H4/1 goes on to outline a set of criteria relating to the sustainability of the location. It is considered that Donington Le Heath falls within the Greater Coalville Area which benefits from a range of public services and facilities that could contribute to reducing the reliance of future occupants of the dwellings on the private car. As such the development would not compromise the aims of Policy H4/1 of the Local Plan or the advice within the NPPF.

Density and Housing Mix

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

With a site area of 0.73 hectares, the proposal would have a density of 19.18 dwellings per hectare. Although this density would fall well below that advised in Policy H6 this policy also

identifies that it is important to factor into any assessment the principles of good design as well as green space and landscaping requirements. It is noted that the site is situated within a conservation area and as such an 'over-development' of the site is unlikely to be supported given the adverse impacts it would have on the setting of the heritage asset. A large extent of the site is also retained for the farmhouse and outbuilding which are to be restored as well as the retention of landscaping to the eastern boundary of the site. In the circumstances that the existing farmhouse is considered to contribute positively to the streetscape its retention is essential and the setting of this building should also be respected by ensuring that development is not located within close proximity to it. Overall, therefore, the proposals would not substantially conflict with the principles of Policy H6 as to warrant a refusal of the planning permission.

In terms of the housing mix the indicative site plan outlines that a mix of 2, 3, 4 and 5 bedroom dwellings would be provided within single storey and two-storey detached properties which would represent an appropriate housing mix on the site and as such the proposals would comply with Paragraph 50 of the NPPF.

Viability of the Development

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

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

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

The relevant developer contributions are listed below: -

Affordable Housing

The Council's Affordable Housing Supplementary Planning Document states that in the Coalville Urban Area schemes for 15 or more dwellings should provide 20% of the proposed units as affordable housing (i.e. 3 units). The Council's Housing Manager has indicated in the circumstances that only 14 dwellings are proposed to be built there would be no requirement for any of the units to be affordable. As such the development would not conflict with Policy H8 of the Local Plan.

Play and Public Open Space

The site plan outlines that public open space on the development site would be fairly limited and would essentially consist of a small area to the south of Plot 2 with no children's play equipment being provided. Although no substantial areas of public open space or children's play equipment is provided on the site it is noted that the site lies adjacent to a large area of public open space and the footpath link created to access public footpath N72 would allow access onto this land as well as access to play facilities at a distance of 490.0 metres from the site. Given the provision of the footpath link and proximity of the site to open space and play facilities it is considered that the lack of 'on-site' provision would not cause significant conflict with the aims of Paragraph 73 of the NPPF or Policies L21 and L22 of the Local Plan. The Council's Play Area Design Guide indicates that if formal open space and play equipment cannot be provided on the site then a commuted sum may be requested in order to upgrade existing facilities in close proximity to the site.

A consultation response has been received from the Council's Leisure Service team who

consider that an off-site contribution of **£17,290.00** would be payable. The two nearest areas to the site are Millfield Recreation Ground, off Station Road, and Ashburton Road Recreation Ground which are both in the process of being transferred to the Parish Council so any future management would be carried out by the Parish. The Parish are exploring the possibility of providing a Multi Use Games Area (MUGA) at Ashburton Road, which would require an estimated budget of £50,000, and developments at Millfield could include the provision of a green gym area, additional climbing type play equipment with improvements to safer surfacing and access pathways which have an estimated budget of £25,000. The financial contribution is therefore sought to assist in making the necessary upgrades to the local play facilities. The applicant has agreed to meet the leisure financial contribution request.

Education

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

Primary School Requirements

The site falls within the catchment area of Hugglescote Community Primary School. The School has a number on roll of 423 and 650 pupils are projected on the roll should this development proceed; a deficit of 227 places (of which 223 are existing and 4 are created by this development). There are 3 other primary schools, one junior school and one infant school within a two mile walking distance of the development: Belvoirdale Primary School (Surplus 38), Ellistown Primary School (Deficit 2); Ibstock Junior School (Deficit 48), Broom Leys Primary School (Surplus 18), St Denys Infant School (Deficit 55). The overall deficit including all schools within a two mile walking distance of the development is 276 places. The 4 deficit places created by this development can therefore not be accommodated at nearby schools and a claim for an education contribution of 4 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 **£40,652.67**. The contribution would be used to accommodate the capacity issues created by the development by improving and remodelling or enhancing existing facilities at Hugglescote Community Primary School. It is also indicated that the contribution will be spent within five years of receipt of the final payment.

High School Requirements:

The site falls within the catchment area of Newbridge High School. The School has a net capacity of 590 and 665 pupils are projected on the roll should this development proceed; a deficit of 65 places (of which 63 are existing and 2 are created by this development). There are two other high schools within a three mile walking distance of the development: Ibstock Community College (Deficit 84) and Castle Rock High School (Surplus 92). The overall deficit including all schools within a three mile walking distance of the development is 57 places. Therefore a claim for an education contribution in the high school sector is justified. In order to provide the additional high school places anticipated by the proposed development the County Council would request a contribution for the High School sector of **£25,026.64**. The contribution would be used to accommodate the capacity issues created by the development by improving, remodelling or enhancing existing facilities at Newbridge High School. It is also indicated that the contribution will be spent within five years of receipt of the final payment.

Upper School Requirements:

The site falls within the catchment area of King Edward VII College. The College has a net capacity of 1193 and 1105 pupils are projected on roll should this development proceed; a surplus of 88 places after taking into account the 2 pupils generated by this development. An education contribution will therefore not be requested for this sector.

The applicant has agreed to meet the education contribution financial requests.

Libraries

The County Council have indicated that the library facilities contribution is outlined in the Statement of Requirements for Developer Contributions in Leicestershire (December 2007). It is considered that the proposed development is of a scale and size which would have an impact on the delivery of library facilities within the local area. The proposed development on Manor Road is within 1.9km of Coalville Library on High Street being the nearest local library facility which would serve the development site. The library facilities contribution would be **£870.00** (rounded up to the nearest £10). It will impact on local library services in respect of additional pressures on the availability of local library facilities. The contribution is sought for provision and enhancement of library services and resources most likely to be used by the estimated numbers of new users generated from the proposed development. The contribution has been calculated in accordance with the following formula: -

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

The applicant has agreed to meet the libraries contribution financial request.

Civic Amenity

The County Council have indicated that the civic amenity contribution is outlined in the Statement of Requirements for Developer Contributions in Leicestershire (December 2007). It is considered that the proposed development is of a scale and size which would have an impact on the delivery of civic amenity waste facilities within the local area. In these circumstances a contribution of **£995.00** (rounded to the nearest pound) is sought. The nearest civic amenity site to the proposed development is located at Coalville and residents of the proposed development are likely to use this site with the calculation based on 14 units multiplied by the current rate for the Coalville Civic amenity site of £71.07.

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

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 and are in accordance with Paragraph 204 of the NPPF which states that planning obligations should only be sought where they are 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.

Residential Amenity

Having regard to the layout shown on the site plan it is considered that it would be of a sufficient size to accommodate fourteen dwellings with adequate amenity space and parking provision. The surrounding area is characterised by predominately two-storey properties (detached, semi-detached and terraced) although single storey properties do exist.

Overall the loss of the agricultural operations from the site, as well as the removal of the existing unauthorised storage and distribution use, would result in betterment for the immediate neighbours with regards to smell and noise impacts.

In respect of the impacts of the development on existing amenities it is considered that a

sufficient distance would exist between the properties on Tweentown and the intended positions of the dwellings, which are agreed under this application, with the minimum elevation to elevation distance being 23.6 metres (Plot 12 to 11A Tweentown). Each new dwelling would also have a minimum garden depth of 11.0 metres to the boundaries with the properties on Tweentown. Although the land levels slope downwards from the southern boundary of the site to the highway of Tweentown it is considered that the orientation of these properties, coupled with the overall distances, would ensure that the development would not result in any adverse overbearing, overshadowing or overlooking implications to residents of Tweentown.

Manor Lodge is a single storey detached property which is situated on a higher land level than the application site with Plot 4 of the development being set 8.0 metres from the shared boundary. The intended dwelling for Plot 4 would be a single storey type and in these circumstances it is considered that there would be no adverse overbearing, overshadowing or overlooking implications as a result of the development.

Nos. 50, 52 and 54 Manor Road, a row of two-storey terraced dwellings, lie a maximum of 4.6 metres and minimum of 1.0 metre from the site boundary. It is proposed that Plot 15 would be set 10.0 metres from the shared boundary with Plot 14 being set 11.0 metres from the same boundary. The dwelling on Plot 14 is proposed to be single storey and Plot 15 has been positioned so that it would not be directly behind the rear elevation of No. 54 Manor Road. Whilst the land levels slope downwards at this point the fact that the properties on Manor Road are to the south would ensure that there would be no adverse overshadowing impact and the general distances and positioning of the proposed dwellings would also ensure that there would not be a significant overbearing impact. The single storey property would not result in any adverse overlooking impacts and it could be agreed, at the reserved matters stage, that no habitable room windows be provided in the southern elevation of Plot 15 to ensure an acceptable relationship.

In terms of the amenities of any future occupants it is considered that in the whole an acceptable relationship would exist between the proposed properties and the majority of the existing development around the site. The only area of concern would be between Plots 14 and 15 and Nos. 50, 52 and 54 Manor Road in respect of overlooking implications. It is considered that there would not be any direct view established into the properties, by virtue of their orientation and the overall position of Nos. 50, 52 and 54, and although views would be established onto the rear amenity areas of the proposed dwellings the impacts would not be sufficiently detrimental to warrant a refusal of the scheme given that any future occupants of Plots 14 and 15 would be aware of the relationship prior to the purchase.

With regards to the potential construction noise associated with the development it is considered that this is an inevitable temporary, manifestation of any development project, which is not the concern of the planning system unless there would be exceptional amenity harm. When this is the case, a planning condition restricting hours is often applied but in this instance as Environmental Health has raised no issues to the development in this regard, it is considered that the imposition of an hours condition would be unreasonable. Although an hours condition would not be imposed a note to applicant would be added to any consent granted to make them aware of the relationship with residential properties and to be reasonable in the hours of construction which would be undertaken.

Overall the proposal is considered to accord with Policy E3.

Impact on the Historic Environment and Streetscape

The need for good design in new residential development is outlined not only in Local Plan

Policies E4 and H7 but also Paragraphs 57, 60 and 61 of the NPPF with Paragraph 61 outlining that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, 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 site lies within the Donington Le Heath Conservation Area with it being noted within the Donington Le Heath Conservation Area Character Appraisal and Management Plan of September 2010 that the farmhouse, the adjacent outbuilding and outbuilding forming the boundary with Manor Road are 'unlisted buildings of merit.' At present these three buildings are in a state of disrepair and as part of the application the outbuilding situated abutting Manor Road would be removed in order to provide a vehicular access which would satisfy the requirements of the County Highways Authority. Whilst it is regrettable that one of these buildings would be lost the benefits gained in achieving a successful restoration of the farmhouse and adjacent outbuilding would be to the overall gain of the significance of the heritage asset and would only serve to enhance the aesthetics of the streetscape. The position of the vehicular access would also 'open up' views onto the farmhouse and adjacent outbuilding which would assist in revealing their significance.

It is noted that scale, appearance and landscaping are all included as matters to be considered at a later stage. In respect of the intended layout it is considered that it is appropriate in the context of the site's setting within a conservation area given the creation of a 'courtyard' aspect at the northern end of the private road, which would respect the historic agricultural operations conducted from the site, along with a more modern suburban layout of development along the southern boundary of the site which would run parallel to the properties on Tweentown. Each property would also benefit from a substantially sized amenity area which would reflect the characteristics of the properties on the western side of Manor Road. Given the current appearance of the site it is considered that any scheme progressed would only serve to enhance the aesthetics of the surrounding area and streetscape with the indicative visuals identifying that the general design of the properties would be reflective of the current design aspirations of the Local Authority.

In conclusion the site is of a sufficient size to accommodate 14 dwellings with the intended layout identifying that inspiration has been drawn from the historic agricultural operations conducted from the site as well as the modern context of neighbouring built forms. The restoration of two buildings recognised as non-designated heritage assets would also enhance the characteristics of the streetscape and surrounding area as well as the significance of the heritage asset. In these circumstances the development would accord with Paragraphs 57, 59, 60, 61, 64, 131, 135 and 137 of the NPPF and Policy E4 of the Local Plan. The specific requirements of Policies F1 and H7 of the Local Plan would be achieved through any reserved matters application submitted for the detailed design of the proposals.

Accessibility

The County Highways Authority has raised no objections to the development subject to conditions on any consent, one of which would secure a management plan for traffic movement and parking of vehicles associated with the construction of the development, and notes to the applicant. It is considered that the loss of the existing uses conducted from the site along with an agricultural building which abuts the highway and provision of a new vehicular access would be to overall benefit of highway safety given the substandard nature of the existing access. The provision of pedestrian links through the site to the existing public footpaths network would also

be of benefit to pedestrian safety given the lack of pavements which exist along Manor Road. Car parking provision for the residential properties would also be satisfactory, and conditioned accordingly as part of any consent, to ensure that there would not be any issues associated with on-street parking. In these circumstances the development would accord with Paragraphs 32 and 39 of the NPPF as well as Policies T3, T8 and T10 of the Local Plan.

The provision of formal links to the existing public footpath network (footpaths N72 and N74) would also improve the permeability of the site, whilst enhancing its sustainability aims, which accords with the principles of Paragraph 75 of the NPPF.

Ecology

Natural England have advised that consideration should be given to their standing advice on protected species and following the receipt of additional information the County Council Ecologist has no objections. The main concerns related to the potential impacts on Great Crested Newts and Bats and these impacts will be mitigated by the imposition of planning conditions on any consent granted to ensure that a Great Crested Newts survey is undertaken in the optimum survey time (March to June) and the provision of a 'bespoke' bat loft within the retained farmhouse which would mitigate against the loss of any habitat within the demolished farm building. Existing planting to the eastern boundary of the site which borders the candidate Local Wildlife Site (LWS) would also be retained and enhanced as requested by the County Ecologist. It is considered that as the application is in 'outline' only the imposition of a condition for a Great Crested Newt survey to be undertaken would be acceptable given that no built form of development would be provided until such time as a reserved matters application was approved and the results of two survey's has indicated that no great crested newts appear to be present. In these circumstances, therefore, the development would accord with Paragraph 118 of the NPPF and Circular 06/05.

Landscaping

The site lies within the National Forest and as such a strong landscaping scheme would need to be incorporated as part of the overall development. In terms of the information shown on the indicative site plan it is noted that a hedgerow would be retained along the eastern boundary of the site and this would be reinforced with additional planting as well as the provision of additional planting elsewhere within the site particularly within the residential amenity areas of the dwellings. In the circumstances that a suitable landscaping scheme would be secured under any subsequent reserved matters application it is considered that the development would accord with the principles of Policies E2, E7, F1, F2 and F3 of the Local Plan.

Other Matters

The site is not within the flood zone and as such it is anticipated that there is unlikely to be any significant flooding issues associated with surface water run-off, in particular as details of surface water discharge would be secured via a planning condition as requested by Severn Trent Water. The Council's Building Control Section has also confirmed that the suggested condition would address any issues which would be reviewed at the building control stage of the development which would relate to foul and surface water disposal. The imposition of this condition would ensure compliance with Paragraph 103 of the NPPF.

The Council's Land Contamination Officer is of the opinion that the imposition of conditions to mitigate against any contamination within the land, due to its former agricultural use, would be satisfactory and would ensure that the land would be fit for its intended purpose. In the circumstances that these conditions could be secured on any consent granted it is considered that the development would accord with Paragraphs 109, 120 and 121 of the NPPF.

Summary Reasons for Granting Outline Planning Permission

The site is situated within the defined limits to development where there would be a presumption in favour of development, with Donington Le Heath also being considered a sustainable settlement for new residential development given that it lies within the Greater Coalville Area. As such the proposal would accord with Paragraphs 14 and 49 of the NPPF as well as Policies S2 and H4/1 of the Local Plan. It is considered that the density of the scheme and the mix of housing on the site would be acceptable and would accord with Paragraph 50 of the NPPF and Policy H6 of the Local Plan. A sufficient level of financial contributions would be secured through a Section 106 Agreement to mitigate the impacts of the development on local infrastructure in accordance with the aims of Paragraphs 203 and 204 of the NPPF.

The layout of the scheme shown on the submitted plans would ensure that the amenities of both existing and future occupants would not be adversely impacted on in respect of overbearing, overshadowing or overlooking impacts and as such the development would accord with Paragraph 123 of the NPPF and Policy E3 of the Local Plan. It is considered that the site is of a sufficient size to accommodate 14 dwellings and the restoration of two buildings recognised as non-designated heritage assets would enhance the characteristics of the streetscape and surrounding area as well as the significance of the heritage asset. As such the development would accord with Paragraphs 57, 59, 60, 61, 64, 131, 135 and 137 of the NPPF and Policy E4 of the Local Plan.

The new access to be formed has been deemed acceptable by the County Highways Authority and each property would also benefit from appropriate access off the private road as well as sufficient off-street parking provision. As such the development would accord with Paragraphs 32 and 39 of the NPPF as well as Policies T3, T8 and T10 of the Local Plan. The provision of a footpath link to the existing network would also enhance the permeability of the site which would ensure compliance with Paragraph 75 of the NPPF.

Subject to appropriate conditions to mitigate against any impacts on protected species it is considered that the development would not conflict with Paragraph 118 of the NPPF or Circular 06/05. The majority of the vegetation on the site would be retained and additional planting would be secured under any subsequent reserved matters application which would ensure compliance with Policies E2, E7, F1, F2 and F3 of the Local Plan. A condition would be imposed to ensure that the details of drainage are agreed with the Local Planning Authority and this would ensure compliance with Paragraph 103 of the NPPF. The imposition of conditions will address any land contamination concerns associated with the development and as such the proposal will accord with Paragraphs 109, 120 and 121 of the NPPF.

It is therefore recommended that the application be permitted.

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

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

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

PLANNING APPLICATIONS- SECTION A

- 2 This development shall be implemented in accordance with the site location plan (1:1250), topographical survey (1:200) and drawing numbers 001; 002 Revision A and 004-B Revision B, received by the Local Authority on the 2nd December 2013, and drawing number 003 Revision F, received by the Local Authority on the 27th January 2014, unless otherwise required by another condition of this permission.

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

- 3 Approval of the details of the appearance, landscaping and scale, (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason - this permission is in outline only.

- 4 The reserved matters application shall include details of finished ground levels and the proposed floor levels of the dwellings in relation to an existing datum point off the site. 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.

- 5 No development shall commence on site until a repair schedule for the restoration of the farmhouse and adjacent outbuilding has been submitted to and agreed in writing by the Local Planning Authority. Once agreed the works indicated within the repair schedule shall be carried out in full prior to the first occupation of any of the dwellings hereby approved and shall thereafter be so retained.

Reason - in the interests of the preservation of non-designated heritage assets and the significance of the heritage asset.

- 6 No development shall commence on site until details of the location and design of a bin collection area, to be provided at the site entrance, and bin storage areas for the individual dwellings has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be provided in full prior to the first occupation of any dwelling hereby approved and shall thereafter be so retained.

Reason - to ensure that the development takes the form envisaged by the Local Planning Authority and in the interests of visual and residential amenity and highway safety.

- 7 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewerage 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.

- 8 Notwithstanding the requirements of Condition 2 above, no development shall commence on site until the precise details of the proposed bat loft to be installed in the

farmhouse and the access arrangements into the loft, which shall be in accordance with the Bat Mitigation Guidelines of English Nature 2004, have been submitted to and agreed in writing with the Local Planning Authority. Once agreed the bat loft and access arrangements shall be provided prior to the first occupation of the dwelling and shall thereafter be so retained.

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

- 9 No development shall commence on site until an updated Great Crested Newts Survey conducted between March and June, which shall include any appropriate mitigation measures, has been submitted to and agreed in writing by the Local Planning Authority. Any mitigation measures indicated in the report shall be provided in full prior to the commencement of development and shall thereafter be so retained.

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

- 10 The development shall be carried out in strict accordance with the recommendations outlined in Paragraphs 6.4 and 6.5 of Section 6 (Mitigation and Enhancement Proposals) of The Farm, Donington Le Heath Ecological Appraisal of August 2013 by Dunelm Ecology, received by the Local Authority on the 2nd December 2013.

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

- 11 No development shall commence until all the existing trees to be retained have been securely fenced off by the erection, to coincide with the canopy of the tree where possible, of a 1.4 metre high protective barrier in accordance with BS 5837:2012. In addition all hedgerows that are to be retained shall be protected by a 1.2 metre high protective barrier which shall be erected at least 1.0 metre from the hedgerow. Within the fenced off areas there shall be no alteration to the ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and back-filled by hand.

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

- 12 Notwithstanding the submitted plans, nor Condition 2 above, no development shall commence on the site until such time as a detailed scheme for the boundary treatment of the site (including all walls, fences, gates, railings and other means of enclosure) has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be provided in full prior to the first occupation of any dwelling hereby approved unless an alternative timescale is first agreed in writing by the Local Planning Authority.

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

- 13 Notwithstanding the provisions of Class A, of Part 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) no gate, wall or fence shall be erected on land forward of any wall of the dwelling(s), which front onto a highway (which shall include any private highway) or footpath other than any that are agreed under Condition 12 of this consent or other than in accordance with a comprehensive and unified scheme of

enclosure which has first been submitted to and agreed in writing by the Local Planning Authority.

Reason - to ensure a satisfactory standard of layout, design and environmental quality in accordance with the principles of the agreed scheme and the context of the site's setting within a heritage asset.

- 14 No development shall commence on site until details of a design for a public footpath between Manor Road and footpath N72 have been submitted to and agreed in writing by the Local Planning Authority. Any dwelling hereby approved shall not be occupied until the approved scheme has been provided in full and dedicated as a public footpath.

Reason - to ensure a satisfactory form of development and in the interests of pedestrian safety.

- 15 Before the first occupation of any dwelling hereby approved the following shall be provided: -
- Visibility splays in accordance with the details shown on the submitted drawing number 003 Revision F, received by the Local Authority on the 27th January 2014, shall be provided at the junction of the access with Manor Road. These shall be in accordance with the standards contained in the current County Council design guide;
 - The access shall be provided in accordance with the details shown on drawing number 003 Revision F, received by the Local Authority on the 27th January 2014. The access shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 7.0 metres behind the highway boundary;
 - Car parking shall be provided, hard surfaced and made available for use to serve that dwelling on the basis of two spaces for a dwelling with up to three bedrooms and three spaces for a dwelling with four or more bedrooms;
 - Drainage shall be provided within the site such that surface water does not drain into the public highway;
 - Turning facilities shall be provided hard surfaced and made available for use within the site in order to allow vehicles to enter and leave in a forward direction;
 - All redundant vehicular accesses shall be closed permanently and the redundant existing vehicular crossings reinstated with a scheme that shall first be submitted to and agreed in writing by the Local Planning Authority in consultation with the Highway Authority;
 - Details of appropriate signing to be located at the access of the site shall be submitted to and agreed in writing by the Local Planning Authority.
- Once provided the measures shall thereafter be so retained in perpetuity with nothing being allowed to grow above a height of 0.6 metres within the visibility splays and the turning area so provided shall not be obstructed at any time.

Reasons - to afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety; to enable vehicles to enter and leave the highway in a slow and controlled manner 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 and to reduce the possibility of deleterious material being deposited in the highway (loose stones etc;) to ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area; to reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users; to enable

vehicles to enter and leave the site in a forward direction in the interests of the safety of road users; in the general interests of highway safety; given the siting of the dwellings, drivers may not readily locate the property from the Manor Road. The signing is in the interests of the safety of road users.

- 16 The gradient of the access drive shall not exceed 1:12 for the 7.0 metres behind the highway boundary.

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

- 17 No development shall commence on 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.

- 18 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:

- BS10175:2011 + A1:2013 Investigation of Potentially Contaminated Sites Code of Practice;
- BS 8576:2013 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOCs);
- BS8485:2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan must be prepared and submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of:

- CLR 11 Model Procedures for the Management of Land Contamination, published by the Environment Agency 2004.
- The Verification Plan shall be prepared in accordance with the requirements of:
- Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
- CLR 11 Model Procedures for the Management of Land Contamination, published by the Environment Agency 2004.

If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required

amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

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

- 19 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.

Notes to applicant

- 1 Outline 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).
- 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 This decision is subject to a Section 106 Obligation regarding the following matters: -
 - Contribution towards library facilities;
 - Contribution towards civic amenity facilities;
 - Contribution towards education facilities;
 - Contribution towards leisure facilities;
 - Contribution towards S106 monitoring.
- 4 A separate application will need to be made to North West Leicestershire District Council, to make an appropriate order in respect of the public footpath. It should be noted that an extent of the required public footpath is on land which is outside the development site. The footpath should have a width of 2.0 metres.

PLANNING APPLICATIONS- SECTION A

- 5 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 email roadadoptions@leics.gov.uk if you wish to discuss further.
- 6 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).
- 7 The proposed road does not conform to an acceptable standard for adoption and therefore 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 the private road 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) 3057198. Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it. Details of the future maintenance of the private road should be submitted for the approval of the Local Planning Authority before any dwelling is occupied.
- 8 The proposal is situated in excess of 45.0 metres from the highway. In order to cater for emergency vehicles the drive and any turning areas shall be constructed so as to cater for a commercial or service vehicle in accordance with British Standard B.S.5906, 2005 and Building Regulations Approval Document B, Fire Safety 2006.
- 9 The applicant's attention is drawn to the proximity of footpath N74. The applicant will be responsible for ensuring that the line of the footpath is not affected by any operations associated with the development, and that free access can be exercised safely by pedestrians at all times. If it is necessary for any works associated with the development to be carried out within the confines of the footpath, the County Council's consent to these should be obtained before they are commenced. The applicant should notify 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).
- 10 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 his own expense, to the satisfaction of the Highway Authority.
- 11 Whilst no condition has been imposed restricting the hours of operation for the construction of the development the applicant is advised that residential properties border the site and as such due consideration should be given to their amenities when undertaking construction/demolition work.
- 12 In respect of Condition 6 of the consent the individual bin store for each property will require an area of 2.11 square metres and an area of 1.25 square metres per property will be required in the bin collection area (i.e. an area of 18.75 square metres for this development). Given the site's setting within a Conservation Area the bin collection area will need to be an enclosed structure constructed from the approved materials for the residential scheme.
- 13 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.

PLANNING APPLICATIONS- SECTION A

- 14 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, 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.
- 15 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.

PLANNING APPLICATIONS- SECTION A

Proposed change of use of dwellinghouse to a mixed use as a dwellinghouse and for the keeping and breeding of up to 20 dogs together with the retention of kennel buildings, a storage shed and open and closed runs

**Report Item No
A3**

27 School Lane Newbold Coalville Leicestershire

**Application Reference
13/00291/RET**

**Applicant:
Mr Rudi Mendel**

**Date Registered
2 December 2013**

**Case Officer:
Sarah Worrall**

**Target Decision Date
27 January 2014**

**Recommendation:
PERMIT**

Site Location - (Plan for indicative purposes only)



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Planning Committee 11 March 2014
Development Control Report

Executive Summary

Call In

The application has been called in by Councillor Stevenson for consideration by Planning Committee, within time during the Delegated 1 process, on the grounds of local concern about noise and disturbance.

Proposal

This is a full application which seeks retrospective permission for the retention of a business use within the curtilage of the existing dwelling, along with buildings which have been erected in relation to the business operation. These buildings comprise a wooden storage shed, an open run containing individual kennels, and a separate kennel block with open runs attached.

As part of the proposal, the applicant is seeking permission for a maximum of 20 breeding dogs to be kept at the premises and this number would exclude litters from the breeding dogs and their domestic pet dog. There are currently 15 breeding dogs at the site.

The dwelling would continue to have its main use as a residential dwelling for the applicant and family. The business would utilise rooms at the existing dwelling during immediate pre-birth, birth, whelping and weaning stages. All viewings by potential purchasers are undertaken within the house.

Consultations

Members will note that neighbour representations have been made in relation to the proposal essentially on the grounds of noise, disturbance and highways concerns. No comments have been received from the Parish Council at the time of writing this report. The full representations made by neighbours are available to view on the working file. Statutory consultees have made observations on the proposal and are satisfied that there are no matters that have not been satisfactorily addressed or cannot otherwise be satisfied by way of condition.

Planning Policy

The application site lies within the Limits to Development of Newbold and would involve the operation of a business from an existing dwelling, along with ancillary buildings within the existing dwelling curtilage. As such, the operation and buildings would be acceptable, in principle, subject to design, amenity and highways considerations.

Conclusion

The site lies within the Limits to Development of Newbold as defined in the North West Leicestershire Local Plan and at the edge of the main built form on School Lane and the principle of the proposal would be acceptable and in accordance with Policy S2 of the Adopted Local Plan and the provisions of the NPPF. The proposed development would have limited visual impact, would not result in undue disturbance to nearby residents, and would be acceptable in highway safety terms all in accordance with development plan policies and the provisions and intentions of the NPPF. It is, therefore, recommended that planning permission be granted.

RECOMMENDATION - PERMIT, SUBJECT TO CONDITIONS.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides a full details of all consultation

responses, planning policies, the Officer 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

This is a full application which seeks retrospective permission for the retention of a business use within the curtilage of the existing dwelling, along with buildings which have been erected in relation to the business operation. As such, permission is sought for the following elements:

- Using the premises as a residential dwelling, with ancillary dog breeding business operation at rear and visitor parking to the front of the dwelling;
- Retention of an open run constructed from galvanised steel mesh (some 5m wide x 5m long x 2m high) including partitions with individual wooden kennels, and proposed roofing of this structure should the application be approved;
- Retention of a wooden shed for storage purposes (some 3m wide x 3.5m long x 2.3m high);
- Retention of a kennel block comprising 4 kennels with storage, a covered mesh run section, and an uncovered mesh run section. This block is set on a base some 8.4m wide x 9.2m long, with the mesh sections covering an area within this of some 4m wide x 6.5m long, with a height of some 1.9m. The adjoining timber kennel and store section is some 4.2m wide x 8.1m long and has a monopitch roof which is some 2.5m at the ridge height which adjoins the mesh run sections, and drops to some 1.9m in height at eaves level at the rear of the building; and,
- Retention of close board timber fencing (1.8m) to separate the business operation from the remaining garden area associated with the dwelling.

As part of the proposal, the applicant is seeking permission for a maximum of 20 breeding dogs to be kept at the premises and this number would exclude litters from the breeding dogs and their domestic pet dog. There are currently 15 breeding dogs at the site, and the higher number would provide some flexibility for the future, for example if a pup had show potential and the applicant wished to keep it.

The dwelling would continue to have its main use as a residential dwelling for the applicant and family. The business would utilise rooms at the existing dwelling during immediate pre-birth, birth, whelping and weaning stages. At the weaning stage, puppies can leave the premises at 8 weeks. All viewings by potential purchasers are undertaken within the house.

The property is the southernmost dwelling on this section of School Lane and its boundary forms part of the Limits to Development of Newbold. The site slopes down to the east and south. A public footpath runs along the southern boundary of the application site, linking School Lane to the fields to the east of Newbold.

Planning History

09/01106/FUL - Erection of two storey side extension and single storey side and rear extension - permitted

This retrospective application has been submitted as a result of an enforcement enquiry.

2. Publicity

3 No neighbours have been notified (date of last notification 11 December 2013)

Site Notice displayed 24 December 2013

3. Consultations

Clerk To Worthington Parish Council consulted 11 December 2013

County Highway Authority consulted 11 December 2013

Head of Environmental Protection consulted 11 December 2013

Planning Enforcement consulted 11 December 2013

WARD MEMBER (delegated)2 consulted

4. Summary of Representations Received

Worthington Parish Council - No comments received on the application

LCC (Highways) - No objection subject to conditions

Head of Environmental Protection - No objections based on the details contained within the application, and based on previous site visits which have indicated that the applicant has taken precautions to prevent noise being disruptive to neighbouring properties. No complaints have been received in relation to the premises in the last 12 months.

Five neighbour representations have been received, and the comments can be summarised as follows:

- The dog breeding out-buildings are clearly visible from our upstairs rooms;
- I live in the house directly behind the property concerned - we hear barking from the property now, even with a lesser number of dogs currently kept;
- The current noise from the pugs is irritating and compromises our enjoyment of our garden so we are concerned that the proposal is to include a larger number of beagles, a breed known to bark and howl when not stimulated and exercised - as these will not be family pets, this is likely to be exacerbated beyond the normal level;
- The use is totally inappropriate in the back garden of a house on a residential street;
- The site is not isolated, it has neighbours on all sides including a primary school opposite;
- I have been affected by noise and smell, especially in the hot weather, to an unacceptable level;
- We are affected by the odour, noise and light pollution;
- There are numerous security lights around the dwelling and outbuildings which pollute the locality with unnecessary light and the rear flood light affects us most;
- The odour has been so intense it has physically affected us - the cleaning out regime that has been implemented has not been sufficient enough to eradicate the problem;
- I was told that the building next to my boundary would not be used for dogs and it is not listed as a kennel on the application but is used for bitches and pups and is only 3.5m from my bungalow;
- How will the number of dogs be monitored? Kennels for 20 dogs could become kennels for 20 dogs plus puppies which could easily increase the number to 30 plus dogs;
- I believe the intention is to breed dogs for sale and additional cars visiting would cause a highway safety issue as the road is narrow and there is a school opposite. Visitors to the site tend to park on the road already so this will only become more problematic;
- I do not wish to object to the application but feel there should be strict controls on how the business is run within a quiet, domestic and close knit village community;
- The number of kennels should be limited and no other buildings related to this business can be added now or in the future;

- A maximum limit of the total number of dogs permitted at the property should be set, including puppies, otherwise the it will be a large business at a domestic dwelling and the noise would become a bigger issue;
- The breeds permitted at the premises should be limited to beagles and pugs only now and in the future - if other breeds were introduced this would only add to potential noise disturbance;
- I am aware of a similar business which is run near Griffydam and which has caused a number of ongoing issues for NWLDC and a number of Griffydam residents.

5. Relevant Planning Policy

National Planning Policy Framework

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

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

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

Section 3 of the NPPF refers to supporting a prosperous rural economy and advocates that sustainable growth and expansion of all types of business and enterprise in rural areas should be supported in principle.

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 Adopted Local Plan

Policy S2 sets out that development will be permitted within Limits to Development, subject to material considerations.

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

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

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

Policy T3 requires development to make adequate provision for vehicular access, 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.

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

The application site lies within the Limits to Development of Newbold and would involve the operation of a business from an existing dwelling, along with ancillary buildings within the existing dwelling curtilage. As such, the operation and buildings would be acceptable, in principle, subject to design, amenity and highways considerations.

Design Issues

The kennel and store buildings and mesh runs were erected in 2013, along with close boarded fencing with gravel boards. As such, the visual impact of the development can be clearly assessed. The 1.8m timber fencing separates the kennels compound from the lawn area of the residential dwelling, and also from a separate grassed area adjacent to the boundary with No.25 School Lane which is used for housing the applicant's pet dog when there are visitors to the site.

The kennel and store buildings and mesh runs are of proportions not dissimilar to domestic curtilage buildings, and are not incongruous in their setting. The kennel compound area is also at the end of the garden associated with No.27 which is set at a lower level to that dwelling, and the adjacent dwelling at No.25 School Lane and dwellings north of that. Furthermore, the tops of the structures can be seen from the public footpath which adjoins the southern boundary of the curtilage of No.27 School Lane, but are not obtrusive and have no adverse impact on the visual amenities of the area.

It is noted that a local resident can see the buildings from their upstairs rooms but this would not be a reason which would warrant refusal of a proposal.

On this basis the existing buildings and structures within the kennel compound area are in scale and character with their surroundings and in accordance with the requirements of Policy E4 of the Adopted Local Plan.

Residential Amenity Issues

Following on from the design issues set out above, the existing buildings and structures have no overbearing impact on neighbouring properties as a result of their scale, form and layout, and cause no overshadowing or overlooking of adjacent properties in accordance with the requirements of Policy E3.

The comments relating to light pollution are noted and it is evident that some security lighting has been installed at the premises. Should the application be approved, it is recommended that a condition regarding details of lighting to be submitted and agreed in writing. This would enable the applicant and the District Council to discuss a way forward with a lighting scheme which would provide minimum light spillage whilst maintaining sufficient security for the

premises in accordance with the requirements of Policy E3 of the Adopted Local Plan.

The concerns regarding odour from the site are also noted, as is the information submitted as part of the application. The application information submits that a cleaning regime is in place at the business, and all dog waste is double-bagged and removed from the site by a waste disposal company every two weeks in autumn and winter and weekly in spring and summer. It was evident during the officer site visit that the site was clean and tidy. The business also employs a part-time kennel hand to assist with cleaning and feeding duties, and the kennels are cleaned daily. Welfare standards and health and hygiene are dealt with under separate legislation to planning. However, based on the experience of the nature of the operation obtained during the officer site visit, and from information submitted with the application, whilst there may be some odour from the immediate kennels particularly in summer it would not be of such significance to warrant refusal of the application.

Objections have been received in respect of the application on the basis of noise disturbance from barking dogs. At present, the applicant has 15 breeding dogs at the site comprising 9 female beagles, 3 female pugs, 2 male beagles and 1 male pug. The applicant also has a family pet dog which is not used for breeding. The application submission states that no boarding of dogs takes place at the premises. The application submission advises that there is not a rapid turnover of dogs and due to the dogs being familiar with each other as they are kept within the kennel compound, other than during play and walk time, the incidence of barking and/or aggression is significantly less compared to a boarding kennel situation. The dogs are walked twice a week on local footpaths and play in the garden area of No.27 in groups of up to 6 dogs with supervision from the applicant or staff. It is expected that there may be more noise at certain times of the day, such as at feeding time but these occurrences would be intermittent and not constant.

Furthermore, the kennels have external wooden boarding and interior plywood sheeting with polystyrene infill which provides good sound and heat insulation and the kennel compound is enclosed on 3 sides by 2m high fencing which helps contain some noise. It is proposed to roof the open mesh structure containing kennels to provide additional shelter for the dogs and assist with reducing any noise impact and it is recommended that a condition relating to materials details of this be attached to a permission should the application be approved. In addition, the kennel compound is situated at the lowest point of the curtilage of No.27 School Lane and the buildings have been set out in a way which allows them to be screened from No.25 by close board fencing and face away from the dwellings on School Lane. There is a distance separation of some 75m between the application site and Railway Cottage to the south east of the site.

For clarification purposes the number of **breeding** dogs at the site would be 20 in number. This figure would not include litters or any domestic pet dog belonging to the applicant. In order to consider the potential impact of the likely situation at the premises, in terms of the nature of the use, further information was sought from the applicant on the breeding process.

The applicant has a breeder's licence which allows for the breeding of more than 5 litters every year. At present 7 litters are produced each year - 6 from beagles and 1 from the pugs - and each litter has an average of 6 pups which are advertised for sale and can leave the premises after the 8 week weaning period. As such, an increase of 5 further breeding dogs from that already kept at the site would not significantly increase the number of litters produced at the site.

The gestation period of a dog is 63 days and the pregnant female remains in the kennels until 5

days prior to birth when she is moved to a room in the dwelling to prepare and be monitored. Birthing will take place within the dwelling and the pups are transferred to a whelping pen in another room of the dwelling until some 5-6 weeks of age. After that they would be moved to a larger pen within the dwelling for weaning, and removal from the premises by new owners around 8 weeks of age. The applicant advises that they normally have one litter at a time but if they were to overlap slightly they would be in the main dwelling in any case. As such, any noise from litters of pups and mothers would be contained within the dwelling.

It is noted that a resident has requested that no further buildings should be allowed at the site now or in the future. Whilst the comments are noted such a condition would not be reasonable and would not meet the criteria for conditions as set out in the planning Circular 11/95. Any future application relating to the dwelling or business operation would have to be considered on its own merits at that time. It should also be noted that it would not be possible to limit dog breed or size by condition either by virtue of the requirements of Circular 11/95. Notwithstanding these points, in terms of the current proposal, the size of the dwelling and the kennel compound essentially limits the extent of the business operations that can take place at the site in planning terms.

During the officer site visit the inside of the smaller wooden shed outside the kennel compound within the main garden area of No.27 was viewed and was being used for storage of dog baskets, and domestic storage items. If the shed was to be used for housing breeding dogs permanently a separate application would be required to be made.

It is appreciated that the dog breeding business would cause some intermittent noise as a result of barking by the dogs but, on balance, the proposed number of breeding dogs would be unlikely to lead to such significant noise that would adversely impact on the residential amenities of neighbouring properties to such an extent that would warrant refusal of the application.

A further aspect to consider in relation to impact on residential amenities would be the comings and goings to and from the site as a result of the business, and the impact of these on neighbouring properties. The agent has set out average visitor numbers in relation to projected litters numbers and sizes over a 3 month timeframe within the supporting documents. The number of visitors to the site would not be significantly over and above those which could be expected with typical comings and goings to and from a residential dwelling. Since the pups and mother would be kept within the dwelling during birth, whelping and weaning visitors to view the pups would stay in the house and would not necessarily have to go out into the rear garden area to the kennel compound. As such, there would be no adverse impact on residential amenities as a result of comings and goings to and from the site.

The District Council's Environmental Protection team has been consulted on the proposals, and has no objections to the proposal. It has also confirmed that no complaints in relation to the business operations have been received during the last 12 months.

The reference to the dog breeding business at Griffydam is noted, and it is also noted that the scheme was allowed on appeal by the Planning Inspectorate.

Highway Safety

The site is currently served by a vehicular access and drive onto School Lane. This access, drive and turning space at the front of the property would be used in relation to the dwelling and the business. Due to the likely numbers of business visitors expected at the premises, the

existing facilities would be adequate for the residential and business uses. The Highway Authority has no objection to the proposal subject to conditions.

Summary

The site lies within the Limits to Development of Newbold as defined in the North West Leicestershire Local Plan and at the edge of the main built form on School Lane and the principle of the proposal would be acceptable and in accordance with Policy S2 of the Adopted Local Plan and the provisions of the NPPF. The proposed development would have limited visual impact, would not result in undue disturbance to nearby residents, and would be acceptable in highway safety terms all in accordance with development plan policies and the provisions and intentions of the NPPF. It is, therefore, recommended that planning permission be granted.

RECOMMENDATION- PERMIT, subject to the following condition(s):

- 1 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 (TWR/M2/P1); and,
 - Block plan (TWR/M2/P2)

Reason - To determine the scope of this permission.

- 2 Notwithstanding the submitted details, nor Condition 1 above, details of external lighting at the kennel compound and the roof for the separate galvanised steel mesh open run shall be submitted to and agreed in writing by the Local Planning Authority within 56 days from the date of this permission and shall be implemented and maintained as such.

Reason - To preserve the amenities of the locality.

- 3 The maximum number of breeding dogs accommodated on the site shall not exceed 20 at any one time.

Reason - To determine the scope of this permission, in the interests of highway safety, and to preserve the amenities of the locality.

- 4 The maximum number of litters produced on the site shall not exceed 10 in any one year.

Reason - To determine the scope of this permission, in the interests of highway safety, and to preserve the amenities of the locality.

- 5 No dogs other than those belonging to the occupiers of the dwelling shall be accommodated on site.

Reason - To determine the scope of this permission, and in the interests of highway safety and residential amenity.

- 6 The use of the site for dog breeding shall not be carried on at any time other than by occupiers of the dwelling.

Reason - To define the scope of this permission, in the interests of the amenities of occupiers of the dwelling, and in the interests of highway safety.

- 7 The car parking and turning facilities shown on the submitted plan shall be provided before first use of the development hereby permitted and shall thereafter permanently remain available for car parking and turning.

Reason- To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area and to enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users.

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

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

- 9 Before first use of the development hereby permitted, the access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 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.)

Notes to applicant

- 1 The highway boundary is the wall/hedge/fence etc. fronting the premises and not the edge of the carriageway/road.
- 2 A public footpath is adjacent to the site and this must not be obstructed or diverted without obtaining separate consent from Leicestershire County Council.
- 3 The maximum number of breeding dogs at the site excludes any family pet dog(s) and litters of pups.
- 4 Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

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PLANNING APPLICATIONS- SECTION A

Change of use of land to B8 (Open Storage)

Report Item No
A4

Owen Brown Ltd Station Road Castle Donington Derby

Application Reference
13/00911/FULM

Applicant:
Mr Dan Black

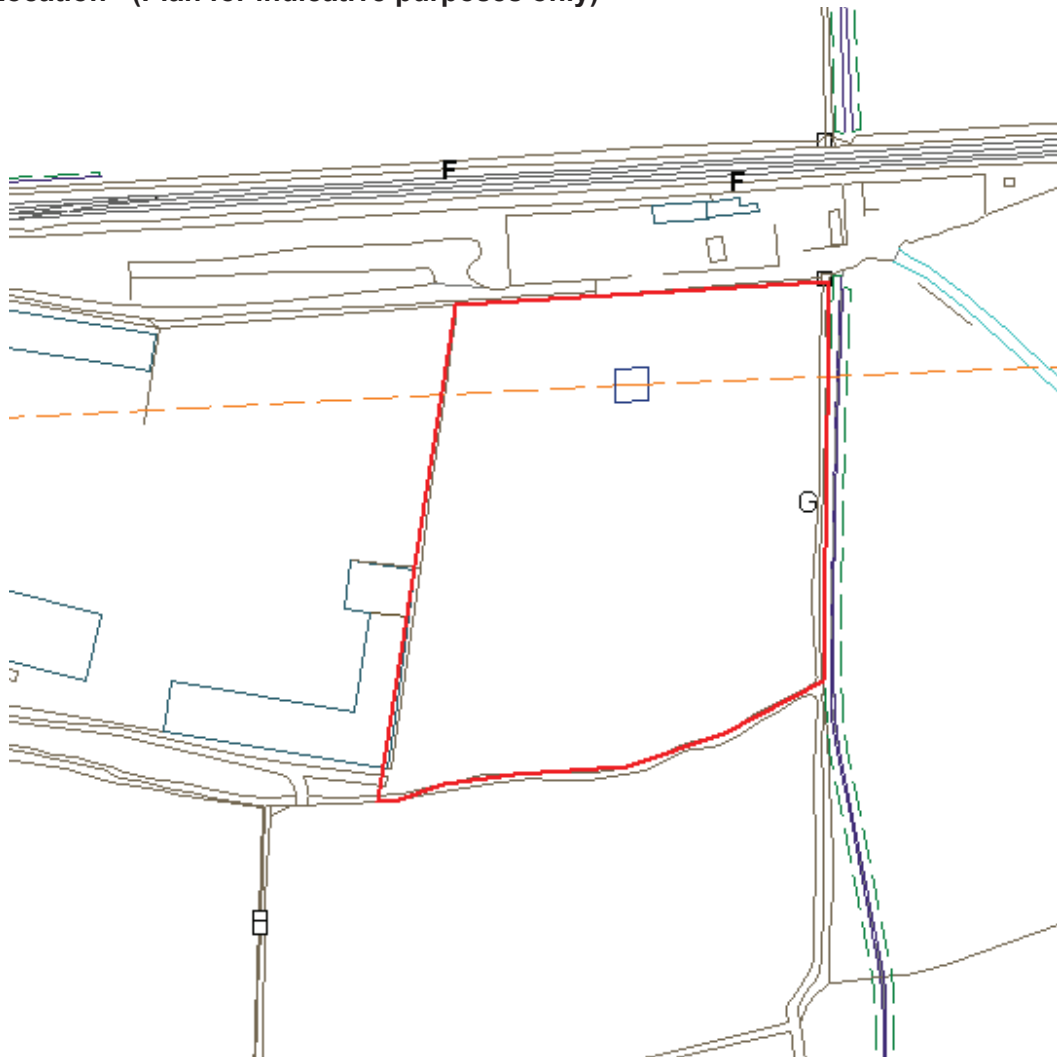
Date Registered
27 November 2013

Case Officer:
Sarah Worrall

Target Decision Date
26 February 2014

Recommendation:
PERMIT

Site Location - (Plan for indicative purposes only)



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Planning Committee 11 March 2014
Development Control Report

Executive Summary

Call In

The application is brought before Planning Committee due to the proposal being for a major development outside Limits to Development of Castle Donington which would, if approved, represent a departure from the Adopted Local Plan in terms of Policy E21.

Proposal

This is a full application for the change of use of a site to the rear of the existing premises for open storage (B8 use class) for use in association with the existing business On Station Road. Owen Brown Ltd GL Events is seeking to consolidate on its Castle Donington base and requires additional open storage space in order to free up space within existing buildings on the existing business site. The agent has confirmed that the surface of the application site would be finished in accordance with the flood risk report i.e. a mix of concrete and stone. The agent has also advised that galvanised palisade fencing of 2.4m to 3.0m would be erected at the site boundaries.

A heritage risk report, flood risk assessment, planning statement, transport statement and phase 1 habitat survey have been submitted as part of the application.

The site is a field which forms part of a wider area of agricultural land and area of separation between Castle Donington and Hemington, and is situated outside the Limits to Development of Castle Donington.

Consultations

Members will note that Castle Donington Parish Council has objected to the proposal and the full representation is available to view on the working file. No other representations from local residents or businesses have been made. Statutory consultees have made observations on the proposal and are satisfied that there are no matters that have not been satisfactorily addressed or cannot otherwise be satisfied by way of condition.

Planning Policy

The site adjoins an existing employment site and would enable that operation to expand at its existing premises. Whether the principle of the proposed development would be acceptable or not at this location depends on the outcome of the balance between the proposal being contrary to the Adopted Local Plan area of separation Policy E21, and any economic benefits resulting from the proposal in accordance with Policy J14 of the Adopted Local Plan and NPPF, whilst also taking into account other material considerations of design, heritage, amenity, ecology and flooding and highways issues.

Conclusion

The report below indicates that the application site lies outside the Limits to Development of Castle Donington and within a designated area of separation. Whilst the proposal is contrary to Policy E21 of the Adopted Local Plan which relates to the area of separation between, amongst others, Hemington and Castle Donington the actual harm on the physical body of that area of separation and its visual amenities would be limited, and a clear separation between settlements would remain evident.

In addition, the existing business would be able to expand and make better use of its existing buildings allowing it to consolidate UK operations at the Castle Donington base in accordance

PLANNING APPLICATIONS- SECTION A

with Policy J14 of the Adopted Local Plan and the provisions and intentions of the NPPF. On balance, therefore, it is considered that the economic benefits of the proposal along with the limited harm to the area of separation would outweigh the fact that the proposal is contrary to Policy E21 and the proposal would, in principle, be acceptable subject to material considerations.

There would be no adverse impact on visual amenities as a result of the design and finish of the site, and there would be no adverse impact on neighbour amenities, heritage assets, flood risk, ecology or highway safety. As such, the proposed development, on balance, would be in accordance with the development plan and the provisions and intentions of the NPPF and approval is recommended.

RECOMMENDATION - PERMIT, SUBJECT TO CONDITIONS.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides a full details of all consultation responses, planning policies, the Officer 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

This is a full application for the change of use of a site to the rear of the existing premises for open storage (B8 use class) for use in association with the existing business On Station Road. Owen Brown Ltd GL Events is seeking to consolidate on its Castle Donington base and requires additional open storage space in order to free up space within existing buildings on the existing business site. The agent has confirmed that the surface of the application site would be finished in accordance with the flood risk report i.e. a mix of concrete and stone. The agent has also advised that galvanised palisade fencing of 2.4m to 3.0m would be erected at the site boundaries.

A heritage risk report, flood risk assessment, planning statement, transport statement and phase 1 habitat survey have been submitted as part of the application.

The site is a field which forms part of a wider area of agricultural land and area of separation between Castle Donington and Hemington, and is situated outside the Limits to Development of Castle Donington.

The application site is a square field used as arable land and has a pylon to the northern edge of the site with a scrap yard and the railway line beyond this. The existing business site is separated from the application site by a conifer hedge. The application site has a hawthorn hedge and ditch at its eastern boundary which separates it from agricultural land beyond. A ditch and some associated vegetation is located at the southern boundary of the site, separating it from adjoining agricultural land to the south.

Planning History

Various applications were made for minor development at the main site in 1996, 1998 and 2000. More recent planning history is as follows:

- 01/01221/FUL - Alterations to storage biding to enclose front elevation - approved;
- 05/00735/OUT - Industrial development - refused (no flood risk information);
- 05/01377/OUT - Industrial development (resubmission with flood risk assessment) - approved;
- 06/00963/RET - Retention of open storage area - approved; and,
- 06/00964/FUL - Installation of external car wash and construction of hardstanding - approved.

2. Publicity

No neighbours have been notified.

Site Notice displayed 11 December 2013

Press Notice published 18 December 2013

3. Consultations

Castle Donington Parish Council consulted 11 December 2013

Environment Agency consulted 11 December 2013

County Highway Authority consulted 11 December 2013

Severn Trent Water Limited consulted 11 December 2013

Head of Environmental Protection consulted 11 December 2013
Natural England consulted 11 December 2013
NWLDC Tree Officer consulted 11 December 2013
County Archaeologist consulted 11 December 2013
LCC ecology consulted 11 December 2013
Airport Safeguarding consulted 11 December 2013
Coal Authority consulted 11 December 2013

4. Summary of Representations Received

Representations

Castle Donington Parish Council - The Parish Council objects to the proposal and "would want to protect the area of separation and green space between Castle Donington and Hemington which is also a flood plain. Parish Council raised concern that B8 is warehousing."

LCC Ecology - No objection in principle subject to condition.

LCC Archaeology - No objection subject to conditions.

LCC Highways - No objection subject to conditions.

Severn Trent Water - No objection subject to condition.

Environment Agency - No objection subject to condition.

Natural England - No objection.

Coal Authority - No objection.

No neighbour letters of representation have been received in relation to the proposal.

5. Relevant Planning Policy

National Planning Policy

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

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

The NPPF (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 28 of the NPPF requires that the sustainable growth and expansion of all types of business and enterprise in rural areas should be supported (in principle).

Paragraph 118 of the NPPF requires biodiversity to be conserved and enhanced during consideration of development proposals.

Paragraphs 126-141 of the NPPF relate to conserving and enhancing the historic environment. Paragraph 128 states that "where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation".

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

North West Leicestershire Local Plan

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

Policy E4 seeks to achieve good design in new development.

Policy E21 presumes against development which would result in a reduction in the physical separation between the built-up areas of adjoining settlements.

Policy E30 seeks to prevent development which would increase the risk of flooding and remove the extra discharge capacity from the floodplain of the River Trent.

Policy T3 seeks appropriate access and servicing for new development.

Policy T8 sets out the criteria for the provision of parking associated with development.

Policy J14 sets out that the expansion of existing firms will be permitted subject to design, amenity, highways and other material considerations.

Submission 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 NPPF advocates a presumption in favour of sustainable development. Under the extant Use Classes Order, a B8 use relates to storage and distribution, and this does not have to necessarily be warehousing. The current application proposes open storage at the site in association with the existing main business. As such, whether the principle of the proposed development would be acceptable or not depends on the balance between the proposal being contrary to the Adopted Local Plan area of separation policy and any economic benefits resulting from the proposal in accordance with Policy J14 of the Adopted Local Plan and NPPF, whilst also taking into account other material considerations of design, heritage, amenity, ecology and flooding and highways issues.

The applicants' main existing site is within an area protected for employment purposes other than a small section to the north east, which was granted permission for open storage in 2006, and originally formed part of the area of separation. Adopted Local Plan Policy E21 presumes against development which would result in a reduction in the physical separation between the built-up areas of adjoining settlements as identified on the Proposals Map, and including the area between Hemington and Castle Donington. As such, the proposed development which would extend the existing business out into the adjoining field would be contrary to this policy.

Whilst the proposal would not comply with Policy E21, the impact on the area of separation can also be considered in terms of any harm that the proposal would have on that area. The Owen Brown Ltd GL Events site is situated to the northern end of Castle Donington where the railway line is set at a higher level than the application site and the line acts as a physical boundary to the Limits to Development of the village. This side and section of Station Road is characterised by business units and operations, and the existing Owen Brown Ltd GL Events site is essentially the northern most business operation within the wider employment site area.

It is also evident that the northern section of the Limits to Development of Hemington is situated south of the application site and that the settlement of Hemington would still remain separate from Castle Donington by 250m at the narrowest point should this application be approved. In addition, the application site has physical boundaries on the east and south boundaries in the form of hedgerows and ditches, and 5-10m buffers would need to be retained at the site edges for ecological purposes emphasising the defensibility of those boundaries.

As such, whilst the proposed development would encroach into the area of separation between Hemington and Castle Donington contrary to the provisions of Policy E21 of the Adopted Local Plan, there would not be any significant adverse visual and physical impact on the area of separation due to positioning of the application site and the extent of the Limits to Development of Hemington and this has to be taken into account.

The economic benefits also have to be taken into consideration and the firm is established in the area, along with two other sites in the UK, and manufactures and installs temporary structures such as seating for events, amongst others. The business is providing structures for the Rio Olympics in 2016. In order to improve efficiency in relation to current business operations the application submits that the firm would be consolidating its three site on to one, and that Castle Donington is the preferable site due to buildings and manufacturing processes already being available on the site, it being the larger site overall, and good transport links. The alternative would be for the business to consolidate on one of the other UK sites at Redditch and Bruntingthorpe, or move abroad to its site in France.

Whilst at pre-application enquiry stage it was indicated that a building may be required, the current application seeks only open storage at the application site since this would free up space within existing buildings which could be made better use of in production terms. As such, no new buildings would be required at the site as part of the current application. The application information submits that consolidation of the business onto the one site at Castle Donington would likely lead to 5 additional full time jobs at present, with potential to increase to a further 10-15 positions which would be of benefit to the area.

To summarise, whilst the proposal is contrary to Policy E21 of the Adopted Local Plan which relates to the area of separation between, amongst others, Hemington and Castle Donington the actual harm on the physical body of that area of separation and its visual amenities would be limited, and a clear separation between settlements would remain evident. In addition, the existing business would be able to expand and make better use of its existing buildings allowing it to consolidate UK operations at the Castle Donington base in accordance with Policy J14 of the Adopted Local Plan and the provisions and intentions of the NPPF. On balance, therefore, it is considered that the economic benefits of the proposal along with the limited harm to the area of separation would outweigh the fact that the proposal is contrary to Policy E21 and the proposal would, in principle, be acceptable subject to material considerations.

Design and Heritage Issues

The proposed development would involve open storage on the application site. To ensure adequate surface water run off and flooding capacity at the site, since it lies in a floodplain, a mix of concrete and stone base would be used at the site and land levels would need to remain the same. The use of stone as a base would ensure surface permeability at the site while providing a robust enough surface on which items could be stored, and the appearance and finish of the materials could be dealt with by condition. The agent has confirmed that galvanised steel fencing would be required at the site boundaries. No details of these have been submitted and it is recommended that, should the application be approved, a condition requiring details to be submitted and approved in writing by attached to any permission. Such a condition could also ensure an appropriate coloured finish to minimise visual impact of the fencing. The proposed development would, therefore, be in accordance with Policy E4 of the Adopted Local Plan.

Various archaeological investigations have taken place over the years in relation to the village of Castle Donington and former settlements by the River Trent and a heritage risk assessment has been submitted as part of an application. The site boundary is formed by the Tipnow Bank (HER ref.: MLE4711), a medieval earthwork that defines the parish boundary between Castle Donington and Hemington. The site geology occupies an area of alluvial drift deposits consisting of Holme Pierrepont sand and gravel to the north-west and Hemington silts and gravels to the south-east; the former represent slightly higher and older gravel islands in the Trent flood plain, and appear to have been preferentially selected by prehistoric and later communities for occupation. The HER notes several Bronze Age and later settlement sites and boundary features (MLE9675, 9678-79 & 9680-1) together with evidence of burials, the latter including the extensive Lockington barrow cemetery to the east (MLE4687), as well as an isolated burial found during ground works on the Willow Farm Business Park. Later activity seems to overlap onto the Hemington gravels including evidence of Anglo-Saxon occupation (MLE9778).

Any heritage assets at risk would be buried ones due to the nature of the proposed development. The County Archaeologist submits that the site cannot be considered as a low risk site in relation to, as yet, unrecorded archaeological remains since further information would

be necessary in order to reach that conclusion. As such, the archaeological potential of the development site must be regarded as uncertain (as acknowledged in the Heritage Risk document), with a significant archaeological interest inherent given the situation of the site in an area of recognised archaeological interest (the Trent Valley).

The removal of any top soil in order to form the concrete and stone base at the existing land levels would involve disturbance of the land and any archaeological remains where present are likely to lie within c. 50cm of the existing ground surface so it is likely that soil stripping may result in exposure and/or truncation of those deposits.

Furthermore, the flood management requirements mean that it will not be possible to raise the finish surface level to avoid damage to buried archaeological remains, should such occur and impacts be anticipated. It is also noted that appropriate drainage requirements are recommended, and whilst it is unclear where the point of discharge is envisaged it should be noted that a drainage scheme may have a deeper impact than the wider surfacing.

On that basis, the County Archaeologist recommends that the developer is required to undertake a suitable post-determination programme of archaeological investigation and recording. This would be likely to involve an initial phase of trial trenching of the development area, followed as necessary by archaeological control and supervision of groundworks, supplemented by contingency provisions for targeted investigation and recording of any significant remains prior to the further development. These requirements could be dealt with by condition in accordance with provisions of the NPPF, should the application be approved.

Amenity Issues

The proposed change of use of the site would not have any adverse impact on neighbouring properties as a result of overlooking or overshadowing. It is recommended that a condition limiting the height of the open storage at the site is attached to any permission to ensure the overall appearance of the site within its setting is not overbearing.

The proposed change of use to open storage would enable the business to consolidate its UK business operations onto the existing site and the application site. Whilst no new buildings are proposed on the current application site, storage within buildings on the existing site could be relocated onto the current application site allowing a more efficient use of the existing buildings on the main site. This may involve new manufacturing equipment being installed at the existing main site. Those units are used for industrial operations at present and do not form part of the current application. Since no manufacturing machinery would be required at the current application site there would be no adverse impact on neighbouring premises as a result of noise or dust pollution.

As such, the proposed development would have no adverse impact on residential amenities, or amenities of occupiers of adjacent sites, in accordance with Policy E3 of the Adopted Local Plan.

Ecology Issues

The ecological report submitted as part of the application recommends that a 5m buffer around the site boundaries to the south and east, and a 10m buffer under the oak tree at the eastern boundary should be maintained. The County Ecologist has no objection subject to a condition requiring a buffer zone of natural habitat to be retained alongside the boundary hedges/ditches to ensure they are not impacted by storage, and to retain them as wildlife corridors with

maintenance access alongside. It is also recommended that the buffer zones are delineated with low fencing or similar to ensure that the storage use does not intrude onto the buffer areas. The agent has confirmed in the application submission that the applicant would be agreeable to implementing 5m buffer areas at the boundaries with a 10m buffer at the oak tree location. Natural England has no objection to the proposal. As such, the proposed development would be in accordance with the provisions of the NPPF.

Floodrisk Issues

The site lies within the floodplain of the River Trent and Castle Donington Brook. Policy E30 seeks to prevent development which would increase the risk of flooding and remove the extra discharge capacity from the floodplain of the River Trent. The base of the storage area would be a mix of concrete and stone which would ensure surface permeability of the site and that the site would still act as a floodplain. Land levels would remain the same, and not be raised, in order for the capacity levels to be retained. It is noted that Severn Trent Water and the Environment Agency have no objections subject to conditions.

Highway Issues

The application site would be used in association with the existing main site which is accessed from Station Road, and has off street parking within the existing site to the front and side of existing buildings. Additional space for open storage would enable further areas to be freed up from storage and could be utilised for additional car parking spaces, and the Highway Authority requires a minimum of 5 additional car parking spaces be secured by condition, should the application be approved.

The Highway Authority advises that the proposed development of B8 open storage would be acceptable at this site taking into account the existing site operations and the transport assessment information submitted, but that this would not imply that a similar proposal for B8 buildings would be acceptable in terms of the level of off-street car parking provision.

The proposed development would be acceptable in highways terms in accordance with the requirements of Policies T3 and T8 of the Adopted Local Plan.

Summary

The application site lies outside the Limits to Development of Castle Donington and within a designated area of separation. Whilst the proposal is contrary to Policy E21 of the Adopted Local Plan which relates to the area of separation between, amongst others, Hemington and Castle Donington the actual harm on the physical body of that area of separation and its visual amenities would be limited, and a clear separation between settlements would remain evident.

In addition, the existing business would be able to expand and make better use of its existing buildings allowing it to consolidate UK operations at the Castle Donington base in accordance with Policy J14 of the Adopted Local Plan and the provisions and intentions of the NPPF. On balance, therefore, it is considered that the economic benefits of the proposal along with the limited harm to the area of separation would outweigh the fact that the proposal is contrary to Policy E21 and the proposal would, in principle, be acceptable subject to material considerations.

There would be no adverse impact on visual amenities as a result of the design and finish of the site, and there would be no adverse impact on neighbour amenities, heritage assets, flood risk,

ecology or highway safety. As such, the proposed development, on balance, would be in accordance with the development plan and the provisions and intentions of the NPPF and approval is recommended.

RECOMMENDATION - PERMIT, subject to the following condition(s):

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

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

- 2 The development shall be built in accordance with the approved plans as follows:

Site Location Plan 1:2500.

Reason - To determine the scope of this permission.

- 3 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), or any Order revoking and re-enacting that Order, the use at the site shall be for B8 open storage use only.

Reason - For the avoidance of doubt and in the interests of highway, safety.

- 4 No open storage B8 use shall take place until there has been submitted to, and agreed in writing by, the Local Planning Authority a scheme of hard and soft landscaping, including details of materials for the open storage base and details of the ecological buffer zones (as set out in Section 6 of the approved Phase 1 Habitat Survey by Wildscapes dated October 2013). All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a five year period from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. The ecological buffer zones shall be maintained as such in perpetuity.

Reason - To ensure the satisfactory overall appearance of the completed development and in the interests of ecology.

- 5 Notwithstanding the details submitted, no open storage B8 use shall commence until a detailed scheme for the boundary treatment of the site, including fencing measures to delineate the ecology buffer zone areas within the site, has been submitted to, and agreed in writing by, the Local Planning Authority.

Reason- To preserve the amenities of the locality and for the avoidance of doubt.

- 6 Materials, plant and equipment shall not be stacked or deposited to a height exceeding 4 metres.

Reason - To protect the character and visual amenities of the locality.

- 7 The site shall be used only for the storage of goods, materials or equipment required in connection with the use of the applicants' existing premises, and shall not be used independently therefrom.

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

- 8 Prior to its installation, precise details of any external lighting proposed for the site shall be submitted to and agreed in writing by the Local Planning Authority. No external lighting other than that approved under the agreed scheme shall be installed.

Reason - To preserve the amenities of the locality.

- 9 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.

- 10 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated December 2013, Ref No.13556/FRA compiled by BSP Consulting and the following mitigation measures detailed within the FRA:

- Any hardstanding is to be constructed at existing site levels;
- Implementation of the use of sustainable drainage methodologies as described in section 3.6.4;
- There shall be no development within 8m byelaw distance from the bank top of the Castle Donington Brook;
- The site will register to receive flood warnings to give early warning in case of flood.

Reason - To ensure that the development does not adversely impact on the existing floodplain.

- 11 No demolition/development shall take place/commence 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:

- 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
- Nomination of a competent person or persons/organisation to undertake the works set

out within the Written Scheme of Investigation.

Reason - To ensure satisfactory archaeological investigation and recording.

- 12 No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (9).

Reason - To ensure satisfactory archaeological investigation and recording.

- 13 The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (9) 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.

- 14 No open storage B8 use shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a scheme for a minimum of five off street car parking spaces (additional to those at the existing site) and turning provision within the site. The parking area shall be surfaced, marked out prior to the development being brought into use, and shall be so maintained in perpetuity.

Reason - To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on street parking problems in the area and to enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users.

- 15 No open storage B8 use shall take place until a scheme for cycle parking provision has been submitted to, and agreed in writing by, the Local Planning Authority and, once provided, shall be maintained and kept available for use in perpetuity.

Reason - In the interests of sustainability of the development and to encourage alternative transport choice.

Notes to applicant

- 1 Planning permission/or approval of reserved matters (delete as appropriate) has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).
- 2 The Castle Donington Brook is not afforded modelling along its length and thus the Trent fluvial modelled levels can only be applied in this location. There shall be no development within 8m of the Brook, considered Main River, both to the East and South of the site.
- 3 The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation

PLANNING APPLICATIONS- SECTION A

of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

PLANNING COMMITTEE – 11 MARCH 2014

Title of report	REQUEST FOR THE RECONSIDERATION OF PLANNING APPLICATION 13/00335/OUTM FOR RESIDENTIAL DEVELOPMENT AND ASSOCIATED DEVELOPMENT AT MONEY HILL SITE, ASHBY DE LA ZOUCH
Contacts	<p>Councillor Trevor Pendleton 01509 569746 trevor.pendleton@nwleicestershire.gov.uk</p> <p>Director of Services and Deputy Chief Executive 01530 454555 steve.bambrick@nwleicestershire.gov.uk</p> <p>Head of Regeneration and Planning 01530 454782 david.hughes@nwleicestershire.gov.uk</p>
Purpose of report	To consider a request from the applicants in respect of a proposed development at the above site to reconsider their application for planning permission
Council Priorities	<p>This report links to the following Council priorities:</p> <p>Homes and Communities Business and Jobs</p>
Implications:	
Financial/Staff	Not applicable
Link to relevant CAT	Not applicable
Risk Management	Not applicable
Equalities Impact Assessment	Not applicable
Human Rights	Not applicable
Transformational Government	Not applicable

Comments of Deputy Chief Executive	The report is satisfactory.
Comments of Section 151 Officer	The report is satisfactory.
Comments of Deputy Monitoring Officer	The report is satisfactory.
Consultees	None
Background papers	Application documents in respect of planning application ref. 13/00335/OUTM
Recommendations	<p>TO EITHER:</p> <p>(A) CONFIRM THE DECISION TO REFUSE PLANNING APPLICATION 13/00335/OUTM BASED ON THE RESOLUTION OF PLANNING COMMITTEE OF 3 DECEMBER 2013; OR</p> <p>(B) NOT CONFIRM THE DECISION TO REFUSE AND INSTEAD TO RECONSULT ON THE APPLICANTS' PROPOSED AMENDMENTS TO PLANNING APPLICATION 13/00335/OUTM, AND TO RECONSIDER THE APPLICATION AT A FUTURE MEETING OF THE PLANNING COMMITTEE</p>

1.0 BACKGROUND

1.1 In May 2013, planning application 13/00335/OUTM was submitted to the District Council. The application proposes the following:

- 605 new dwellings
- A 60 unit extra care facility
- A health centre (2,000sqm (gross), including 1,200sqm GP area, 150sqm pharmacy and 400sqm future expansion space)
- A primary school (210 pupil capacity on a site of 1.5ha)
- A nursery school (adjacent to the primary school)
- A community hall
- Retail development (total 560sqm) located in two areas of the site
- Public open space, and play areas (14.3ha)
- Pedestrian and cycle links, including connections to Featherbed Lane, Plantagenet Way, Wood Street, North Street and Smisby Road (and including via existing rights of way)

1.2 The application was reported to the Planning Committee meeting of 12 November 2013 with an officer recommendation to permit subject to the withdrawal of the Highways

Agency TR110 Direction, subject to Section 106 obligations, and subject to conditions. At that meeting, Planning Committee resolved to defer the application so as to enable further consideration to be given to improving access between the application site and Ashby de la Zouch town centre. Further to that deferral, however, the agents for the application advised that, in their view, there was no good reason for the application to not be positively determined at the following Planning Committee meeting on 3 December 2013, and requested that the application be reported back to that meeting, advising that, if the application was not reconsidered at that meeting, they were instructed to appeal and to apply for costs. The application was subsequently reported back to Planning Committee on 3 December 2013, again with an officer recommendation to permit (and as per the recommendation to the 12 November 2013 Planning Committee meeting).

- 1.3 At that meeting, Planning Committee resolved to refuse the application on the grounds of unacceptable access (in terms of connections to the town centre and vehicular access to Woodcock Way), the adverse impacts on highway safety at Junction 13 of A42, and the under-provision of affordable housing.
- 1.4 Following that meeting, however, and at the request of the applicants, the decision notice was not issued so as to enable further discussions with key stakeholders and officers in light of concerns expressed by Members when the application was considered by the Planning Committee.

2.0 NEXT STEPS

- 2.1 The primary purpose of this report is to update Members on the request from the applicants to reconsider the application rather than issue the decision notice as per the 3 December 2013 Planning Committee resolution, and to seek Members' views as to whether or not they wish to reconsider the application.
- 2.2 In particular, the applicants have written to the Local Planning Authority indicating that they propose revising the access arrangements such that Woodcock Way would serve no more than 30 dwellings by private car, whilst retaining access for pedestrians and cyclists and the potential for access by bus and emergency vehicles. They also advise that they propose making an increased financial contribution towards measures that are assessed as being necessary to improve connectivity with the town centre. The applicants consider that these proposed changes are material considerations in the determination of the planning application, in the light of which they consider it appropriate that the matter is now revisited by Members.
- 2.3 In addition, the applicants advise that, since the application was resolved to be refused, they have had the opportunity to assure local Ward Members and Town Councillors of their commitment to realising the wider development of Money Hill, with the associated benefits that they consider this would bring. They advise that they have made clear to Ward Members and Town Councillors that the ability to realise these ambitions is dependent on the positive determination of the current application as this will provide the commercial assurances necessary in order to be able to proceed.
- 2.4 The applicants advise that, should Members resolve to grant planning permission at the Planning Committee meeting of 8 April 2014, they will not submit an appeal against non-determination in respect of the application.

- 2.5 In view of the above, Members' instructions are requested to determine how they wish the District Council to proceed in this matter. In terms of the options available, these appear to be to either confirm that the decision made at the 3 December 2013 Planning Committee meeting should continue to stand (and, therefore, that the refusal notice be issued in accordance with that resolution) or, as requested by the applicants, to reconsider the application at a future meeting of the Planning Committee. Should this latter option be preferred, it is officers' advice that, prior to reconsidering the application, more detailed information of the applicants' proposed amendments (and including clarification on any highway related impacts of the proposed changes and the amended proposals in respect proposed measures / financial contributions in respect of enhancing linkages to the town centre) should be sought and, where applicable, be subject to consultation.